Appendix A: Side by Side Comparison Chart – Michigan Administrative Rules of Special Education and Michigan Part C State Plan

Current	Proposed Revision to the Michigan	Proposed Changes to	Rationale
Rule 340.1702	Administrative Rules for Special Education	the Michigan Part C	
		IDEIA State Plan	
"Student with a disability" defined	"Student with a disability" defined	None.	By adding Part 10 to R 340.1702 it
"Student with a disability" means a person	"Student with a disability" means a person who		allows for closer alignment with the
who has been evaluated according to the	has been evaluated according to the individuals		federal regulations.
individuals with disabilities education act and	with disabilities education act and these rules,		
these rules, and is determined by an	and is determined by an individualized		
individualized education program team , and	education program team , and individualized		
individualized family service plan team, or an	family service plan team, or an administrative		
administrative law judge to have 1 or more of	law judge to have 1 or more of the impairments		
the impairments specified in this part that	specified in this part OR PART 10 that		
necessitates special education or related	necessitates special education or related		
services, or both, who is not more than 25	services, or both, who is not more than 25		
years of age as of September 1 of the school	years of age as of September 1 of the school		
year enrollment, and who has not graduated	year enrollment, and who has not graduated		
from high school, A student who reaches the	from high school, A student who reaches the		
age of 26 after September 1 is a "student with	age of 26 after September 1 is a "student with a		
a disability and entitled to continue a special	disability and entitled to continue a special		
education program or service until the end of	education program or service until the end of		
that school year.	that school year.		

Current	Proposed Revision to the Michigan Administrative	Proposed Changes to the Michigan	Rationale
Rule 340.1862	Rules for Special Education	Part C IDEIA State Plan	
(1) Eligibility for	Eligibility for Michigan special education services for	No changes.	The IFSP team determines eligibility
Michigan special	all children with a disability birth to age 3 Shall be		not the IFSP, as currently written.
education services for	determined by an individualized family		
all children with a	service plan team and documented in an		
disability birth to age 3	individualized family service plan.		
shall be determined by			
and documented in an			
individualized family			
service plan.			
(2) Evaluations	No changes.	No changes.	Michigan law aligns with Federal
conducted to determine			law.
eligibility for Michigan			
special education			
services shall meet the			
requirements of 34 CFR			
part 303 and R 340.1705			
to R 340.1717.			
(3) Determination of	No changes.	No changes.	Michigan law aligns with Federal
eligibility for Michigan			law.
special education			

services, for a child birth			
to 3 with a disability			
shall follow all timelines			
and requirements			
pursuant to 34 CFR part			
303.			
(4) Special education	(4) Special education services for children birth to 3	No changes.	Michigan law would align with
services for children	with disabilities shall be all of the following:		Federal law.
birth to 3 with	(a) Determined by the child's individual needs and		
disabilities shall be all of	specified in an individualized family service plan		
the following:	and shall follow requirements pursuant to		
(a) Determined by the	34 CFR part 303.		
child's individual needs			
and specified in an			
individualized family			
service plan.			
(b) Provided by an			
approved or endorsed			
early childhood special			
education teacher or			
approved related			
services staff,			
(c) Provided for not less	(c) Provided for not less than 72 clock hours over 1		Rationale: The addition of 4(a)

than 72 clock hours over	year. The timeline begins upon receipt of signed	language referencing the federal
1 year. The timeline	parental consent to provide services	rule, makes this rule redundant as
begins upon receipt of		R 303 outlines services in
signed parental consent		accordance with federal rule.
to provide services.		
(d) Provided in an	(d) Provided in an appropriate early childhood	Rationale: The addition of 4(a)
appropriate early	setting, school setting community setting, or family	language referencing the federal
childhood setting,	setting.	rule, makes this rule redundant as
school setting		R 303 outlines services in
community setting, or		accordance with federal rule.
family setting.		
(e) Have a parent	(e) Have a parent participation and education	Rationale: The addition of 4(a)
participation and	component.	language referencing the federal
education component.		rule, makes this rule redundant as
		R 303 outlines services in
		accordance with federal rule.

- Please note strikethroughs in the above table recommend deletion and bolded and italicized items are recommended additions.
- Please note the recommendation is to have additional eligibility changes in the Michigan Administrative Rules for Special Education under the following eligibility categories: R 340.1705 (Cognitive impairment), R 340.1707 (Deaf or hard of hearing), R 340.1708 (Visual impairment), R 340.1709 (Physical impairment), R 340.1709a (Other health impairment), R 340.1710 (Speech and language impairment), R 340.1711 (Early childhood developmental delay), R 340.1715 (Autism spectrum disorder), and R 340.1716 (Traumatic brain injury)