

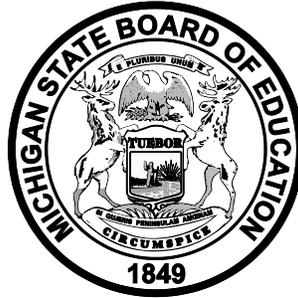
Compliance Standards for Special Education

Michigan Department of Education

Office of Special Education

October 2013





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STATEMENT OF COMPLIANCE WITH FEDERAL LAW

The Michigan Department of Education (MDE) complies with all federal laws and regulations prohibiting discrimination and with all requirements of the U.S. Department of Education.

Introduction

The state must ensure that each public agency implements the requirements of both the *Individuals with Disabilities Education Act (IDEA)* and the *Michigan Administrative Rules for Special Education (MARSE)*. These Compliance Standards outline the compliance requirements for both the IDEA and the MARSE. These compliance standards must be met by all public agencies.

Specifically, under § 300.149 of the IDEA,

- (a) The State Educational Agency (SEA) is responsible for ensuring:
 - (1) That the requirements of this part are carried out; and
 - (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency:
 - (i) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the SEA; and
 - (ii) Meets the educational standards of the SEA (including the requirements of this part).

Public agencies are required to maintain records to show compliance with program requirements, pursuant to § 76.731 of the Education Department General Administrative Regulations (EDGAR) and the MARSE. Documentation must include sufficient written detail to demonstrate compliance.

Within this document, the first column, "Citation," lists the rule or regulation from the IDEA, or the MARSE. The second column lists the standard that the public agency must meet. A citation from the IDEA is noted with a section symbol, such as § 300.300. A citation from the MARSE is noted with a rule abbreviation, such as R 340.1721b.

The use of the third column is at the discretion of each public agency. The third column is intended to be used to indicate specifically how the public agency complies with each standard. For example, the public agency may list the names of forms or policy numbers. It may also indicate where to find applicable procedures in the public agency's procedure manuals.

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Citation	Standard	Evidence of Compliance
I. Evaluation		
<p style="text-align: center;">Child find. § 300.111</p> <p>(a) <i>General.</i> (1) The State must have in effect policies and procedures to ensure that—</p> <p>(i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and</p> <p>(ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.</p> <p>(b) <i>Use of term developmental delay.</i> The following provisions apply with respect to implementing the child find requirements of this section:</p> <p>(1) A State that adopts a definition of <i>developmental delay</i> under § 300.8(b) determines whether the term applies to children aged three through nine, or to a subset of that age range (<i>e.g.</i>, ages three through five).</p> <p>(2) A State may not require an LEA to adopt and use the term <i>developmental delay</i> for any children within its jurisdiction.</p> <p>(3) If an LEA uses the term <i>developmental delay</i> for children described in § 300.8(b), the LEA must conform to both the State's definition of that term and to the age range that has been adopted by the State.</p> <p>(4) If a State does not adopt the term <i>developmental delay</i>, an LEA may not independently use that term as a basis for establishing a child's eligibility under this part.</p> <p>(c) <i>Other children in child find.</i> Child find also must include—</p>	<p>§ 300.111(a)(1)(i) The public agency has procedures for how it will identify, locate, and evaluate all students who need or are suspected of needing special education and related services including students who are homeless, wards of the state, or attending private schools, regardless of the severity of their disability.</p> <p>§ 300.111(a)(1)(ii) The public agency has implemented a method to determine which students are currently receiving needed special education and related services.</p> <p>§ 300.111(c)(2) The public agency's child find procedures includes:</p> <ol style="list-style-type: none"> 1. Students who are suspected of being a child with a disability under § 300.8 and in need of special education, even though they are advancing from grade to grade; and 2. Highly mobile students, including migrant children. 	

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<p>(1) Children who are suspected of being a child with a disability under § 300.8 and in need of special education, even though they are advancing from grade to grade; and</p> <p>(2) Highly mobile children, including migrant children.</p> <p>(d) <i>Construction.</i> Nothing in the Act requires that children be classified by their disability so long as each child who has a disability that is listed in § 300.8 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the Act.</p>		
<p>Initial evaluations. §300.301</p> <p>(a) <i>General.</i> Each public agency must conduct a full and individual initial evaluation, in accordance with §§ 300.304 through 300.306, before the initial provision of special education and related services to a child with a disability under this part.</p> <p>(b) <i>Request for initial evaluation.</i> Consistent with the consent requirements in § 300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.</p> <p>(c) <i>Procedures for initial evaluation.</i> The initial evaluation—</p> <p>(1)(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or</p> <p>(ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and</p> <p>(2) Must consist of procedures—</p> <p>(i) To determine if the child is a child with a disability under § 300.8; and</p> <p>(ii) To determine the educational needs of the child.</p> <p>(d) <i>Exception.</i> The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if—</p> <p>(1) The parent of a child repeatedly</p>	<p>See state established time lines for initial evaluations at R 340.1721b.</p> <p>§ 300.301(c)(1)(ii) The timeframe does not apply if:</p> <ol style="list-style-type: none"> 1. The parent fails or refuses to produce the student for the evaluation. 2. The student enrolls in another public agency. 3. Initial evaluation meets the requirements of at least one eligibility category in R 340.1705 through 340.1717. <p>§ 300.301(c)(2) Evaluation was sufficiently individualized to determine:</p> <ol style="list-style-type: none"> 1. Whether the student has a disability. 2. The student's educational needs. <p>§ 300.301(d) <i>If the parent of the child fails or refuses to produce the child for the evaluation or the child enrolls in another public agency during this time line, there is documentation of attempts to evaluate the student.</i></p>	

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<p>fails or refuses to produce the child for the evaluation; or (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under § 300.8. (e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.</p>	<p>§ 300.301(e) <i>If a student has moved to another public agency during the evaluation timeframe, the new public agency and parent have agreed to a time when the evaluation will be completed.</i></p>	
<p>Screening for instructional purposes is not evaluation. § 300.302 The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.</p>	<p>§ 300.302 The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation was not considered to be an evaluation for eligibility for special education and related services.</p>	
<p>Reevaluations. § 300.303 (a) <i>General.</i> A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§ 300.304 through 300.311— (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or (2) If the child's parent or teacher requests a reevaluation. (b) <i>Limitation.</i> A reevaluation conducted under paragraph (a) of this section— (1) May occur not more than once a year, unless the parent and the</p>	<p>§ 300.303(a) Reevaluation was completed for one of the following reasons: 1. The educational or related services needs, including improved academic achievement and functional performance of the student, warranted a reevaluation. 2. The parent requested a reevaluation. 3. The student's teacher requested a reevaluation.</p> <p>§ 300.303(b)(1) There was not more than one reevaluation per year unless the parent and the public agency</p>	

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<p>public agency agree otherwise; and (2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.</p>	<p>agreed that a reevaluation was necessary.</p> <p>§ 300.303(b)(2)</p> <ol style="list-style-type: none"> 1. A reevaluation occurred within the last three years. 2. <i>If the public agency and the parent agreed that a reevaluation was unnecessary, the agreement is documented.</i> 	
<p>Evaluation procedures. § 300.304</p> <p>(a) <i>Notice.</i> The public agency must provide notice to the parents of a child with a disability, in accordance with § 300.503, that describes any evaluation procedures the agency proposes to conduct.</p> <p>(b) <i>Conduct of evaluation.</i> In conducting the evaluation, the public agency must—</p> <ol style="list-style-type: none"> (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining— <ol style="list-style-type: none"> (i) Whether the child is a child with a disability under § 300.8; and (ii) The content of the child’s IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities); (2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and (3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. <p>(c) <i>Other evaluation procedures.</i> Each public agency must ensure</p>	<p>§ 300.304(a)</p> <ol style="list-style-type: none"> 1. Notice was provided. 2. Notice describes any evaluation the agency proposes to conduct. <p>§ 300.304(b)</p> <p>Evaluation report includes:</p> <ol style="list-style-type: none"> 1. A variety of assessment tools (at least two) and strategies that were used, including information provided by the parent. 2. Sufficient information: <ol style="list-style-type: none"> a. To make a recommendation of eligibility or ineligibility. b. To develop an IEP for an eligible student. 3. No single measure or assessment was used as the sole criterion for determining eligibility and educational program. 4. Instruments used were technically sound. <p>§ 300.304(c)(1)(i)</p> <p>Assessments were selected and administered so as not to be discriminatory on a racial or cultural basis.</p> <p>§ 300.304(c)(1)(ii)</p> <ol style="list-style-type: none"> 1. Assessments were given in the student’s native language or mode of communication unless not feasible. 2. <i>If it was not feasible to</i> 	

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<p>that—</p> <p>(1) Assessments and other evaluation materials used to assess a child under this part—</p> <p>(i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;</p> <p>(ii) Are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;</p> <p>(iii) Are used for the purposes for which the assessments or measures are valid and reliable;</p> <p>(iv) Are administered by trained and knowledgeable personnel; and</p> <p>(v) Are administered in accordance with any instructions provided by the producer of the assessments.</p> <p>(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.</p> <p>(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child’s aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child’s impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).</p> <p>(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;</p> <p>(5) Assessments of children with</p>	<p><i>provide an assessment in the student’s native language or mode of communication, there is documentation of attempts to obtain an assessment.</i></p> <p>§ 300.304(c)(1)(iii) The instrument administered was used for the purposes for which it is technically sound, valid, and reliable.</p> <p>§ 300.304(c)(1)(iv) Assessments were administered by trained and knowledgeable personnel.</p> <p>§ 300.304(c)(1)(v) Assessment was administered in accordance with any instructions provided by the producer of the assessments.</p> <p>§ 300.304(c)(2),(3),(4) Assessments meet the following criteria:</p> <ol style="list-style-type: none"> 1. Tailored to assess specific areas of educational need and provided more than a single intelligence quotient. 2. Selected and administered to ensure that results accurately reflect the student’s aptitude or achievement level or whatever other factors the test is designed to measure. 3. Assessed in all areas related to the suspected disability. <p>§ 300.304(c)(5) <i>If a student transferred to another public agency in the same school year, the evaluation was coordinated with the student’s prior and subsequent schools, and was completed as expeditiously as possible.</i></p> <p>§ 300.304(c)(6),(7) The evaluation was sufficiently comprehensive to identify all of the student’s special education</p>	

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<p>disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with § 300.301(d)(2) and (e), to ensure prompt completion of full evaluations.</p> <p>(6) In evaluating each child with a disability under §§ 300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.</p> <p>(7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.</p>	<p>and related service needs.</p>	
<p>Additional requirements for evaluations and reevaluations. § 300.305</p> <p>(a) <i>Review of existing educational data.</i> As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must—</p> <p>(1) Review existing evaluation data on the child, including—</p> <p>(i) Evaluations and information provided by the parents of the child;</p> <p>(ii) Current classroom-based, local, or State assessments, and classroom based observations; and</p> <p>(iii) Observations by teachers and related services providers; and</p> <p>(2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—</p> <p>(i)(A) Whether the child is a child with a disability, as defined in § 300.8, and the educational needs of the child; or</p> <p>(B) In case of a reevaluation of a</p>	<p>§ 300.305(a)(1) A reevaluation includes a review of existing evaluation data which includes:</p> <ol style="list-style-type: none"> 1. Evaluations and information provided by the parent of the student. 2. Current classroom-based, local, or state assessments, and classroom based observations. 3. Observations by teachers and related services providers. <p>§ 300.305(a)(2) The IEP team determined whether additional data were needed in order to determine:</p> <ol style="list-style-type: none"> 1. Whether the student is a student with a disability. 2. The educational needs of the student. 3. The present levels of academic achievement and related developmental needs 	

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<p>child, whether the child continues to have such a disability, and the educational needs of the child;</p> <p>(ii) The present levels of academic achievement and related developmental needs of the child;</p> <p>(iii)(A) Whether the child needs special education and related services; or</p> <p>(B) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and</p> <p>(iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.</p> <p>(b) <i>Conduct of review.</i> The group described in paragraph (a) of this section may conduct its review without a meeting.</p> <p>(c) <i>Source of data.</i> The public agency must administer such assessments and other evaluation measures as may be needed to produce the data identified under paragraph (a) of this section.</p> <p>(d) <i>Requirements if additional data are not needed.</i> (1) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the public agency must notify the child's parents of—</p> <p>(i) That determination and the reasons for the determination; and</p> <p>(ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs.</p> <p>(2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of</p>	<p>of the student.</p> <p>4. Whether the student needs or continues to need special education and related services.</p> <p>5. Whether any additions or modifications to the special education and related services are needed to enable the student to meet the annual goals of the student and to participate, as appropriate, in the general education curriculum.</p> <p>§ 300.305(c) The public agency administered assessments and other evaluation measures to obtain the data identified in § 300.305(a)(2).</p> <p>§ 300.305(d) <i>If the IEP team determined that additional data was not needed, notice was provided that indicated:</i></p> <ol style="list-style-type: none"> 1. No additional data were needed. 2. The reasons for the determination. 3. The right of the parent to request an assessment to determine whether the student continues to be a student with a disability, and to determine the student's educational needs. <p><i>If the IEP team determined that additional data was needed, assessments and other evaluation measures were administered in order to produce the data necessary.</i></p> <p>§ 300.305(e)(1) The student was evaluated prior to determining that the student was no longer a student with a disability.</p> <p>§ 300.305(e)(2) <i>If a student received a high</i></p>	

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<p>this section unless requested to do so by the child's parents. (e) <i>Evaluations before change in eligibility.</i> (1) Except as provided in paragraph (e)(2) of this section, a public agency must evaluate a child with a disability in accordance with §§ 300.304 through 300.311 before determining that the child is no longer a child with a disability. (2) The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law. (3) For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.</p>	<p><i>school diploma, or reached the age of 26, no evaluation is necessary to determine ineligibility.</i></p> <p>§ 300.305(e)(3) <i>If the student's eligibility was terminated due to receiving a high school diploma, or exceeding the age eligibility, a summary of the student's academic achievement and functional performance, including recommendations to assist the student in meeting the student's postsecondary goals, is completed.</i></p>	
<p>Independent educational evaluation. § 300.502 (a) <i>General.</i> (1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section. (2) Each public agency must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in paragraph (e) of this section. (3) For the purposes of this subpart— (i) <i>Independent educational evaluation</i> means an evaluation conducted by a qualified examiner</p>	<p>§ 300.502(a)(2) Upon request for an independent educational evaluation, the public agency provided:</p> <ol style="list-style-type: none"> 1. Information about where an independent educational evaluation could be obtained. 2. The agency criteria for independent educational evaluation. <p>§ 300.502(b)(2) <i>If a parent requested an independent educational evaluation at the public expense, the public agency, without unnecessary delay, either:</i></p> <ol style="list-style-type: none"> 1. Provided the independent educational evaluation at 	

Citation	Standard	Evidence of Compliance
<p>who is not employed by the public agency responsible for the education of the child in question; and</p> <p>(ii) <i>Public expense</i> means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with § 300.103.</p> <p>(b) <i>Parent right to evaluation at public expense.</i> (1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraphs (b)(2) through (4) of this section.</p> <p>(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either—</p> <p>(i) File a due process complaint to request a hearing to show that its evaluation is appropriate; or</p> <p>(ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to §§ 300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.</p> <p>(3) If the public agency files a due process complaint notice to request a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.</p> <p>(4) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the public agency may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request</p>	<p>public expense,</p> <ol style="list-style-type: none"> 2. Filed a due process complaint to request a hearing; or 3. Demonstrated in a hearing that the evaluation obtained by the parent did not meet agency criteria. <p>§ 300.502(b)(3) <i>If the public agency's evaluation is determined to be appropriate through a hearing, the parent has the right to an independent educational evaluation at their own expense.</i></p> <p>§ 300.502(b)(4) The public agency did not:</p> <ol style="list-style-type: none"> 1. Require the parent to provide an explanation. 2. Unreasonably delay: <ol style="list-style-type: none"> a. Providing the independent educational evaluation at public expense. b. Filing a due process complaint to request a hearing to defend the public evaluation. <p>§ 300.502(b)(5) Only one independent educational evaluation was provided at the public expense each time the public agency conducts an evaluation with which the parent disagrees.</p> <p>§ 300.502(c)(1) <i>If the parent obtained an independent educational evaluation at public expense or shared with the public agency an evaluation obtained at private expense, the results were considered by the public agency in any decision made with respect to the provision of FAPE.</i></p> <p>§ 300.502(d) <i>If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost</i></p>	

Citation	Standard	Evidence of Compliance
<p>a due process hearing to defend the public evaluation.</p> <p>(5) A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.</p> <p>(c) <i>Parent-initiated evaluations.</i> If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation—</p> <p>(1) Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and</p> <p>(2) May be presented by any party as evidence at a hearing on a due process complaint under subpart E of this part regarding that child.</p> <p>(d) <i>Requests for evaluations by hearing officers.</i> If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.</p> <p>(e) <i>Agency criteria.</i> (1) If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.</p> <p>(2) Except for the criteria described in paragraph (e)(1) of this section, a public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.</p>	<p>of the evaluation was at public expense.</p> <p>§ 300.502(e)</p> <ol style="list-style-type: none"> 1. For each independent educational evaluation at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, were the same as the criteria that the public agency uses when it initiates an evaluation. 2. The public agency did not impose additional conditions or time lines related to obtaining an independent educational evaluation at public expense. 	

Citation	Standard	Evidence of Compliance
<p>Request for initial evaluation. R 340.1721</p> <p>Rule 21. Within 10 school days of receipt of a written request for an initial evaluation of a student suspected of having a disability, and before any formal evaluation designed to determine eligibility for special education programs and services, the public agency shall provide the parent with written notice consistent with 34 CFR § 300.503 and, when necessary shall request written consent to evaluate.</p>	<p>R 340.1721</p> <ol style="list-style-type: none"> 1. Written request for evaluation indicates the date received by the public agency. 2. <i>If determined that an evaluation will occur, a request for written consent to evaluate entered the delivery system within 10 school days of the receipt of a written request for a full individual initial evaluation.</i> 	
<p>Initial evaluation. R 340.1721a</p> <p>Rule 21a. (1) Each student suspected of having a disability shall be evaluated by a multidisciplinary evaluation team as defined in R 340.1701b(b). In addition to the requirements in R 340.1705 to R 340.1717, the multidisciplinary evaluation team shall do all of the following:</p> <p>(a) Complete a full and individual evaluation.</p> <p>(b) Make a recommendation of eligibility and prepare a written report to be presented to the individualized education program team by the designated multidisciplinary evaluation team member who can explain the instructional implication of evaluation results. The report shall include information needed by the individualized education program team to determine all of the following:</p> <p>(i) Eligibility.</p> <p>(ii) A student's present level of academic achievement and functional performance.</p> <p>(iii) The educational needs of the student.</p> <p>(2) Special education personnel who are authorized to conduct evaluations of students suspected of having a disability may provide consultation to general education</p>	<p>R 340.1721a(1)</p> <ol style="list-style-type: none"> 1. The multidisciplinary evaluation team (MET) consisted of at least two members. 2. At least one member had knowledge of the suspected disability. <p>R 340.1721a(1)</p> <p>A full and individual evaluation was completed that meets the requirements for each suspected area of disability.</p> <p>R 340.1721a(1)(b)</p> <ol style="list-style-type: none"> 1. A written report prepared by the MET included a recommendation regarding eligibility. 2. The MET report contains sufficient information for the IEP team to determine all of the following: <ol style="list-style-type: none"> a. Student eligibility. b. Present level of academic achievement and functional performance. 3. The educational needs of the student. 	

Citation	Standard	Evidence of Compliance
<p>personnel.</p>		
<p>Right to independent educational evaluation. R 340.1723c Rule 23c. (1) Each public agency shall provide parents with information about independent educational evaluations at public expense. The information shall include all of the following: (a) Criteria regarding credentials for qualified examiners. (b) Suggested sources and locations. (c) Procedures for reimbursement. (d) Reasonable expected costs. (e) Notification that the parent is not restricted to choosing from sources suggested by the public agency. (2) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. A parent is entitled to only 1 independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees. The parent shall submit the parent's disagreement and request in written, signed, and dated form. However, the public agency may initiate a hearing under R 340.1724 to show that its evaluation is appropriate. The public agency shall respond, in writing, to the request within 7 calendar days of its receipt by indicating the public agency's intention to honor the request or to initiate the hearing procedure under R 340.1724. If the hearing officer determines that the evaluation is appropriate, then the parent still has the right to an independent educational evaluation, but not at public expense. (3) The public agency shall disclose to the parent, before evaluation, whether the examiner who was contracted to provide an</p>	<p>R 340.1723c(2) The parent submitted in writing their disagreement to the evaluation obtained by the agency.</p> <p>R 340.1723c(1) The public agency provided the parent with information about the independent educational evaluation at public agency expense that included: 1. Criteria regarding credentials for qualified examiners. 2. Suggested sources and locations. 3. Procedures for reimbursement. 4. Reasonable expected costs. 5. Notification that the parent was not restricted to choosing from sources suggested by the public agency.</p> <p>R 340.1723c(2) 1. The public agency responded in writing to the parent within seven calendar days of receipt of the request. 2. The public agency's response indicated its intention to honor the request or pursue a due process hearing.</p> <p>R 340.1723c(3) <i>If the examiner contracted to provide the independent educational evaluation also provides other contractual services to the public agency, this was disclosed to the parent.</i></p> <p>R 340.1723c(4) <i>If the examiner contracted to provide the independent educational evaluation provides other contractual services to the public agency and conducted the</i></p>	

Citation	Standard	Evidence of Compliance
<p>independent educational evaluation provides services to the public agency that are in addition to the independent educational evaluation.</p> <p>(4) An independent educational evaluation shall not be conducted by an examiner or examiners who otherwise or regularly contract with the public agency to provide services, unless the examiner or examiners are agreeable to the parent.</p>	<p><i>independent educational evaluation</i>, there was agreement by the parent.</p>	

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Citation	Standard	Evidence of Compliance
II. Eligibility		
<p>Determination of eligibility. § 300.306</p> <p>(a) <i>General.</i> Upon completion of the administration of assessments and other evaluation measures—</p> <p>(1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in § 300.8, in accordance with paragraph (c) of this section and the educational needs of the child; and</p> <p>(2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.</p> <p>(b) <i>Special rule for eligibility determination.</i></p> <p>A child must not be determined to be a child with a disability under this part—</p> <p>(1) If the determinant factor for that determination is—</p> <p>(i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA);</p> <p>(ii) Lack of appropriate instruction in math; or</p> <p>(iii) Limited English proficiency; and</p> <p>(2) If the child does not otherwise meet the eligibility criteria under § 300.8(a).</p> <p>(c) <i>Procedures for determining eligibility and educational need.</i></p> <p>(1) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under § 300.8, and the educational needs of the child, each public agency must—</p> <p>(i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and</p> <p>(ii) Ensure that information obtained</p>	<p>§ 300.306(a)(1)</p> <p>The IEP team that determined whether the student was eligible included:</p> <ol style="list-style-type: none"> 1. The parent. 2. A group of qualified professionals that meet the IEP team requirements. <p>§ 300.306(a)(2)</p> <p>The parent received a free copy of:</p> <ol style="list-style-type: none"> 1. The evaluation report. 2. The determination of eligibility or ineligibility. <p>§ 300.306(b)</p> <p>None of the following were used as the determinant criteria:</p> <ol style="list-style-type: none"> 1. Lack of appropriate instruction in reading. 2. Lack of appropriate instruction in math. 3. Limited English proficiency. <p>§ 300.306(c)(1)</p> <ol style="list-style-type: none"> 1. The evaluation drew upon information from a variety of sources, including: <ol style="list-style-type: none"> a. Aptitude and achievement tests. b. Parent input. c. Teacher recommendations. d. Information about the student's physical condition. e. Social or cultural background, adaptive behavior. 2. The information obtained from all of these sources is documented and carefully considered. <p>§ 300.306(c)(2)</p> <p><i>If a determination is made that a student has a disability and needs special education and related</i></p>	

Citation	Standard	Evidence of Compliance
<p>from all of these sources is documented and carefully considered. (2) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§ 300.320 through 300.324.</p>	<p>services, an IEP was developed in accordance with §§ 300.320 through 300.324.</p>	
<p>Specific learning disabilities. § 300.307 (a) <i>General.</i> A State must adopt, consistent with § 300.309, criteria for determining whether a child has a specific learning disability as defined in § 300.8(c)(10). In addition, the criteria adopted by the State— (1) Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in § 300.8(c)(10); (2) Must permit the use of a process based on the child’s response to scientific, research-based intervention; and (3) May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in § 300.8(c)(10). (b) <i>Consistency with State criteria.</i> A public agency must use the State criteria adopted pursuant to paragraph (a) of this section in determining whether a child has a specific learning disability.</p>	<p>§ 300.307 The public agency: 1. Did not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a student has a specific learning disability. 2. Permitted the use of a process based on the student’s response to scientific, research-based intervention. 3. Permitted the use of other alternative research-based procedures for determining whether a student has a specific learning disability. 4. Used the state criteria for determining whether a student has a specific learning disability.</p>	
<p>Additional group members. § 300.308 The determination of whether a child suspected of having a specific learning disability is a child with a disability as defined in § 300.8, must be made by the child’s parents and a team of qualified professionals, which must include— (a)(1) The child’s regular teacher; or (2) If the child does not have a</p>	<p>§ 300.308 The determination of whether a student is a student with a specific learning disability was made by: 1. The student’s parent. 2. A team of qualified professionals, that included: a. The student’s general</p>	

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<p>regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or (3) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and (b) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.</p>	<p>education teacher, or b. If the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her age; or c. For a child of less than school age, an individual qualified to teach a child of his or her age. 3. At least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist, speech-language pathologist, or remedial reading teacher.</p>	
<p>Determining the existence of a specific learning disability. § 300.309 (a) The group described in § 300.306 may determine that a child has a specific learning disability, as defined in § 300.8(c)(10), if— (1) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards: (i) Oral expression. (ii) Listening comprehension. (iii) Written expression. (iv) Basic reading skill. (v) Reading fluency skills. (vi) Reading comprehension. (vii) Mathematics calculation. (viii) Mathematics problem solving. (2)(i) The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in paragraph (a)(1) of this section when using a process based on the child's response to scientific, research-</p>	<p>§ 300.309(a)(1), (2) The student did not achieve adequately for the student's age or to meet state-approved grade-level standards in one or more of the following areas: 1. Oral expression. 2. Listening comprehension. 3. Written expression. 4. Basic reading skill. 5. Reading fluency skills. 6. Reading comprehension. 7. Mathematics calculation. 8. Mathematics problem solving. 9. One of the following: a. The student did not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas based on the child's response to scientific, research-based intervention. b. The student exhibited a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-</p>	

