



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

July 12, 2022

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #22-028-ED)
Legislative Service Bureau (Secretary of State Filing #22-07-01)
Department of Education

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-028-ED (Secretary of State Filing #22-07-01) on this date at 11:04 A.M. for the Department of Education entitled, "Special Education Programs and Services".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

A handwritten signature in black ink that reads "Bob Burns /CK".

Bob Burns, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

ORLENE HAWKS
DIRECTOR

July 12, 2022

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2022-28 ED

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated June 18, 2022 for the Department of Education “**Special Education Programs and Services**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to be "Suzanne Sonneborn".

Michigan Office of Administrative Hearings and Rules



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

CERTIFICATE OF ADOPTION

Pursuant to the authority conferred on the superintendent of public instruction by sections 1701 and 1703 of 1976 PA 451, MCL 380.1701 and 380.1703, and Executive Reorganization Order No. 1996-7, MCL 388.994, the superintendent of public instruction formally adopts the rules governing "Special Education Programs and Services."

R 340.1746 of the Michigan Administrative Code is amended.

Adopted by: Michael F. Rice, Ph.D.

A handwritten signature in black ink that reads "Michael F. Rice".

Date: 07/07/2022

2022-28 ED

STATE BOARD OF EDUCATION

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STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated June 18, 2022, in which the Department of Education proposes to modify a portion of the Michigan Administrative Code entitled "**Special Education Programs and Services**" by:


- ◆ Amending R 340.1746.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: June 29, 2022

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director


CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Education dated June 18, 2022, amending R 340.1746 of the Department's rules entitled "Special Education Programs and Services." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(1) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(1), these rules are being processed without a public hearing.

Dated: June 29, 2022

LEGISLATIVE SERVICE BUREAU

By 
Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF EDUCATION
SUPERINTENDENT OF PUBLIC INSTRUCTION
SPECIAL EDUCATION PROGRAMS AND SERVICES

Filed with the secretary of state on July 12, 2022

This rule takes effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By the authority of the superintendent of public instruction under sections 1701 and 1703 of the revised school code, 1976 PA 451, MCL 380.1701 and 380.1703, and Executive Reorganization Order No. 1996-7, MCL 388.994)

R 340.1746 of the Michigan Administrative Code is amended, as follows:

R 340.1746 Homebound and hospitalized services.

Rule 46. (1) A district or intermediate district shall provide homebound and hospitalized services to a student with a disability in accordance with section 109 of the state school aid act of 1979, 1979 PA 94, MCL 388.1709, and the individuals with disabilities education act, 20 USC 1400 to 1482.

(2) A district or intermediate district shall not assign more than 12 students at any 1 time to a special education teacher employed for homebound or hospitalized services, or for a combination of these services.

(3) A student with a disability receiving homebound or hospitalized services shall receive a minimum of 2 nonconsecutive hours of instruction per week. Related services may supplement, but not substitute for, the teacher's instruction.

(4) Homebound and hospitalized services are not a substitute for special education programs and services. The provider of homebound and hospitalized services shall, to the extent appropriate, provide curricular experiences that the district or intermediate district provides in the program where the student is enrolled.

(5) For purposes of this rule, "district" and "intermediate district" mean those terms as defined in sections 3 and 5 of the state school aid act of 1979, 1979 PA 94, MCL 388.1603 and 388.1605.

June 18, 2022

FILED WITH SECRETARY OF STATE

ON 7/12/22 AT 11:04 A.M.