

SENATE BILL No. 993

January 9, 2002, Introduced by Senator PETERS and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1701 and 1703 (MCL 380.1701 and 380.1703),
section 1703 as amended by 1995 PA 289, and by adding section
1703a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1701. The ~~state board~~ SUPERINTENDENT OF PUBLIC
2 INSTRUCTION shall DO ALL OF THE FOLLOWING:
- 3 (a) Develop, establish, and continually evaluate and modify
4 in cooperation with intermediate school boards, a state plan for
5 special education which shall provide for the delivery of special
6 education programs and services designed to develop the maximum
7 potential of every handicapped person. The plan shall coordinate
8 all special education programs and services.

1 (b) Require each intermediate school board to submit a plan
2 pursuant to section 1711, in accordance with the state plan, to
3 be approved by the ~~state board~~ SUPERINTENDENT OF PUBLIC
4 INSTRUCTION.

5 (c) ~~Promulgate~~ SUBJECT TO SECTION 1703A, PROMULGATE rules
6 setting forth the requirements of the plans and procedures for
7 submitting them.

8 Sec. 1703. (1) ~~Special~~ SUBJECT TO SECTION 1703A, SPECIAL
9 education personnel shall meet the qualifications and require-
10 ments of rules promulgated by the ~~state board~~ SUPERINTENDENT OF
11 PUBLIC INSTRUCTION.

12 (2) ~~Curriculum~~ SUBJECT TO SECTION 1703A, CURRICULUM, eli-
13 gibility of specific persons for special education programs and
14 services and for each particular program or service, review pro-
15 cedures regarding the placement of persons in the programs or
16 services, size of classes, size of programs, quantity and quality
17 of equipment, supplies and housing, adequacy of methods of
18 instruction, and length and content of school day shall be in
19 accordance with rules promulgated by the ~~state board~~
20 SUPERINTENDENT OF PUBLIC INSTRUCTION relative to special educa-
21 tion programs and services.

22 ~~-(3) Not later than September 30, 1996, the state board~~
23 ~~shall conduct a review of all rules promulgated by the state~~
24 ~~board or department pertaining to special education. The review~~
25 ~~shall consider at least all of the following:~~

1 ~~(a) The need to eliminate unnecessary separation and~~
2 ~~duplication between regular education and special education~~
3 ~~facilities, staff, programs, services, and pupils.~~

4 ~~(b) Potential benefits from coordination between all rele-~~
5 ~~vant federal, state, regional, and local organization services,~~
6 ~~including public and private organization services, for pupils~~
7 ~~with special needs, and encouragement of the provision of compre-~~
8 ~~hensive necessary services delivered by the most appropriate~~
9 ~~organization or person in the most cost-effective and programmat-~~
10 ~~ically effective manner.~~

11 ~~(c) The advisability of simplification of rules or regula-~~
12 ~~tions and processes relating to identification of need and provi-~~
13 ~~sion of services to special needs pupils, avoidance of barriers~~
14 ~~and cost and other penalties or discouragements to effective pro-~~
15 ~~gramming, and avoidance of requirements as to staff or program~~
16 ~~criteria that are not research based; allowing and encouraging~~
17 ~~reasonably flexible, workable, and, if appropriate, cooperatively~~
18 ~~operated comprehensive services, including reasonable endorsement~~
19 ~~or other qualification categories for personnel, to be delivered~~
20 ~~to pupils with related or similar special needs, as may be con-~~
21 ~~sistent with research.~~

22 ~~(d) A goal of providing educational and training services in~~
23 ~~a manner that maximizes for the benefit of the pupil the combina-~~
24 ~~tion of the provisions of this act and federal law relating to~~
25 ~~inclusion, while avoiding, to the degree reasonably possible,~~
26 ~~requiring by rule an overall increase in a program or service~~
27 ~~beyond that required before December 23, 1978.~~

1 SEC. 1703A. (1) THE SUPERINTENDENT OF PUBLIC INSTRUCTION,
2 STATE BOARD, DEPARTMENT, OR ANY OTHER STATE AGENCY SHALL NOT
3 PROMULGATE ANY RULE THAT DOES ANY OF THE FOLLOWING:

4 (A) ELIMINATES ANY SPECIAL EDUCATION DISABILITY CATEGORY
5 THAT WAS IN EFFECT AS OF JANUARY 1, 2002 OR REDUCES THE NUMBER OF
6 SPECIAL EDUCATION DISABILITY CATEGORIES THAT WERE IN EFFECT AS OF
7 JANUARY 1, 2002.

8 (B) ELIMINATES CLASS SIZE REQUIREMENTS FOR SPECIAL EDUCATION
9 THAT WERE IN EFFECT AS OF JANUARY 1, 2002 OR INCREASES THE PER-
10 MISSIBLE SIZE OF SPECIAL EDUCATION CLASSES ABOVE THE CLASS SIZE
11 REQUIREMENTS FOR SPECIAL EDUCATION THAT WERE IN EFFECT AS OF
12 JANUARY 1, 2002.

13 (C) ELIMINATES OR REDUCES FULL FUNDING OF SPECIAL EDUCATION
14 PROGRAMS AND SERVICES, OR THAT HAS THE EFFECT OF ELIMINATING OR
15 REDUCING FULL FUNDING OF SPECIAL EDUCATION PROGRAMS AND
16 SERVICES.

17 (D) ELIMINATES THE MAXIMUM AGE SPAN REQUIREMENTS FOR SPECIAL
18 EDUCATION CLASSES THAT WERE IN EFFECT AS OF JANUARY 1, 2002 OR
19 INCREASES THE MAXIMUM AGE SPAN REQUIREMENTS FOR SPECIAL EDUCATION
20 CLASSES ABOVE THE MAXIMUM AGE SPAN REQUIREMENTS FOR SPECIAL EDU-
21 CATION CLASSES THAT WERE IN EFFECT AS OF JANUARY 1, 2002.

22 (E) ELIMINATES THE STANDARDS FOR SPECIAL EDUCATION PROFES-
23 SIONAL OR PARAPROFESSIONAL CERTIFICATION THAT WERE IN EFFECT AS
24 OF JANUARY 1, 2002 OR REDUCES THE STANDARDS FOR SPECIAL EDUCATION
25 PROFESSIONAL OR PARAPROFESSIONAL CERTIFICATION THAT WERE IN
26 EFFECT AS OF JANUARY 1, 2002.

1 (2) ANY RULE CONTRARY TO THIS SECTION IS INVALID.

2 (3) THE PURPOSE OF THIS SECTION IS TO ENSURE THAT THE RULES
3 UNDER THIS ARTICLE CONTINUE TO BE INTENDED TO MAXIMIZE EACH
4 AFFECTED STUDENT'S POTENTIAL.

5 (4) THIS SECTION SHALL BE KNOWN AS THE "SPECIAL EDUCATION
6 PROTECTION LAW".