Citation	Standard	Evidence of Compliance
<p>based intervention; or</p> <p>(ii) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with §§ 300.304 and 300.305; and</p> <p>(3) The group determines that its findings under paragraphs (a)(1) and (2) of this section are not primarily the result of—</p> <p>(i) A visual, hearing, or motor disability;</p> <p>(ii) Mental retardation;</p> <p>(iii) Emotional disturbance;</p> <p>(iv) Cultural factors;</p> <p>(v) Environmental or economic disadvantage; or</p> <p>(vi) Limited English proficiency.</p> <p>(b) To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in §§ 300.304 through 300.306—</p> <p>(1) Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and</p> <p>(2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.</p> <p>(c) The public agency must promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes described in §§ 300.301 and 300.303, unless extended by mutual written agreement of the</p>	<p>approved grade-level standards, or intellectual development.</p> <p>§ 300.309(a)(3) The underachievement is not primarily the result of:</p> <ol style="list-style-type: none"> 1. A visual, hearing, or motor disability; 2. Mental retardation; 3. Emotional disturbance; 4. Cultural factors; 5. Environmental or economic disadvantage; or 6. Limited English proficiency. <p>§ 300.309(b) The following data was reviewed:</p> <ol style="list-style-type: none"> 1. Data that demonstrate that prior to, or as a part of, the referral process, the student was provided appropriate instruction in the general education setting. 2. Data-based documentation of repeated assessments of achievement at reasonable intervals, which was provided to the parent. <p>§ 300.309(c)(1) <i>If the student did not make adequate progress after an appropriate period of time when provided appropriate instruction, the public agency promptly requested parental consent to evaluate.</i></p>	

Citation	Standard	Evidence of Compliance
<p>child's parents and a group of qualified professionals, as described in § 300.306(a)(1)—</p> <p>(1) If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction, as described in paragraphs (b)(1) and (b)(2) of this section; and</p> <p>(2) Whenever a child is referred for an evaluation.</p>		
<p>Observation. § 300.310</p> <p>(a) The public agency must ensure that the child is observed in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty.</p> <p>(b) The group described in § 300.306(a)(1), in determining whether a child has a specific learning disability, must decide to—</p> <p>(1) Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation; or</p> <p>(2) Have at least one member of the group described in § 300.306(a)(1) conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent, consistent with § 300.300(a), is obtained.</p> <p>(c) In the case of a child of less than school age or out of school, a group member must observe the child in an environment appropriate for a child of that age.</p>	<p>§ 300.310(a) An observation in the student's learning environment was conducted and documents the student's academic performance and behavior in the areas of difficulty.</p> <p>§ 300.310(b) A group of qualified individuals and the parent decided to use:</p> <ol style="list-style-type: none"> 1. Information from an observation in routine classroom instruction, 2. Monitoring of the student's performance that was done before the student was referred for an evaluation, or 3. At least one member of the group of qualified professionals conducted an observation in the general education classroom after parental consent was obtained. <p>§ 300.310(c) <i>In the case of a student of less than school age or out of school, an observation in an environment appropriate for a student of that age was completed.</i></p>	
<p>Specific documentation for the eligibility determination. § 300.311</p> <p>(a) For a child suspected of having a specific learning disability, the documentation of the determination</p>	<p>§ 300.311(a)(2),(3),(4),(5),(6) Documentation of the following:</p> <ol style="list-style-type: none"> 1. The basis for making the 	

Citation	Standard	Evidence of Compliance
<p>of eligibility, as required in § 300.306(a)(2), must contain a statement of—</p> <p>(1) Whether the child has a specific learning disability;</p> <p>(2) The basis for making the determination, including an assurance that the determination has been made in accordance with § 300.306(c)(1);</p> <p>(3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;</p> <p>(4) The educationally relevant medical findings, if any;</p> <p>(5) Whether—</p> <p>(i) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards consistent with § 300.309(a)(1); and</p> <p>(ii)(A) The child does not make sufficient progress to meet age or State-approved grade-level standards consistent with § 300.309(a)(2)(i); or</p> <p>(B) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development consistent with § 300.309(a)(2)(ii);</p> <p>(6) The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and</p> <p>(7) If the child has participated in a process that assesses the child's response to scientific, research-based intervention—</p> <p>(i) The instructional strategies used and the student-centered data collected; and</p> <p>(ii) The documentation that the child's parents were notified about—</p> <p>(A) The State's policies regarding</p>	<p>determination included an assurance that the determination was made in accordance with § 300.306(c)(1).</p> <p>2. The relevant behavior, if any, noted during the observation of the student.</p> <p>3. The relationship of that behavior to the student's academic functioning.</p> <p>4. Educationally relevant medical findings, if any.</p> <p>5. Whether the student:</p> <p>a. Did not achieve adequately for the student's age or fails to meet state-approved grade-level standards.</p> <p>b. Did not make sufficient progress to meet age or state-approved grade-level standards.</p> <p>c. Exhibited a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards or intellectual development.</p> <p>6. The determination concerning the effects of a visual, hearing or motor disability, mental retardation, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency on the child's achievement level.</p> <p>§ 300.311(a)(7)</p> <p><i>If the student has participated in a process that assesses the student's response to scientific, research-based intervention, documentation of the following:</i></p> <p>1. A description of the instructional strategies used and the student-centered data collected.</p> <p>2. Notification to the parent of</p>	

Citation	Standard	Evidence of Compliance
<p>the amount and nature of student performance data that would be collected and the general education services that would be provided; (B) Strategies for increasing the child's rate of learning; and (C) The parents' right to request an evaluation. (b) Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.</p>	<p>the following: a. The state's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided. b. Strategies for increasing the student's rate of learning. 3. The parent's right to request an evaluation.</p> <p>§ 300.311(b) 1. A written statement as to whether the evaluation report reflects all of the member's conclusions. 2. <i>If the evaluation report did not reflect the conclusion of all members, a separate statement presenting the dissenting member's conclusions was presented to the IEP team.</i></p>	
<p>"Student with a disability" defined. R 340.1702 Rule 2. "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, an 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 of enrollment, and who has not graduated from high school. A student who reaches the age of 26 years after September 1 is a "student with a disability" and entitled to continue a special education program or service until</p>	<p>R 340.1702 A student with a disability: 1. Has been evaluated according to the IDEA and the MARSE and determined by an IEP team, IFSP, or an administrative law judge to have one or more impairments specified according to R 340.1705 through R 340.1717 in the MARSE. 2. Is no more than 25 years old as of September 1 of the school year of enrollment. 3. Has not completed the requirements of a regular high school diploma. 4. Has been determined by an IEP team, IFSP, or an administrative law judge to have one or more</p>	

Citation	Standard	Evidence of Compliance
the end of that school year.	impairments necessitating special education or related services.	
<p>Cognitive impairment; determination. R 340.1705</p> <p>Rule 5. (1) Cognitive impairment shall be manifested during the developmental period and be determined through the demonstration of all of the following behavioral characteristics:</p> <p>(a) Development at a rate at or below approximately 2 standard deviations below the mean as determined through intellectual assessment.</p> <p>(b) Scores approximately within the lowest 6 percentiles on a standardized test in reading and arithmetic. This requirement will not apply if the student is not of an age, grade, or mental age appropriate for formal or standardized achievement tests.</p> <p>(c) Lack of development primarily in the cognitive domain.</p> <p>(d) Impairment of adaptive behavior.</p> <p>(e) Adversely affects a student's educational performance.</p> <p>(2) A determination of impairment shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include a psychologist.</p>	<p>R 340.1705(1)</p> <ol style="list-style-type: none"> 1. The impairment manifested during the developmental period. 2. Intellectual development is approximately two standard deviations at or below the mean. 3. Scores in reading and math are in approximately the lowest sixth percentile on a standardized test, unless the student was not of an age, grade, or mental age appropriate for a formal or standardized achievement test. 4. The lack of development is primarily in the cognitive domain. 5. There is an impairment of adaptive behavior. 6. The impairment has an adverse effect on the student's educational performance. <p>R 340.1705(2)</p> <ol style="list-style-type: none"> 1. Determination of disability was based upon a full and individual evaluation. 2. The MET included a psychologist. 	
<p>Emotional impairment; determination; evaluation report. R 340.1706</p> <p>Rule 6. (1) Emotional impairment shall be determined through manifestation of behavioral problems primarily in the affective domain, over an extended period of time, which adversely affect the student's education to the extent that the student cannot profit from</p>	<p>R 340.1706(1)</p> <ol style="list-style-type: none"> 1. Behavior problems are primarily in the affective domain. 2. Behavior problems were manifested over an extended period of time. 3. The student cannot benefit 	

Citation	Standard	Evidence of Compliance
<p>learning experiences without special education support. The problems result in behaviors manifested by 1 or more of the following characteristics:</p> <p>(a) Inability to build or maintain satisfactory interpersonal relationships within the school environment.</p> <p>(b) Inappropriate types of behavior or feelings under normal circumstances.</p> <p>(c) General pervasive mood of unhappiness or depression.</p> <p>(d) Tendency to develop physical symptoms or fears associated with personal or school problems.</p> <p>(2) Emotional impairment also includes students who, in addition to the characteristics specified in subrule (1) of this rule, exhibit maladaptive behaviors related to schizophrenia or similar disorders. The term "emotional impairment" does not include persons who are socially maladjusted, unless it is determined that the persons have an emotional impairment.</p> <p>(3) Emotional impairment does not include students whose behaviors are primarily the result of intellectual, sensory, or health factors.</p> <p>(4) When evaluating a student suspected of having an emotional impairment, the multidisciplinary evaluation team report shall include documentation of all of the following:</p> <p>(a) The student's performance in the educational setting and in other settings, such as adaptive behavior within the broader community.</p> <p>(b) The systematic observation of the behaviors of primary concern which interfere with educational and social needs.</p> <p>(c) The intervention strategies used to improve the behaviors and the length of time the strategies were utilized.</p> <p>(d) Relevant medical information, if any.</p>	<p>from general education without special education support.</p> <p>4. One or more of the following characteristics are documented:</p> <p>a. Inability to build or maintain satisfactory interpersonal relationships within the school environment.</p> <p>b. Inappropriate types of behavior or feelings under normal circumstances.</p> <p>c. General pervasive mood of unhappiness or depression.</p> <p>d. Physical symptoms or tendency to develop fears associated with personal or school problems.</p> <p>R 340.1706(2) <i>If maladaptive behaviors related to schizophrenia or social maladjustment are documented, one of the four characteristics above is also documented.</i></p> <p>R 340.1706(3) Intellectual, sensory, or health factors are not the primary cause of the student's impairment.</p> <p>R 340.1706(4) The evaluation report documents all of the following:</p> <ol style="list-style-type: none"> 1. The student's performance in the educational setting and in other settings. 2. Systemic observation of the behaviors which interfere with educational and social needs. 3. The intervention strategies used and the length of time the strategies were utilized. 4. Relevant medical information, if any. <p>R 340.1706(5) 1. Determination of disability was based upon a full and individual evaluation.</p>	

Citation	Standard	Evidence of Compliance
<p>(5) A determination of impairment shall be based on data provided by a multidisciplinary evaluation team, which shall include a full and individual evaluation by both of the following: (a) A psychologist or psychiatrist. (b) A school social worker.</p>	<p>2. The MET included both: a. A psychologist or psychiatrist. b. A school social worker.</p>	
<p>Hearing impairment explained; determination. R 340.1707 Rule 7. (1) The term “hearing impairment” is a generic term which includes both students who are deaf and those who are hard of hearing and refers to students with any type or degree of hearing loss that interferes with development or adversely affects educational performance. “Deafness” means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification. The term “hard of hearing” refers to students with hearing impairment who have permanent or fluctuating hearing loss which is less severe than the hearing loss of students who are deaf and which generally permits the use of the auditory channel as the primary means of developing speech and language skills. (2) A determination of impairment shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include an audiologist and an otolaryngologist or otologist.</p>	<p>R 340.1707(1) Evidence of hearing loss that: 1. Interferes with development or 2. Adversely affects educational performance in the general education setting.</p> <p>R 340.1707(2) 1. Determination of disability was based upon a full and individual evaluation. 2. The MET included both: a. An audiologist. b. An otolaryngologist or otologist.</p>	
<p>Visual impairment explained; determination. R 340.1708 Rule 8. (1) A visual impairment shall be determined through the manifestation of both of the following: (a) A visual impairment which, even with correction, interferes with development or which adversely affects educational performance.</p>	<p>R 340.1708(1) The visual impairment: 1. Interferes with development or 2. Adversely affects educational performance. 3. Manifests in one or more of the following:</p>	

Citation	Standard	Evidence of Compliance
<p>Visual impairment includes both partial sight and blindness.</p> <p>(b) One or more of the following:</p> <p>(i) A central visual acuity for near or far point vision of 20/70 or less in the better eye after routine refractive correction.</p> <p>(ii) A peripheral field of vision restricted to not more than 20 degrees.</p> <p>(iii) A diagnosed progressively deteriorating eye condition.</p> <p>(2) A determination of impairment shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include an ophthalmologist or optometrist.</p> <p>(3) If a student cannot be tested accurately for acuity, then functional visual assessments conducted by a teacher certified in visual impairment may be used in addition to the medical evaluation for determination of impairment.</p> <p>(4) For students with visual impairment who have a visual acuity of 20/200 or less after routine refractive correction, or who have a peripheral field of vision restricted to not more than 20 degrees, an evaluation by an orientation and mobility specialist shall be conducted. The orientation and mobility specialist shall also include in the report a set of recommended procedures to be used by a mobility specialist or a teacher of students with visual impairment in conducting orientation and mobility training activities.</p>	<p>a. A central visual acuity for near or far point vision of 20/70 or less in the better eye after routine refractive correction.</p> <p>b. A peripheral field of vision restricted to not more than 20 degrees.</p> <p>c. A diagnosed progressively deteriorating eye condition.</p> <p>R 340.1708(2)</p> <ol style="list-style-type: none"> 1. Determination of disability was based upon a full and individual evaluation. 2. The MET included an ophthalmologist or optometrist. <p>R 340.1708(3)</p> <p><i>If the student could not be tested accurately for acuity, functional visual assessments, conducted by a teacher certified in visual impairment, were used in addition to the medical evaluation for determination of impairment.</i></p> <p>R 340.1708(4)</p> <p>For a student with a visual impairment who has:</p> <ol style="list-style-type: none"> 1. 20/200 or less acuity after routine refractive correction, or 2. A peripheral field of vision restricted to not more than 20 degrees: <ol style="list-style-type: none"> a. An orientation and mobility evaluation was completed. b. The orientation and mobility evaluation report documents a set of recommended procedures to be used by a mobility specialist or teacher of a student with a visual impairment in conducting orientation and mobility training activities. 	

Citation	Standard	Evidence of Compliance
<p>“Physical impairment” defined; determination. R 340.1709</p> <p>Rule 9. (1) “Physical impairment” means severe orthopedic impairment that adversely affects a student’s educational performance. (2) A determination of disability shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include assessment data from 1 of the following persons: (a) An orthopedic surgeon. (b) An internist. (c) A neurologist. (d) A pediatrician. (e) A family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq.</p>	<p>R 340.1709(1) The severe orthopedic impairment adversely affects a student’s educational performance.</p> <p>R 340.1709(2) 1. Determination of disability was based upon a full and individual evaluation. 2. The MET included at least one of the following: a. Orthopedic surgeon. b. Internist. c. Neurologist. d. Pediatrician. e. Family physician. f. Any other approved physician.</p>	
<p>“Other health impairment” defined; determination. R 340.1709a</p> <p>Rule 9a. (1) “Other health impairment” means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, which results in limited alertness with respect to the educational environment and to which both of the following provisions apply: (a) Is due to chronic or acute health problems such as any of the following: (i) Asthma. (ii) Attention deficit disorder. (iii) Attention deficit hyperactivity disorder. (iv) Diabetes. (v) Epilepsy. (vi) A heart condition. (vii) Hemophilia. (viii) Lead poisoning. (ix) Leukemia. (x) Nephritis. (xi) Rheumatic fever. (xii) Sickle cell anemia. (b) The impairment adversely affects a student’s educational</p>	<p>R 340.1709a(1) The impairment: 1. Manifests through limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, which results in limited alertness with respect to the educational environment. 2. Is due to chronic or acute health problems. 3. Adversely affects the student’s educational performance.</p> <p>R 340.1709a(2) 1. Determination of disability was based upon a full and individual evaluation. 2. The MET included one of the following: a. Orthopedic surgeon. b. Internist. c. Neurologist. d. Pediatrician. e. Family physician.</p>	

Citation	Standard	Evidence of Compliance
<p>performance. (2) A determination of disability shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include 1 of the following persons: (a) An orthopedic surgeon. (b) An internist. (c) A neurologist. (d) A pediatrician. (e) A family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq.</p>	<p>f. Any other approved physician.</p>	
<p>“Speech and language impairment” defined; determination. R 340.1710 Rule 10. (1) A “speech and language impairment” means a communication disorder that adversely affects educational performance, such as a language impairment, articulation impairment, fluency impairment, or voice impairment. (2) A communication disorder shall be determined through the manifestation of 1 or more of the following speech and language impairments that adversely affects educational performance: (a) A language impairment which interferes with the student’s ability to understand and use language effectively and which includes 1 or more of the following: (i) Phonology. (ii) Morphology. (iii) Syntax. (iv) Semantics. (v) Pragmatics. (b) Articulation impairment, including omissions, substitutions, or distortions of sound, persisting beyond the age at which maturation alone might be expected to correct the deviation. (c) Fluency impairment, including an abnormal rate of speaking, speech interruptions, and repetition of sounds, words, phrases, or</p>	<p>R 340.1710(1),(2) The impairment: 1. Adversely affects educational performance. 2. Is a communication disorder manifested by one or more speech and language disorder such as: a. A language impairment that interferes with the student’s ability to understand and use language effectively that includes phonology, morphology, syntax, semantics, or pragmatics. b. An articulation impairment including omissions, substitutions, or distortions of sound persisting beyond the age at which maturation alone might be expected to correct the deviation. c. A fluency impairment including an abnormal rate of speaking, speech interruptions, and repetition of sounds, words, phrases, or sentences. d. A voice impairment, including inappropriate pitch, loudness, or voice</p>	

Citation	Standard	Evidence of Compliance
<p>sentences, that interferes with effective communication.</p> <p>(d) Voice impairment, including inappropriate pitch, loudness, or voice quality.</p> <p>(3) Any impairment under subrule (2)(a) of this rule shall be evidenced by both of the following:</p> <p>(a) A spontaneous language sample demonstrating inadequate language functioning.</p> <p>(b) Test results on not less than 2 standardized assessment instruments or 2 subtests designed to determine language functioning which indicate inappropriate language functioning for the student's age.</p> <p>(4) A student who has a communication disorder, but whose primary disability is other than speech and language may be eligible for speech and language services under R 340.1745(a).</p> <p>(5) A determination of impairment shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include a teacher of students with speech and language impairment under R 340.1796 or a speech and language pathologist qualified under R 340.1792.</p>	<p>quality.</p> <p>R 340.1710(3) <i>If the communication disorder is a language impairment, it is evidenced by both:</i></p> <ol style="list-style-type: none"> 1. A spontaneous language sample demonstrating inadequate language functioning. 2. Test results on not less than two standardized assessment instruments or two subtests designed to determine language functioning which indicate inappropriate language functioning for the student's age. <p>R 340.1710(5)</p> <ol style="list-style-type: none"> 1. Determination of disability was based upon a full and individual evaluation. 2. The MET included one of the following: <ol style="list-style-type: none"> a. A teacher of students with speech and language impairment. b. A qualified speech and language pathologist. 	
<p>“Early childhood developmental delay” defined; determination. R 340.1711</p> <p>Rule 11. (1) “Early childhood developmental delay” means a child through 7 years of age whose primary delay cannot be differentiated through existing criteria within R 340.1705 to R 340.1710 or R 340.1713 to R 340.1716 and who manifests a delay in 1 or more areas of development equal to or greater than 1/2 of the expected development. This definition does not preclude identification of a child through existing criteria within R 340.1705 to R 340.1710 or R 340.1713 to R 340.1716.</p>	<p>R 340.1711(1),(2)</p> <ol style="list-style-type: none"> 1. The student is under the age of eight. 2. A primary developmental delay cannot be differentiated through existing criteria for other impairments. 3. The delay is half or less than the expected developmental rate. 4. Determination of disability was based upon a full and individual evaluation by a MET. 	

Citation	Standard	Evidence of Compliance
<p>(2) A determination of early childhood developmental delay shall be based upon a full and individual evaluation by a multidisciplinary evaluation team.</p>		
<p>Specific learning disability defined; determination. R 340.1713 Rule 13. (1) "Specific learning disability" means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of cognitive impairment, of emotional impairment, of autism spectrum disorder, or of environmental, cultural, or economic disadvantage. (2) In determining whether a student has a learning disability, the state shall: (a) Not require the use of a severe discrepancy between intellectual ability and achievement. (b) Permit the use of a process based on the child's response to scientific, research-based intervention. (c) Permit the use of other alternative research-based procedures. (3) A determination of learning disability shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include at least both of the following: (a) The student's general education teacher or, if the student does not have a general education teacher, a general education teacher qualified</p>	<p>R 340.1713(1) 1. The disorder is in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. 2. The learning disability does not include learning problems that are primarily the result of: a. Visual. b. Hearing. c. Motor disabilities. d. Cognitive impairment. e. Emotional impairment. f. Autism spectrum disorder g. Environmental, cultural, or economic disadvantage.</p> <p>R 340.1713(3) 1. Determination of disability was based upon a full and individual evaluation. 2. The MET included at least both of the following: a. The student's general education teacher or, if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her age. b. A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, an</p>	

Citation	Standard	Evidence of Compliance
<p>to teach a student of his or her age or, for a child of less than school age, an individual qualified by the state educational agency to teach a child of his or her age. (b) At least 1 person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, an authorized provider of speech and language under R 340.1745(d), or a teacher consultant.</p>	<p>authorized provider of speech and language, or a teacher consultant.</p>	
<p>Severe multiple impairment; determination. R 340.1714 Rule 14. (1) Students with severe multiple impairments shall be determined through the manifestation of either of the following: (a) Development at a rate of 2 to 3 standard deviations below the mean and 2 or more of the following conditions: (i) A hearing impairment so severe that the auditory channel is not the primary means of developing speech and language skills. (ii) A visual impairment so severe that the visual channel is not sufficient to guide independent mobility. (iii) A physical impairment so severe that activities of daily living cannot be achieved without assistance. (iv) A health impairment so severe that the student is medically at risk. (b) Development at a rate of 3 or more standard deviations below the mean or students for whom evaluation instruments do not provide a valid measure of cognitive ability and 1 or more of the following conditions: (i) A hearing impairment so severe that the auditory channel is not the primary means of developing speech and language skills. (ii) A visual impairment so severe that the visual channel is not sufficient to guide independent mobility.</p>	<p>R 340.1714(1) 1. There is a cognitive development at a rate of two to three standard deviations below the mean and two or more of the following conditions: a. A hearing impairment so severe that the auditory channel is not the primary means of developing speech and language skills. b. A visual impairment so severe that the visual channel is not sufficient to guide independent mobility. c. A physical impairment so severe that activities of daily living cannot be achieved without assistance. d. A health impairment so severe that the student is medically at risk. 2. There is a cognitive development at a rate of three or more standard deviations below the mean or development too delayed to assess one or more of the above conditions. R 340.1714(2) 1. Determination of disability was based upon a full and</p>	

Citation	Standard	Evidence of Compliance
<p>(iii) A physical impairment so severe that activities of daily living cannot be achieved without assistance. (iv) A health impairment so severe that the student is medically at risk. (2) A determination of impairment shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include a psychologist and, depending upon the disabilities in the physical domain, the multidisciplinary evaluation team participants required in R 340.1707, R 340.1708, or R 340.1709, R 340.1709a, or R 340.1716.</p>	<p>individual evaluation. 2. The MET included both: a. A psychologist. b. The participants required by the impairments used to determine eligibility.</p>	
<p>Autism spectrum disorder defined; determination. R 340.1715 Rule 15. (1) Autism spectrum disorder is considered a lifelong developmental disability that adversely affects a student's educational performance in 1 or more of the following performance areas: (a) Academic. (b) Behavioral. (c) Social. Autism spectrum disorder is typically manifested before 36 months of age. A child who first manifests the characteristics after age 3 may also meet criteria. Autism spectrum disorder is characterized by qualitative impairments in reciprocal social interactions, qualitative impairments in communication, and restricted range of interests/repetitive behavior. (2) Determination for eligibility shall include all of the following: (a) Qualitative impairments in reciprocal social interactions including at least 2 of the following areas: (i) Marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction.</p>	<p>R 340.1715(1),(2),(4) 1. Adverse effects on the student's educational performance in one or more of the following areas: a. Academic. b. Behavioral. c. Social. 2. Determination for eligibility of impairment includes all of the following: a. Qualitative impairments in reciprocal social interactions including at least two of the following areas: <ul style="list-style-type: none"> • Marked impairment in the use of multiple nonverbal behaviors. • Failure to develop peer relationships appropriate to developmental level. • Marked impairment in spontaneous seeking to share enjoyment, interests, or achievements with other people. • Marked impairment in the areas of social or emotional reciprocity. </p>	

Citation	Standard	Evidence of Compliance
<p>(ii) Failure to develop peer relationships appropriate to developmental level.</p> <p>(iii) Marked impairment in spontaneous seeking to share enjoyment, interests, or achievements with other people, for example, by a lack of showing, bringing, or pointing out objects of interest.</p> <p>(iv) Marked impairment in the areas of social or emotional reciprocity.</p> <p>(b) Qualitative impairments in communication including at least 1 of the following:</p> <p>(i) Delay in, or total lack of, the development of spoken language not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime.</p> <p>(ii) Marked impairment in pragmatics or in the ability to initiate, sustain, or engage in reciprocal conversation with others.</p> <p>(iii) Stereotyped and repetitive use of language or idiosyncratic language.</p> <p>(iv) Lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level.</p> <p>(c) Restricted, repetitive, and stereotyped behaviors including at least 1 of the following:</p> <p>(i) Encompassing preoccupation with 1 or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus.</p> <p>(ii) Apparently inflexible adherence to specific, nonfunctional routines or rituals.</p> <p>(iii) Stereotyped and repetitive motor mannerisms, for example, hand or finger flapping or twisting, or complex whole-body movements.</p> <p>(iv) Persistent preoccupation with parts of objects.</p> <p>(3) Determination may include unusual or inconsistent response to sensory stimuli in combination with subdivisions (a), (b), and (c) of subrule 2 of this rule.</p>	<p>b. Qualitative impairments in communication in at least one of the following:</p> <ul style="list-style-type: none"> • Delay in, or total lack of, the development of spoken language. • Marked impairment in pragmatics or in the ability to initiate, sustain, or engage in reciprocal conversation with others. • Stereotyped and repetitive use of language or idiosyncratic language. • Lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level. <p>c. Restricted, repetitive, and stereotyped behaviors in at least one of the following:</p> <ul style="list-style-type: none"> • Preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus. • Apparently inflexible adherence to specific, nonfunctional routines or rituals. • Stereotyped and repetitive motor mannerisms. • Persistent preoccupation with parts of objects. <p>3. Determination may include unusual or inconsistent response to sensory stimuli in addition to the required characteristics.</p> <p>4. There is not a primary diagnosis of schizophrenia or emotional impairment.</p>	

