

DEPARTMENT OF EDUCATION
SUPERINTENDENT OF PUBLIC INSTRUCTION

DECLARATORY RULINGS AND PROMULGATION OF RULES

(By authority conferred on the superintendent of public instruction by sections 33 and 63 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233 and 24.263, and Executive Reorganization Order No. 1996-6, MCL 388.993)

R 340.1351 Definitions.

Rule 1. As used in these rules:

- (a) "Department" means the department of education.
- (b) "Person" means an individual, partnership, association, corporation, limited liability company, limited liability partnership, governmental subdivision, or public or private organization of any kind other than the department.
- (c) "Superintendent" means the superintendent of public instruction as set forth in section 3 of article VIII of the state constitution of 1963.

History: 1981 AACCS; 2016 AACCS.

R 340.1352 Request for declaratory ruling.

Rule 2. (1) An interested person may request that the superintendent issue a declaratory ruling on how a statute administered by the department or a rule or order of the department applies to an actual state of facts.

(2) A request for a declaratory ruling must be submitted by email to MDE-SuperintendentAppeals@michigan.gov or by mail to Office of the Superintendent, Department of Education, P.O. Box 30008, Lansing, Michigan 48933. The request must contain all of the following:

(a) A clear and concise statement of the actual state of facts on which a ruling would be based.

(b) A precise statement of the legal question or issue involved.

(c) The legal authority of the department for administering the statute, rule, or order.

(d) The signature, address, email address, and telephone number of the person making the request.

(3) Along with the request, the person may submit a brief of the legal authority on which the person believes the superintendent should base the declaratory ruling.

(4) The superintendent may require that the person making the request provide a copy of the request to a person known by the person making the request to have an interest in the matter.

(5) Not more than 60 calendar days after receiving a request for a declaratory ruling, the superintendent shall notify the person that made the request and interested parties described in this rule if the request is granted or denied by the superintendent.

(6) If the superintendent denies the request, the superintendent shall send by email or mail a concise written statement of the reasons for denial to the person that made the request and interested parties described in this rule.

(7) If the superintendent grants the request, the superintendent shall send by email or mail a declaratory ruling to the person who made the request and interested parties described in this rule, which must include all of the following:

(a) The actual state of facts on which the superintendent based the ruling.

(b) The conclusions of law and the legal authority on which the superintendent relied for the ruling.

(c) The ruling.

History: 1981 AACS; 2016 AACS; 2024 MR 21, Eff. November 6, 2024.

R 340.1353 Request for promulgation of rule.

Rule 3. (1) A person may request that the department promulgate a rule. A request must contain all of the following:

(a) The signature, address, email address, and telephone number of the person making the request.

(b) A citation to the statute under which the department has the authority to promulgate the rule.

(c) The reason for the request.

(2) A request for the promulgation of a rule must be submitted by email to MDE-SuperintendentAppeals@michigan.gov or by mail to Office of the Superintendent, Department of Education, P.O. Box 30008, Lansing, Michigan 48933.

(3) Not more than 90 calendar days after receiving a request that complies with subrule (1) of this rule, the department shall do 1 of the following:

(a) Both of the following:

(i) Notify the person that made the request by email, mail, or telephone that the department is granting the request.

(ii) Initiate the processing of a rule.

(b) Send a concise written statement of the principal reasons for denial of the request by email or mail to the person that made the request.

History: 1981 AACS; 2016 AACS; 2024 MR 21, Eff. November 6, 2024.

R 340.1354 Rescinded.

History: 1981 AACS; 2016 AACS; 2024 MR 21, Eff. November 6, 2024.

R 340.1355 Rescinded.

History: 1981 AACS; 1995 AACS; 2016 AACS.