

**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:

Hearings

5. Rule numbers or rule set range of numbers:

R 349.291 - R 349.291

6. Estimated time frame:

6 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.

The general purpose of the amendment of this rule is to replace obsolete and superfluous language and to align the rule with current standards of drafting and with modern practice.

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.

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

The superintendent of public instruction has authority to promulgate this rule under section 33 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, and Executive Reorganization Order No. 1996-6, MCL 388.993.

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

This rule is not mandated by constitution or statute.

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.

There are no similar rules, compliance requirements, or other state, regional, or federal standards.

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

The subject matter of this rule is not currently contained in any guidance, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

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

This rule is listed on the Department of Education's 2021-2022 annual regulatory plan as to be processed during the current year.

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.

This rule will be promulgated under section 44 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.244, because the primary purposes of the amendments are to replace obsolete and superfluous language and to align with current practice and current standards of drafting. Definitions are added in new subrule (9), which includes specific directions about how to file and serve documents and which aligns with the administrative procedures act's definition of "person." Subrule (10) is added to align with Executive Reorganization Orders 2019-1, 2011-4, and 2005-1, which created the Michigan Office of Administrative Hearings and Rules (MOAHR) and its predecessors and which transferred certain hearing functions to those entities.