Citation	Standard	Evidence of Compliance
<p>(4) While autism spectrum disorder may exist concurrently with other diagnoses or areas of disability, to be eligible under this rule, there shall not be a primary diagnosis of schizophrenia or emotional impairment.</p> <p>(5) A determination of impairment shall be based upon a full and individual evaluation by a multidisciplinary evaluation team including, at a minimum, a psychologist or psychiatrist, an authorized provider of speech and language under R 340.1745(d), and a school social worker.</p>	<p>R 340.1715(5)</p> <ol style="list-style-type: none"> 1. Determination of disability was based upon a full and individual evaluation. 2. The MET included at least: <ol style="list-style-type: none"> a. A psychologist or psychiatrist. b. An authorized provider of speech and language under R 340.1745(d). c. A school social worker. 	
<p>“Traumatic brain injury” defined; determination. R 340.1716</p> <p>Rule 16. (1) “Traumatic brain injury” means an acquired injury to the brain which is caused by an external physical force and which results in total or partial functional disability or psychosocial impairment, or both, that adversely affects a student’s educational performance. The term applies to open or closed head injuries resulting in impairment in 1 or more of the following areas:</p> <ol style="list-style-type: none"> (a) Cognition. (b) Language. (c) Memory. (d) Attention. (e) Reasoning. (f) Behavior. (g) Physical functions. (h) Information processing. (i) Speech. <p>(2) The term does not apply to brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.</p> <p>(3) A determination of disability shall be based upon a full and individual evaluation by a multidisciplinary evaluation team, which shall include an assessment from a family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq.</p>	<p>R 340.1716(1)</p> <p>There is an acquired injury to the brain which:</p> <ol style="list-style-type: none"> 1. Was caused by an external force. 2. Resulted in total or partial functional disability or psychosocial impairment, or both. 3. Adversely affected the student’s educational performance. 4. Is an open or closed head injury that resulted in the impairment of one or more of the following areas: <ol style="list-style-type: none"> a. Cognition. b. Language. c. Memory. d. Attention. e. Reasoning. f. Behavior. g. Physical functions. h. Information processing. i. Speech. <p>R 340.1716(2)</p> <p>The eligibility determination was not based on a brain injury that is congenital or degenerative or induced by a birth trauma.</p>	

Citation	Standard	Evidence of Compliance
	<p>R 340.1716(3)</p> <ol style="list-style-type: none"> 1. Determination of disability was based upon a full and individual evaluation. 2. The MET included a family physician or other approved physician. 	
<p>Deaf-blindness defined; determination. R 340.1717</p> <p>Rule 17. (1) Deaf-blindness means concomitant hearing impairment and visual impairment, the combination of which causes severe communication and other developmental and educational needs that cannot be accommodated in special education programs without additional supports to address the unique needs specific to deaf-blindness. Deaf-blindness also means both of the following:</p> <p>(a) Documented hearing and visual losses that, if considered individually, may not meet the requirements for visual impairment or hearing impairment, but the combination of the losses affects educational performance.</p> <p>(b) Such students function as if they have both a hearing and visual loss, based upon responses to auditory and visual stimuli in the environment, or during vision and hearing evaluations.</p> <p>(2) A determination of the disability shall be based upon data provided by a multidisciplinary evaluation team which shall include assessment data from all of the following:</p> <p>(a) Medical specialists such as any of the following:</p> <ol style="list-style-type: none"> (i) An ophthalmologist. (ii) An optometrist. (iii) An audiologist. (iv) An otolaryngologist. (v) An otologist. (vi) A family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq. <p>(b) A teacher of students with visual impairment.</p>	<p>R 340.1717(1)</p> <ol style="list-style-type: none"> 1. There are concomitant hearing and visual impairments that: <ol style="list-style-type: none"> a. Cause severe communication, developmental, and educational needs. b. Cannot be accommodated in special education programs without additional supports. 2. Deaf-blindness also means: <ol style="list-style-type: none"> a. Documented hearing and visual losses that may not individually meet the requirements for visual impairment or hearing impairment, but affect educational performance in combination. b. The student functions as if they have both a hearing and visual loss, based upon responses to auditory and visual stimuli in the environment, or during vision and hearing evaluations. <p>R 340.1717(2)</p> <ol style="list-style-type: none"> 1. Determination of disability was based upon a full and individual evaluation. 2. The MET included: <ol style="list-style-type: none"> a. Any one of the following medical specialists: <ul style="list-style-type: none"> • Ophthalmologist. • Optometrist. • Audiologist. • Otolaryngologist. 	

Citation	Standard	Evidence of Compliance
(c) A teacher of students with hearing impairment.	<ul style="list-style-type: none"> • Otologist. • Family physician. • Any other approved physician. <p>b. A teacher of students with visual impairment.</p> <p>c. A teacher of students with hearing impairment.</p>	

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Citation	Standard	Evidence of Compliance
III. Individualized Education Program		
<p style="text-align: center;">Transition services. § 300.43</p> <p>(a) <i>Transition services</i> means a coordinated set of activities for a child with a disability that— (1) Is designed to be within a results oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, (2) Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and includes— (i) Instruction; (ii) Related services; (iii) Community experiences; (iv) The development of employment and other post-school adult living objectives; and (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation. (b) <i>Transition services</i> for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.</p>	<p>§ 300.43(a) Transition services are: 1. Focused on improving the academic and functional achievement of the student with a disability. 2. Designed to facilitate the student’s movement from school to post-school activities. 3. Based on the individual student’s needs, taking into account the student’s strengths, preferences, and interests; and includes: a. Instruction. b. Related services. c. Community experiences. d. The development of employment and other post-school adult living objectives. e. If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.</p>	
<p style="text-align: center;">Extended school year services. § 300.106</p> <p>(a) <i>General.</i> (1) Each public agency must ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section. (2) Extended school year services must be provided only if a child’s IEP Team determines, on an individual basis, in accordance with §§ 300.320 through 300.324, that the services are necessary for the provision of FAPE to the child. (3) In implementing the requirements of this section, a public agency may not—</p>	<p>§ 300.106(a) <i>If the IEP determines extended school year services to be necessary, the services were provided.</i></p> <p>§ 300.106(a)(3) In providing extended school year services, the public agency does not: 1. Limit services to a particular category or disability. 2. Unilaterally limit the type, amount, or duration of these services.</p>	

Citation	Standard	Evidence of Compliance
<p>(i) Limit extended school year services to particular categories of disability; or</p> <p>(ii) Unilaterally limit the type, amount, or duration of those services.</p> <p>(b) <i>Definition.</i> As used in this section, the term extended school year services means special education and related services that—</p> <p>(1) Are provided to a child with a disability—</p> <p>(i) Beyond the normal school year of the public agency;</p> <p>(ii) In accordance with the child's IEP; and</p> <p>(iii) At no cost to the parents of the child; and</p> <p>(2) Meet the standards of the SEA.</p>	<p>§ 300.106(b)</p> <p>Extended school year services:</p> <ol style="list-style-type: none"> 1. Are beyond the normal school year of the public agency. 2. Are in accordance with a student's IEP. 3. Are at no costs to the parent. 4. Meet the standards of the SEA. 	
<p>Nonacademic services. § 300.107</p> <p>The State must ensure the following:</p> <p>(a) Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.</p> <p>(b) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.</p>	<p>§ 300.107(a)</p> <p>The public agency ensures the provision of nonacademic and extracurricular services, including supplementary aids and services determined appropriate and necessary by the student's IEP team.</p>	
<p>Program options. § 300.110</p> <p>The State must ensure that each</p>	<p>§ 300.110</p>	

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<p>public agency takes steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.</p>	<p>The public agency offers students with disabilities the same variety of educational programs and services as those offered for nondisabled students.</p>	
<p>Nonacademic settings. § 300.117</p> <p>In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in § 300.107, each public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The public agency must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.</p>	<p>§ 300.117</p> <p>Each public agency ensures that each student with a disability:</p> <ol style="list-style-type: none"> 1. Participates with nondisabled students in extracurricular services and activities to the maximum extent appropriate. 2. Has the supplementary aids and services determined by the child's IEP team to be appropriate and necessary for the child to participate in nonacademic settings. 	
<p>Definition of individualized education program. § 300.320</p> <p>(a) <i>General.</i> As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§ 300.320 through 300.324, and that must include—</p> <ol style="list-style-type: none"> (1) A statement of the child's present levels of academic achievement and functional performance, including— <ol style="list-style-type: none"> (i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for 	<p>§ 300.320(a)</p> <p>The IEP is a written statement that includes:</p> <ol style="list-style-type: none"> 1. The student's present levels of academic achievement and functional performance including: <ol style="list-style-type: none"> a. How the student's disability affects involvement and progress in the general education curriculum. b. For preschool children, how the disability affects the child's participation in appropriate activities. 2. Measurable annual academic 	

Citation	Standard	Evidence of Compliance
<p>nondisabled children); or</p> <p>(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;</p> <p>(2)(i) A statement of measurable annual goals, including academic and functional goals designed to—</p> <p>(A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; And</p> <p>(B) Meet each of the child's other educational needs that result from the child's disability;</p> <p>(ii) For children with disabilities who take alternate assessments aligned to alternate academic achievement standards, a description of benchmarks or short-term objectives;</p> <p>(3) A description of—</p> <p>(i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and</p> <p>(ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;</p> <p>(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child—</p> <p>(i) To advance appropriately toward attaining the annual goals;</p> <p>(ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and</p> <p>(iii) To be educated and participate</p>	<p>goals designed to:</p> <ol style="list-style-type: none"> a. Meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum. b. Meet each of the student's other educational needs that result from the student's disability. <ol style="list-style-type: none"> 3. Short term objectives. 4. How the progress toward annual goals will be measured. 5. When periodic reports on the progress the student is making toward meeting the annual goals will be provided. 6. The special education and related services. 7. Supplementary aids and services. 8. Program modifications or supports for school personnel. 9. The extent, if any, to which the student will not participate with nondisabled students in the general education class. 10. Accommodations that are necessary to measure the academic achievement and functional performance of the child on state- and district-wide assessments. 11. <i>If the IEP team determined that the student must take an alternate assessment:</i> <ol style="list-style-type: none"> a. Why the student cannot participate in the regular assessment. b. Why the particular alternate assessment selected is appropriate for the student. 12. The projected date for the beginning of services and modifications. 13. The anticipated frequency, 	

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<p>with other children with disabilities and nondisabled children in the activities described in this section; (5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section; (6)(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments consistent with section 612(a)(16) of the Act; and (ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why— (A) The child cannot participate in the regular assessment; and (B) The particular alternate assessment selected is appropriate for the child; and (7) The projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.</p> <p>(b) <i>Transition services.</i> Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include— (1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and (2) The transition services (including courses of study) needed to assist the child in reaching those goals.</p> <p>(c) <i>Transfer of rights at age of</i></p>	<p>location, and duration of services and modifications.</p> <p>§ 300.320(b) <i>If the student is 16 or will turn 16 when the IEP is in effect, the IEP includes:</i></p> <ol style="list-style-type: none"> 1. Appropriate measurable postsecondary goals. 2. Postsecondary goals based upon age-appropriate transition assessments related to: <ol style="list-style-type: none"> a. Training. b. Education. c. Employment. d. Independent living skills, if appropriate. 3. The course of study. 4. The transition services needed to assist the student in reaching postsecondary goals. 5. If a student is younger than 16 and the IEP team determines that the student needs transition services, items one through four are included in the IEP. <p>§ 300.320(c) <i>If the student turned 17 when the IEP was in effect, the IEP includes a statement that the student has been informed of the special education rights that will transfer to the student upon reaching the age of 18.</i></p>	

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<p><i>majority.</i> Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under § 300.520. (d) <i>Construction.</i> Nothing in this section shall be construed to require— (1) That additional information be included in a child's IEP beyond what is explicitly required in section 614 of the Act; or (2) The IEP Team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.</p>		
<p>IEP team. § 300.321 (a) <i>General.</i> The public agency must ensure that the IEP Team for each child with a disability includes— (1) The parents of the child; (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); (3) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child; (4) A representative of the public agency who— (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (ii) Is knowledgeable about the general education curriculum; and (iii) Is knowledgeable about the availability of resources of the public agency. (5) An individual who can interpret the instructional implications of evaluation results, who may be a</p>	<p>§ 300.321(a) The IEP team included: 1. The parent. 2. Not less than one general education teacher of the student if the student is, or may be, participating in the general education environment. 3. Not less than one special education teacher or provider of the student. 4. A representative of the public agency who: a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities. b. Is knowledgeable about the general education curriculum. c. Is knowledgeable about the availability of resources of the public agency. 5. An individual who can</p>	

Citation	Standard	Evidence of Compliance
<p>member of the team described in paragraphs (a)(2) through (a)(6) of this section;</p> <p>(6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and</p> <p>(7) Whenever appropriate, the child with a disability.</p> <p>(b) <i>Transition services participants.</i></p> <p>(1) In accordance with paragraph (a)(7) of this section, the public agency must invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under § 300.320(b).</p> <p>(2) If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered.</p> <p>(3) To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.</p> <p>(c) <i>Determination of knowledge and special expertise.</i> The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section must be made by the party (parents or public agency) who invited the individual to be a member of the IEP Team.</p> <p>(d) <i>Designating a public agency representative.</i> A public agency may designate a public agency member of the IEP Team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.</p>	<p>interpret the instructional implications of evaluation results.</p> <p>6. Other individuals with knowledge or special expertise regarding the student.</p> <p>7. Whenever appropriate, the student with a disability.</p> <p>§ 300.321(b)(1) <i>If the purpose of the meeting is the consideration of the postsecondary goals and the transition services, the student was invited to the IEP meeting.</i></p> <p>§ 300.321(b)(2) <i>If the student did not attend the IEP, the public agency documented the steps taken to ensure that the student's preferences and interests were considered.</i></p> <p>§ 300.321(b)(3)</p> <ol style="list-style-type: none"> 1. Consent was obtained prior to inviting a representative of any agency responsible for providing or paying for transition services. 2. The public agency invited a representative of any participating agency that is likely to be responsible for providing or paying for transition services. <p>§ 300.321(c) The determination of the knowledge or special expertise of any individual was made by the party who invited the individual to be a member of the IEP team.</p> <p>§ 300.321(e)(1) <i>If an IEP team member was not present at the IEP and their area of the curriculum or related services is not being modified or discussed, there is an agreement in writing by the parent and the public agency that the attendance</i></p>	

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<p>(e) <i>IEP Team attendance.</i> (1) A member of the IEP Team described in paragraphs (a)(2) through (a)(5) of this section is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.</p> <p>(2) A member of the IEP Team described in paragraph (e)(1) of this section may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if—</p> <p>(i) The parent, in writing, and the public agency consent to the excusal; and</p> <p>(ii) The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.</p> <p>(f) <i>Initial IEP Team meeting for child under Part C.</i> In the case of a child who was previously served under Part C of the Act, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.</p>	<p>of the member is not necessary.</p> <p>§ 300.321(e)(2) <i>If an IEP team member was not present at the IEP and their area of the curriculum or related services is being modified or discussed:</i></p> <ol style="list-style-type: none"> 1. The parent and the public agency consented in writing to the excusal. 2. The team member's input was submitted prior to the development of the IEP. <p>§ 300.321(f) <i>If a child was previously served under Part C,</i> the Part C service coordinator was invited to the initial IEP when requested by the parent.</p>	
<p>Parent participation. § 300.322</p> <p>(a) <i>Public agency responsibility—general.</i> Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including—</p> <p>(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and</p>	<p>§ 300.322(a)(1) The parent was notified early enough to ensure the opportunity to participate.</p> <p>§ 300.322(a)(2) The meeting was scheduled at a mutually agreed on time and place.</p>	

Citation	Standard	Evidence of Compliance
<p>(2) Scheduling the meeting at a mutually agreed on time and place.</p> <p>(b) Information provided to parents.</p> <p>(1) The notice required under paragraph (a)(1) of this section must—</p> <p>(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and</p> <p>(ii) Inform the parents of the provisions in § 300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and § 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).</p> <p>(2) For a child beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must—</p> <p>(i) Indicate—</p> <p>(A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with § 300.320(b); and</p> <p>(B) That the agency will invite the student; and</p> <p>(ii) Identify any other agency that will be invited to send a representative.</p> <p>(c) <i>Other methods to ensure parent participation.</i></p> <p>If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with § 300.328 (related to alternative means of meeting participation).</p> <p>(d) <i>Conducting an IEP Team meeting without a parent in attendance.</i> A meeting may be conducted without a parent in attendance if the public agency is</p>	<p>§ 300.322(b)(1) Notification to the parent included:</p> <ol style="list-style-type: none"> 1. The purpose, time, and location of the meeting. 2. Who would be in attendance. 3. A statement that a parent could bring anyone with knowledge or special expertise about the student. <p>§ 300.322(b)(2)(i),(ii) Prior to the student's 16th birthday, or younger if determined by the IEP team, notification indicates the following:</p> <ol style="list-style-type: none"> 1. The purpose of the meeting would be the consideration of the postsecondary goals and transition services. 2. The student was invited. 3. Identification of any other agency that was invited. <p>§ 300.322(c) <i>If neither parent could attend, the public agency attempted to use other methods to ensure parent participation.</i></p> <p>§ 300.322(d) <i>If the IEP team meeting is conducted without the parent in attendance, the public agency documented their record of attempts to include the parent.</i></p> <p>§ 300.322(e) <i>If an interpreter is necessary for a parent's participation in a meeting, the public agency arranged for an appropriate interpreter.</i></p> <p>§ 300.322(f) The parent was given a copy of the IEP at no cost.</p>	

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<p>unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as—</p> <p>(1) Detailed records of telephone calls made or attempted and the results of those calls;</p> <p>(2) Copies of correspondence sent to the parents and any responses received; and</p> <p>(3) Detailed records of visits made to the parent’s home or place of employment and the results of those visits.</p> <p>(e) Use of interpreters or other action, as appropriate. The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.</p> <p>(f) Parent copy of child’s IEP. The public agency must give the parent a copy of the child’s IEP at no cost to the parent.</p>		
<p>When IEPs must be in effect. § 300.323</p> <p>(a) <i>General.</i> At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in § 300.320.</p> <p>(b) <i>IEP or IFSP for children aged three through five.</i> (1) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two-year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language,</p>	<p>§ 300.323(a) The student has an IEP in effect at the beginning of each school year.</p> <p>§ 300.323(b) <i>If a student was eligible for special education programs or services prior to his or her third birthday, an IEP was developed prior to the third birthday.</i></p> <p>The use of an IFSP as an IEP after a child’s third birthday is not allowed under the MARSE.</p> <p>§ 300.323(c) See R 340.1721b for Michigan time lines for IEP development.</p>	

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<p>and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is—</p> <p>(i) Consistent with State policy; and</p> <p>(ii) Agreed to by the agency and the child’s parents.</p> <p>(2) In implementing the requirements of paragraph (b)(1) of this section, the public agency must—</p> <p>(i) Provide to the child’s parents a detailed explanation of the differences between an IFSP and an IEP; and</p> <p>(ii) If the parents choose an IFSP, obtain written informed consent from the parents.</p> <p>(c) Initial IEPs; provision of services. Each public agency must ensure that—(1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and</p> <p>(2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child’s IEP.</p> <p>(d) Accessibility of child’s IEP to teachers and others. Each public agency must ensure that—</p> <p>(1) The child’s IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and</p> <p>(2) Each teacher and provider described in paragraph (d)(1) of this section is informed of—</p> <p>(i) His or her specific responsibilities related to implementing the child’s IEP; and</p> <p>(ii) The specific accommodations, modifications, and supports that</p>	<p>§ 300.323(d)</p> <ol style="list-style-type: none"> 1. The student’s IEP is accessible to each general education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation. 2. All service providers are informed of the following: <ol style="list-style-type: none"> a. Their specific responsibilities related to implementing the student’s IEP. b. The specific accommodations, modifications, and supports that must be provided for the student. <p>§ 300.323(e)</p> <p><i>If the student with a disability transferred to a new public agency in the same state and enrolls in a new school within the same school year, the new public agency:</i></p> <ol style="list-style-type: none"> 1. Consulted with the parent. 2. Provided FAPE to the student, and either— <ol style="list-style-type: none"> a. Adopted the student’s IEP from the previous public agency; or b. Developed, adopted, and implemented a new IEP. <p>§ 300.323(f)</p> <p><i>If the student with a disability transferred to a public agency in a new state and enrolls in a new school within the same school year, the new public agency:</i></p> <ol style="list-style-type: none"> 1. Consulted with the parent. 2. Provided notice to the parent. 3. Provided the child with FAPE until the new public agency: <ol style="list-style-type: none"> a. Reviewed existing evaluation data. b. Conducted an initial evaluation, if determined necessary. c. Determined eligibility 	

Citation	Standard	Evidence of Compliance
<p>must be provided for the child in accordance with the IEP.</p> <p><i>(e) IEPs for children who transfer public agencies in the same State.</i> If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child’s IEP from the previous public agency), until the new public agency either—</p> <p>(1) Adopts the child’s IEP from the previous public agency; or</p> <p>(2) Develops, adopts, and implements a new IEP that meets the applicable requirements in §§ 300.320 through 300.324.</p> <p><i>(f) IEPs for children who transfer from another State.</i> If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child’s IEP from the previous public agency), until the new public agency—</p> <p>(1) Conducts an evaluation pursuant to §§ 300.304 through 300.306 (if determined to be necessary by the new public agency); and</p> <p>(2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in §§ 300.320 through 300.324.</p> <p><i>(g) Transmittal of records.</i> To facilitate the transition for a child described in paragraphs (e) and (f) of this section—</p> <p>(1) The new public agency in which the child enrolls must take reasonable steps to promptly obtain</p>	<p>according to Michigan rules.</p> <p>d. Developed, adopted, and implemented a new IEP, if appropriate.</p> <p>§ 300.323(g)</p> <ol style="list-style-type: none"> 1. The new public agency took reasonable steps to promptly obtain the student’s records. 2. The previous public agency took reasonable steps to promptly respond to the request from the new public agency. 	

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<p>the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2); and (2) The previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.</p>		
<p>Development, review, and revision of IEP. § 300.324 (a) <i>Development of IEP</i>—(1) <i>General.</i> In developing each child's IEP, the IEP Team must consider— (i) The strengths of the child; (ii) The concerns of the parents for enhancing the education of their child; (iii) The results of the initial or most recent evaluation of the child; and (iv) The academic, developmental, and functional needs of the child. (2) <i>Consideration of special factors.</i> The IEP Team must— (i) In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior; (ii) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP; (iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate</p>	<p>§ 300.324(a)(1) The IEP documented the consideration of the following: 1. The strengths of the student. 2. The educational concerns of the parents. 3. The results of the initial or most recent evaluation of the student. 4. The academic, developmental, and functional needs of the student.</p> <p>§ 300.324(a)(2) The IEP documented consideration of the following: 1. Positive behavioral interventions and supports, and other strategies, to address the needs of students whose behavior impedes learning or the learning of others. 2. The language needs for students with limited English proficiency. 3. The need for Braille instruction or the use of Braille for a student who is blind or visually impaired. 4. The communication needs of a student who is deaf or hard of hearing; and communication needs for direct communications with</p>	

Citation	Standard	Evidence of Compliance
<p>for the child;</p> <p>(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and</p> <p>(v) Consider whether the child needs assistive technology devices and services.</p> <p>(3) <i>Requirement with respect to regular education teacher.</i> A regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of—</p> <p>(i) Appropriate positive behavioral interventions and supports and other strategies for the child; and</p> <p>(ii) Supplementary aids and services, program modifications, and support for school personnel consistent with § 300.320(a)(4).</p> <p>(4) <i>Agreement.</i> (i) In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.</p> <p>(ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.</p> <p>(6) <i>Amendments.</i> Changes to the IEP may be made either by the entire IEP Team at an IEP Team</p>	<p>peers and professional personnel in the child's language and communication mode.</p> <p>5. The use of assistive technology devices and services for the student.</p> <p>§ 300.324(a)(3) A general education teacher participated in the development of the IEP in the following areas:</p> <ol style="list-style-type: none"> 1. Determination of appropriate positive behavioral interventions and supports. 2. Supplementary aids and services. 3. Program modifications. 4. Support for school personnel. <p>§ 300.324(a)(4) <i>If changes were made by amendment to a student's IEP after the annual IEP meeting:</i></p> <ol style="list-style-type: none"> 1. There is documentation that the parent and the public agency agreed not to convene an IEP team meeting. 2. The IEP team was informed of the changes. <p>§ 300.324(a)(6) <i>If the parent requests a copy, of the amended IEP with the amendments incorporated, a copy was provided.</i></p> <p>§ 300.324(b)(1),(2)</p> <ol style="list-style-type: none"> 1. The IEP is current and not more than one year old. 2. The IEP team was convened to consider: <ol style="list-style-type: none"> a. Any lack of progress toward annual goals or in the general education curriculum. b. The results of any reevaluation. c. Information provided to or by the parents. d. The student's anticipated needs. 	

