

Written Comments

- Submitted via Online Survey
- Submitted via Email

Public Comment: Proposed Amendments to the Michigan Administrative Rules for Special Education

Response ID:51 Data

2. Demographics

1. Demographics

First Name

Last Name

School District or Organization (if applicable)

Email Address

County of Residence

What role best describes you as it relates to this survey?

School administration and support

Are you providing feedback as an individual or on behalf of an organization?

Individual

Name of organization

3. Feedback

2. Do you support the proposed amendment to the title of R 340.1708?

Yes

If no, explain why not.

3. Additional comments about R 340.1708.

4. Do you support the proposed amendments of R 340.1708(1)?

No

If no, explain why not.

The proposed rule submission for expanded VI eligibility will result in added costs for special education. It is expected that there will be an increase in eligibility numbers as a result of the proposed rule change; thus it will amount to increased costs. Legislature should be aware that the proposed rule change would result in increased costs to school for special education and therefore additional funding should be considered for these added costs.

5. Additional comments about R 340.1708(1).

6. Do you support the proposed amendments of R 340.1708(2)?

No

If no, explain why not.

The proposed rule submission for expanded VI eligibility will result in added costs for special education. It is expected that

there will be an increase in eligibility numbers as a result of the proposed rule change; thus it will amount to increased costs. Legislature should be aware that the proposed rule change would result in increased costs to school for special education and therefore additional funding should be considered for these added costs.

7. Additional comments about R 340.1708(2).

8. Do you support the proposed amendments of R 340.1708(3)?

No

If no, explain why not.

The proposed rule submission for expanded VI eligibility will result in added costs for special education. It is expected that there will be an increase in eligibility numbers as a result of the proposed rule change; thus it will amount to increased costs. Legislature should be aware that the proposed rule change would result in increased costs to school for special education and therefore additional funding should be considered for these added costs.

9. Additional comments about R 340.1708(3).

10. Do you support the proposed amendments of R 340.1708(4)?

No

If no, explain why not.

The proposed rule submission for expanded VI eligibility will result in added costs for special education. It is expected that there will be an increase in eligibility numbers as a result of the proposed rule change; thus it will amount to increased costs. Legislature should be aware that the proposed rule change would result in increased costs to school for special education and therefore additional funding should be considered for these added costs.

11. Additional comments about R 340.1708(4).

12. Do you support the proposed amendment to R 340.1721e(7)?

No

If no, explain why not.

13. Additional comments about R 340.1721e(7).

14. General comments about any of the proposed amendments.

Public Comment: Proposed Amendments to the Michigan Administrative Rules for Special Education

Response ID:52 Data

2. Demographics

1. Demographics

First Name

Greg

Last Name

Morris

School District or Organization (if applicable)

BLA

Email Address

gmorris@blendedacademies.org

County of Residence

Kent

What role best describes you as it relates to this survey?

Parent/guardian

Are you providing feedback as an individual or on behalf of an organization?

Individual

Name of organization

3. Feedback

2. Do you support the proposed amendment to the title of R 340.1708?

Yes

If no, explain why not.

3. Additional comments about R 340.1708.

4. Do you support the proposed amendments of R 340.1708(1)?

Yes

If no, explain why not.

5. Additional comments about R 340.1708(1).

6. Do you support the proposed amendments of R 340.1708(2)?

Yes

If no, explain why not.

7. Additional comments about R 340.1708(2).

8. Do you support the proposed amendments of R 340.1708(3)?

Yes

If no, explain why not.

9. Additional comments about R 340.1708(3).

10. Do you support the proposed amendments of R 340.1708(4)?

Yes

If no, explain why not.

11. Additional comments about R 340.1708(4).

12. Do you support the proposed amendment to R 340.1721e(7)?

Yes

If no, explain why not.

13. Additional comments about R 340.1721e(7).

14. General comments about any of the proposed amendments.

Public Comment: Proposed Amendments to the Michigan Administrative Rules for Special Education

Response ID:57 Data

2. Demographics

1. Demographics

First Name

Renee

Last Name

Thelen

School District or Organization (if applicable)

Ionia County Intermediate School District

Email Address

rthelen@ioniaisd.org

County of Residence

Clinton

What role best describes you as it relates to this survey?

School administration and support

Are you providing feedback as an individual or on behalf of an organization?

