gretchen whitmer

 Governor 

State of Michigan

department of Education

Lansing

MICHAEL F. RICE, ph.D.

 State Superintendent

May 18, 2021

Sent via email to: JCAR@legislature.mi.gov

Joint Committee on Administrative Rules

Boji Tower, 3rd Floor

124 W. Allegan St.

P.O. Box 30036

Lansing, MI 48909-7536

Re: Session day waiver request

Dear Chairperson Meerman, Alternate Chairperson Bumstead, and committee members:

As the regulatory affairs officer for the Department of Education, I respectfully request that the Joint Committee on Administrative Rules waive the remaining session days under the authority provided in the Administrative Procedures Act of 1969, MCL 24.245a(1)(d), for the review of the following amended rules, which were submitted to the Committee on May 10, 2021:

Special Education Programs and Services R 340.1708 and R 340.1721e (MOAHR #2020-89 ED)

The amendment of R 340.1708 aligns the rule with the federal definition of “visual impairment” found in the Individuals with Disabilities Education Act, 20 USC 1400 et seq., and 34 CFR 300.8(c)(13), as directed by the United States Department of Education Office of Special Education and Rehabilitative Services. In addition, R 340.1708 is amended to provide that pupils with progressively deteriorating eye conditions are eligible for special education programs and services, to allow for a medical evaluation by a physician when a pupil is unable to receive an eye report from an ophthalmologist or optometrist, and to broaden the circumstances under which a certified orientation and mobility specialist shall conduct an evaluation for special education purposes.

The amendment of R 340.1721e removes the burdensome requirement that resident districts attend individualized education plan team meetings for pupils placed outside their resident districts.

The Department of Education held 3 virtual public hearings on the proposed rules in March of 2021. The Department provided American Sign Language interpreters and closed captioning during the public hearings. The Department accepted public comments not only during the public hearings but also via an online tool on the department’s webpage, by email, and by mail. Some of the amendments of R 340.1708 are based on oral and written public comments.

Given the upcoming summer session schedule and the pressing needs to align Michigan’s definition of “visual impairment” with the federal definition so that all children eligible for special education programs and services based on visual impairment will be served as soon as possible, and to remove a burdensome requirement from school districts related to attendance at some individualized education plan team meetings, the Department of Education respectfully asks that the committee waive the balance of the session days in the review period.

Thank you for your consideration of this request.

Sincerely,

Mary Fielding

Regulatory Affairs Officer

Department of Education

fieldingm@michigan.gov

cc: Timothy Reeves and Elizabeth Edberg, Legislative Service Bureau

Katie Wienczewski, Michigan Office of Administrative Hearings and Rules

 Deidre O’Berry, Michigan Office of Administrative Hearings and Rules

 Michael F. Rice, Ph.D., Superintendent of Public Instruction

 Scott Koenigsknecht, Department of Education

 Teri Rink, Department of Education