Citation	Standard	Evidence of Compliance
<p>meeting, or as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.</p> <p>(b) <i>Review and revision of IEPs—(1) General.</i> Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team—</p> <p>(i) Reviews the child’s IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and</p> <p>(ii) Revises the IEP, as appropriate, to address—</p> <p>(A) Any lack of expected progress toward the annual goals described in § 300.320(a)(2), and in the general education curriculum, if appropriate;</p> <p>(B) The results of any reevaluation conducted under § 300.303;</p> <p>(C) Information about the child provided to, or by, the parents, as described under §300.305(a)(2);</p> <p>(D) The child’s anticipated needs; or</p> <p>(E) Other matters.</p> <p>(2) <i>Consideration of special factors.</i> In conducting a review of the child’s IEP, the IEP Team must consider the special factors described in paragraph (a)(2) of this section.</p> <p>(3) <i>Requirement with respect to regular education teacher.</i> A regular education teacher of the child, as a member of the IEP Team, must, consistent with paragraph (a)(3) of this section, participate in the review and revision of the IEP of the child.</p> <p>(c) <i>Failure to meet transition objectives—</i></p> <p>(1) <i>Participating agency failure.</i> If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with § 300.320(b), the public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for</p>	<p>e. Any other matters.</p> <p>f. The special factors listed in (a)(2) above.</p> <p>§ 300.324(b)(3) A general education teacher participated in the review and revision of the student’s IEP.</p> <p>§ 300.324(c)(1) <i>If a participating agency failed to provide transition services, the IEP team was reconvened to identify alternative strategies to meet the transition objectives.</i></p>	

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<p>the child set out in the IEP.</p> <p>(2) <i>Construction.</i> Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency.</p> <p>(d) <i>Children with disabilities in adult prisons—</i>(1) <i>Requirements that do not apply.</i> The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:</p> <p>(i) The requirements contained in section 612(a)(16) of the Act and § 300.320(a)(6) (relating to participation of children with disabilities in general assessments).</p> <p>(ii) The requirements in § 300.320(b) (relating to transition planning and transition services) do not apply with respect to the children whose eligibility under Part B of the Act will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.</p> <p>(2) <i>Modifications of IEP or placement.</i></p> <p>(i) Subject to paragraph (d)(2)(ii) of this section, the IEP Team of a child with a disability who is convicted as an adult under State law and incarcerated in an adult prison may modify the child’s IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.</p> <p>(ii) The requirements of §§ 300.320 (relating to IEPs), and 300.112 (relating to LRE), do not apply with respect to the modifications described in paragraph (d)(2)(i) of this section.</p>		

Citation	Standard	Evidence of Compliance
<p>Educational placements. § 300.327 Consistent with § 300.501(c), each public agency must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.</p>	<p>§ 300.327 Public agency ensures that the parent of each student with a disability is a member of any group that makes decisions on the educational placement of their child.</p>	
<p>Surrogate parents. § 300.519 (a) <i>General.</i> Each public agency must ensure that the rights of a child are protected when— (1) No parent (as defined in § 300.30) can be identified; (2) The public agency, after reasonable efforts, cannot locate a parent; (3) The child is a ward of the State under the laws of that State; or (4) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)). (b) <i>Duties of public agency.</i> The duties of a public agency under paragraph (a) of this section include the assignment of an individual to act as a surrogate for the parents. This must include a method— (1) For determining whether a child needs a surrogate parent; and (2) For assigning a surrogate parent to the child. (c) <i>Wards of the State.</i> In the case of a child who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the child’s case, provided that the surrogate meets the requirements in paragraphs (d)(2)(i) and (e) of this section. (d) <i>Criteria for selection of surrogate parents.</i> (1) The public agency may select a surrogate parent in any way permitted under State law. (2) Public agencies must ensure that a person selected as a surrogate parent— (i) Is not an employee of the SEA,</p>	<p>§ 300.519(a) Each public agency must ensure that the rights of a student are protected when: 1. No parent can be identified; 2. The public agency, after reasonable efforts, cannot locate a parent; 3. The student is a ward of the state under the laws of that state; or 4. The student is an unaccompanied homeless youth.</p> <p>§ 300.519(b) The public agency has a method for: 1. Determining whether a student needs a surrogate parent. 2. Assigning a surrogate parent to the student.</p> <p>§ 300.519(d)(e) Any surrogate assigned to a student meets the following criteria: 1. Is not an employee of the state educational agency, the local educational agency, or any other agency that is involved in the education or care of the student. 2. Has no personal or professional interest that conflicts with the interest of the student. 3. Has knowledge and skills that ensure adequate representation of the student.</p>	

Citation	Standard	Evidence of Compliance
<p>the LEA, or any other agency that is involved in the education or care of the child;</p> <p>(ii) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and</p> <p>(iii) Has knowledge and skills that ensure adequate representation of the child.</p> <p>(e) Non-employee requirement; compensation. A person otherwise qualified to be a surrogate parent under paragraph (d) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.</p> <p>(f) Unaccompanied homeless youth. In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents without regard to paragraph (d)(2)(i) of this section, until a surrogate parent can be appointed that meets all of the requirements of paragraph (d) of this section.</p> <p>(g) Surrogate parent responsibilities. The surrogate parent may represent the child in all matters relating to—</p> <p>(1) The identification, evaluation, and educational placement of the child; and (2) The provision of FAPE to the child.</p> <p>(h) <i>SEA responsibility</i>. The SEA must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after a public agency determines that the child needs a surrogate parent.</p>	<p>4. Is not an employee of the agency.</p> <p>§ 300.519(h) The public agency made reasonable efforts to assign a surrogate parent not more than 30 days after a public agency determined that the student needed a surrogate parent.</p>	
<p>Transfer of parental rights at the age of majority. § 300.520</p> <p>(a) <i>General</i>. A State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability</p>	<p>§ 300.520(a)</p> <p>1. By age 17 the public agency has notified the student and the parents of the transfer of rights at age 18.</p>	

Citation	Standard	Evidence of Compliance
<p>who has been determined to be incompetent under State law)— (1)(i) The public agency must provide any notice required by this part to both the child and the parents; and (ii) All rights accorded to parents under Part B of the Act transfer to the child; (2) All rights accorded to parents under Part B of the Act transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution; and (3) Whenever a State provides for the transfer of rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the agency must notify the child and the parents of the transfer of rights. (b) <i>Special rule.</i> A State must establish procedures for appointing the parent of a child with a disability, or, if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child’s eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child’s educational program.</p>	<ol style="list-style-type: none"> 2. Any notice required by this part was sent to both the student and the parent after the student’s 18th birthday. 3. When a student is incarcerated in an adult or juvenile state or local correctional institution all rights accorded by Part B to the parent are transferred to the student. 	
<p>Time lines. R 340.1721b Rule 21b. (1) Within 10 school days of receipt of a written request for any evaluation, the public agency shall provide the parent with written notice consistent with 34 CFR § 300.503 and shall request written parental consent to evaluate. The time from receipt of parental consent for an evaluation to the notice of an offer of a free appropriate public education or the determination of ineligibility shall not be more than 30 school days. This timeline begins upon receipt of the signed parental consent by the</p>	<p>R 340.1721b(1)</p> <ol style="list-style-type: none"> 1. Notice in accordance with § 300.503 was provided to the parent within 10 school days of a written request for any evaluation. 2. Request for consent was requested from the parent within 10 school days of written request for any evaluation. 3. Notice of an offer of FAPE or determination of ineligibility was provided not more than 30 school days from the 	

Citation	Standard	Evidence of Compliance
<p>public agency requesting the consent. This time line may be extended if agreed to by the parent and public agency. Any extension to this time line shall be both of the following:</p> <p>(a) In writing. (b) Measured in school days.</p> <p>(2) The parent has 10 school days after receipt of the notice of an initial offer of a free appropriate public education to provide the public agency with written parental consent to provide initial special education programs and services.</p> <p>(3) Within 7 school days from the date of the individualized education program team meeting, the public agency shall provide the parent with the notice of an offer of a free appropriate public education or determination of ineligibility. The public agency shall document mode and date of delivery. The notice shall identify where the programs and services are to be provided and when the individualized education program begins.</p> <p>(4) Unless a parent has filed an appeal under R 340.1724f, the public agency, as defined under 34 CFR § 300.33, shall initiate a proposed special education individualized education program as soon as possible and not more than 15 school days after the parent's receipt of written notification under R 340.1721b(3), or not more than 15 school days after receipt of written parental consent under R 340.1721b(2). The parties may agree to a later initiation date if the later date is clearly identified in the individualized education program. An initiation date later than 15 school days shall not be used to deny or delay programs or services because they are unavailable and shall not be used for purposes of administrative convenience.</p> <p>(5) For students with an individualized education program in effect at a previous public agency</p>	<p>receipt of parent consent for an evaluation.</p> <p>4. <i>If an extension to the evaluation time lines was agreed to by the parent and public agency, the extension to this time line is in writing and measured in school days.</i></p> <p>R 340.1721b(2) <i>If the parent did not provide written parental consent to the initial provision of services within 10 school days, the public agency provided notice that the IEP would not be implemented.</i></p> <p>R 340.1721b(3)</p> <ol style="list-style-type: none"> 1. Notice of offer of FAPE was provided to the parent within seven school days from the date of the IEP team meeting. 2. The mode and date of delivery of the notice was documented. 3. Notice of offer of FAPE included: <ol style="list-style-type: none"> a. Where the programs and services are to be provided. b. When the IEP begins. <p>R 340.1721b(4)</p> <ol style="list-style-type: none"> 1. The IEP began not more than 15 school days after the parent's receipt of the notice of an offer of FAPE. 2. <i>If the parties agreed to a later initiation date, the IEP clearly identifies the initiation date.</i> 3. Programs or services are not delayed because they are unavailable or for administrative convenience. <p>R 340.1721b(5) <i>If a student with an IEP in effect at a previous public agency transferred to another public agency within the same school year:</i></p>	

Citation	Standard	Evidence of Compliance
<p>who transfer public agencies within the same school year, the new public agency shall immediately provide a free appropriate public education. A decision regarding implementation of an individualized education program in accordance with 34 CFR § 300.323 shall be made within 30 school days of enrollment.</p>	<ol style="list-style-type: none"> 1. The new public agency immediately provided FAPE. 2. A decision regarding implementation of an IEP in accordance with § 300.323 was made within 30 school days of enrollment. 	
<p style="text-align: center;">Individualized education program. R 340.1721e</p> <p>Rule 21e. (1) An individualized education program shall be developed in accordance with 34 CFR part 300 and shall include all of the following in writing:</p> <p>(a) A statement of measurable annual goals, including measurable short-term objectives.</p> <p>(b) A statement documenting that extended school year services were considered.</p> <p>(c) For children age 3 through 5, a statement of the child's socialization needs and ability to participate and progress in developmentally appropriate activities.</p> <p>(2) In considering extended school year services, the individualized education program team shall do all of the following:</p> <p>(a) Determine if a student's current annual goals address 1 or more skills that need extended school year services. For any identified annual goal, the individualized education program team shall consider all of the following:</p> <p>(i) Data that indicate that in the identified annual goal there is a potential for regression of skills beyond a reasonable period of recoupment.</p> <p>(ii) Data regarding the nature or severity of the disability of the student that indicates that there is a need to provide services in the identified annual goal during breaks in the school year.</p> <p>(iii) Information that indicates that</p>	<p>R 340.1721e(1) IEP includes the following in writing:</p> <ol style="list-style-type: none"> 1. At least two measurable annual goals. 2. At least two measurable short-term objectives. 3. Documentation that extended school year services were considered. 4. If the IEP is for a child ages 3 through 5, the child's socialization needs and ability to participate and progress in developmentally appropriate activities. <p>R 340.1721e(2)(a)</p> <ol style="list-style-type: none"> 1. When considering extended school year services, the IEP team determined if a student's current annual goals address one or more skills that need extended school year services. 2. For each annual goal identified as needing extended school year services, the IEP team considered: <ol style="list-style-type: none"> a. Data that indicated there is a potential for regression of skills beyond a reasonable period of recoupment. b. Data regarding the nature or severity of the disability of the student that documented a need 	

Citation	Standard	Evidence of Compliance
<p>in the identified annual goal the student is at a critical stage of learning or in a critical area of learning where failure to provide a service beyond the normal school year will severely limit the student's capacity to acquire essential skills.</p> <p>(b) If the individualized education program team determines that the data or information in any of subrule (2)(a)(i) to (iii) of this rule indicate a need for extended school year services, then extended school year services shall be included in the student's individualized education program.</p> <p>(c) Determination of the need for extended school year services shall not be based on a formula or policy that prohibits full consideration of the unique educational needs of each student.</p> <p>(d) Related services, transportation, supplementary aids and services, and instructional programming shall be considered when planning a student's extended school year services.</p> <p>(e) Consideration of extended school year services shall be accomplished in sufficient time to make plans for the delivery of extended school year services.</p> <p>(3) Any participant in the individualized education program team's deliberations who disagrees, in whole or in part, with the team's determination may indicate the reasons on the team's individualized education program report or may submit a written statement to be attached to the report.</p> <p>(4) The individualized education program team shall determine the programs and services for a student with a disability in accordance with 34 CFR part 300. The individualized education program shall not be restricted to the programs and services available.</p> <p>(5) The Michigan school for the deaf shall be considered a part of the total continuum of services for</p>	<p>to provide services during breaks in the school year.</p> <p>c. Any indication that the student is at a critical stage of learning or in a critical area of learning where failure to provide a service beyond the normal school year will severely limit the student's capacity to acquire essential skills.</p> <p>R 340.1721e(2)(b),(c),(d),(e) The IEP team:</p> <ol style="list-style-type: none"> 1. Included extended school year services in the student's IEP when determined necessary. 2. Did not determine the need for extended school year services based on a formula or policy that prohibits full consideration of the unique educational needs of each student. 3. Considered related services, transportation, supplementary aids and services, and instructional programming when planning a student's extended school year services. 4. Considered extended school year services in sufficient time to make plans for the delivery of extended school year services. <p>R 340.1721e(4)</p> <ol style="list-style-type: none"> 1. The IEP team determined the programs and services. 2. The IEP was not restricted to the programs and services available. <p>R 340.1721e(5)</p> <ol style="list-style-type: none"> 1. <i>If the student is deaf or hard of hearing</i>, the Michigan School for the Deaf was considered a part of the total continuum of services. 2. <i>If the student attends</i> 	

Citation	Standard	Evidence of Compliance
<p>students who are deaf or hard of hearing. The resident district shall conduct the individualized education program team meeting that initiates an assignment into the Michigan school for the deaf. Representatives of the intermediate school district of residence and the Michigan school for the deaf shall be invited to participate in the individualized education program team meeting.</p> <p>(6) The school district of residence is responsible for conducting the initial individualized education program team meeting involving a student in its district and shall conduct, or authorize the operating district to conduct, each subsequent individualized education program team meeting at a mutually agreed upon time and place.</p> <p>(7) Upon request of the parent, a representative of the school district of residence shall be invited to attend the individualized education program team meeting if the district of residence has authorized the operating district to conduct each subsequent individualized education program team meeting.</p>	<p><i>Michigan School for the Deaf:</i></p> <ol style="list-style-type: none"> a. The resident district conducted the IEP team meeting that initiated the assignment into the Michigan School for the Deaf. b. The invitation to the IEP team meeting that initiated assignment into the Michigan School for the Deaf included representatives of the intermediate school district of residence and the Michigan School for the Deaf. <p>R 340.1721e(6)</p> <ol style="list-style-type: none"> 1. The resident school district conducted the initial IEP. 2. The resident district conducted subsequent IEP team meetings or authorized the operating district to conduct the meetings. 3. Meetings are held at a mutually agreed on time and place. <p>R 340.1721e(7)</p> <p><i>If a parent requests attendance of a representative of the resident school district, the resident district was included on the invitation to the IEP team meeting.</i></p>	
<p>District responsibilities. R 340.1722</p> <p>Rule 22. (1) The superintendent or his or her designee shall appoint a staff person to be responsible for the implementation of the individualized education program, including services provided by other agencies.</p> <p>(2) The staff person responsible for the implementation of the individualized education program shall be either of the following:</p> <ol style="list-style-type: none"> (a) The principal of the building where the primary educational program is provided to the student 	<p>R 340.1722(1)</p> <ol style="list-style-type: none"> 1. The public agency appointed a staff person to be responsible for the implementation of the IEP, including services provided by other agencies. 2. The staff person responsible for the implementation of the IEP is either: <ol style="list-style-type: none"> a. The principal of the building where the primary educational 	

Citation	Standard	Evidence of Compliance
<p>with an individualized education program.</p> <p>(b) Another staff person who is generally accessible to the staff and who will be working with the student.</p> <p>(3) Each public agency shall provide special education and related services to a student in accordance with the student's individualized education program.</p>	<p>program is provided to the student with an IEP.</p> <p>b. A staff person who is generally accessible to the staff and who will be working with the student.</p> <p>R 340.1722(2)</p> <ol style="list-style-type: none"> 1. All programs and services were implemented according to the IEP. 2. The provision of all programs and services were documented. 	

Citation	Standard	Evidence of Compliance
IV. Programs and Services		
<p style="text-align: center;">Physical education. § 300.108</p> <p>The State must ensure that public agencies in the State comply with the following:</p> <p>(a) <i>General.</i> Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE, unless the public agency enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades.</p> <p>(b) <i>Regular physical education.</i> Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless—</p> <p>(1) The child is enrolled full time in a separate facility; or</p> <p>(2) The child needs specially designed physical education, as prescribed in the child's IEP.</p> <p>(c) <i>Special physical education.</i> If specially designed physical education is prescribed in a child's IEP, the public agency responsible for the education of that child must provide the services directly or make arrangements for those services to be provided through other public or private programs.</p> <p>(d) <i>Education in separate facilities.</i> The public agency responsible for the education of a child with a disability who is enrolled in a separate facility must ensure that the child receives appropriate physical education services in compliance with this section.</p>	<p>§ 300.108(a) Physical education services are made available to every student with a disability, unless the public agency enrolls students without disabilities and does not provide physical education to students without disabilities in the same grades.</p> <p>§ 300.108(b) Each student with a disability is afforded the opportunity to participate in the regular physical education program unless:</p> <ol style="list-style-type: none"> 1. The student is enrolled full time in a separate facility; or 2. The student needs specially designed physical education, as prescribed in the student's IEP. <p>§ 300.108(c) <i>If specially designed physical education is required by a student's IEP,</i> the public agency responsible for the education of that student provides the services directly or makes arrangements for those services to be provided through other public or private programs.</p> <p>§ 300.108(d) <i>If the student is enrolled in a separate facility,</i> the public agency ensures that the student receives appropriate physical education services.</p>	
<p style="text-align: center;">Routine checking of hearing aids and external components of surgically implanted medical devices. § 300.113</p> <p>(a) <i>Hearing aids.</i> Each public agency must ensure that hearing aids worn</p>	<p>§ 300.113 The public agency ensures that</p>	

Citation	Standard	Evidence of Compliance
<p>in school by children with hearing impairments, including deafness, are functioning properly. (b) <i>External components of surgically implanted medical devices.</i> (1) Subject to paragraph (b)(2) of this section, each public agency must ensure that the external components of surgically implanted medical devices are functioning properly. (2) For a child with a surgically implanted medical device who is receiving special education and related services under this part, a public agency is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).</p>	<p>the following are functioning properly: 1. Hearing aids worn by students. 2. External components of surgically implanted medical devices.</p>	
<p>LRE requirements. § 300.114 (a) <i>General.</i> (1) Except as provided in § 300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§ 300.115 through 300.120. (2) Each public agency must ensure that— (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (b) <i>Additional requirement—State</i></p>	<p>§ 300.114(a) The public agency has policies and procedures that meet the LRE requirements of §§ 300.114 through 300.120 and ensure the following: 1. To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are nondisabled. 2. Special classes, separate schooling, or other removal of students with disabilities from the general education environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.</p>	

Citation	Standard	Evidence of Compliance
<p><i>funding mechanism—(1) General. (i) A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section; and</i></p> <p><i>(ii) A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child’s IEP.</i></p> <p><i>(2) Assurance. If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.</i></p>		
<p>Continuum of alternative placements. § 300.115</p> <p>(a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.</p> <p>(b) The continuum required in paragraph (a) of this section must—</p> <p>(1) Include the alternative placements listed in the definition of special education under § 300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and</p> <p>(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.</p>	<p>§ 300.115(a),(b) The public agency provides a continuum of alternative placements including:</p> <ol style="list-style-type: none"> 1. Instruction in general education classes. 2. Special classes. 3. Special schools. 4. Home instruction. 5. Instruction in hospitals and institutions. <p>§ 300.115(b)(2) The public agency makes provisions for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with general education class placement.</p>	

Citation	Standard	Evidence of Compliance
<p>Placements. § 300.116</p> <p>In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that—</p> <p>(a) The placement decision—</p> <p>(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and</p> <p>(2) Is made in conformity with the LRE provisions of this subpart, including §§ 300.114 through 300.118;</p> <p>(b) The child’s placement—</p> <p>(1) Is determined at least annually;</p> <p>(2) Is based on the child’s IEP; and</p> <p>(3) Is as close as possible to the child’s home;</p> <p>(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;</p> <p>(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and</p> <p>(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.</p>	<p>§ 300.116</p> <p>Placement decisions meet the following criteria:</p> <ol style="list-style-type: none"> 1. Made by a group of persons, including the parent and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. 2. Use evaluation data. 3. Conform with the LRE provisions in §§ 300.114 through 300.118. 4. Are determined annually. 5. Are based on the student’s IEP. 6. Are as close to the student’s home as possible. 7. In the school that the student would attend if nondisabled, <i>unless the IEP of a student with a disability requires some other arrangement.</i> 8. Consider any potentially harmful effect on the student or on the quality of services. 9. Students are not removed from age-appropriate general education classrooms based solely on needed modifications in the general education curriculum. 	
<p>Occupational therapy, definition. R 340.1701b(c)</p> <p>“Occupational therapy” means therapy provided by an occupational therapist or an occupational therapy assistant who provides therapy under the supervision of a licensed occupational therapist. Occupational therapist and occupational therapy assistants are licensed by the state of Michigan under 1978 PA 368, MCL 333.1101 et seq.</p>	<p>R 340.1701b(c)</p> <ol style="list-style-type: none"> 1. The occupational therapy provider is licensed by the state of Michigan. 2. An occupational therapy assistant provides therapy under the supervision of a licensed occupational therapist. 	

Citation	Standard	Evidence of Compliance
<p>Physical therapy, definition. R 340.1701b(f) “Physical therapy” means therapy prescribed by a physician and provided by a therapist who is licensed by the state of Michigan under 1978 PA 368, MCL 333.1101 et seq. or a physical therapy assistant who provides therapy under the supervision of a licensed physical therapist.</p>	<p>R 340.1701b(f)</p> <ol style="list-style-type: none"> 1. The physical therapy provider is licensed by the state of Michigan. 2. A physical therapy assistant provides therapy under the supervision of a licensed physical therapist. 3. Physical therapy is prescribed by a physician. 	
<p>Programs and service requirements. R 340.1733 Rule 33. An intermediate school district, local school district, public school academy, and any other agency shall adhere to all of the following general requirements for all programs and services for students with disabilities: (a) Special education classrooms or areas where related services are provided shall have at least the same average number of square feet per student, light, ventilation, and heat conditions as provided for general education students in the school district. (b) Programs for students with severe cognitive impairment and severe multiple impairments which have students under 16 years of age shall not exceed a 6-year age span at any 1 time. (c) All other special education programs which have students under 16 years of age and which are operated in separate facilities shall not exceed a 4-year age span at any 1 time. (d) The age span for students who are assigned to special education programs, except for programs for students with severe cognitive impairment and severe multiple impairments, operated in elementary buildings attended by children who are nondisabled, shall not exceed, at any 1 time, a 6-year age span or the age span of the</p>	<p>R 340.1733(a) Special education classrooms have the same physical conditions as general education classrooms including:</p> <ol style="list-style-type: none"> 1. The same average number of square feet per student. 2. Light. 3. Ventilation. 4. Heat conditions. <p>R 340.1733(b) Programs for students with a severe cognitive impairment or severe multiple impairments do not exceed a six-year age span.</p> <p>R 340.1733(c) In all other special education programs which have students under 16 years of age and are operated in separate facilities, the age span does not exceed four years.</p> <p>R 340.1733(d),(e) Programs other than those for students with severe cognitive impairment and severe multiple impairments:</p> <ol style="list-style-type: none"> 1. In elementary buildings attended by students who are nondisabled, the age span does not exceed six years or the age span of nondisabled students in the building. 2. In secondary buildings 	

Citation	Standard	Evidence of Compliance
<p>students who are nondisabled in the building, whichever is less.</p> <p>(e) The age span for students who are assigned to special education programs, except for programs for students with severe cognitive impairment and severe multiple impairments, operated in secondary buildings attended by students who are nondisabled, shall not exceed, at any 1 time, the age span of the students who are nondisabled in the building, except in high school buildings where students up to 26 years of age may be served. The term "nondisabled" shall not include persons participating in adult education programs.</p> <p>(f) Programs for students with severe cognitive impairment, severe multiple impairments, and moderate cognitive impairment shall comply with subdivisions (b), (c), (d), and (e) of this rule unless a program is operated in accordance with an approved intermediate school district plan where, due to the low incidence of eligible students, expanded age ranges may be necessary for programmatic feasibility and meeting the needs of students.</p> <p>(g) Students with disabilities qualifying for special education programs and services shall be provided with supplies and equipment at least equal to those provided to other students in general education programs, in addition to those supplies and equipment necessary to implement a student's individualized education program.</p> <p>(h) Intermediate school districts, local school districts, public school academies, or a combination of such agencies in cooperation with public and private entities, shall provide or contract for the provision of transition services. Special education teachers shall be assigned to supervise such services. Professional special education</p>	<p>attended by students who are nondisabled, the age span does not exceed the age span of the nondisabled students in the building, except in high school buildings where students up to 26 years of age are served.</p> <p>R 340.1733(f) <i>If a program for students with severe and moderate cognitive impairments or severe multiple impairments do not comply with these requirements, there is an approved ISD plan which indicates the expanded age ranges.</i></p> <p>R 340.1733(g) Supplies and equipment are available to meet the student's IEP and are at least equal to those provided to other students in general education programs.</p> <p>R 340.1733(h) For transition services: 1. The public agency provides transition services in cooperation with public and private agencies. 2. Special education teachers supervise transition services. 3. Professional special education personnel, a transition coordinator, or both, coordinate transition services.</p> <p>R 340.1733(i) For worksite-based learning there is a written agreement or plan that: 1. Is signed by the student, parent, school, and worksite representative. 2. Contains the following information: a. Expectations and standards of attainment. b. Job activities. c. Time and duration of the program.</p>	

Citation	Standard	Evidence of Compliance
<p>personnel, a transition coordinator, or both, shall coordinate transition services.</p> <p>(i) For worksite-based learning, a written agreement/plan is required and shall be signed by the student, parent, school, and worksite representative. The agreement shall set forth all of the following information:</p> <p>(i) Expectations and standards of attainment.</p> <p>(ii) Job activities.</p> <p>(iii) Time and duration of the program.</p> <p>(iv) Wages to be paid to the student, if applicable.</p> <p>(v) Related instruction, if applicable.</p> <p>The superintendent of the school district shall designate a staff member to visit the student's worksite at least once every 30 calendar days for the duration of the program to check attendance and student progress and assess the placement in terms of health, safety, and welfare of the student.</p> <p>(j) Substitute instructional aides specified in R 340.1738, R 340.1739, and R 340.1748 shall be provided when assigned instructional aides are absent. In addition, teacher aides specified in R 340.1739 and R 340.1740 shall be provided when assigned teacher aides are absent.</p>	<p>d. Wages to be paid to the student, if applicable.</p> <p>e. Related instruction, if applicable.</p> <p>3. A staff member visits the student's worksite at least once every 30 calendar days to:</p> <p>a. Check attendance.</p> <p>b. Check student progress.</p> <p>c. Assess the placement in terms of health, safety, and welfare of the student.</p> <p>R 340.1733(j) In programs that require an instructional or teacher aide, the district obtains substitute staff when the regular aides are absent.</p>	
<p>Severe cognitive impairment program. R 340.1738</p> <p>Rule 38. A severe cognitive impairment program shall be operated as follows:</p> <p>(a) There shall be 1 teacher and 2 instructional aides for a maximum of 12 students. The maximum number of students may be extended to 15 if an additional instructional aide is assigned with the placement of the thirteenth student. At least 1 full-time teacher and 1 full-time aide shall be employed in every severe cognitive impairment program.</p>	<p>R 340.1738(a) In programs for students with severe cognitive impairment:</p> <p>1. There is one teacher.</p> <p>2. There are two instructional aides for a maximum of 12 students.</p> <p>3. The number of students is extended to a maximum of 15 only if an additional instructional aide is assigned with the placement of the 13th student.</p>	