Individual

Name of organization

3. Feedback

2. Do you support the proposed amendment to the title of R 340.1708?

Yes

If no, explain why not.

3. Additional comments about R 340.1708.

4. Do you support the proposed amendments of R 340.1708(1)?

No

If no, explain why not.

Striking of "determined through the manifestation of both of the following" significantly alters who will be found eligible under this rule. I'm concerned with unintended consequences that this rule change may lead to. This is an area in which there are already significant staffing shortages. Is there data to support that we're currently under-serving students in this area such as VI identification rates from one state to the next, etc.? I realize the proposed language more closely aligns with IDEA but there are many other places in eligibility criteria where MARSE rules are more detailed than IDEA. I'm uncertain why this one is being singled out at this time.

5. Additional comments about R 340.1708(1).

6. Do you support the proposed amendments of R 340.1708(2)?

No

If no, explain why not.

I do not support replacing involvement on the MET from an ophthalmologist or optometrist with merely accepting a report from the ophthalmologist or optometrist. Again this is very discrepant from other MARSE rules where medical professionals are required as MET member. Participation as a MET member is important because it gives the ophthalmologist or optometrist the opportunity to not only provide a report but also interact with the MET team and speak specifically to how the student's visual condition relates to VI criteria. Without this direct interface, school teams will be left to interpret visual reports and make these decisions without the true involvement of the vision experts.

7. Additional comments about R 340.1708(2).

8. Do you support the proposed amendments of R 340.1708(3)?

Yes

If no, explain why not.

9. Additional comments about R 340.1708(3).

10. Do you support the proposed amendments of R 340.1708(4)?

No

If no, explain why not.

I would support that the evaluation shall take into consideration the individual needs of the student. However the first part of this addition makes assumptions about the individual needs of the student and also gets specific about some things but may be omitting other things that could be relevant for a particular student. It would be best to only require that it take into consideration the individual needs of the student.

11. Additional comments about R 340.1708(4).

12. Do you support the proposed amendment to R 340.1721e(7)?

Yes

If no, explain why not.

13. Additional comments about R 340.1721e(7).

Full support, this is long overdue. It is easy for resident districts to "check out" of their student's needs if they are being served in an operating district.

14. General comments about any of the proposed amendments.

Public Comment: Proposed Amendments to the Michigan Administrative Rules for Special Education

Response ID:59 Data

2. Demographics

1. Demographics

First Name

Last Name

School District or Organization (if applicable)

Email Address

County of Residence

Outside of Michigan

What role best describes you as it relates to this survey?

Community member

Are you providing feedback as an individual or on behalf of an organization?

Individual

Name of organization

3. Feedback

2. Do you support the proposed amendment to the title of R 340.1708?

No

If no, explain why not.

The existing language calls for a complete range of bases for assessment and determination of the necessity of special education services for the visually impaired.

3. Additional comments about R 340.1708.

The details on the definition and assessment of visual impairment are needed for the sake of promoting proper delivery of special education services. Besides, removing the article "A" from the definition of visual impairment shifts focus away from individual cases of visual impairment and the impact it has on people in favor of a focus on visual impairment as a state of being and constructed generalizations about what blindness is is held to mean or even should mean for everyone directly affected by it.

4. Do you support the proposed amendments of R 340.1708(1)?

No

If no, explain why not.

Too much detail removed.

5. Additional comments about R 340.1708(1).

Too much detail removed

6. Do you support the proposed amendments of R 340.1708(2)?

No

If no, explain why not.

Too much detail removed

7. Additional comments about R 340.1708(2).

Too much detail removed

8. Do you support the proposed amendments of R 340.1708(3)?

No

If no, explain why not.

Too much detail removed

9. Additional comments about R 340.1708(3).

10. Do you support the proposed amendments of R 340.1708(4)?

No

If no, explain why not.

Too much detail removed

11. Additional comments about R 340.1708(4).

I don't know Is such a change really necessary at this point?

12. Do you support the proposed amendment to R 340.1721e(7)?

No

If no, explain why not.

The residential district MUST be involved in the provision of services to its students

13. Additional comments about R 340.1721e(7).

14. General comments about any of the proposed amendments.

Don't change anything!

