

Department of Education

1. Rule(s) to be **processed** between July 1, 2022 and June 30, 2023. [Give brief description.]

State Tenure Commission Rules (R 38.131 to R 38.179)

These rules may be amended to do the following:

- Align with 2022 PA 63, which added section 9a to the open meetings act, MCL 15.269a, regarding sound recordings of meetings of certain public bodies.
- Update a web address.
- Align as necessary with the administrative rules of the Michigan Office of Administrative Hearings and Rules.

School District Pupil Accounting for Distribution of State Aid (R 340.1 to R 340.18)

Amendments of this rule set are under consideration.

School Social Worker (R 340.1001 to R 340.1018)

Amendments of this rule set are under consideration.

Declaratory Rulings, Promulgation of Rules, and Information Requests (R 340.1351 to R 340.1355)

These rules may be updated to include additional contact information and additional methods for providing rulings to parties.

Special Education Programs and Services (R 340.1701 to R 340.1873)

- Amendments of R 340.1701a, R 340.1721b, R 340.1725f, R 340.1832, R 340.1852, and R 340.1853 are under consideration.
- Amendments of R 340.1746 have been proposed under MCL 24.244(1) and are pending for Michigan Office of Administrative Hearings and Rules and Legislative Service Bureau certifications. 2022-28 ED.

Teacher and School Administrator Evaluation Tools (Rule 380.21 to R 380.23)

Amendments of this rule set are under consideration.

School Administrator Certification Code (R 380.101 to R 380.136)

Amendments of this rule set are under consideration.

School Psychologist Certification Code (R 380.201 to R 380.214)

Amendments of this rule set are under consideration.

Teachers' Tenure (Certification) – Rule 390.661

This rule may be amended to remove obsolete language and to align with statutory language and current standards of drafting.

Teacher Certification Code (R 390.1101 to R 390.1216)

Amendments of this rule set are under consideration.

Postsecondary Dual Enrollment Criteria for Fifth-Year High School Pupils (R 388.151 to R 388.155)

Amendments of this rule set are under consideration.

Certification and Licensure of School Counselors (R 390.1301 to R 390.1313)

Amendments of this rule set are under consideration.

Career and Technical Education Reimbursed Programs (R 395.231 to R 395.376)

Amendments of this rule set are under consideration.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2022 and June 30, 2023. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

Some rules in the rule sets listed in #1 above can be rescinded because they are obsolete or superseded. Those rule sets also include rules that are strong candidates for rescission for other reasons.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

Since 1976, section 1157(1) of the Revised School Code, MCL 380.1157, has required rules regarding the conduct of and participation in bilingual instruction in-service training programs. There have never been such rules and there is no need for them.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The rules of the Department of Education relate to education, including school districts and educators, and are not problematic to businesses.

- A. Describe whether there is a continued need for the rules.

- B. Provide a summary of any complaints or comments received from the public concerning the rules.

- C. Describe the complexity of complying with the rules.

- D. Describe whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

- E. Provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

The Department of Education uses the following link to access its administrative rules:

<https://ars.apps.lara.state.mi.us/AdminCode/AdminCode>

6. Please provide a list of the items identified for action in the 2022 ARP that have been completed and those that remain outstanding.

Auxiliary Services for Nonpublic Schoolchildren (R 340.291 to R 340.295)

Amendments of this rule set are not currently under consideration.

School Social Worker (R 340.1001 to R 340.1018)

Amendments of this rule set are under consideration.

Special Education Programs and Services (R 340.1701 to R 340.1873)

- Amendments of R 340.1721b are under consideration
- Amendments of R 340.1721, R 340.1723c, R 340.1771, and R 340.1772, and rules related to the provision of special education services in county jails are not currently under consideration.

Hearings (R 349.291)

This rule, as amended under MCL 24.244(1), was filed with the Office of the Great Seal on June 10, 2022, with an effective date of June 17, 2022. 2021-100 ED.

Teacher and School Administrator Evaluation Tools (Rule 380.21 to R 380.23)

Amendments of this rule set are under consideration.

School Administrator Certification Code (R 380.101 to R 380.136)

Amendments of this rule set are under consideration.

School Psychologist Certification Code (R 380.201 to R 380.214)

Amendments of this rule set are under consideration.

Teachers' Tenure (Certification) – Rule 390.661

This rule may be amended under MCL 24.244(1) to remove obsolete language and to align with current standards of drafting.

Teacher Certification Code (R 390.1101 to R 390.1216)

Amendments of this rule set are under consideration.

Certification and Licensure of School Counselors (R 390.1301 to R 390.1313)

Amendments of this rule set are under consideration.

Library of Michigan – State Aid Rules (R 397.01 to R 397.92)

Amendments of this rule set are not currently under consideration.