Citation	Standard	Evidence of Compliance
<p>(b) A severe cognitive impairment program shall consist of either of the following: (i) A minimum of 200 days and 1,150 clock hours of instruction. (ii) A minimum of 1,150 hours of instruction with no breaks greater than 10 consecutive days of pupil instruction. (c) Any decision on whether the child shall participate in the program beyond the regular school year established by the operating district must be made on an individual basis by the individualized education program team. (d) Teachers shall be responsible for the instructional program and shall coordinate the activities of aides and supportive professional personnel. (e) Instructional aides shall work under the supervision of the teacher and assist in the student's daily training program. (f) Program assistants may assist the teacher and the instructional aides in the feeding, lifting, and individualized care of students. (g) A registered nurse shall be reasonably available.</p>	<p>4. There is at least one full-time teacher and one full-time aide.</p> <p>R 340.1738(b) 1. There is a minimum of 200 days and 1,150 clock hours of instruction, or 2. There is a minimum of 1,150 hours of instruction with no breaks greater than 10 consecutive days of pupil instruction.</p> <p>R 340.1738(d) Teachers are responsible for the instructional program and coordinate the activities of aides and supportive professional personnel.</p> <p>R 340.1738(e) Instructional aides are supervised by the teacher and assist in the student's daily training program.</p> <p>R 340.1738(g) A registered nurse is reasonably available.</p>	
<p>Programs for students with moderate cognitive impairment. R 340.1739 Rule 39. Programs for students with moderate cognitive impairment shall be operated as follows: (a) There shall be 1 teacher and 1 teacher aide for a maximum of 15 students. (b) There shall be 1 lead teacher and a maximum of 3 instructional aides for a maximum of 30 students, with not more than 10 students for each aide.</p>	<p>R 340.1739(a) In programs for students with moderate cognitive impairment: 1. There is one teacher. 2. There is one teacher aide for a maximum of 15 students.</p> <p>R 340.1739(b) 1. There is one lead teacher. 2. There is a maximum of three instructional aides for a maximum of 30 students. 3. There are not more than 10 students for each aide.</p>	
<p>Programs for students with mild cognitive impairment. R 340.1740 Rule 40. Programs for students with</p>	<p>R 340.1740(a)</p>	

Citation	Standard	Evidence of Compliance
<p>mild cognitive impairment shall be operated as follows: (a) Elementary programs for students with mild cognitive impairment shall serve not more than 15 different students. When an elementary program for students with mild cognitive impairment has 12 or more students in the room at one time, an aide shall be assigned to the program. (b) Secondary programs for students with mild cognitive impairment shall have not more than 15 different students in the classroom at any one time and the teacher shall be responsible for the educational programming for not more than 15 different students.</p>	<p>In programs for students with mild cognitive impairment: In elementary programs— 1. There are no more than 15 students in the classroom at any time. 2. If there are 12 or more students in the room at one time, an aide has been assigned. R 340.1740(b) In secondary programs— 1. There are no more than 15 students in the classroom at any time. 2. The teacher is not responsible for more than 15 different students.</p>	
<p>Programs for students with emotional impairment. R 340.1741 Rule 41. Programs for students with emotional impairment shall have not more than 10 students in the classroom at any one time, and the teacher shall be responsible for the educational programming for not more than 15 different students.</p>	<p>R 340.1741 In programs for students with emotional impairment: 1. There are no more than ten students in the classroom at any time. 2. The teacher is not responsible for more than 15 different students.</p>	
<p>Programs for students with hearing impairment. R 340.1742 Rule 42. Programs and services for students with hearing impairment shall be operated as follows: (a) A special class with 1 teacher shall have an enrollment of not more than 7 students. (b) Group amplification devices deemed necessary for instruction by the individualized education program team shall be provided. The public agency shall ensure that the amplification devices worn by hearing impaired children in school are functioning properly.</p>	<p>R 340.1742(a) In programs for students with hearing impairment, there is one teacher and not more than seven students. R 340.1742(b) 1. Group amplification devices deemed necessary for instruction by the IEP team are provided. 2. Amplification devices worn by students with a hearing impairment in school are functioning properly.</p>	

Citation	Standard	Evidence of Compliance
<p>Programs for students with visual impairment. R 340.1743 Rule 43. Programs and services for students with visual impairment shall be determined by the severity and multiplicity of the impairments. A special class with 1 teacher shall have an enrollment of not more than the equivalent of 8 full-time students, and the teacher shall be responsible for the educational programming for not more than 10 different students. The public agency shall ensure that low vision aids, excluding prescription eye glasses, are available and functioning properly.</p>	<p>R 340.1743 In programs for students with visual impairment: 1. One teacher does not have an enrollment of more than the equivalent of eight full-time students. 2. The teacher is not responsible for more than ten different students. 3. Low vision aids, excluding prescription eye glasses, are available and functioning properly.</p>	
<p>Programs for students with physical impairment or other health impairment. R 340.1744 Rule 44. (1) Programs for students with physical impairment or other health impairment shall have not more than 10 students in the classroom at any one time, and the teacher shall be responsible for the educational programming for not more than 15 different students. (2) Special classroom units serving students with physical or other health impairment shall provide not less than 60 square feet of floor space per person.</p>	<p>R 340.1744 In programs for students with physical impairment or other health impairments: 1. There are not more than ten students in the classroom at any one time. 2. The teacher is not responsible for more than 15 students. 3. There is not less than 60 square feet of floor space per person.</p>	
<p>Services for students with speech and language impairment. R 340.1745 Rule 45. All of the following provisions are specific requirements for speech and language services: (a) The speech and language services provided by an authorized provider of speech and language services shall be based on the needs of a student with a disability as determined by the individualized education program team after reviewing a diagnostic report provided by an authorized provider</p>	<p>R 340.1745(a) Speech and language services are: 1. Provided by an authorized provider of speech and language services. 2. Based on the needs of a student with a disability as determined by the IEP team. 3. Based on a diagnostic report provided by an authorized provider of speech and</p>	

Citation	Standard	Evidence of Compliance
<p>of speech and language services. (b) The determination of caseload size for an authorized provider of speech and language services shall be made by the authorized provider of speech and language services in cooperation with the district director of special education, or his or her designee, and the building principal or principals of the school or schools in which the students are enrolled. Caseload size shall be based upon the severity and multiplicity of the disabilities and the extent of the service defined in the collective individualized education programs of the students to be served, allowing time for all of the following: (i) Diagnostics. (ii) Report writing. (iii) Consulting with parents and teachers. (iv) Individualized education program team meetings. (v) Travel. (c) Individual caseloads of authorized providers of speech and language services shall not exceed 60 different persons and shall be adjusted based on factors identified in subdivision (b) of this rule. Students being evaluated shall be counted as part of the caseload. (d) An authorized provider of speech and language impaired services shall be either a teacher of students with speech and language impairment under R 340.1781, R 340.1782, and R 340.1796, or a person with a master's degree, as qualified under R 340.1792.</p>	<p>language services.</p> <p>R 340.1745(b) 1. The determination of caseload size was made by the authorized provider of speech and language services in cooperation with the district director of special education, or their designee, and the building principal(s) of the school(s) in which the students are enrolled. 2. Caseloads are based upon: a. The severity and multiplicity of the disabilities. b. The extent of the service defined in the IEP of all students to be served. c. Time needed for all of the following: • Diagnostics. • Report writing. • Consultation with parents and teachers. • IEP team meetings. • Travel.</p> <p>R 340.1745(c) 1. Caseloads of authorized providers of speech and language services do not exceed 60 different students. 2. Students being evaluated are counted as part of the caseload.</p> <p>R 340.1745(d) The provider of speech and language impaired services is either: 1. A teacher of students with speech and language impairment under R 340.1781, R 340.1782, and R 340.1796, or 2. A person with a master's degree, as qualified under R 340.1792.</p>	

Citation	Standard	Evidence of Compliance
<p>Homebound and hospitalized services. R 340.1746</p> <p>Rule 46. The following homebound and hospitalized services are required:</p> <p>(a) Homebound services shall be initiated within 15 school days after verification, by a licensed physician, of a medical impairment which requires the eligible special education student to be confined to the home. Such verification shall indicate the anticipated duration of the required confinement.</p> <p>(b) Hospital service shall be provided for eligible special education students who cannot attend school because of hospitalization for a physical or medical impairment. These services shall be initiated when determined medically feasible.</p> <p>(c) A special education teacher employed for homebound or hospital services, or for a combination of these services, shall be assigned not more than 12 students at any 1 time.</p> <p>(d) Students receiving homebound or hospital services shall receive a minimum of 2 nonconsecutive hours of instruction per week. Related services personnel may supplement, but not substitute for, the teacher's instruction.</p> <p>(e) The district in which the hospital is located shall make homebound and hospital services available to eligible students. If the student is hospitalized outside of the district of residence, the district of residence is responsible for delivering services or for contracting with the operating district and making payment for the services.</p> <p>(f) Homebound and hospitalized services shall not be substituted for special education programs. Instead, the service provider shall endeavor, to the extent appropriate, to present curricular experiences which are being provided in the program</p>	<p>R 340.1746(a)</p> <ol style="list-style-type: none"> 1. Homebound or hospitalized services were initiated within 15 school days of verification by a licensed physician of a medical impairment which requires the eligible special education student to be confined to the home. 2. Verification by a licensed physician of a medical impairment indicates the anticipated duration of the required confinement. <p>R 340.1746(b)</p> <ol style="list-style-type: none"> 1. Hospital services were provided for eligible students receiving special education programs and services. 2. Hospital services were initiated when determined medically feasible. <p>R 340.1746(c)</p> <p>A special education teacher employed for homebound or hospital services, or for a combination of these services, is assigned not more than 12 students at any one time.</p> <p>R 340.1746(d)</p> <ol style="list-style-type: none"> 1. A minimum of two nonconsecutive hours of instruction are provided per week. 2. Related service personnel service hours are not used as a substitute for the teacher's instruction. <p>R 340.1746(e)</p> <ol style="list-style-type: none"> 1. The district in which the hospital is located delivers the homebound and hospital services available to eligible students. 2. <i>If the student is hospitalized outside of the district of</i> 	

Citation	Standard	Evidence of Compliance
<p>where the student is currently enrolled.</p>	<p><i>residence</i>, the district of residence delivers the services or contracts with the operating district and makes payment for the services.</p> <p>R 340.1746(f)</p> <ol style="list-style-type: none"> 1. Homebound and hospitalized services are not substituted for special education programs. 2. The service provider, to the extent appropriate, presented curricular experiences which are provided in the program where the student is currently enrolled. 	
<p>Programs for students with specific learning disabilities. R 340.1747</p> <p>Rule 47. Programs for students with specific learning disabilities shall have not more than 10 students in the classroom at any one time, and the teacher shall be responsible for the educational programming for not more than 15 different students.</p>	<p>R 340.1747</p> <p>In programs for students with specific learning disabilities:</p> <ol style="list-style-type: none"> 1. There are not more than ten students in the classroom at any time. 2. The teacher is not responsible for more than 15 different students. 	
<p>Severe multiple impairments program. R 340.1748</p> <p>Rule 48. (1) A severe multiple impairment program shall consist of at least 1 teacher and 2 instructional aides for a maximum of 9 students. At least 1 full-time teacher and 1 full-time aide shall be employed in every severe multiple impairments program.</p> <p>(2) A severe multiple impairments program shall consist of either of the following:</p> <p>(a) A minimum of 200 days and 1,150 clock hours of instruction.</p> <p>(b) A minimum of 1,150 hours of instruction with no breaks greater than 10 consecutive days of pupil instruction.</p> <p>(3) Any decision on whether the child shall participate in the program</p>	<p>R 340.1748(1)</p> <p>In programs for students with severe multiple impairments:</p> <ol style="list-style-type: none"> 1. There is one teacher. 2. There are two instructional aides. 3. There is a maximum of nine students. 4. There is at least one full-time teacher and one full-time aide. <p>R 340.1748(2)</p> <p>The program consists of either:</p> <ol style="list-style-type: none"> 1. A minimum of 200 days and 1,150 clock hours of instruction. 2. A minimum of 1,150 hours of instruction with no breaks 	

Citation	Standard	Evidence of Compliance
<p>beyond the regular school year established by the operating district must be made on an individual basis by the individualized education program team. (4) A registered nurse shall be reasonably available.</p>	<p>greater than 10 consecutive days of pupil instruction. R 340.1748(4) A registered nurse is reasonably available.</p>	
<p>Teacher consultant without a student caseload assignment; evaluation and consultation assignment; responsibilities. R 340.1748a Rule 48a. (1) The teacher consultant for special education with an evaluation and consultation assignment shall do either or both of the following: (a) Provide consultation to education personnel on behalf of students with disabilities. (b) Evaluate students. (2) The teacher consultant shall not serve in supervisory or administrative roles and perform the function of a teacher consultant simultaneously.</p>	<p>R 340.1748a The teacher consultant without a student caseload: 1. Is not the designated teacher consultant on any IEP. 2. Does either or both of the following: a. Provides consultation to education personnel on behalf of students with disabilities. b. Evaluates students. 3. Does not serve in supervisory or administrative roles and perform the function of a teacher consultant simultaneously.</p>	
<p>Teacher consultant with a student caseload; responsibilities. R 340.1749 Rule 49. (1) The teacher consultant for special education with a student caseload shall do 1 or more of the following: (a) Provide instructional services to students receiving instruction in special education programs. Instructional services are supportive of the special education teacher. A teacher consultant shall not grade, give credit for, or teach a general education or a special education subject, class, or course. (b) Provide instructional services to a student with a disability in a general education classroom. Instructional services are supportive of the general education teacher.</p>	<p>R 340.1749(1),(3) The teacher consultant with a caseload: 1. Is designated on an IEP. 2. Provides one or more of the following: a. Instructional services to students receiving instruction in special education programs which are supportive of the special education teacher. b. Instructional services to a student with a disability in a general education classroom which are supportive of the general</p>	

Citation	Standard	Evidence of Compliance
<p>The teacher consultant shall not grade, give credit for, or teach a general education subject, class, or course.</p> <p>(c) Provide consultation to education personnel on behalf of students with disabilities on the consultant's caseload.</p> <p>(d) Evaluate students suspected of being a student with a disability.</p> <p>(2) The teacher consultant shall carry an active caseload of not more than 25 students with disabilities. All students served under this rule shall be counted as part of the caseload. In establishing the caseload, consideration shall be given to time for all of the following:</p> <p>(a) Instructional services.</p> <p>(b) Evaluation.</p> <p>(c) Consultation with special and general education personnel.</p> <p>(d) Report writing.</p> <p>(e) Travel.</p> <p>(3) The teacher consultant shall not serve in supervisory or administrative roles and perform the function of a teacher consultant simultaneously.</p>	<p>education teacher.</p> <p>c. Consultation to education personnel on behalf of students with disabilities on the consultant's caseload.</p> <p>3. Evaluates students suspected of being students with disabilities.</p> <p>4. Does not grade, give credit for, or teach a general education or a special education subject, class, or course.</p> <p>5. Does not serve in supervisory or administrative roles and perform the function of a teacher consultant simultaneously.</p> <p>R 340.1749(2)</p> <p>The teacher consultant caseload:</p> <p>1. Is not more than 25 students.</p> <p>2. Includes all students served under this rule.</p> <p>3. Was established with consideration of time for:</p> <p>a. Instructional services.</p> <p>b. Evaluation.</p> <p>c. Consultation with special and general education personnel.</p> <p>d. Report writing.</p> <p>e. Travel.</p>	
<p>Elementary level resource program.</p> <p>R 340.1749a</p> <p>Rule 49a. (1) A district that provides a special education elementary level resource program shall be provided by a special education teacher.</p> <p>(2) The elementary resource teacher shall serve not more than 10 students at any 1 time and not more than 18 different students and shall do either or both of the following:</p> <p>(a) Provide direct instruction to students on the resource teacher's caseload and may assign grades or other evaluative measures for this instruction.</p> <p>(b) Provide support to the general</p>	<p>R 340.1749a(1),(2)</p> <p>In an elementary level resource program, the teacher:</p> <p>1. Is an approved or endorsed special education teacher.</p> <p>2. Does not serve more than ten students at a time.</p> <p>3. Does not have more than 18 different students.</p> <p>4. Does either or both of the following:</p> <p>a. Direct instruction to students on the resource teacher's caseload and the teacher may assign</p>	

Citation	Standard	Evidence of Compliance
<p>education classroom teachers to whom special education students on the resource teacher's caseload have been assigned. Time shall be allocated to the resource teacher to carry out this responsibility.</p> <p>(3) The elementary resource program teacher may provide supplemental instruction to students on his or her caseload.</p> <p>(4) The elementary resource teacher may evaluate general education students within the same building who are suspected of having a disability and, therefore, may serve on the initial multidisciplinary evaluation team. The resource teacher shall be responsible for the evaluation of not more than 2 students at 1 time. Time shall be allocated to the resource teacher to carry out this responsibility.</p> <p>(5) If the special education teacher to whom the student is assigned does not have an endorsement in the area which matches the student's disability, the individualized educational program team shall determine if a teacher consultant with such credentials is needed to provide consultation, resources, and support services to the resource teacher.</p>	<p>grades or other evaluative measures for this instruction.</p> <p>b. Support the general education classroom teachers to whom special education students on the resource teacher's caseload have been assigned. Time is allocated to carry out this responsibility.</p> <p>R 340.1749a(4) The resource teacher is responsible for the evaluation of not more than two general education students at one time and time is allocated to carry out this responsibility.</p> <p>R 340.1749a(5) <i>If the special education teacher to whom the student is assigned does not have an endorsement in the area which matches the student's disability, the IEP team determined if a teacher consultant with such credentials is needed to provide consultation, resources, and support services to the resource teacher.</i></p>	
<p>Secondary level resource program. R 340.1749b</p> <p>Rule 49b. (1) A district that provides a special education secondary level resource program shall be provided by a special education teacher.</p> <p>(2) A secondary resource teacher shall serve not more than 10 students at any 1 time and have a caseload of not more than 20 different students and shall do either or both of the following:</p> <p>(a) Provide direct instruction for special education courses approved for graduation by the local educational agency. The teacher may assign grades or other evaluative measures for this</p>	<p>R 340.1749b(1),(2),(3) In a secondary level resource program the teacher:</p> <ol style="list-style-type: none"> 1. Is an approved or endorsed special education teacher. 2. Does not serve more than ten students at any one time. 3. Does not have a caseload of more than 20 different students. 4. Does either or both of the following: <ol style="list-style-type: none"> a. Provides direct instruction for special education courses approved for graduation by the local 	

Citation	Standard	Evidence of Compliance
<p>instruction. (b) Provide support to the general education classroom teachers to whom special education students on the resource program teacher's caseload have been assigned. Time shall be allocated to the resource teacher to carry out this responsibility. (3) The secondary resource teacher may provide supplemental instruction to students on his or her caseload who are enrolled in general education classes. The teacher shall not teach a class and offer tutorial assistance at the same time. (4) If the special education teacher to whom the student is assigned does not have an endorsement in the area which matches the student's disability, the individualized educational program team shall determine if a teacher consultant with such credentials is needed to provide consultation, resources, and support services to the resource teacher.</p>	<p>educational agency. b. Provides support to general education classroom teachers to whom special education students on the resource room teacher's caseload have been assigned and time is allocated to the resource teacher to carry out this responsibility. 5. Does not teach a class and offer tutorial assistance at the same time. R 340.1749b(4) <i>If the special education teacher to whom the student is assigned does not have an endorsement in the area which matches the student's disability, the IEP team determined if a teacher consultant with such credentials is needed to provide consultation, resources, and support services to the resource teacher.</i></p>	
<p>Departmentalization of special education programs. R 340.1749c Rule 49c. (1) A school with more than 1 special education teacher may departmentalize. (2) Each teacher shall teach only 1 local education agency approved special education course per period. (3) Each teacher may serve more than the students assigned to his or her caseload; however, the total number of students served cannot exceed the combined caseloads of the participating teachers. (4) Each teacher shall serve not more than an average of 10 students per class period per instructional day.</p>	<p>R 340.1749c <i>If a school departmentalizes:</i> 1. The school has more than one special education teacher. 2. The teacher teaches only one LEA-approved special education course per period. 3. The total number of students served does not exceed the combined caseloads of participating teachers. 4. The teacher does not serve more than an average of ten students per class per instructional day.</p>	
<p>Early childhood special education programs; 2 years 6 months through 5 years of age. R 340.1754 Rule 54. (1) Early childhood special</p>	<p>R 340.1754(1)</p>	

Citation	Standard	Evidence of Compliance
<p>education programs for students with disabilities may be provided to students with disabilities who are 2 years 6 months through 5 years of age.</p> <p>(2) Early childhood special education programs for students with disabilities shall do all of the following:</p> <p>(a) Be provided by an approved or endorsed early childhood special education teacher.</p> <p>(b) Be based upon the student's individual needs as determined through an age appropriate developmental assessment and specified in an individualized education program.</p> <p>(c) Be based on the approved state board of education early childhood standards.</p> <p>(d) Have a parent participation and education component.</p> <p>(e) Be available for a minimum of 360 clock hours and 144 days of instruction.</p> <p>(f) Have not more than 12 students for 1 teacher and 1 aide at any one time, and the teacher shall have responsibility for the educational programming for not more than 24 different students.</p>	<p>The early childhood program serves students with disabilities who are 2 years 6 months through 5 years of age.</p> <p>R 340.1754(2) Early childhood programs shall:</p> <ol style="list-style-type: none"> 1. Be provided by an approved or endorsed early childhood special education teacher. 2. Be based upon the student's individual needs as determined through an age appropriate developmental assessment and specified in an IEP. 3. Be based on the approved state board of education early childhood standards. 4. Have a parent participation and education component. 5. Be available for a minimum of 360 clock hours and 144 days of instruction. 6. Have not more than 12 students for 1 teacher and 1 aide at any one time, and the teacher shall have responsibility for the educational programming for not more than 24 different students. 	
<p>Early childhood special education services; 2 years 6 months through 5 years of age. R 340.1755</p> <p>Rule 55. (1) Early childhood special education services for students with disabilities may be provided to students with disabilities who are 2 years 6 months through 5 years of age.</p> <p>(2) Early childhood special education services for students with disabilities shall do all of the following:</p> <p>(a) Be provided by an approved or endorsed early childhood special education teacher or approved related service provider.</p> <p>(b) Be provided by an approved related services staff working under</p>	<p>R 340.1755(1) Early childhood special education services are only provided for students with disabilities who are 2 years 6 months through 5 years of age.</p> <p>R 340.1755(2) Early childhood special education services shall be provided:</p> <ol style="list-style-type: none"> 1. By an approved or endorsed early childhood special education teacher or approved related service provider. 	

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<p>the educational direction of an approved or endorsed early childhood special education teacher. (c) Be provided for not less than 72 clock hours over 1 school year. Services may be provided in appropriate early childhood, school, community, or family settings. (3) If a preschool-aged student with a disability is placed in a non-special education program, then the individualized education program team shall consider the need for consultation by an early childhood special education teacher.</p>	<ol style="list-style-type: none"> 2. By an approved related services staff working under the educational direction of an approved or endorsed early childhood special education teacher. 3. For not less than 72 clock hours over 1 school year. 	
<p>Programs for students with severe language impairment. R 340.1756 Rule 56. (1) A public agency may establish programs for students with severe language impairment. Specific requirements for these programs are as follows: (a) A program for students with severe language impairment conducted by a teacher of programs for students with speech and language impairment shall serve only young children with disabilities or developmental delay or elementary students with severe language impairment. (b) The program shall have not more than 10 students or young children with speech and language impairment in the classroom at any 1 time, and the teacher shall have responsibility for the educational programming for not more than 15 different children.</p>	<p>R 340.1756 Programs for students with severe language impairments:</p> <ol style="list-style-type: none"> 1. Are conducted by a teacher of programs for students with speech and language impairment. 2. Serve only young students with disabilities or developmental delay or elementary students with severe language impairment. 3. Do not have more than ten students in the classroom at any one time. 4. Have responsibility for no more than 15 different students for each teacher. 	
<p>Students placed in juvenile detention facilities; other education services. R 340.1757 Rule 57. All of the following provisions are specific requirements for educational services conducted for students placed in juvenile detention facilities: (a) Programs shall be initiated within 5 calendar days after admission. If a</p>	<p>R 340.1757(a)</p> <ol style="list-style-type: none"> 1. Programs for students placed in juvenile detention facilities are initiated within five calendar days after admission. 2. <i>If a student placed in a</i> 	

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<p>student placed in a juvenile detention facility is suspected of having a disability, then the procedure outlined in part 2 of these rules shall be immediately followed.</p> <p>(b) Notification of educational placement shall be sent to the superintendent of the district of residence within 5 school days after the date of entry of a student into the educational program in a juvenile detention facility.</p> <p>(c) Subject to applicable federal privacy protections, education reports for each student educated in a juvenile detention facility shall be sent by certified mail to the superintendent of the district of residence within 5 school days from the date of release from the facility.</p> <p>(d) Special education reimbursed personnel may provide educational services for students who do not have disabilities and who are placed in the facility, if the programs comply with both of the following provisions:</p> <p>(i) They are under the supervision of a teacher approved in the area of emotional impairment.</p> <p>(ii) They have not more than 10 students in a class at any 1 time.</p>	<p><i>juvenile detention facility was suspected of having a disability, the procedure outlined in part 2 of the Michigan Administrative Rules for Special Education are immediately followed.</i></p> <p>R 340.1757(b) Notification of educational placement was sent to the superintendent of the resident district within five school days after the date of entry of a student.</p> <p>R 340.1757(c) Education reports for each student educated in a juvenile detention facility are sent by certified mail to the superintendent of the resident district within five school days from the date of release from the facility.</p> <p>R 340.1757(d) <i>If special education reimbursed personnel provide educational services for students who do not have disabilities and who are placed in the facility, the program:</i></p> <ol style="list-style-type: none"> 1. Is under the supervision of a teacher approved in the area of emotional impairment. 2. Does not have more than ten students in a class at any one time. 	
<p>Programs for students with autism spectrum disorder. R 340.1758</p> <p>Rule 58. Specific requirements for programs for students with autism spectrum disorder shall be provided using either of the following alternatives:</p> <p>(a) Programs that consist of 1 classroom program for students with autism spectrum disorder shall not have more than 5 students and shall be served by a teacher of students</p>	<p>R 340.1758 Programs for students with autism spectrum disorder are provided using one of the following options:</p> <ol style="list-style-type: none"> 1. Option 1: <ol style="list-style-type: none"> a. Classroom programs for students with autism spectrum disorder are taught by a teacher of 	

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<p>with autism spectrum disorder. However, programs that consist of more than 1 classroom may have more than 5 students in a classroom, if the average student-to-teacher-and-aide ratio does not exceed 5 students to 1 teacher and 1 aide. A classroom with 3 or more students shall have 1 aide.</p> <p>(b) A special education program described in an approved intermediate school district plan under R 340.1832(d) that assures the provision of educational programming for students with autism spectrum disorder.</p>	<p>students with autism spectrum disorder.</p> <p>b. <i>If there is only one classroom</i>, there are no more than five students and the classroom includes an aide when there are more than three students.</p> <p>c. <i>If there is more than one classroom</i>, the student-to-teacher and aide ratio does not exceed five students to one teacher and one aide.</p> <p>2. Option 2: The provision of educational programming for students with autism spectrum disorder is delivered according to an approved intermediate school district plan.</p>	