Public Comment: Proposed Amendments to the Michigan Administrative Rules for Special Education

Response ID:63 Data

2. Demographics

1. Demographics

First Name

Sarah

Last Name

Stargardt

School District or Organization (if applicable)

Oakland Schools

Email Address

sarah.stargardt@oakland.k12.mi.us

County of Residence

Oakland

What role best describes you as it relates to this survey?

Teacher

Are you providing feedback as an individual or on behalf of an organization?

Individual

Name of organization

3. Feedback

2. Do you support the proposed amendment to the title of R 340.1708?

Yes

If no, explain why not.

3. Additional comments about R 340.1708.

4. Do you support the proposed amendments of R 340.1708(1)?

Yes

If no, explain why not.

5. Additional comments about R 340.1708(1).

6. Do you support the proposed amendments of R 340.1708(2)?

No

If no, explain why not.

There are times when it is not possible to get an eye report for a student, but a functional vision evaluation conducted by a TVI shows educational impact/need. These students would be unable to get service from a TVI if the family cannot produce an eye report. I do not think an eye report should be mandatory in order to receive service.

7. Additional comments about R 340.1708(2).

8. Do you support the proposed amendments of R 340.1708(3)?

Yes

If no, explain why not.

9. Additional comments about R 340.1708(3).

10. Do you support the proposed amendments of R 340.1708(4)?

Yes

If no, explain why not.

11. Additional comments about R 340.1708(4).

12. Do you support the proposed amendment to R 340.1721e(7)?

Yes

If no, explain why not.

13. Additional comments about R 340.1721e(7).

14. General comments about any of the proposed amendments.

Public Comment: Proposed Amendments to the Michigan Administrative Rules for Special Education

Response ID:64 Data

2. Demographics

1. Demographics

First Name

Sarah

Last Name

Stargardt

School District or Organization (if applicable)

Oakland Schools

Email Address

sarah.stargardt@oakland.k12.mi.us

County of Residence

Outside of Michigan

What role best describes you as it relates to this survey?

Teacher

Are you providing feedback as an individual or on behalf of an organization?

Individual

Name of organization

3. Feedback

2. Do you support the proposed amendment to the title of R 340.1708?

Yes

If no, explain why not.

3. Additional comments about R 340.1708.

4. Do you support the proposed amendments of R 340.1708(1)?

Yes

If no, explain why not.

5. Additional comments about R 340.1708(1).

6. Do you support the proposed amendments of R 340.1708(2)?

No

If no, explain why not.

I made a comment earlier about this (I do not feel an eye report should be required because sometimes we can't get one and then a student goes without service), but need to add an additional comment below that I forgot.

7. Additional comments about R 340.1708(2).

8. Do you support the proposed amendments of R 340.1708(3)?

No

If no, explain why not.

There should be a another tier added to include a progressive vision condition. Many students have conditions where they see well now, but their vision will deteriorate. Under the above criteria, they would not qualify for service. In these cases, several things should be considered: 1. We need to teach them braille and assistive technology in advance so they have a reading medium when their vision deteriorates. 2. If they could not qualify until their vision deteriorated to the above criteria, the family & school would have to continually request a functional vision evaluation every year to see if the vision had deteriorated enough to qualify. That puts undue strain on the family and school district/ISD resources.

9. Additional comments about R 340.1708(3).

10. Do you support the proposed amendments of R 340.1708(4)?

Yes

If no, explain why not.

11. Additional comments about R 340.1708(4).

12. Do you support the proposed amendment to R 340.1721e(7)?

Yes

If no, explain why not.

13. Additional comments about R 340.1721e(7).

14. General comments about any of the proposed amendments.

Public Comment: Proposed Amendments to the Michigan Administrative Rules for Special Education

Response ID:66 Data

2. Demographics

1. Demographics

First Name

Jennifer

Last Name

Barley

School District or Organization (if applicable)

Oakland Schools

Email Address

Jennifer.Barley@oakland.k12.mi.us

County of Residence

Oakland

What role best describes you as it relates to this survey?

Teacher

Are you providing feedback as an individual or on behalf of an organization?

Individual

Name of organization

3. Feedback

2. Do you support the proposed amendment to the title of R 340.1708?

Yes

If no, explain why not.

3. Additional comments about R 340.1708.

4. Do you support the proposed amendments of R 340.1708(1)?

Yes

If no, explain why not.

5. Additional comments about R 340.1708(1).

6. Do you support the proposed amendments of R 340.1708(2)?

Yes

If no, explain why not.

