

Birth Mandate State

A “Birth Mandate State” is a historic designation that applies to states that provide state-authorized special education services to eligible infants and toddlers, birth to age three, prior to the federal requirement in 1986. Michigan is one of five Birth Mandate States in the United States. The other four states include Iowa, Maryland, Minnesota, and Nebraska. The term “Mandate” indicates the requirement of the states, under their respective state laws, to provide special education services to children from birth to age three. Michigan provided services to resident infants and toddlers with disabilities before it was a federal requirement.

Michigan Special Education Requirement

The state constitution, Article XIII, Section 8, provided the initial legal basis for special education in Michigan. Public Act (P.A.) 198 of 1971, later included in P.A. 451 of the Public Acts of 1976 (State School Code), mandated special education in Michigan and is known as Michigan Mandatory Special Education (MMSE) for birth to three. This law required the State Board of Education to promulgate rules, which describe how mandatory special education is implemented. Section 380.1711 of the Revised School Code requires the intermediate school districts, in conjunction with the local education agencies (LEA’s), develop and submit a comprehensive plan for the delivery of special education services designed to meet the individual needs of each student with a disability under 26 years of age.

The Michigan Administrative Rules for Special Education (MARSE) outlines specific requirements for implementing the federal and state laws for special education. MARSE has been revised several times throughout the years. The MARSE revision in 2012 yielded the addition of Part 10 in order to clarify the rules for individuals with disabilities, birth to age three.

Federal Requirement

Federally, Public Law (P.L.) 94-142, the Education for All Handicapped Children Act, passed in 1975, assuring a free appropriate public education to each child, ages three to 21, with a disability. Under its reauthorization in 1986 as P.L. 99-457, Congress included a new Part H, whereby States were mandated to provide programs and services to infants and toddlers with disabilities from birth. The federal statute has since been reauthorized under the Individuals with Disabilities Education Act (IDEA), Part C, in 1997 and continues as Part C to the present. The IDEA was reauthorized in 2004 and again in 2011. It continues to require that States provide services to children with disabilities from birth and their families/caregivers.

Eligibility

Michigan implemented the federal requirement for infants and toddlers with disabilities in 1990 and branded it with the name *Early On[®] Michigan*. Under Part C, states are required to define eligibility for the program. Michigan's eligibility under Part C is broader than that for Michigan Mandatory Special Education (MMSE).

Eligibility criteria for Part C fall under two categories: 1) developmental delay, and 2) established conditions. Children are evaluated by a multidisciplinary team using a comprehensive evaluation. Children are found eligible under developmental delay; any delay for infants' birth to two months, a delay of 20 percent or 1 standard deviation below the mean in one or more developmental domains for infants and toddlers older than 2 months. A child is found eligible under established conditions when there is documentation of the diagnosis provided by a health or mental health care provider who is qualified to make the diagnosis. Informed clinical opinion may be used as an independent basis to establish eligibility, even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments used to establish eligibility.

The MARSE rules define 13 categories of eligibility within Special Education. The categories include: Autism Spectrum Disorder, Cognitive Impairment, Deaf-Blindness, Deaf or Hard of Hearing, Early Childhood Developmental Delay, Emotional Impairment, Other Health Impairment, Speech-Language Impairment, Physical Impairment, Severe Multiple Impairment, Specific Learning Disability, Traumatic Brain Injury, and Visual Impairment.

The Special Education eligibility categories apply to infants, toddlers, young children, and students from birth to age 26. To assist personnel in appropriately identifying infants and toddlers as eligible under MMSE, the Michigan Department of Education developed guidance documents regarding the use of the most common eligibility categories for birth to age three.

Resources

[Michigan State Constitution](#)

[Michigan Administrative Rules for Special Education](#)

[Individuals with Disabilities Education Act](#)

[Michigan Part C State Plan](#)