

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Education

2. Bureau:

Superintendent of Public Instruction

3. Promulgation type:

MCL 24.244 (1)

4. Title of proposed rule set:

Special Education Programs and Services

5. Rule numbers or rule set range of numbers:

R 340.1795

6. Estimated time frame:

3 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

In 2018, the Department of Education announced a revised certification structure for teachers. In response to frequent questions about the early childhood (ZS) endorsement as it related to the new certification structure, a committee representing early childhood teachers and administrators, college and university teacher educators, and education researchers began meeting in January 2019 to review early childhood education teacher preparation standards. The committee solicited feedback from many stakeholders and its recommended standards were made available for public comment in August and September 2019. The committee recommendation was to include an additional band in the certification structure for general and special education early childhood teachers from birth through kindergarten. On January 14, 2020, the State Board of Education adopted the committee's recommended Standards for the Preparation of Teachers of Early Childhood General and Special Education (Birth-Kindergarten). The current rule refers to the early childhood PK general and special education (ZS) endorsement, which is not available under the newly adopted standards. The general purpose of the proposed amendment of the rule is to delete the obsolete reference to that endorsement.

Other purposes of the proposed rule are to correct an error, to improve grammar, and to add clarity.

Specific changes to the rule are:

R 340.1795(1)

“Any” is changed to “one or more.”

R 340.1795(1)(a)

Possible confusion is removed by clarifying that two endorsements are required, one in special education and one in early childhood education.

R 340.1795(1)(b)

The incorrect reference to a major or minor in “early childhood growth education” is corrected (deleting “growth”) and clarity is added by stating that the individual shall possess a valid Michigan teaching certificate. The latter clarification does not substantively change the rule, which currently requires an endorsement that is only found on a teaching certificate.

R 340.1795(1)(c)

The obsolete reference to the ZS endorsement (which is no longer available) is removed and the correct name of the currently available endorsement is given.

R 340.1795(2)

Active voice replaces passive voice and the unnecessary comma is removed. The correct name of the approval is given.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The superintendent of public instruction has promulgation authority for this rule under sections 1701 and 1703 of the revised school code, 1976 PA 451, MCL 380.1701 and 380.1703, and Executive Reorganization Order No. 1996-7, MCL 388.994.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

The superintendent of public instruction has promulgation authority for this rule under sections 1701 and 1703 of the revised school code, 1976 PA 451, MCL 380.1701 and 380.1703, and Executive Reorganization Order No. 1996-7, MCL 388.994.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Rules regarding the qualifications of special education personnel are required by section 1703(1) of the revised school code, MCL 380.1703, as amended by Executive Reorganization Order No. 1996-7, MCL 388.994.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The current rule conflicts with the Standards for the Preparation of Teachers of Early Childhood General and Special Education (Birth-Kindergarten), which the State Board of Education adopted on January 14, 2020, and which eliminated the early childhood (ZS) endorsement.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The Standards for the Preparation of Teachers of Early Childhood General and Special Education (Birth-Kindergarten) are located at:

https://www.michigan.gov/documents/mde/EC_Prep_Standards_668091_7.pdf

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes, the Department of Education's 2019-2020 annual regulatory plan states that amendments of rules in Part 5 (qualifications of teachers and other personnel), which includes R 340.1795, may be processed.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

The rule will be promulgated under section 44(1) of the Administrative Procedures Act, MCL 24.244, because the primary purpose of the rule is to delete the obsolete reference to a teaching certificate endorsement that is no longer available. In addition, the incorrect description of a major or minor is corrected, grammar is improved, and clarity is added.