7. Additional comments about R 340.1708(2).

8. Do you support the proposed amendments of R 340.1708(3)?

Yes

If no, explain why not.

9. Additional comments about R 340.1708(3).

10. Do you support the proposed amendments of R 340.1708(4)?

Yes

If no, explain why not.

11. Additional comments about R 340.1708(4).

12. Do you support the proposed amendment to R 340.1721e(7)?

Yes

If no, explain why not.

13. Additional comments about R 340.1721e(7).

14. General comments about any of the proposed amendments.

Public Comment: Proposed Amendments to the Michigan Administrative Rules for Special Education

Response ID:67 Data

2. Demographics

1. Demographics

First Name

Lori

Last Name

Morningstar

School District or Organization (if applicable)

Flushing Community Schools

Email Address

lori.morningstar@flushingschools.org

County of Residence

Genesee

What role best describes you as it relates to this survey?

School administration and support

Are you providing feedback as an individual or on behalf of an organization?

Organization

Name of organization

Flushing Community Schools

3. Feedback

2. Do you support the proposed amendment to the title of R 340.1708?

Yes

If no, explain why not.

The unintended consequences of this proposed rule change regarding the inclusion of the impairment in vision, even with correction, will require more evaluation components for eligibility that may included added costs to LEAs and ISDs to hire additional highly qualified staff. At this time, there are scarce staff across the state in which to hire to conduct these evaluations.

3. Additional comments about R 340.1708.**4. Do you support the proposed amendments of R 340.1708(1)?**

Yes

If no, explain why not.

The unintended consequences of this proposed rule change regarding the inclusion of the impairment in vision, even with correction, will require more evaluation components for eligibility that may included added costs to LEAs and ISDs to hire additional highly qualified staff. At this time, there are scarce staff across the state in which to hire to conduct these evaluations.

5. Additional comments about R 340.1708(1).

6. Do you support the proposed amendments of R 340.1708(2)?

No

If no, explain why not.

The unintended consequences of this proposed rule change regarding the inclusion of the impairment in vision, even with correction, will require more evaluation components for eligibility that may included added costs to LEAs and ISDs to hire additional highly qualified staff. At this time, there are scarce staff across the state in which to hire to conduct these evaluations.

7. Additional comments about R 340.1708(2).

8. Do you support the proposed amendments of R 340.1708(3)?

No

If no, explain why not.

The unintended consequences of this proposed rule change regarding the inclusion of the impairment in vision, even with correction, will require more evaluation components for eligibility that may included added costs to LEAs and ISDs to hire additional highly qualified staff. At this time, there are scarce staff across the state in which to hire to conduct these evaluations.

9. Additional comments about R 340.1708(3).

10. Do you support the proposed amendments of R 340.1708(4)?

Yes

If no, explain why not.

11. Additional comments about R 340.1708(4).

12. Do you support the proposed amendment to R 340.1721e(7)?

Yes

If no, explain why not.

13. Additional comments about R 340.1721e(7).

14. General comments about any of the proposed amendments.

Public Comment: Proposed Amendments to the Michigan Administrative Rules for Special Education

Response ID:68 Data

2. Demographics

1. Demographics

First Name

Victoria

Last Name

Haber

School District or Organization (if applicable)

Oakland Schools

Email Address

victoria.haber@oakland.k12.mi.us

County of Residence

Wayne

What role best describes you as it relates to this survey?

Teacher

Are you providing feedback as an individual or on behalf of an organization?

Individual

Name of organization

3. Feedback

2. Do you support the proposed amendment to the title of R 340.1708?

Yes

If no, explain why not.**3. Additional comments about R 340.1708.****4. Do you support the proposed amendments of R 340.1708(1)?**

No

If no, explain why not.

I feel that children with progressive eye conditions should be eligible for VI services. A child may have 20/20 vision but a diagnosis of Retinitis Pigmentosa (RP). With RP, the vision may decrease gradually or rapidly but it will eventually lead to blindness. If a child can learn blindness skills prior to losing his/her vision, that child will be significantly more prepared. Just because the child loses sight in high school, doesn't mean high school curricular expectations and experiences pause. With early intervention and exposure to blindness training, these children (and their families) will have developed skills and knowledge of resources when the progressive condition worsens.

5. Additional comments about R 340.1708(1).

6. Do you support the proposed amendments of R 340.1708(2)?

No

If no, explain why not.