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V. Discipline		
<p>Authority of school personnel. § 300.530</p> <p>(a) <i>Case-by-case determination.</i> School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a child with a disability who violates a code of student conduct.</p> <p>(b) <i>General.</i> (1) School personnel under this section may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under § 300.536).</p> <p>(2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.</p> <p>(c) <i>Additional authority.</i> For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and</p>	<p>§ 300.530(b)(1) The public agency documented each time it removed a student with a disability, who violated a code of student conduct, from the current placement to another setting.</p> <p>§ 300.530(b)(2) <i>If a student with a disability was removed from his or her current placement for 10 school days in the same school year, the public agency provided services during any subsequent days of removal in accordance with § 300.530(d).</i></p> <p>§ 300.530(c) <i>If the removal exceeded 10 consecutive school days and was determined not to be a manifestation of the student's disability, the public agency applied general education discipline procedures.</i></p> <p>§ 300.530(d)(1) 1. For each removal that exceeded 10 consecutive school days and was determined to be a manifestation of the student's disability, the student received:</p> <ol style="list-style-type: none"> a. Educational services that enabled the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP. b. Received, as appropriate, a functional behavioral assessment and behavioral intervention services, or modifications to an existing plan, 	

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<p>for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.</p> <p>(d) <i>Services.</i> (1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c), or (g) of this section must—</p> <p>(i) Continue to receive educational services, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and</p> <p>(ii) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.</p> <p>(2) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.</p> <p>(3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.</p> <p>(4) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement under § 300.536, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, as provided in § 300.101(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward</p>	<p>designed to address the behavior violation so that it does not recur.</p> <p>§ 300.530(d)(3) The public agency provided services during a removal less than 10 school days if the public agency provides these services to general education students.</p> <p>§ 300.530(d)(4) <i>If days of removal subsequent to the first 10 school days of removal did not constitute a change of placement, school personnel:</i></p> <ol style="list-style-type: none"> 1. Consulted with at least one of the student's teachers. 2. Determined the extent to which services are needed: <ol style="list-style-type: none"> a. To participate in the general education curriculum in another setting. b. To progress toward meeting the goals set out in the student's IEP. <p>§ 300.530(d)(5) <i>If days of removal were subsequent to the first 10 days of removal and constituted a change of placement, the IEP team determined the appropriate services.</i></p> <p>§ 300.530(e)(1)</p> <ol style="list-style-type: none"> 1. Within 10 school days of a decision to change the placement of a student with a disability due to a violation of a code of student conduct, the following team members met, or were invited to meet: <ol style="list-style-type: none"> a. The LEA. b. The parent. c. Relevant members of the student's IEP team. 2. The team, at a minimum, reviewed: <ol style="list-style-type: none"> a. All relevant information in the student's file, 	

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<p>meeting the goals set out in the child's IEP.</p> <p>(5) If the removal is a change of placement under § 300.536, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.</p> <p>(e) <i>Manifestation determination.</i> (1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine—</p> <p>(i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or</p> <p>(ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.</p> <p>(2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.</p> <p>(3) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.</p> <p>(f) <i>Determination that behavior was a manifestation.</i> If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team must—</p> <p>(1) Either—</p> <p>(i) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral</p>	<p>including the IEP.</p> <p>b. Any teacher observations.</p> <p>c. Any relevant information provided by the parent.</p> <p>3. The team determined either:</p> <p>a. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or</p> <p>b. If the conduct in question was the direct result of the LEA's failure to implement the IEP.</p> <p>§ 300.530(e)(3) <i>If the conduct in question was determined to be the direct result of the LEA's failure to implement the IEP, the LEA took immediate steps to remedy those deficiencies.</i></p> <p>§ 300.530(f)(1),(2) <i>If the conduct in question was determined to be a manifestation of the student's disability:</i></p> <p>1. The IEP team either:</p> <p>a. Conducted a functional behavioral assessment with parental consent; or</p> <p>b. Implemented a behavioral intervention plan for the student.</p> <p>2. <i>If a behavioral intervention plan already has been developed, the public agency:</i></p> <p>a. Reviewed the behavioral intervention plan.</p> <p>b. Modified it, as necessary, to address the behavior.</p> <p>c. Returned the student to the placement from which the student was removed.</p> <p>3. The student was returned to the placement from which the student was removed, unless:</p> <p>a. The parent and the LEA agreed to a change of placement as part of the modification of the behavioral intervention plan; or</p>	

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<p>assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or</p> <p>(ii) If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and</p> <p>(2) Except as provided in paragraph (g) of this section, return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.</p> <p>(g) <i>Special circumstances.</i> School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child—</p> <p>(1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;</p> <p>(2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or</p> <p>(3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.</p> <p>(h) <i>Notification.</i> On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must notify the parents of that decision, and provide the parents the procedural safeguards notice described in § 300.504.</p> <p>(i) <i>Definitions.</i> For purposes of this</p>	<p>b. The student was removed due to special circumstances.</p> <p>§ 300.530(g) <i>If a student was removed to an interim alternative educational setting for up to 45 school days without regard to whether the behavior was determined to be a manifestation of the student's disability, the student was removed for either:</i></p> <ol style="list-style-type: none"> 1. Possession of a weapon; 2. Possession, sale, or use of illegal drugs; or 3. Inflicting serious bodily injury upon another person. <p>§ 300.530(h) On the date that the decision was made to make a removal that constituted a change of placement, the public agency:</p> <ol style="list-style-type: none"> 1. Notified the parent of that decision. 2. Provided the parents the procedural safeguards notice. 	

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<p>section, the following definitions apply:</p> <p>(1) <i>Controlled substance</i> means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).</p> <p>(2) <i>Illegal drug</i> means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.</p> <p>(3) <i>Serious bodily injury</i> has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.</p> <p>(4) <i>Weapon</i> has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.</p>		
<p>Determination of setting. § 300.531</p> <p>The child's IEP Team determines the interim alternative educational setting for services under § 300.530(c), (d)(5), and (g).</p>	<p>§ 300.531</p> <p>The IEP team determined the interim alternative educational setting for services when:</p> <ol style="list-style-type: none"> 1. A removal would exceed 10 consecutive school days and the behavior was determined not to be a manifestation of the disability. 2. A change of placement occurred as defined under § 300.536. 3. A discipline removal due to special circumstances occurred. 	
<p>Placement during appeals. § 300.533</p> <p>When an appeal under § 300.532 has been made by either the parent or the LEA, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration</p>	<p>§ 300.533</p> <p><i>If an appeal under § 300.532 was made by either the parent or the public agency, the student remained in the interim alternative educational setting</i></p>	

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<p>of the time period specified in § 300.530(c) or (g), whichever occurs first, unless the parent and the SEA or LEA agree otherwise.</p>	<p>pending the decision of the hearing officer:</p> <ol style="list-style-type: none"> 1. Until the expiration of the time period specified in § 300.530(c) or (g), whichever occurs first, or 2. Unless the parent and the public agency agree otherwise. 	
<p>Protections for children not determined eligible for special education and related services. § 300.534 (a) <i>General.</i> A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this part if the public agency had knowledge (as determined in accordance with paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. (b) <i>Basis of knowledge.</i> A public agency must be deemed to have knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred— (1) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services; (2) The parent of the child requested an evaluation of the child pursuant to §§ 300.300 through 300.311; or (3) The teacher of the child, or other personnel of the LEA, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency. (c) <i>Exception.</i> A public agency would</p>	<p>§ 300.534(a) <i>If a public agency had knowledge that a student was a student with a disability, but had yet to determine eligibility for special education services at the time of the violation of the student code of conduct, the student was provided the protections under this part.</i></p> <p>§ 300.534(b) The public agency is deemed to have a basis of knowledge if:</p> <ol style="list-style-type: none"> 1. The parent and/or the teacher of the student expressed concern in writing about the need for special education and related services to supervisory or administrative personnel. 2. The parent of the student requested an evaluation in writing. 3. The teacher or other personnel expressed concerns about the pattern of behavior to the director of special education or other supervisory personnel. <p>§ 300.534(c) The public agency determined not to have a basis of knowledge if:</p> <ol style="list-style-type: none"> 1. The parent had not allowed an evaluation. 2. The parent refused services. 3. The student has been evaluated and determined to 	

Citation	Standard	Evidence of Compliance
<p>not be deemed to have knowledge under paragraph (b) of this section if—</p> <p>(1) The parent of the child—</p> <p>(i) Has not allowed an evaluation of the child pursuant to §§ 300.300 through 300.311; or</p> <p>(ii) Has refused services under this part; or</p> <p>(2) The child has been evaluated in accordance with §§ 300.300 through 300.311 and determined to not be a child with a disability under this part.</p> <p>(d) <i>Conditions that apply if no basis of knowledge.</i> (1) If a public agency does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the disciplinary measures applied to children without disabilities who engage in comparable behaviors consistent with paragraph (d)(2) of this section.</p> <p>(2)(i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under § 300.530, the evaluation must be conducted in an expedited manner.</p> <p>(ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.</p> <p>(iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency must provide special education and related services in accordance with this part, including the requirements of §§ 300.530 through 300.536 and section 612(a)(1)(A) of the Act.</p>	<p>be ineligible for special education and related services.</p> <p>§ 300.534(d)</p> <p><i>If a request was made for an evaluation during a time period in which the student was subjected to disciplinary measures:</i></p> <ol style="list-style-type: none"> 1. The evaluation was conducted in an expedited manner. 2. The student remained in the educational placement determined by school authorities until the evaluation was completed. 3. The public agency considered information from the evaluation conducted by the agency and information provided by the parent. 4. <i>If the student was determined to be a student with a disability,</i> the public agency provided special education and related services. 	

Citation	Standard	Evidence of Compliance
<p>Referral to and action by law enforcement and judicial authorities. § 300.535</p> <p>(a) <i>Rule of construction.</i> Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.</p> <p>(b) <i>Transmittal of records.</i> (1) An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.</p> <p>(2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.</p>	<p>§ 300.535(b)</p> <p>A public agency reporting a crime committed by a student with a disability transmitted copies of the special education and disciplinary records of the student for consideration by the appropriate authorities to the extent allowed by the <i>Family Educational Rights and Privacy Act</i>.</p>	
<p>Change of placement because of disciplinary removals. § 300.536</p> <p>(a) For purposes of removals of a child with a disability from the child's current educational placement under §§ 300.530 through 300.535, a change of placement occurs if—</p> <p>(1) The removal is for more than 10 consecutive school days; or</p> <p>(2) The child has been subjected to a series of removals that constitute a pattern—</p> <p>(i) Because the series of removals total more than 10 school days in a school year;</p> <p>(ii) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals;</p>	<p>§ 300.536(a)</p> <p>The public agency determined that a change of placement occurred if any of the following occurred:</p> <ol style="list-style-type: none"> 1. The removal of a student is for more than 10 consecutive school days. 2. The student has been subjected to a series of removals that constitute a pattern. <p>§ 300.536(b)(1)</p> <ol style="list-style-type: none"> 1. The public agency determined whether a series of removals constituted a pattern 	

Citation	Standard	Evidence of Compliance
<p>and (iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another. (b)(1)The public agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. (2) This determination is subject to review through due process and judicial proceeding.</p>	<p>because:</p> <ol style="list-style-type: none"> a. The series of removals total more than 10 school days in the school year. b. The student's behavior is substantially similar to behavior in previous incidents. c. Additional factors such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. <p>2. Determinations of a pattern of removals are made on a case by case basis.</p>	

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Citation	Standard	Evidence of Compliance
VI. Deviations from Rules and Intermediate School District Plans		
<p>Deviations from rules. R 340.1734 Rule 34. (1) A deviation from these rules shall be requested, in writing, by an intermediate school district, local school district, or public school academy that operates or contracts for special education programs and services following procedures determined by the department. A copy of the request shall be filed concurrently with the intermediate school district in which affected students with disabilities reside and all local constituent school districts in which the affected students with disabilities reside. A copy of the request shall be filed concurrently with the parent advisory committee of the intermediate school district that requests the deviation and the parent advisory committee of any intermediate school district in which affected students with disabilities reside. (2) Within 7 days of receipt of the request, the intermediate school district shall review and inquire into the request and shall file, with the department, its position regarding the appropriateness of the request and its objections to, or endorsement of, the request, together with the rationale regarding its position. (3) The department shall initiate action within 30 calendar days of receipt of the request. The department may grant the request, in writing, for a period not to extend beyond the end of the current school year and upon such terms and conditions as it shall specify only when, in its judgment, the best interests of the students with disabilities affected by the deviation are served and good cause is shown. (4) A deviation shall not be granted when the intent of the deviation is to exclude a student with a disability</p>	<p>R 340.1734(1) <i>If a deviation has been filed, a copy of the request was filed with the intermediate school district, the parent advisory committee, and all local school districts affected by the deviation.</i></p> <p>R 340.1734(2) Within seven days of receipt of the request the intermediate school district: 1. Reviewed the request. 2. Inquired into the request. 3. Filed its position regarding the appropriateness, its objections or endorsements, and the rationale regarding its position with the department.</p> <p>R 340.1734(5) <i>If a deviation was approved, the affected intermediate school districts, constituent local school districts, or public school academies informed their relevant personnel and the parent advisory committee.</i></p> <p>R 340.1734(6) The deviation was not requested due to corrections directed by the department under part 8 of these rules.</p> <p>R 340.1734(7) <i>If a requested deviation was denied:</i> 1. The condition that precipitated the request was corrected. 2. An assurance that the matter is now in compliance was submitted within 30 school days of the denial.</p>	

Citation	Standard	Evidence of Compliance
<p>from, or deny a student with a disability participation in, a special education program or service that is required.</p> <p>(5) A program deviation that is granted by the department is public information. The affected intermediate school districts, constituent local school districts, or public school academies shall inform their involved personnel of granted deviations in any manner they deem appropriate. At a minimum, the parent advisory committee shall be informed of the disposition of the request.</p> <p>(6) A deviation shall not be requested for the purpose of avoiding or postponing corrections directed by the department under part 8 of these rules.</p> <p>(7) If a final decision to deny a deviation request is made, then the school district that makes the request shall correct the condition that precipitated the request and shall forward to the department, office of special education, within 30 school days of the denial, its assurance that the matter is now in compliance with the respective rule.</p> <p>(8) Nothing in this rule or any other provision of statute or regulation shall permit the department to waive any of the requirements of part B of the individuals with disabilities education act, as amended, 20 U.S.C. §1400 et seq.</p>		
<p>Plan and modification submission. R 340.1831</p> <p>Rule 131. (1) Each intermediate school district board shall submit an intermediate school district plan for special education to the superintendent of public instruction to become effective when approved by the superintendent of public instruction.</p> <p>(2) Any intermediate school district plan or subsequent modification</p>	<p>R 340.1831(1) The intermediate school district board has an intermediate school district plan that has been approved by the Superintendent of Public Instruction.</p> <p>R 340.1831(2) Within seven calendar days of receipt of an approval of any</p>	

Citation	Standard	Evidence of Compliance
<p>approved by the superintendent of public instruction shall be distributed by the intermediate school district to each constituent local school district superintendent, each chief executive officer of a public school academy, and the chairperson of the parent advisory committee within 7 calendar days of the intermediate school district's receipt of approval by the superintendent of public instruction.</p> <p>(3) Except as provided in subrule (4) of this rule, a plan submitted by an intermediate school district and approved by the superintendent of public instruction shall remain in effect until the intermediate school district submits modifications that the intermediate school district deems necessary to the department and the modifications are approved by the superintendent of public instruction.</p> <p>(4) The department may require an intermediate school district to modify its plan if, after the effective date of the individuals with disabilities education act, 20 U.S.C. §1400 et seq., the provisions of that act, its regulations, 34 C.F.R. 300.1, et seq., 1976 PA 451, MCL 380.1 et seq., or these rules are amended, there is a new interpretation of any of these laws or regulations by the United States Department of Education, the department, or court, or the department finds noncompliance.</p> <p>(5) If the department requires a modification to the intermediate school district plan under subrule (4) of this rule and an intermediate school district's process as set forth in this part does not result in agreement among the intermediate school district, its constituent local school districts, public school academies, and the parent advisory committee regarding the required modification, then the intermediate school district shall submit the required modification. A constituent</p>	<p>intermediate school district plan or subsequent modification, copies were distributed by the intermediate school district to:</p> <ol style="list-style-type: none"> 1. Each constituent local school district superintendent. 2. Each chief executive officer of a public school academy. 3. The chairperson of the parent advisory committee. <p>R 340.1831(4) <i>If the department has required a modification, there is evidence of an approved modified plan.</i></p>	

Citation	Standard	Evidence of Compliance
<p>local school district, public school academy, or the parent advisory committee may file an objection under R 340.1836.</p>		
<p style="text-align: center;">Content areas. R 340.1832</p> <p>Rule 132. An intermediate school district plan for special education, or any modification thereof, shall be an operational plan that sets forth the special education programs and related services to be delivered. The plan shall comply with 1976 PA 451, MCL 380.1 et seq. and these rules. The plan shall also comply with the following format and include, at a minimum, all of the following:</p> <p>(a) A description of the procedures used by the intermediate school district to advise and inform students with disabilities, their parents, and other members of the community of the special education opportunities required under the law; the obligations of the local school districts, public school academies, and intermediate school district; and the title, address, and telephone number of representatives of those agencies who can provide information about the special education opportunities.</p> <p>(b) A description of activities and outreach methods which are used to ensure that all citizens are aware of the availability of special education programs and services.</p> <p>(c) A description of the type of diagnostic and related services that are available, either directly or as a purchased service, within the intermediate school district or its constituent local school districts or public school academies.</p> <p>(d) A description of the special education programs designed to meet the educational needs of students with disabilities.</p> <p>(e) The intermediate school district plan shall either describe special education programs and services under part 3 of these rules or shall</p>	<p>R 340.1832(a)-(n) The intermediate school district plan contains the following:</p> <ol style="list-style-type: none"> 1. The procedures used by the intermediate school district to advise and inform students with disabilities, their parents, and other members of the community of the special education opportunities. 2. The obligations of the local school districts, public school academies, and intermediate school district. 3. The title, address, and telephone number of representatives of those agencies who can provide information about the special education opportunities. 4. A description of activities and outreach methods used to ensure that all citizens are aware of the availability of special education programs and services. 5. A description of the type of diagnostic and related services available, either directly or as a purchased service. 6. A description of the special education programs. 7. Either a description of the special education programs and services according to part 3 of MARSE or a proposal for the delivery of alternative special education programs and services. 8. An assurance statement that any personally identifiable data, information, or records of students with disabilities are collected, used, or 	

Citation	Standard	Evidence of Compliance
<p>propose alternative special education programs and services.</p> <p>(f) Provide an assurance statement that any personally identifiable data, information, and records of students with disabilities are collected, used, or maintained in compliance with 34 C.F.R. §§300.610 through 300.626.</p> <p>(g) The identity of the full- or part-time constituent local school district or public school academy administrator who, by position, is responsible for the implementation of special education programs and services.</p> <p>(h) A description of the qualifications of paraprofessional personnel.</p> <p>(i) A description of the transportation necessary to provide the special education programs and services described in subdivisions (c), (d), and (e) of this subrule.</p> <p>(j) A description of the method of distribution of funds under R 340.1811(5).</p> <p>(k) A description of how the intermediate school district will appoint the parent advisory committee members under R 340.1838(1) and (2).</p> <p>(l) A description of the role and responsibilities of the parent advisory committee, including how it shall participate in the cooperative development of the intermediate school district plan, formulate objections thereto, if any, and other related matters.</p> <p>(m) A description of the role and relationship of administrative and other school personnel, as well as representatives of other agencies, in assisting the parent advisory committee in its responsibilities.</p> <p>(n) A description of the fiscal and staff resources that shall be secured or allocated to the parent advisory committee by the intermediate school district to make it efficient and effective in operation.</p> <p>(o) The plan shall be approved by the superintendent of public</p>	<p>maintained in compliance with confidentiality regulations.</p> <p>9. The identity of the full- or part-time constituent public agency administrators who, by position, are responsible for the implementation of special education programs and services.</p> <p>10. The qualifications of paraprofessional personnel.</p> <p>11. The transportation necessary to provide the special education programs and services.</p> <p>12. The method of distribution of ISD millage funds.</p> <p>13. A description of how the intermediate school district will appoint the parent advisory committee members.</p> <p>14. The role and responsibilities of the parent advisory committee.</p> <p>15. A description of the role and relationship of administrative and other school personnel.</p> <p>16. The fiscal and staff resources secured or allocated to the parent advisory committee.</p> <p>R 340.1832(o) The plan was approved by the Superintendent of Public Instruction before implementation.</p>	

Citation	Standard	Evidence of Compliance
<p>instruction before implementation under R 340.1831(1). The plan is developed and approved under R 340.1833 and R 340.1835 to R 340.1837.</p>		
<p>Cooperative development and review. R 340.1833 Rule 133. (1) Intermediate school district plans, or any modification thereof, shall be developed in cooperation with constituent local school districts, public school academies, and the parent advisory committee.</p>	<p>R 340.1833 Modifications to the plan were done in cooperation with constituent local school districts, public school academies, and the parent advisory committee.</p>	
<p>Plan signatures. R 340.1835 Rule 135. Each intermediate school district plan, or modification thereof, shall be signed by all of the following: (a) The intermediate school district superintendent, signifying approval by the intermediate school district board. (b) The superintendent of each constituent local school district, the chief executive officer of each public school academy, and the chairperson of the parent advisory committee, signifying their involvement in the development of the intermediate school district plan.</p>	<p>R 340.1835 The intermediate school district plan or modification is signed by all of the following: 1. The intermediate school district superintendent. 2. The superintendent of each constituent local school district. 3. Chief executive officer of each public school academy. 4. The Chairperson of the parent advisory committee.</p>	
<p>Objections to the plan; procedures. R 340.1836 Rule 136. (1) Any constituent local school district, public school academy, or the parent advisory committee may file objections with the intermediate school district, in whole or in part, to an approved intermediate school district plan or a plan modification that has been submitted to the superintendent of public instruction for approval. Copies of an objection to the plan shall, within 7 calendar days, be directed to the department by the intermediate school district board of</p>	<p>R 340.1836(1) <i>If an objection to an intermediate school district plan is filed:</i> 1. Within seven calendar days, the intermediate school district board of education forwarded the objection to the department and to all constituent public agencies and the parent advisory committee by certified mail. 2. The portions of the intermediate school district plan objected to were</p>	

Citation	Standard	Evidence of Compliance
<p>education and to all constituent local school districts, public school academies, and the parent advisory committee by certified mail, return receipt requested. Objections filed shall specify the portions of the intermediate school district plan objected to, contain a specific statement of the reasons for objection, and shall propose alternative provisions.</p> <p>(2) A hearing officer shall be designated by the department and shall promptly give reasonable notice of the hearing. The hearing shall begin not later than 30 calendar days from the date the request was filed with the department. The hearing shall be conducted according to procedures established by the department. After the appointment of the hearing officer, the objection may be withdrawn upon written stipulation of the intermediate school district and the objecting party.</p> <p>(3) The intermediate school district, a constituent local school district, a public school academy, or the parent advisory committee may file, with the department, a response to the objection before the hearing.</p> <p>(4) Within 30 calendar days after the closing of the hearing, the hearing officer shall report findings of fact and conclusions of law and shall recommend to the superintendent of public instruction whether the intermediate school district plan or modification to the plan should be approved as submitted, approved with such other modifications as deemed appropriate by the hearing officer, or the objections granted as submitted. The findings and recommendations shall be immediately mailed by the department to all parties to the intermediate school district plan. Any party may file written exceptions to the findings and</p>	<p>specified.</p> <p>3. The objection specified the reasons for objection.</p> <p>4. The objection proposed alternative provisions.</p>	

Citation	Standard	Evidence of Compliance
<p>recommendations with the superintendent of public instruction within 20 calendar days of receipt of the findings and recommendations and direct copies of the exceptions to all other parties and the department. The findings and recommendations of the hearing officer, including any exceptions, shall be submitted to the superintendent of public instruction with the intermediate school district plan. The superintendent of public instruction shall render a final decision within 30 calendar days from the date the exceptions were to be filed.</p>		
<p>Approval of intermediate school district plans. R 340.1837</p> <p>Rule 137. (1) Intermediate school district plans, or modification thereof, or any changes to the intermediate school district plan based on an objection to the plan, shall be approved by the superintendent of public instruction under R 340.1836. The intermediate school district plans or modifications shall be in compliance with all of the following:</p> <p>(a) The provisions of sections 1701 to 1766 of 1976 PA 451, MCL 380.1701 to 380.1766.</p> <p>(b) Michigan rules promulgated to implement statutory provisions for special education programs and services.</p> <p>(c) The individuals with disabilities education act, 20 U.S.C. §1400 et seq., and its implementing regulations, 34 C.F.R. §300.1 et seq., adopted by reference in R 340.1701.</p> <p>(2) The intermediate school district superintendent, or superintendent's designee, shall advise each constituent local school district superintendent, each chief executive officer of a public school academy, and the chairperson of the parent advisory committee as to whether</p>	<p>R 340.1837(1) The intermediate school district plan was approved by the Superintendent of Public Instruction.</p> <p>R 340.1837(1)(a),(b),(c) The intermediate school district plan is in compliance with:</p> <ol style="list-style-type: none"> 1. The provisions of sections 1701 to 1766 of 1976 PA 451, MCL 380.1701 to 380.1766. 2. The <i>Michigan Administrative Rules for Special Education</i> promulgated to implement statutory provisions for special education programs and services. 3. The <i>Individuals with Disabilities Education Act</i> and its implementing regulations. <p>R 340.1837(2) The superintendent or designee informed each constituent superintendent, each chief executive officer of a public school academy, and the chairperson of the parent advisory committee as to whether the intermediate school district</p>	

Citation	Standard	Evidence of Compliance
<p>the intermediate school district plan was approved by the superintendent of public instruction.</p>	<p>plan was approved by the Superintendent of Public Instruction.</p>	
<p>Parent advisory committee. R 340.1838</p> <p>Rule 138. (1) A parent advisory committee shall be appointed by each intermediate school district board.</p> <p>(a) The parent advisory committee and its officers shall consist only of parents of students with disabilities with at least 1 parent from each constituent local school district and public school academy unless no parent agrees to serve on the parent advisory committee to represent the constituent local school district or public school academy.</p> <p>(b) Each constituent local school district board of education and each public school academy board of directors shall nominate at least 1 parent.</p> <p>(c) The intermediate school district board of education may nominate additional members not to exceed 33 1/3% of the total parent advisory committee membership.</p> <p>(2) The intermediate school district board of education shall make every attempt to assure that all types of impairments and all identifiable organizations of parents of students with disabilities within the intermediate school district are represented on the parent advisory committee.</p> <p>(3) The intermediate school district board of education may recommend operational procedures for parent advisory committee review and adoption.</p> <p>(4) The intermediate school district shall secure or allocate fiscal and staff resources to the parent advisory committee to make it efficient and effective in operation.</p> <p>(5) The parent advisory committee is responsible for determining and documenting, in writing, the</p>	<p>R 340.1838(1) A parent advisory committee has been appointed by the intermediate school district board.</p> <p>R 340.1838(1)(a),(b),(c),(2),(4) The parent advisory committee meets the following criteria:</p> <ol style="list-style-type: none"> 1. At least one parent from each constituent public agency was nominated by the local school district board of education. 2. No more than 33 1/3 percent of the members were nominated by the intermediate school district board of education. 3. The intermediate school district board of education made an attempt to ensure that all types of impairments and all identifiable organizations of parents of students with disabilities within the intermediate school district were represented on the parent advisory committee. 4. The intermediate school district secured or allocated fiscal and staff resources to support the operation of the parent advisory committee. <p>R 340.1838(6) The parent advisory committee participated in the development of the intermediate school district plan or any modification to the plan.</p>	

