

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Labor and Economic Opportunity

2. Bureau:

Postsecondary Schools

3. Promulgation type:

MCL 24.244 (1)

4. Title of proposed rule set:

Proprietary School Proposed Rule Changes, 2021

5. Rule numbers or rule set range of numbers:

R390.561 to R390-566

6. Estimated time frame:

3 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

Rules provide definitions required to follow the Proprietary Schools Act. These proposed changes provide further clarification for the proprietary school licensees.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Department of Labor and Economic Opportunity, Office of Employment & Training

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

1943 PA 148, MCL 395.102a and 395.102b and Executive Reorganization Nos. 1996-7, 1999-7, 1999-1, 2003-1, 2008-4, and 2011-4, MCL 388.994, 388.995, 408.40, 445.2011, 445.2025, and 445.2030, and Executive Order No. 2019-13.)

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

No

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

Yes - Rules are available to licensees via Department internet and are referenced on applications and other related forms.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

No - Rules are reviewed internally and submitted upon need of amendment.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

Submission is solely for clarification of Rules under existing statute. Changes include:

1. Update the Department name to reflect the Proprietary Schools transfer from the Department of Licensing and Regulatory Affairs to the Department of Labor and Economic Opportunity
2. Clarify what constitutes proof of occupancy, which includes a certificate of use or a record of a fire safety inspection
3. Correct obvious grammatical and typographical errors
4. Increase surety bond minimum amounts, which have not risen since before 2003.