I feel that having a medical eye report is best practice. However, requiring the child to have an eye report from an ophthalmologist or optometrist is limiting. Some families do not have the means to take their child to see a doctor. If a child is struggling with vision, but does not have a medical eye report, under this amendment, that child cannot receive any support. If the child's vision adversely impacts his/her vision, a functional vision and learning media assessment will indicate that and should be sufficient to provide support.

7. Additional comments about R 340.1708(2).

8. Do you support the proposed amendments of R 340.1708(3)?

Yes

If no, explain why not.

9. Additional comments about R 340.1708(3).

10. Do you support the proposed amendments of R 340.1708(4)?

Yes

If no, explain why not.

11. Additional comments about R 340.1708(4).

12. Do you support the proposed amendment to R 340.1721e(7)?

Yes

If no, explain why not.

13. Additional comments about R 340.1721e(7).

14. General comments about any of the proposed amendments.

Public Comment: Proposed Amendments to the Michigan Administrative Rules for Special Education

Response ID:71 Data

2. Demographics

1. Demographics

First Name

Anonymous

Last Name

School District or Organization (if applicable)

Email Address

County of Residence

Kalamazoo

What role best describes you as it relates to this survey?

Parent/guardian

Are you providing feedback as an individual or on behalf of an organization?

Individual

Name of organization

3. Feedback

2. Do you support the proposed amendment to the title of R 340.1708?

Yes

If no, explain why not.

3. Additional comments about R 340.1708.

4. Do you support the proposed amendments of R 340.1708(1)?

Yes

If no, explain why not.

5. Additional comments about R 340.1708(1).

6. Do you support the proposed amendments of R 340.1708(2)?

Yes

If no, explain why not.

7. Additional comments about R 340.1708(2).

8. Do you support the proposed amendments of R 340.1708(3)?

Yes

If no, explain why not.

9. Additional comments about R 340.1708(3).

10. Do you support the proposed amendments of R 340.1708(4)?

Yes

If no, explain why not.

11. Additional comments about R 340.1708(4).

12. Do you support the proposed amendment to R 340.1721e(7)?

Yes

If no, explain why not.

13. Additional comments about R 340.1721e(7).

14. General comments about any of the proposed amendments.

I commend this effort as it is long overdue. But I really don't see how this will help children with vision impairments. ISDs will still do everything in their power to ensure non-visual literacy skills are not received using their "data", which is always riddled with errors and omissions. Furthermore, they often don't even follow the rules for administering their "assessments."

Public Comment: Proposed Amendments to the Michigan Administrative Rules for Special Education

Response ID:72 Data

2. Demographics

1. Demographics

First Name

Sherry

Last Name

Rye

School District or Organization (if applicable)

Oakland Schools

Email Address

sherry.rye@oakland.k12.mi.us

County of Residence

Washtenaw

What role best describes you as it relates to this survey?

Teacher

Are you providing feedback as an individual or on behalf of an organization?

Individual

Name of organization

3. Feedback

2. Do you support the proposed amendment to the title of R 340.1708?

Yes

If no, explain why not.

3. Additional comments about R 340.1708.

4. Do you support the proposed amendments of R 340.1708(1)?

No

If no, explain why not.

This definition is too broad. Ocular motor issues (convergence insufficiency) are brain based and not ocular based.

5. Additional comments about R 340.1708(1).

This takes away the progressive conditions which is very impacting. A child with RP who does not have impaired vision yet, needs the training while they have their vision to learn the skills they will need when they lose their vision. This is a critical time for them to develop future skills and the supports they need emotionally and socially as they progress through this loss.

6. Do you support the proposed amendments of R 340.1708(2)?

No

If no, explain why not.

At times, it is not possible to get an eye report with an acuity or diagnosis for a child under 5 without them undergoing anesthesia for an exam. Many of these severely impaired little ones are medically fragile and undergoing anesthesia is not an option. Not being able to begin Early On services for VI should not hinge on this report if the TCVI does a Functional Vision Eval and determines that the child functions as though visually impaired and would benefit from service.

7. Additional comments about R 340.1708(2).

8. Do you support the proposed amendments of R 340.1708(3)?

If no, explain why not.

9. Additional comments about R 340.1708(3).

10. Do you support the proposed amendments of R 340.1708(4)?

If no, explain why not.