Citation	Standard	Evidence of Compliance
<p>organizational structure of the committee, including all of the following:</p> <ul style="list-style-type: none"> (a) Officers and their responsibilities. (b) Meeting times. (c) Notice of meeting times. (d) Voting procedures. (e) Terms of office. (f) Related matters. <p>(6) The parent advisory committee shall participate in the development of the intermediate school district's plan or any modification of the plan for the delivery of special education programs and services as required by R 340.1833.</p> <p>(7) The parent advisory committee may provide advisory input on any matters that the committee deems appropriate to the improvement of special education services within the intermediate school district.</p>		

Citation	Standard	Evidence of Compliance
VII. Student Records		
<p>Opportunity to examine records; parent participation in meetings. § 300.501</p> <p>(a) <i>Opportunity to examine records.</i> The parents of a child with a disability must be afforded, in accordance with the procedures of §§ 300.613 through 300.621, an opportunity to inspect and review all education records with respect to—</p> <p>(1) The identification, evaluation, and educational placement of the child; and (2) The provision of FAPE to the child.</p> <p>(b) <i>Parent participation in meetings.</i></p> <p>(1) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to—</p> <p>(i) The identification, evaluation, and educational placement of the child; and</p> <p>(ii) The provision of FAPE to the child.</p> <p>(2) Each public agency must provide notice consistent with § 300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section.</p> <p>(3) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.</p> <p>(c) <i>Parent involvement in placement decisions.</i> (1) Each public agency must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the</p>	<p>§ 300.501(a) The parent is afforded the opportunity to inspect and review educational records related to:</p> <ol style="list-style-type: none"> 1. Identification 2. Evaluation 3. Educational placement 4. Provision of FAPE <p>§ 300.501(b)(1) The parent of the student was afforded the opportunity to participate in meetings with respect to:</p> <ol style="list-style-type: none"> 1. Identification 2. Evaluation 3. Educational placement 4. Provision of FAPE <p>§ 300.501(b)(2) The public agency provided notice to the parents, including the purpose, time, and location of the meeting, to ensure that at least one of the parents had the opportunity to participate in meetings.</p> <p>§ 300.501(c)(1) The parent is a member of any group that makes decisions on the educational placement of the student.</p> <p>§300.501(c)(2) The public agency used procedures consistent with the procedures described in § 300.322(a) through (b)(1).</p> <p>§ 300.501(c)(3) <i>If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency used other methods to ensure their participation, including individual</i></p>	

Citation	Standard	Evidence of Compliance
<p>parent's child.</p> <p>(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency must use procedures consistent with the procedures described in § 300.322(a) through (b)(1).</p> <p>(3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.</p> <p>(4) A placement decision may be made by a group without the involvement of a parent, if the public agency is unable to obtain the parent's participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement.</p>	<p>or conference telephone calls, or video conferencing.</p> <p>§ 300.501(c)(4) <i>If neither parent participated in a meeting related to the educational placement, the public agency kept a record of its attempts to ensure involvement.</i></p>	
<p>Confidentiality. § 300.610</p> <p>The Secretary takes appropriate action, in accordance with section 444 of GEPA, to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by SEAs and LEAs pursuant to Part B of the Act, and consistent with §§ 300.611 through 300.627.</p>	<p>§ 300.610</p> <p>The public agency ensures the protections of confidentiality of any personally identifiable data, information, and records collected or maintained by the public agency.</p>	
<p>Access rights. § 300.613</p> <p>(a) Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to § 300.507 or §§ 300.530 through 300.532, or resolution session pursuant to</p>	<p>§ 300.613(a)</p> <p>The public agency permits the parent to inspect and review education records as follows:</p> <ol style="list-style-type: none"> 1. Without unnecessary delay. 2. Before any meeting regarding an IEP or any hearing. 3. In no case later than 45 days after the request has been made. 	

Citation	Standard	Evidence of Compliance
<p>§ 300.510, and in no case more than 45 days after the request has been made.</p> <p>(b) The right to inspect and review education records under this section includes—</p> <p>(1) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;</p> <p>(2) The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and</p> <p>(3) The right to have a representative of the parent inspect and review the records.</p> <p>(c) An agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.</p>	<p>§ 300.613(b)</p> <p>The right to inspect and review records includes:</p> <ol style="list-style-type: none"> 1. A response from the participating agency to reasonable requests for explanations and interpretations. 2. A request that the agency provide copies of the records if failure to provide those copies would prevent the parent from exercising the right to inspect and review the records. 3. A request to have a representative of the parent to inspect and review the records. 	
<p>Record of access. § 300.614</p> <p>Each participating agency must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the Act (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.</p>	<p>§ 300.614</p> <p>The public agency keeps a record of parties obtaining access to education records collected, maintained, or used under Part B of the Act, including the name of the party, the date access was given, and the purpose for which the party was authorized to use the records.</p>	
<p>Records on more than one child. § 300.615</p> <p>If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.</p>	<p>§ 300.615</p> <p><i>If any education record includes information on more than one student, the parent was allowed to inspect and review only the information relating to their own child.</i></p>	

Citation	Standard	Evidence of Compliance
<p>List of types and locations of information. § 300.616 Each participating agency must provide parents on request a list of the types and locations of education records collected, maintained, or used by the agency.</p>	<p>§ 300.616 The public agency provided, at the parent's request, a list of the types and locations of education records collected, maintained, or used by the agency.</p>	
<p>Fees. § 300.617 (a) Each participating agency may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. (b) A participating agency may not charge a fee to search for or to retrieve information under this part.</p>	<p>§ 300.617(a) <i>If a public agency charged a fee for copies of records, the fee did not prevent the parent from exercising their right to inspect and review those records.</i> § 300.617(b) The public agency did not charge a fee to search or retrieve records.</p>	
<p>Amendment of records at parent's request. § 300.618 (a) A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information. (b) The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. (c) If the agency decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under § 300.619.</p>	<p>§ 300.618(b),(c) <i>If a parent requested the amendment of an education record, the public agency decided whether to amend the information in accordance with the request within a reasonable amount of time, and either:</i> 1. Amended the information in accordance with the request; or 2. Refused to amend the information and informed the parent of the right to a hearing.</p>	
<p>Opportunity for a hearing. § 300.619 The agency must, on request, provide an opportunity for a hearing to challenge information in</p>	<p>§ 300.619 <i>If a parent requested a hearing to challenge information in an</i></p>	

Citation	Standard	Evidence of Compliance
<p>education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.</p>	<p><i>educational record</i>, the public agency provided an opportunity for a hearing to challenge the information in education records.</p>	
<p>Result of hearing. § 300.620</p> <p>(a) If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must amend the information accordingly and so inform the parent in writing.</p> <p>(b) If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent's right to place in the records the agency maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.</p> <p>(c) Any explanation placed in the records of the child under this section must—</p> <p>(1) Be maintained by the agency as part of the records of the child as long as the record or contested portion is maintained by the agency; and</p> <p>(2) If the records of the child or the contested portion is disclosed by the agency to any party, the explanation must also be disclosed to the party.</p>	<p>§ 300.620(a) <i>If, as a result of the hearing, the agency decided that the information was inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the public agency:</i></p> <ol style="list-style-type: none"> 1. Amended the information accordingly. 2. Informed the parent in writing. <p>§ 300.620(b) <i>If, as a result of the hearing, the agency decided that the information was not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the public agency informed the parent of the parent's right to place in the records:</i></p> <ol style="list-style-type: none"> 1. A statement commenting on the information; or 2. Any reasons for disagreeing with the decision of the agency. <p>§ 300.620(c) <i>If an explanation was placed in the records, it was maintained by the public agency and was disclosed to any party requesting the records.</i></p>	
<p>Safeguards. § 300.623</p> <p>(a) Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.</p> <p>(b) One official at each participating agency must assume responsibility for ensuring the confidentiality of</p>	<p>§ 300.623 The public agency ensures:</p> <ol style="list-style-type: none"> 1. The protection of confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. 	

Citation	Standard	Evidence of Compliance
<p>any personally identifiable information.</p> <p>(c) All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under § 300.123 and 34 CFR part 99.</p> <p>(d) Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.</p>	<ol style="list-style-type: none"> 2. That one official has assumed responsibility for ensuring the confidentiality of any personally identifiable information. 3. All persons collecting or using personally identifiable information received training or instruction regarding the state's policies and procedures. 4. A current listing of the names and positions of those employees within the agency who may have access to personally identifiable information is maintained. 	
<p>Destruction of information. § 300.624</p> <p>(a) The public agency must inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child.</p> <p>(b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.</p>	<p>§ 300.624 The public agency:</p> <ol style="list-style-type: none"> 1. Informs the parents when personally identifiable information used under this part is no longer needed to provide educational services to the student. 2. Destroys educational records at the request of the parent. 	
<p>Records; maintenance; content; transfer of records; release of records. R 340.1861</p> <p>Rule 161. (1) A registry shall be maintained by intermediate school districts under procedures established by the department and under the provisions of 1976 PA 451, MCL 380.1711, for all students with disabilities, as defined by R 340.1702, including students placed in state and privately operated facilities. The registry shall be an operational, active database system with the capacity to provide up-to-date student counts and other data</p>	<p>R 340.1861(1)</p> <ol style="list-style-type: none"> 1. The intermediate school district maintains an operational and timely database system that includes all students with disabilities, including students placed in state and privately operated facilities. 2. Each local district, public school academy, or state agency provides the intermediate school district 	

Citation	Standard	Evidence of Compliance
<p>requirements to the department on a timely basis. Each constituent local school district, public school academy, or state agency shall provide the intermediate school district with a complete updated data record for each student with a disability. The updated record shall contain full-time equivalency data for each student enrolled in a special education program by the student count dates required in the state school aid act, 1979 PA 94, MCL 388.1601 et seq., and shall contain each student's data enrolled in programs and services by the student count date required by the regulations implementing the individuals with disabilities education act, 34 C.F.R. §300.1 et seq.</p> <p>(2) If the residency of a student with a disability changes from one intermediate school district to another, then the intermediate school district of previous residence shall transfer the records maintained under this rule to the new intermediate school district upon written request of the intermediate school district of residence and the parent of the student with a disability for whom the record was maintained.</p> <p>(3) Public agencies shall comply with 34 C.F.R. 300.610 to 300.626.</p>	<p>with a complete updated data record for each student with a disability.</p> <p>3. The records contain the following:</p> <ul style="list-style-type: none"> a. Full-time equivalency data for each student enrolled in special education. b. Data for each student enrolled in programs and services by the count dates. <p>R 340.1861(2) Student records are transferred to a new intermediate school district upon written request.</p>	

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Citation	Standard	Evidence of Compliance
VIII. Birth to Three		
<p>Transition of children from the Part C program to preschool programs. § 300.124</p> <p>The State must have in effect policies and procedures to ensure that—</p> <p>(a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act;</p> <p>(b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with § 300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with § 300.101(b); and</p> <p>(c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act.</p>	<p>§ 300.124(b) By the third birthday of a student participating in early intervention services under Part C, an IEP was developed and implemented for the child.</p> <p>§ 300.124(c) Each affected LEA participated in transition planning conferences arranged by the designated lead agency.</p>	
<p>Individualized family service plan; time lines; eligibility. R 340.1862</p> <p>Rule 162. (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.</p> <p>(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.</p> <p>(3) Determination of eligibility for Michigan special education services, for a child birth to 3 with a disability shall follow all time lines and requirements pursuant to 34 CFR part 303.</p>	<p>R 340.1862(1) The child has a current individualized family service plan (IFSP) that documents eligibility for Michigan Special Education Services.</p> <p>R 340.1862(2) The evaluation meets the requirements of 34 CFR part 303 and R 340.1705 to R 340.1717.</p> <p>R 340.1862(3) The determination of eligibility followed the time lines of 34 CFR part 303.</p>	

Citation	Standard	Evidence of Compliance
<p>(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. (b) Provided by an approved or endorsed early childhood special education teacher or approved related services staff. (c) Provided for not less than 72 clock hours over 1 year. The time line begins upon receipt of signed parental consent to provide services. (d) Provided in an appropriate early childhood setting, school setting, community setting, or family setting. (e) Have a parent participation and education component. (5) Approved related services staff shall work under the educational direction of an approved or endorsed early childhood special education teacher.</p>	<p>R 340.1862(4) Special education services for children birth to 3 with disabilities shall be all of the following:</p> <ol style="list-style-type: none"> 1. Determined by the child's individual needs and specified in an IFSP. 2. Provided by an approved or endorsed early childhood special education teacher or approved related services staff. 3. Provided for not less than 72 clock hours over 1 year. The time line begins upon receipt of signed parental consent to provide services. 4. Provided in an appropriate early childhood setting, school setting, community setting, or family setting. 5. Have a parent participation and education component. <p>R 340.1862(5) There is documentation that approved related services staff work under the educational direction of an approved or endorsed early childhood special education teacher.</p>	
<p>For additional requirements of services for students age zero to three see <i>Early On</i>® Monitoring Standards.</p>		

Citation	Standard	Evidence of Compliance
IX. Students Enrolled by Their Parents in Private Schools		
<p style="text-align: center;">Services plan. § 300.37</p> <p><i>Services plan</i> means a written statement that describes the special education and related services the LEA will provide to a parentally-placed child with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary, consistent with § 300.132, and is developed and implemented in accordance with §§ 300.137 through 300.139.</p>	<p>§ 300.37 The services plan includes the following:</p> <ol style="list-style-type: none"> 1. A description of the special education and related services to be provided to the student. 2. Location of the services. 3. Any necessary transportation. 	
<p style="text-align: center;">Child find for parentally placed private school children with disabilities. § 300.131</p> <p>(a) <i>General.</i> Each LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, in accordance with paragraphs (b) through (e) of this section, and §§ 300.111 and 300.201.</p> <p>(b) <i>Child find design.</i> The child find process must be designed to ensure—</p> <ol style="list-style-type: none"> (1) The equitable participation of parentally-placed private school children; and (2) An accurate count of those children. <p>(c) <i>Activities.</i> In carrying out the requirements of this section, the LEA, or, if applicable, the SEA, must undertake activities similar to the activities undertaken for the agency's public school children.</p> <p>(d) <i>Cost.</i> The cost of carrying out the child find requirements in this section, including individual evaluations, may not be considered in determining if an LEA has met its obligation under § 300.133.</p> <p>(e) <i>Completion period.</i> The child find</p>	<p>§ 300.131(a),(b),(c) The child find process in effect in the public agency includes students with disabilities who are enrolled by their parents in private schools located in the school district, served by the public agency and includes:</p> <ol style="list-style-type: none"> 1. The equitable participation of parentally-placed private school students. 2. An accurate count of those students. 3. Activities similar to the activities undertaken for the agency's public school students. <p>§ 300.131(d) The cost of carrying out the child find requirements of this section, including individual evaluations, is not considered in determining if a public agency has met its proportionate share.</p> <p>§ 300.131(e) The child find process was completed within 30 school days.</p>	

Citation	Standard	Evidence of Compliance
<p>process must be completed in a time period comparable to that for students attending public schools in the LEA consistent with § 300.301. (f) <i>Out-of-State children</i>. Each LEA in which private, including religious, elementary schools and secondary schools are located must, in carrying out the child find requirements in this section, include parentally-placed private school children who reside in a State other than the State in which the private schools that they attend are located.</p>	<p>§ 300.131(f) The child find process includes parentally-placed private school students who reside in another state.</p>	
<p>Provision of services for parentally-placed private school children with disabilities—basic requirement. § 300.132 (a) <i>General</i>. To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, provision is made for the participation of those children in the program assisted or carried out under Part B of the Act by providing them with special education and related services, including direct services determined in accordance with § 300.137, unless the Secretary has arranged for services to those children under the by-pass provisions in §§ 300.190 through 300.198. (b) Services plan for parentally-placed private school children with disabilities. In accordance with paragraph (a) of this section and §§ 300.137 through 300.139, a services plan must be developed and implemented for each private school child with a disability who has been designated by the LEA in which the private school is located to receive special education and related services under this part. (c) Record keeping. Each LEA must maintain in its records, and provide</p>	<p>§ 300.132(a) Part B special education and related services, including direct services, were provided to those students in the program as determined in accordance with § 300.137.</p> <p>§ 300.132(b) A services plan was developed and implemented for each private school student with a disability who has been designated by the LEA in which the private school is located to receive special education and related services.</p> <p>§ 300.132(c) The public agency maintains in its records and provides to the state educational agency the following information related to parentally-placed private school students:</p> <ol style="list-style-type: none"> 1. The number of students evaluated. 2. The number of students determined to be students with disabilities. 3. The number of students served. 	

Citation	Standard	Evidence of Compliance
<p>to the SEA, the following information related to parentally-placed private school children covered under §§ 300.130 through 300.144:</p> <p>(1) The number of children evaluated;</p> <p>(2) The number of children determined to be children with disabilities; and</p> <p>(3) The number of children served.</p>		
<p>Expenditures § 300.133</p> <p>(a) <i>Formula.</i> To meet the requirement of § 300.132(a), each LEA must spend the following on providing special education and related services (including direct services) to parentally-placed private school children with disabilities:</p> <p>(1) For children aged 3 through 21, an amount that is the same proportion of the LEA's total subgrant under section 611(f) of the Act as the number of private school children with disabilities aged 3 through 21 who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, is to the total number of children with disabilities in its jurisdiction aged 3 through 21.</p> <p>(2)(i) For children aged three through five, an amount that is the same proportion of the LEA's total subgrant under section 619(g) of the Act as the number of parentally-placed private school children with disabilities aged three through five who are enrolled by their parents in a private, including religious, elementary school located in the school district served by the LEA, is to the total number of children with disabilities in its jurisdiction aged three through five.</p> <p>(ii) As described in paragraph (a)(2)(i) of this section, children</p>	<p>§ 300.133(a)(1) <i>For students aged 3 through 21, an amount that is the same proportion of the public agency's total IDEA subgrant as the number of private school students with disabilities aged 3 through 21 who are enrolled by their parents in private schools located in the district served by the public agency, is to the total number of students with disabilities in its jurisdiction aged 3 through 21.</i></p> <p>§ 300.133(a)(2)(i) <i>For children aged three through five, an amount that is the same proportion of the public agency's total IDEA subgrant as the number of parentally-placed private school students with disabilities aged three through five who are enrolled by their parents in a private elementary school located in the school district served by the LEA, is to the total number of students with disabilities in its jurisdiction aged three through five.</i></p> <p>§ 300.133(a)(3) <i>If an LEA has provided equitable services, but has not expended all of the funds set aside for proportionate share by the end of the fiscal year, the public agency obligated the remaining funds for special education and related</i></p>	

Citation	Standard	Evidence of Compliance
<p>aged three through five are considered to be parentally-placed private school children with disabilities enrolled by their parents in private, including religious, elementary schools, if they are enrolled in a private school that meets the definition of elementary school in § 300.13.</p> <p>(3) If an LEA has not expended for equitable services all of the funds described in paragraphs (a)(1) and (a)(2) of this section by the end of the fiscal year for which Congress appropriated the funds, the LEA must obligate the remaining funds for special education and related services (including direct services) to parentally-placed private school children with disabilities during a carry-over period of one additional year.</p> <p>(b) <i>Calculating proportionate amount.</i> In calculating the proportionate amount of Federal funds to be provided for parentally-placed private school children with disabilities, the LEA, after timely and meaningful consultation with representatives of private schools under § 300.134, must conduct a thorough and complete child find process to determine the number of parentally-placed children with disabilities attending private schools located in the LEA. (See Appendix B for an example of how proportionate share is calculated).</p> <p>(c) <i>Annual count of the number of parentally-placed private school children with disabilities.</i> (1) Each LEA must—</p> <p>(i) After timely and meaningful consultation with representatives of parentally-placed private school children with disabilities (consistent with § 300.134), determine the number of parentally-placed private school children with disabilities attending private schools located in the LEA; and</p> <p>(ii) Ensure that the count is conducted on any date between</p>	<p>services to parentally-placed private school students with disabilities during a carry-over period of one additional year.</p> <p>§ 300.133(b) The public agency calculated the proportionate amount of federal funds to be provided for parentally-placed private school children with disabilities:</p> <ol style="list-style-type: none"> 1. Conducted timely and meaningful consultation with representatives of private schools. 2. Conducted a thorough and complete child find process to determine the number of parentally-placed children with disabilities attending private schools located in the LEA. 3. Determined the number of parentally-placed private school children with disabilities attending private schools located in the LEA. 4. Counted the number of parentally-placed private school children with disabilities attending private schools located in the LEA between October 1 and December 1, inclusive, of each year. <p>§ 300.133(c)(2) The public agency used the student count to determine the amount that the public agency must spend on providing special education and related services to parentally-placed private school children with disabilities in the next subsequent fiscal year.</p> <p>§ 300.133(d) The public agency supplemented state and local funds and in no case supplanted the proportionate amount of federal funds required to be expended for parentally-placed private school</p>	

Citation	Standard	Evidence of Compliance
<p>October 1 and December 1, inclusive, of each year. (2) The count must be used to determine the amount that the LEA must spend on providing special education and related services to parentally-placed private school children with disabilities in the next subsequent fiscal year. (d) <i>Supplement, not supplant.</i> State and local funds may supplement and in no case supplant the proportionate amount of Federal funds required to be expended for parentally-placed private school children with disabilities under this part.</p>	<p>children with disabilities under this part.</p>	
<p>Consultation. § 300.134 To ensure timely and meaningful consultation, an LEA, or, if appropriate, an SEA, must consult with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the design and development of special education and related services for the children regarding the following: (a) <i>Child find.</i> The child find process, including— (1) How parentally-placed private school children suspected of having a disability can participate equitably; and (2) How parents, teachers, and private school officials will be informed of the process. (b) <i>Proportionate share of funds.</i> The determination of the proportionate share of Federal funds available to serve parentally-placed private school children with disabilities under § 300.133(b), including the determination of how the proportionate share of those funds was calculated. (c) <i>Consultation process.</i> The consultation process among the LEA, private school officials, and representatives of parents of parentally-placed private school</p>	<p>§ 300.134(a) The public agency consulted with private school representatives and the parent of parentally-placed private school students with disabilities during the design and development of special education and related services regarding the child find process, including: 1. How parentally-placed private school students suspected of having a disability participated equitably. 2. How parents, teachers, and private school officials were informed of the process.</p> <p>§ 300.134(b) The determination of the proportionate share of federal funds available to serve parentally-placed private school students with disabilities included the determination of how the proportionate share was calculated.</p> <p>§ 300.134(c) The consultation process among the public agency, private school officials, and representatives of parents of parentally-placed</p>	

Citation	Standard	Evidence of Compliance
<p>children with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed children with disabilities identified through the child find process can meaningfully participate in special education and related services.</p> <p>(d) <i>Provision of special education and related services.</i> How, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities, including a discussion of—</p> <p>(1) The types of services, including direct services and alternate service delivery mechanisms; and</p> <p>(2) How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children; and</p> <p>(3) How and when those decisions will be made;</p> <p>(e) <i>Written explanation by LEA regarding services.</i> How, if the LEA disagrees with the views of the private school officials on the provision of services or the types of services (whether provided directly or through a contract), the LEA will provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.</p>	<p>private school students with disabilities, including how the process will operate throughout the school year.</p> <p>§ 300.134(d) The public agency has a discussion about how, where, and by whom special education and related services will be provided, including a discussion of:</p> <ol style="list-style-type: none"> 1. The types of services, including direct services and alternate service delivery mechanisms. 2. How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children. 3. How and when those decisions will be made. <p>§ 300.134(e) 1. The LEA provides written explanation of how the LEA will provide services to the private school officials.</p> <ol style="list-style-type: none"> 2. <i>If the LEA disagrees with the views of the private school officials on the provision of services or the types of services, there is a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.</i> 	
<p>Written affirmation. § 300.135</p> <p>(a) When timely and meaningful consultation, as required by § 300.134, has occurred, the LEA must obtain a written affirmation signed by the representatives of participating private schools.</p> <p>(b) If the representatives do not provide the affirmation within a reasonable period of time, the LEA must forward the documentation of the consultation process to the SEA.</p>	<p>§ 300.135(a) <i>If timely and meaningful consultation occurred, the public agency obtained a written affirmation signed by the representatives of participating private schools.</i></p> <p>§ 300.135(b) <i>If the affirmation was not received within a reasonable period of time, the public agency</i></p>	

Citation	Standard	Evidence of Compliance
	forwarded documentation of the consultation process to the state educational agency.	
<p>Equitable services determined. § 300.137 (a) <i>No individual right to special education and related services.</i> No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. (b) <i>Decisions.</i> (1) Decisions about the services that will be provided to parentally-placed private school children with disabilities under §§ 300.130 through 300.144 must be made in accordance with paragraph (c) of this section and § 300.134(d). (2) The LEA must make the final decisions with respect to the services to be provided to eligible parentally-placed private school children with disabilities. (c) <i>Services plan for each child served under §§ 300.130 through 300.144.</i> If a child with a disability is enrolled in a religious or other private school by the child's parents and will receive special education or related services from an LEA, the LEA must— (1) Initiate and conduct meetings to develop, review, and revise a services plan for the child, in accordance with § 300.138(b); and (2) Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the LEA shall use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.</p>	<p>§ 300.137 <i>If a student is enrolled in a private school by the student's parent and receives special education or related services from a public agency, the public agency:</i></p> <ol style="list-style-type: none"> 1. Initiated and conducted meetings to develop, review, and revise a services plan for the student. 2. Ensured that a representative of the private school attended each meeting. <ol style="list-style-type: none"> a. <i>If the representative did not attend,</i> the public agency used other methods to ensure participation by the private school, including individual or conference telephone calls. 	
<p>Equitable services provided. § 300.138 (a) <i>General.</i> (1) The services provided to parentally-placed</p>	<p>§ 300.138(a)(1) The personnel providing services</p>	

