

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

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

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

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 services for children birth to 3 with disabilities shall be all of the following: (a) Determined by the child's individual needs and specified in an individualized family service plan.	(4) Special education services for children birth to 3 with disabilities shall be all of the following: (a) Determined by the child's individual needs and specified in an individualized family service plan and shall follow requirements pursuant to 34 CFR part 303.	No changes.	Michigan law would align with Federal law.
(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 1 year. The timeline begins upon receipt of signed parental consent to provide services.	year. The timeline begins upon receipt of signed parental consent to provide services		language referencing the federal rule, makes this rule redundant as R 303 outlines services in accordance with federal rule.
(d) Provided in an appropriate early childhood setting, school setting community setting, or family setting.	(d) Provided in an appropriate early childhood setting, school setting community setting, or family setting.		Rationale: The addition of 4(a) language referencing the federal rule, makes this rule redundant as R 303 outlines services in accordance with federal rule.
(e) Have a parent participation and education component.	(e) Have a parent participation and education component.		Rationale: The addition of 4(a) language referencing the federal 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)