11. Additional comments about R 340.1708(4).

12. Do you support the proposed amendment to R 340.1721e(7)?

If no, explain why not.

13. Additional comments about R 340.1721e(7).

14. General comments about any of the proposed amendments.

From: [Donna Tinberg](#)
To: [MDE-OSE-Public-Comment](#)
Cc: [Abby Cypher](#); [Renee Thelen](#); [Eric Hoppstock](#)
Subject: Rule set 2020-89 ED
Date: Friday, March 19, 2021 10:41:45 AM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

This email is sent on behalf of the Michigan Association of Administrators of Special Education, an organization representing more than 600 professionals who administer programs for students with disabilities in traditional local school districts, public school academies, and intermediate school districts across the state of Michigan. The mission of MAASE is to provide its members with knowledge and skills to provide leadership for the development and implementation of quality programs and services for students with disabilities within the total education community. Given that the Michigan Administrative Rules for Special Education have a direct impact on the work of our members, we appreciate this opportunity to provide input on the proposed changes. Our comments are as follows:

R340.1708

We understand that this rule change is required because current MARSE language is more restrictive than the language of IDEA. We **support the proposed changes** for that reason and note the following strengths in the proposed changes:

- The revised format of the eligibility criteria is clear and more easily understood.
- Requiring a report from an ophthalmologist or optometrist rather than including that person as a required member of the multidisciplinary team is a positive change, reflecting the reality of how the process typically plays out in districts. We also would support similar revisions to the rules for PI, OHI, and SXI eligibility which currently include medical professionals as required members of the multidisciplinary team.

We offer the following concerns/suggestions related to the revised VI eligibility rule:

1. Written guidance and technical assistance from MDE/OSE likely will be necessary to clarify how teams might define "adverse educational impact" in the absence of other qualifying criteria.
2. While we generally support the concept of including a physician's report in the comprehensive evaluation, we encourage MDE/OSE to provide guidance or standards for the content of such a report. Will a one-line diagnosis written on a prescription pad suffice, or does the propose rule envision something more in-depth? Should the physician's report specifically address evaluation results, eligibility criteria, or anticipated needs? The field will need guidance regarding acceptable practice that can be shared with participating physicians. We also hope MDE/OSE will

provide guidance that encourages districts to continue current practices around involving physicians in evaluations and eligibility decisions more directly via conference call or meeting.

3. Guidance/technical assistance may be necessary regarding how a more general definition of VI eligibility relates to ocular motor issues that tend to impact visual perception/processing but not visual acuity.
4. If this rule change has the effect of increasing the number of students who are found eligible under the category of VI, existing staffing shortages in this area will become even more problematic. We believe it will be important for MDE/OSE to take a leadership role with institutions of higher education to a) project future eligibility rates and related staffing needs, and b) ensure that there are adequate teacher preparation programs in our state to serve this area of exceptionality. We also suggest that MDE/OSE should explore alternate routes to certification in this specialty area, as well as flexibilities that ISDs would be permitted to incorporate into ISD plans to address staffing shortages.

R340.1721e

We are aware that this proposed rule change was originally intended to relieve parents of the burden of inviting the resident district to the IEP meeting and that it also corrects more stringent language that was not intended in the February 2020 rule revision. We believe it is appropriate for the resident district to continue to be involved with programming decisions for students who are placed in center programs outside the district, and the requirement to invite a representative of the resident district will promote meaningful consideration of the full continuum of placement options on an annual basis.

While **we support this proposed change**, we believe it will be important for MDE/OSE to provide written guidance to clarify how the invitation process will work. Some areas of potential confusion that we have identified include:

1. What constitutes acceptable documentation of an "invitation" to the resident district representative in the case of a monitoring visit or state complaint.
2. Whether/how the written excusal process in IDEA applies if the resident district does not attend the IEP meeting.
3. Qualifications of the person who represents the resident district at the IEP meeting; specifically, whether this person must meet all the criteria for serving as "representative of the public agency".

We appreciate this opportunity to provide input on the proposed rule changes and stand ready to assist in future rule change considerations should the need arise. Please do not hesitate to contact MAASE if our Board of Directors or our Legislative Action Committee can be of any assistance going forward. You may reach us via our Executive Director, Abby Cypher, at MAASE.AbbCypher@gmail.com.