Citation	Standard	Evidence of Compliance
<p>private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools, except that private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements of § 300.18.</p> <p>(2) Parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.</p> <p><i>(b) Services provided in accordance with a services plan.</i> (1) Each parentally placed private school child with a disability who has been designated to receive services under § 300.132 must have a services plan that describes the specific special education and related services that the LEA will provide to the child in light of the services that the LEA has determined, through the process described in §§ 300.134 and 300.137, it will make available to parentally-placed private school children with disabilities.</p> <p>(2) The services plan must, to the extent appropriate—</p> <p>(i) Meet the requirements of § 300.320, or for a child ages three through five, meet the requirements of § 300.323(b) with respect to the services provided; and</p> <p>(ii) Be developed, reviewed, and revised consistent with §§ 300.321 through 300.324.</p> <p><i>(c) Provision of equitable services.</i></p> <p>(1) The provision of services pursuant to this section and §§ 300.139 through 300.143 must be provided:</p> <p>(i) By employees of a public agency; or</p> <p>(ii) Through contract by the public agency with an individual, association, agency, organization, or</p>	<p>to parentally-placed private school students with disabilities meets the same standards as those who provide services in the public schools with the exception of having to meet the highly qualified special education teacher requirements.</p> <p>§ 300.138(b) The services plan:</p> <ol style="list-style-type: none"> 1. Describes the specific special education and related services that the LEA will provide for each parentally-placed private school student with a disability that has been designated to receive services. 2. Meets the requirements of § 300.320, or for a child ages three through five, meets the requirements of § 300.323(b) with respect to the services provided. 3. Was developed, reviewed, and revised consistent with §§ 300.321 through 300.324. <p>§ 300.138(c)(1) The services pursuant to this section and §§ 300.139 through 300.324 were provided:</p> <ol style="list-style-type: none"> 1. By employees of a public agency; or 2. Through contract by the public agency with an individual, association, agency, organization, or other entity. <p>§ 300.138(c)(2) The special education and related services provided to parentally-placed private school students with disabilities, including materials and equipment, are secular, neutral, and non-ideological.</p>	

Citation	Standard	Evidence of Compliance
<p>other entity. (2) Special education and related services provided to parentally-placed private school children with disabilities, including materials and equipment, must be secular, neutral, and non- ideological.</p>		
<p>Location of services and transportation. § 300.139 (a) <i>Services on private school premises.</i> Services to parentally-placed private school children with disabilities may be provided on the premises of private, including religious, schools, to the extent consistent with law. (b) <i>Transportation—(1) General.</i> (i) If necessary for the child to benefit from or participate in the services provided under this part, a parentally-placed private school child with a disability must be provided transportation— (A) From the child’s school or the child’s home to a site other than the private school; and (B) From the service site to the private school, or to the child’s home, depending on the timing of the services. (ii) LEAs are not required to provide transportation from the child’s home to the private school. (3) <i>Cost of transportation.</i> The cost of the transportation described in paragraph (b)(1)(i) of this section may be included in calculating whether the LEA has met the requirement of § 300.133.</p>	<p>§ 300.139(b)(1) <i>If necessary for the student to benefit from or participate in the services, the student was provided transportation from:</i> 1. The student’s school or the student’s home to a site other than the private school. 2. The service site to the private school, or to the student’s home, depending on the timing of the services.</p>	
<p>Requirement that funds not benefit a private school. § 300.141 (a) An LEA may not use funds provided under section 611 or 619 of the Act to finance the existing level of instruction in a private school or to otherwise benefit the private school. (b) The LEA must use funds provided under Part B of the Act to</p>	<p>§ 300.141 Federal funds are: 1. Not used to finance the existing level of instruction in a private school or to otherwise benefit the private school. 2. Used to meet the special</p>	

Citation	Standard	Evidence of Compliance
<p>meet the special education and related services needs of parentally-placed private school children with disabilities, but not for meeting—</p> <p>(1) The needs of a private school; or</p> <p>(2) The general needs of the students enrolled in the private school.</p>	<p>education and related services needs of parentally-placed private school children with disabilities.</p> <p>3. Not used for meeting the needs of a private school.</p> <p>4. Not used for meeting the general needs of the students enrolled in the private school.</p>	
<p>Use of personnel. § 300.142</p> <p>(a) <i>Use of public school personnel.</i> An LEA may use funds available under sections 611 and 619 of the Act to make public school personnel available in other than public facilities—</p> <p>(1) To the extent necessary to provide services under §§ 300.130 through 300.144 for parentally-placed private school children with disabilities; and</p> <p>(2) If those services are not normally provided by the private school.</p> <p>(b) <i>Use of private school personnel.</i> An LEA may use funds available under sections 611 and 619 of the Act to pay for the services of an employee of a private school to provide services under §§ 300.130 through 300.144 if—</p> <p>(1) The employee performs the services outside of his or her regular hours of duty; and</p> <p>(2) The employee performs the services under public supervision and control.</p>	<p>§ 300.142(a) The public agency made public school personnel available only:</p> <ol style="list-style-type: none"> 1. To the extent necessary to provide services for parentally-placed private school children with disabilities. 2. If those services are not normally provided by the private school. <p>§ 300.142(b) A public agency used funds to pay for the services of an employee of a private school to provide services only when:</p> <ol style="list-style-type: none"> 1. The employee performed the services outside of his or her regular hours of duty. 2. The employee performed the services under public supervision and control. 	
<p>Separate classes prohibited. § 300.143</p> <p>An LEA may not use funds available under section 611 or 619 of the Act for classes that are organized separately on the basis of school enrollment or religion of the children if—</p> <p>(a) The classes are at the same site; and</p> <p>(b) The classes include children enrolled in public schools and children enrolled in private schools.</p>	<p>§ 300.143 A public agency did not use funds for classes that are organized separately on the basis of school enrollment or religion of the children if:</p> <ol style="list-style-type: none"> 1. The classes are at the same site. 2. The classes include children enrolled in public schools and children enrolled in private 	

Citation	Standard	Evidence of Compliance
	schools.	
<p>Property, equipment, and supplies. § 300.144</p> <p>(a) A public agency must control and administer the funds used to provide special education and related services under §§ 300.137 through 300.139, and hold title to and administer materials, equipment, and property purchased with those funds for the uses and purposes provided in the Act.</p> <p>(b) The public agency may place equipment and supplies in a private school for the period of time needed for the Part B program.</p> <p>(c) The public agency must ensure that the equipment and supplies placed in a private school—</p> <p>(1) Are used only for Part B purposes; and</p> <p>(2) Can be removed from the private school without remodeling the private school facility.</p> <p>(d) The public agency must remove equipment and supplies from a private school if—</p> <p>(1) The equipment and supplies are no longer needed for Part B purposes; or</p> <p>(2) Removal is necessary to avoid unauthorized use of the equipment and supplies for other than Part B purposes.</p> <p>(e) No funds under Part B of the Act may be used for repairs, minor remodeling, or construction of private school facilities.</p>	<p>§ 300.144(a) The public agency controlled and administered the funds to:</p> <ol style="list-style-type: none"> 1. Provide special education and related services. 2. Hold the title to and administered materials, equipment, and property purchased with those funds for the uses and purposes provided in the Act. <p>§ 300.144(b),(c)</p> <ol style="list-style-type: none"> 1. The public agency placed equipment and supplies in a private school only for the period of time needed for the Part B program. 2. Equipment and supplies can be removed from the private school without remodeling the private school facility. <p>§ 300.144(d) The public agency removed equipment and supplies from a private school if:</p> <ol style="list-style-type: none"> 1. The equipment and supplies were no longer needed for Part B purposes; or 2. Removal was necessary to avoid unauthorized use of the equipment and supplies for purposes other than Part B. <p>§ 300.144(e) No funds under Part B of the Act were used for repairs, remodeling, or construction of private school facilities.</p>	

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Citation	Standard	Evidence of Compliance
X. Students in Private Schools Placed or Referred by Public Agencies		
<p>Responsibility of SEA. § 300.146</p> <p>Each SEA must ensure that a child with a disability who is placed in or referred to a private school or facility by a public agency—</p> <p>(a) Is provided special education and related services—</p> <p>(1) In conformance with an IEP that meets the requirements of §§ 300.320 through 300.325; and</p> <p>(2) At no cost to the parents;</p> <p>(b) Is provided an education that meets the standards that apply to education provided by the SEA and LEAs including the requirements of this part, except for § 300.18 and § 300.156(c); and</p> <p>(c) Has all of the rights of a child with a disability who is served by a public agency.</p>	<p>§ 300.146</p> <ol style="list-style-type: none"> 1. All programs and services for a student with a disability who is placed in or referred to a private school or facility by a public agency: <ol style="list-style-type: none"> a. Are provided completely and in a timely manner. b. Are in accordance with the student’s IEP. c. Are at no cost to the parent. d. Meets the standards that apply to education provided by the SEA and LEA. e. Meets the requirements of IDEA, except § 300.18 and § 300.156(c). 2. The student has all of the rights of a student with a disability who is served by a public agency. 	
<p>Placement of children by parents when FAPE is at issue. § 300.148</p> <p>(a) <i>General.</i> This part does not require an LEA to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made FAPE available to the child and the parents elected to place the child in a private school or facility. However, the public agency must include that child in the population whose needs are addressed consistent with §§ 300.131 through 300.144.</p> <p>(b) <i>Disagreements about FAPE.</i> Disagreements between the parents and a public agency regarding the availability of a program appropriate for the child, and the question of financial reimbursement, are subject to the due process procedures in §§ 300.504 through 300.520.</p>	<p>§ 300.148(a)</p> <p><i>If the agency made FAPE available to the student and the parents elected to place the child in a private school or facility, the public agency included that student in the population whose needs are addressed consistent with §§ 300.131 through 300.144.</i></p> <p>§ 300.148(e)</p> <p>The cost of reimbursement is not reduced or denied for failure to provide notice if:</p> <ol style="list-style-type: none"> 1. The school prevented the parents from providing the notice. 2. The parents had not received the notice pursuant to § 300.504 of the notice requirement in (d)(1) of this 	

Citation	Standard	Evidence of Compliance
<p>(c) <i>Reimbursement for private school placement.</i> If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private preschool, elementary school, or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made FAPE available to the child in a timely manner prior to that enrollment and that the private placement is appropriate. A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the State standards that apply to education provided by the SEA and LEAs.</p> <p>(d) <i>Limitation on reimbursement.</i> The cost of reimbursement described in paragraph (c) of this section may be reduced or denied—</p> <p>(1) If—(i) At the most recent IEP Team meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by the public agency to provide FAPE to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or</p> <p>(ii) At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the public agency of the information described in paragraph (d)(1)(i) of this section;</p> <p>(2) If, prior to the parents' removal of the child from the public school, the public agency informed the parents, through the notice</p>	<p>section or compliance with paragraph (d)(1) of this section would likely result in physical harm to the student.</p> <p>3. At the discretion of the court or a hearing officer, not be reduced or denied for failure to provide this notice if:</p> <p>a. The parents are not literate or cannot write in English; or</p> <p>b. Compliance with paragraph (d)(1) of this section would likely result in serious emotional harm to the student.</p>	

Citation	Standard	Evidence of Compliance
<p>requirements described in § 300.503(a)(1), of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for the evaluation; or</p> <p>(3) Upon a judicial finding of unreasonableness with respect to actions taken by the parents.</p> <p>(e) <i>Exception.</i> Notwithstanding the notice requirement in paragraph (d)(1) of this section, the cost of reimbursement—</p> <p>(1) Must not be reduced or denied for failure to provide the notice if—</p> <p>(i) The school prevented the parents from providing the notice;</p> <p>(ii) The parents had not received notice, pursuant to § 300.504, of the notice requirement in paragraph (d)(1) of this section; or</p> <p>(iii) Compliance with paragraph (d)(1) of this section would likely result in physical harm to the child; and</p> <p>(2) May, in the discretion of the court or a hearing officer, not be reduced or denied for failure to provide this notice if—</p> <p>(i) The parents are not literate or cannot write in English; or</p> <p>(ii) Compliance with paragraph (d)(1) of this section would likely result in serious emotional harm to the child.</p>		
<p>Private school placements by public agencies.</p> <p>§ 300.325</p> <p>(a) <i>Developing IEPs.</i> (1) Before a public agency places a child with a disability in, or refers a child to, a private school or facility, the agency must initiate and conduct a meeting to develop an IEP for the child in accordance with §§ 300.320 and 300.324.</p> <p>(2) The agency must ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend,</p>	<p>§ 300.325(a)</p> <p>The public agency must:</p> <ol style="list-style-type: none"> 1. Initiate and conduct a meeting to develop an IEP for the student before a public agency places a student with a disability in, or refers a student to, a private school or facility. 2. Ensure that a representative of the private school or facility attends or participates 	

Citation	Standard	Evidence of Compliance
<p>the agency must use other methods to ensure participation by the private school or facility, including individual or conference telephone calls.</p> <p>(b) <i>Reviewing and revising IEPs.</i> (1) After a child with a disability enters a private school or facility, any meetings to review and revise the child’s IEP may be initiated and conducted by the private school or facility at the discretion of the public agency.</p> <p>(2) If the private school or facility initiates and conducts these meetings, the public agency must ensure that the parents and an agency representative—</p> <p>(i) Are involved in any decision about the child’s IEP; and</p> <p>(ii) Agree to any proposed changes in the IEP before those changes are implemented.</p> <p>(c) <i>Responsibility.</i> Even if a private school or facility implements a child’s IEP, responsibility for compliance with this part remains with the public agency and the SEA.</p>	<p>in the meeting.</p> <p>§ 300.325(b)(1) At the discretion of the public agency, for each student with a disability who attends a private school or facility, any meeting to review and revise the student’s IEP may be initiated and conducted by the private school or facility.</p> <p>§ 300.325(b)(2) <i>If the private school or facility initiates and conducts the IEP meetings,</i> the public agency ensures that the parents and an agency representative:</p> <ol style="list-style-type: none"> 1. Are involved in any decision about the child’s IEP. 2. Agree to any proposed changes in the IEP before those changes are implemented. 	

Citation	Standard	Evidence of Compliance
XI. Notice and Consent		
<p style="text-align: center;">Consent. § 300.9</p> <p><i>Consent</i> means that—</p> <p>(a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;</p> <p>(b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and</p> <p>(c)(1) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.</p> <p>(2) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).</p> <p>(3) If the parent revokes consent in writing for their child’s receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child’s education records to remove any references to the child’s receipt of special education and related services because of the revocation of consent.</p>	<p>§ 300.9(a),(b)</p> <ol style="list-style-type: none"> 1. Consent includes the following: <ol style="list-style-type: none"> a. The activity for which consent is being sought. b. A list of the records (if any) that will be released and to whom. c. The signature of the parent. d. An indication that consent is voluntary and may be revoked at any time. 2. Consent is written in the parent’s native language or other mode of communication. <p>§ 300.9(c)(2)</p> <p><i>If the parent revoked consent, written revocation of consent is in writing and the public agency ceased activities to which consent was granted within a reasonable time.</i></p>	
<p style="text-align: center;">Parental consent. § 300.300</p> <p>(a) <i>Parental consent for initial evaluation.</i> (1)(i) The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under § 300.8 must, after providing notice consistent with §§ 300.503 and 300.504, obtain informed consent, consistent with § 300.9, from the parent of the child before</p>	<p>§ 300.300(a)(1)(i)</p> <p>Parental consent for an initial evaluation is dated:</p> <ol style="list-style-type: none"> 1. On or after date of notice. 2. Prior to an evaluation for initial eligibility. <p>§ 300.300(a)(1)(ii)</p> <p>Parental consent for initial provision of services is separate</p>	

Citation	Standard	Evidence of Compliance
<p>conducting the evaluation.</p> <p>(ii) Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.</p> <p>(iii) The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.</p> <p>(2) For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if—</p> <p>(i) Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;</p> <p>(ii) The rights of the parents of the child have been terminated in accordance with State law; or</p> <p>(iii) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.</p> <p>(3)(i) If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation under paragraph (a)(1) of this section, or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards in subpart E of this part (including the mediation procedures under § 300.506 or the due process procedures under §§ 300.507 through 300.516), if appropriate, except to the extent inconsistent with State law relating to such</p>	<p>from the consent for initial evaluation.</p> <p>§ 300.300(a)(1)(iii) <i>If consent to evaluate is not granted, the reasonable efforts to obtain parental consent are documented.</i></p> <p>§ 300.300(a)(2)</p> <ol style="list-style-type: none"> 1. Termination of parental rights is documented, if appropriate. 2. <i>If the authority to represent the child was given to a non-parent, there is documentation.</i> <p>§ 300.300(b)(1) Consent signed by the parent is obtained before the initial provision of special education programs and related services to the student.</p> <p>§ 300.300(b)(2) The public agency made reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services.</p> <p>§ 300.300(b)(3) <i>If the parent fails to respond to a request for, or refuses to consent to, the initial provision of special education programs and related services, the public agency:</i></p> <ol style="list-style-type: none"> 1. Did not use the mediation or due process procedures to obtain agreement. 2. Did not make FAPE available to the student. 3. Did not convene an IEP team meeting or develop an IEP. <p>§ 300.300(b)(4) <i>If a parent revokes consent in writing subsequent to the initial provision of special education and related services, the public agency:</i></p> <ol style="list-style-type: none"> 1. Did not continue to provide special education and related 	

Citation	Standard	Evidence of Compliance
<p>parental consent.</p> <p>(ii) The public agency does not violate its obligation under § 300.111 and §§ 300.301 through 300.311 if it declines to pursue the evaluation.</p> <p>(b) <i>Parental consent for services.</i></p> <p>(1) A public agency that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.</p> <p>(2) The public agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.</p> <p>(3) If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the public agency—</p> <p>(i) May not use the procedures in subpart E of this part (including the mediation procedures under § 300.506 or the due process procedures under §§ 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child;</p> <p>(ii) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent; and</p> <p>(iii) Is not required to convene an IEP Team meeting or develop an IEP under §§ 300.320 and 300.324 for the child.</p> <p>(4) If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public agency—</p>	<p>services to the student.</p> <ol style="list-style-type: none"> 2. Provided prior written notice before ceasing the provision of special education and related services. 3. Did not use mediation or due process procedures in order to obtain agreement. 4. Is not in violation of the requirement to make FAPE available to the student. 5. Is not required to convene an IEP team meeting or develop an IEP. <p>§ 300.300(c)(1)</p> <ol style="list-style-type: none"> 1. Prior to any reevaluation, the public agency obtained informed parental consent. 2. <i>If the parent refused to consent, the public agency may pursue the consent override procedures.</i> <p>§ 300.300(c)(2)</p> <p><i>If informed parental consent was not obtained, the public agency documented:</i></p> <ol style="list-style-type: none"> 1. Reasonable efforts to obtain parental consent. 2. The parent's failure to respond. <p>§ 300.300(d)(3)</p> <p>The public agency did not use a parent's refusal to consent to an initial evaluation, reevaluation, or provision of services to deny the parent or student any other service, benefit, or activity.</p> <p>§ 300.300(d)(4)</p> <p><i>If a parent of a student who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or reevaluation, or the parent fails to respond to a request for consent, the public agency did not use the consent override procedures.</i></p>	

Citation	Standard	Evidence of Compliance
<p>(i) May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with § 300.503 before ceasing the provision of special education and related services;</p> <p>(ii) May not use the procedures in subpart E of this part (including the mediation procedures under § 300.506 or the due process procedures under §§ 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child;</p> <p>(iii) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and</p> <p>(iv) Is not required to convene an IEP Team meeting or develop an IEP under §§ 300.320 and 300.324 for the child for further provision of special education and related services.</p> <p><i>(c) Parental consent for reevaluations.</i></p> <p>(1) Subject to paragraph (c)(2) of this section, each public agency—</p> <p>(i) Must obtain informed parental consent, in accordance with § 300.300(a)(1), prior to conducting any reevaluation of a child with a disability.</p> <p>(ii) If the parent refuses to consent to the reevaluation, the public agency may, but is not required to, pursue the reevaluation by using the consent override procedures described in paragraph (a)(3) of this section.</p> <p>(iii) The public agency does not violate its obligation under § 300.111 and §§ 300.301 through 300.311 if it declines to pursue the evaluation or reevaluation.</p> <p>(2) The informed parental consent described in paragraph (c)(1) of this section need not be obtained if the public agency can demonstrate</p>	<p>§ 300.300(d)(5) The public agency documented its reasonable efforts to obtain parental consent.</p>	

Citation	Standard	Evidence of Compliance
<p>that—</p> <ul style="list-style-type: none"> (i) It made reasonable efforts to obtain such consent; and (ii) The child’s parent has failed to respond. <p>(d) Other consent requirements.</p> <p>(1) Parental consent is not required before—</p> <ul style="list-style-type: none"> (i) Reviewing existing data as part of an evaluation or a reevaluation; or (ii) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children. <p>(2) In addition to the parental consent requirements described in paragraphs (a), (b), and (c) of this section, a State may require parental consent for other services and activities under this part if it ensures that each public agency in the State establishes and implements effective procedures to ensure that a parent’s refusal to consent does not result in a failure to provide the child with FAPE.</p> <p>(3) A public agency may not use a parent’s refusal to consent to one service or activity under paragraphs (a), (b), (c), or (d)(2) of this section to deny the parent or child any other service, benefit, or activity of the public agency, except as required by this part.</p> <p>(4)(i) If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the public agency may not use the consent override procedures (described in paragraphs (a)(3) and (c)(1) of this section); and</p> <ul style="list-style-type: none"> (ii) The public agency is not required to consider the child as eligible for services under §§ 300.132 through 300.144. <p>(5) To meet the reasonable efforts</p>		

Citation	Standard	Evidence of Compliance
<p>requirement in paragraphs (a)(1)(iii), (a)(2)(i), (b)(2), and (c)(2)(i) of this section, the public agency must document its attempts to obtain parental consent using the procedures in § 300.322(d).</p>		
<p>Prior notice by the public agency; content of notice. § 300.503 (a) <i>Notice.</i> Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency— (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. (b) <i>Content of notice.</i> The notice required under paragraph (a) of this section must include— (1) A description of the action proposed or refused by the agency; (2) An explanation of why the agency proposes or refuses to take the action; (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; (5) Sources for parents to contact to obtain assistance in understanding the provisions of this part; (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and</p>	<p>§ 300.503(a) Written notice was given to the parent within a reasonable time by the public agency when the public agency either: 1. Proposed to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or 2. Refused to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.</p> <p>§ 300.503(b) Written notice contains the following: 1. Description of the action proposed or refused by the agency. 2. Explanation of why the agency proposes or refuses to take the action. 3. Description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action. 4. Statement that the parent of a student with a disability has protection under the procedural safeguards. 5. Sources for parents to contact to obtain assistance in understanding the provisions of this part. 6. Description of other options that the IEP team considered and the reasons why those options were rejected. 7. Description of other factors</p>	

Citation	Standard	Evidence of Compliance
<p>(7) A description of other factors that are relevant to the agency's proposal or refusal. (c) <i>Notice in understandable language.</i> (1) The notice required under paragraph (a) of this section must be— (i) Written in language understandable to the general public; and (ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. (2) If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure— (i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; (ii) That the parent understands the content of the notice; and (iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met.</p>	<p>that are relevant to the agency's proposal or refusal.</p> <p>§ 300.503(c) Notice is:</p> <ol style="list-style-type: none"> 1. Written in understandable language. 2. Provided in the native language or other mode of communication of the parent. 3. <i>If the native language or other mode of communication of the parent is not a written language</i>, the public agency ensured: <ol style="list-style-type: none"> a. That the notice was translated orally or by other means to the parent in his or her native language or other mode of communication. b. That the parent understood the content of the notice. 	
<p style="text-align: center;">Consent. § 300.622</p> <p>(a) Parental consent must be obtained before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance with paragraph (b)(1) of this section, unless the information is contained in education records, and the disclosure is authorized without parental consent under 34 CFR part 99. (b)(1) Except as provided in paragraphs (b)(2) and (b)(3) of this section, parental consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of this part.</p>	<p>§ 300.622(a) Parental consent was obtained before personally identifiable information was disclosed to outside parties or agencies.</p> <p>§ 300.622(b)(2) Parental consent was obtained before personally identifiable information was released to participating agencies providing or paying for transition services.</p> <p>§ 300.622(b)(3) <i>If a student was enrolled, or is going to enroll in a private school that is not located in the LEA of the parent's residence</i>, parental consent was obtained before any</p>	

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<p>(2) Parental consent, or the consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with § 300.321(b)(3).</p> <p>(3) If a child is enrolled, or is going to enroll in a private school that is not located in the LEA of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the LEA where the private school is located and officials in the LEA of the parent's residence.</p>	<p>personally identifiable information was released between officials in the LEA where the private school is located and officials in the LEA of the parent's residence.</p>	

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XII. Procedural Safeguards Notice		
<p>Procedural safeguards notice. § 300.504 (a) <i>General.</i> A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents— (1) Upon initial referral or parent request for evaluation; (2) Upon receipt of the first State complaint under §§ 300.151 through 300.153 and upon receipt of the first due process complaint under § 300.507 in a school year; (3) In accordance with the discipline procedures in § 300.530(h); and (4) Upon request by a parent. (b) <i>Internet Web site.</i> A public agency may place a current copy of the procedural safeguards notice on its Internet Web site if a Web site exists. (c) <i>Contents.</i> The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under § 300.148, §§ 300.151 through 300.153, § 300.300, §§ 300.502 through 300.503, §§ 300.505 through 300.518, § 300.520, §§ 300.530 through 300.536 and §§ 300.610 through 300.625 relating to— (1) Independent educational evaluations; (2) Prior written notice; (3) Parental consent; (4) Access to education records; (5) Opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including— (i) The time period in which to file a complaint; (ii) The opportunity for the agency to resolve the complaint; and (iii) The difference between the due process complaint and the State complaint procedures, including the</p>	<p>§ 300.504(a) Procedural safeguards were provided to the parents of students with disabilities at least once per school year and in each of these circumstances: 1. Upon initial referral. 2. Upon parent request for evaluation. 3. Upon receipt of the first state or due process complaint in a school year. 4. On the date on which the decision was made to make a removal that constituted a change of placement because of a violation of a code of student conduct. 5. Upon request of a parent.</p> <p>§ 300.504(c) 1. Procedural Safeguards included a full explanation of all the procedural safeguards available relating to: a. Independent Educational Evaluations. b. Prior Written Notice. c. Parental Consent. d. Access to education records. e. Opportunity to present and resolve state and due process complaints, including: <ul style="list-style-type: none"> • Time period in which to file a complaint. • Opportunity for the agency to resolve the complaint. • Difference between the due process complaint and the state complaint procedures. 2. The availability of mediation. 3. The student's placement during the pendency of any due process complaint.</p>	

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<p>jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures; (6) The availability of mediation; (7) The child's placement during the pendency of any due process complaint; (8) Procedures for students who are subject to placement in an interim alternative educational setting; (9) Requirements for unilateral placement by parents of children in private schools at public expense; (10) Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations; (11) State-level appeals (if applicable in the State); (12) Civil actions, including the time period in which to file those actions; and (13) Attorneys' fees. (d) <i>Notice in understandable language.</i> The notice required under paragraph (a) of this section must meet the requirements of § 300.503(c).</p>	<ol style="list-style-type: none"> 4. Procedures for students who are subject to placement in an interim alternative educational setting. 5. Requirements for unilateral placement by parents of children in private schools at public expense. 6. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations. 7. Civil actions, including the time period in which to file those actions. 8. Attorneys' fees. <p>§ 300.503(c) Procedural safeguard notice was:</p> <ol style="list-style-type: none"> 1. Written in understandable language. 2. Provided in the native language or other mode of communication of the parent. 3. <i>If the native language or other mode of communication of the parent is not a written language,</i> the public agency ensured: <ol style="list-style-type: none"> a. That the notice was translated orally or by other means to the parent in his or her native language or other mode of communication. b. That the parent understood the content of the notice. 	