From: [Vanessa Canady](#)
To: [MDE-OSE-Public-Comment](#)
Subject: MARSE 2289
Date: Sunday, March 21, 2021 10:23:05 PM

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Greetings,

I work in the field of Special Education. I recently had the opportunity to hear that you are reviewing the Rule as it relates to VI students. I am so excited that the rule will be reviewed. I have had occasions where a student was eliminated as being a student with a VI disability due to the percentage of vision loss. By revisiting this rule in MARSE and making it mirror the Federal Regulations more students will benefit from the services for students with a disability.

Kind Regards,
Vanessa Cheatham



SPECIAL EDUCATION ADVISORY COMMITTEE

Advisory Panel to the Michigan State Board of Education and the Michigan Department of Education

Office of Special Education

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Telephone (517) 373-9433 • Facsimile (517) 373-7504

Representation:

11 Members At-Large

American Federation of Teachers
Michigan

Autism Society of Michigan
Learning Disabilities

Association of Michigan
Downs Syndrome Association of
West Michigan

Michigan Alliance for Families

Michigan Association of
Administrators of Special
Education

Michigan Association of
Computer Users in Learning

Michigan Association of
Intermediate School
Administrators

Michigan Association of
Nonpublic Schools

Michigan Association of Public
School Academies

Michigan Association of School
Administrators

Michigan Association of School
Boards

Michigan Association of School
Psychologists

Michigan Association of School
Social Workers

Michigan Association of
Secondary School Principals

Michigan Association for
Supervision and Curriculum
Development

Michigan Council for Exceptional
Children

Michigan Education Association
Michigan Elementary and Middle
School Principals Association

Michigan Occupational Therapy
Association

Michigan Speech-Language-
Hearing Association

Michigan Transition Services
Association

Student Advocacy Center of
Michigan

The Arc Michigan

Public Comment

Michigan Department of Education

Office of Special Education

608 West Allegan

P.O. Box 30008

Lansing, MI 48909

March 25, 2021

To Whom It May Concern,

A quorum of the Executive Committee of the Special Education Advisory Committee (SEAC) is writing in support of the two proposed changes to the Michigan Administrative Rules for Special Education (MARSE) rule set, R340.1708 and R340.1721e.

We unanimously support each of the changes, additions, and deletions to R340.1708, (Visual Impairment), as proposed.

We unanimously support each of the changes, additions, and deletions to R340.1721e, (Individualized Education Program), as proposed.

Thank you for allowing our participation in this matter,

SEAC Executive Committee

- Dr. Donna Case, Chairperson
- LaKeya Martin – Co-chair
- Justin Caine
- Charlie Hollerith
- Sarah Vander Baan

Submitted electronically to MDE-OSE-Public-Comment@michigan.gov by Teri Pettit (SEAC Facilitator) on this 25th day of March, 2021.

From: [MARK MCWILLIAMS](#)
To: [MDE-OSE-Public-Comment](#)
Cc: [KRIS KERANEN](#); [MICHELLE ROBERTS](#)
Subject: Comments by Disability Rights Michigan (DRM) on Proposed MARSE Rule Revision 2020-89
Date: Friday, March 26, 2021 9:59:55 AM
Attachments: [image001.png](#)

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Greetings friends!

Disability Rights Michigan (DRM) is the private, nonprofit, nonpartisan organization mandated to advocate for people with disabilities in Michigan. DRM is pleased to comment on the proposed MARSE revision 2020-89 affecting the definition of visual impairment and resident district responsibilities.

Proposed R 340.1708: The proposed language removes the additional state eligibility requirements on acuity, peripheral vision or deteriorating eye condition. This change aligns the language with federal law (34 CFR 300.8(c)(13)). DRM supports this change.

The proposed language also broadens the scope and availability of orientation and mobility evaluations and clarifies that an optometry or ophthalmology report may be included in the multidisciplinary team review in lieu of actual team participation. To the extent the rule does not shift financial responsibility for these educational evaluations to the parent, DRM supports these changes.

Proposed R 340.1721e(7): For students attending school in an operating district other than the district where they live, the proposed language makes resident district IEP participation optional. DRM does not object to this change.

Thank you for the opportunity to comment. Please contact me if you have any questions.

Mark

Mark McWilliams, Attorney
Director, Public Policy and Media Relations
(he/him/his)

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Michigan Department of Education
Office of Special Education
608 West Allegan Street
P.O. Box 30008
Lansing, MI 48909

March 30, 2021

RE: Rule Set 2020-89 ED

This letter is written on behalf of the Michigan Council for Exceptional Children, an organization representing more than 550 special educators and families of students with exceptionalities. The core purpose of Michigan CEC is to strengthen the field of education to impact success for individuals with exceptionalities, and to that end we appreciate this opportunity to provide input on the proposed changes to the Michigan Administrative Rules for Special Education which directly impact the lives of our students, families, and service providers. Our comments are as follows:

R340.1708

We recognize that this language change is necessary because the current Michigan criteria for VI eligibility are more restrictive than the language in IDEA. We support the rule change because we understand it is mandatory.

We are pleased to see that MDE/OSE also has taken this opportunity to clarify the role of the ophthalmologist or optometrist relative to the multidisciplinary team. Districts typically struggle with how to include a medical professional as part of the evaluation team when they rarely participate in the same manner that local district team members participate. We believe it is very appropriate to require that the full and individual evaluation include a *report* from an ophthalmologist or optometrist rather than requiring that person to be a member of the team. This is consistent with how—of necessity—the practice often plays out in districts, and we would advocate for similar changes to the rules for PI, OHI, and SXI eligibility which currently require medical professionals to be part of the multidisciplinary team.

While **we support the proposed changes** generally, we have the following related concerns/suggestions:

1. The less restrictive eligibility language likely will cause some confusion in the field as special educators struggle to define “adverse impact” in the absence of other qualifying criteria. Written guidance and technical assistance from MDE/OSE likely will be necessary in this area.
2. While we generally support the concept of having a physician submit a report rather than being a required member of the multidisciplinary evaluation team, we believe that the field may require additional guidance regarding what constitutes an acceptable report. Is it a one-line diagnosis on a prescription pad or a multi-page report of findings? The field will need guidance regarding what is acceptable practice.
3. Guidance/technical assistance may be necessary regarding how the more general definition of VI eligibility relates to ocular motor issues that tend to impact visual perception/processing but not visual acuity. These issues historically have been considered more of an underlying factor contributing to a specific learning disability, as opposed to being considered a visual

impairment. Does the new definition go beyond acuity to include ocular motor issues under the VI eligibility category?

4. As you are no doubt aware, staffing shortages in the area of visual impairment are an ongoing issue for districts across the state. If this rule change has the effect of increasing the number of students who are found eligible under the category of VI (as we believe it may), these staffing shortages will become even more problematic. We believe it will be important for MDE/OSE to take a leadership role with institutions of higher education to a) project future eligibility rates and related staffing needs, and b) ensure that there are adequate teacher preparation programs in our state to serve this area of exceptionality. MDE/OSE also might explore alternate routes to certification in this specialty area, as well as permitted flexibilities that ISDs might incorporate into ISD plans to address shortages.

R340.1721e

We are aware that this proposed rule change was originally intended to relieve parents of the burden of inviting the resident district to the IEP meeting, and we strongly agree that the parent should not have this burden. We also appreciate that this proposed change corrects more stringent language that was not intended in the February 2020 rule revision. We believe it is appropriate for the resident district to continue to be involved with programming decisions for students who are placed in center programs outside the district, and we agree that meaningful consideration of the full continuum of placement options on an annual basis is not possible without the involvement of the resident district.

While **we support this proposed change**, we believe it will be important for MDE/OSE to provide written guidance regarding how the process will work. Some areas of potential confusion that we have identified include:

1. For purposes of monitoring or state complaints, what constitutes acceptable documentation of an "invitation" to the resident district representative?
2. If the resident district does not attend the IEP meeting, will a written excusal be necessary? May the meeting proceed without the resident district representative if the parent does not agree to an excusal, or must the meeting be rescheduled?
3. Are there specific qualifications for the person who represents the resident district at the IEP meeting? Must this person meet all the criteria for serving as "representative of the public agency"?

Again, we appreciate this opportunity to provide input on matters that impact our members and the students we serve. Please do not hesitate to contact Michigan CEC if our Board of Directors or our Legislative Action and Advocacy Committee can be of any assistance going forward. You may reach us via our Executive Director, Ann Walton, at waltona.mcec@gmail.com.

Respectfully,

Ann Walton, Executive Director of Michigan CEC