



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

October 8, 2020

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #20-086-ED)
Legislative Service Bureau (Secretary of State Filing #20-10-02)
Department of Education

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-086-ED (Secretary of State Filing #20-10-02) on this date at 1:53 P.M. for the Department of Education entitled, "School Administrator Certification Code."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

October 8, 2020

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2020-86 ED

Dear Secretary Benson:

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated September 2, 2020, for the Department of Education entitled “**School Administrator Certification Code**” We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to be "Orlene Hawks", written over a horizontal line.

Michigan Office of Administrative Hearings and Rules



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Education dated September 2, 2020, amending R 380.107, R 380.109, R 380.124, and R 380.136 of the Department's rules entitled "School Administrator Certification Code." I approve the rules as to form, classification, and arrangement.

Pursuant to section 44(1) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.244(1), these rules are being processed without a public hearing.

Dated: September 24, 2020

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated September 2, 2020, in which the Department of Education proposes to modify a portion of the Michigan Administrative Code entitled “**School Administrator Certification Code**” by:


- ◆ Amending R 380.107, R 380.109, R 380.124, and R 380.136.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: September 24, 2020

Michigan Office of Administrative Hearings and Rules

By: 
Katie Wienczewski,
Attorney

DEPARTMENT OF EDUCATION
SUPERINTENDENT OF PUBLIC INSTRUCTION
SCHOOL ADMINISTRATOR CERTIFICATION CODE

Filed with the secretary of state on October 8, 2020

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the superintendent of public instruction by sections 1246 and 1536 of the revised school code, 1976 PA 451, MCL 380.1246 and 380.1536, and Executive Reorganization Order No. 1996-6, MCL 388.993)

R 380.107, R 380.109, R 380.124, and R 380.136 of the Michigan Administrative Code are amended as follows:

R 380.107 Expiration of school administrator certificate.

Rule 7. (1) A school administrator certificate or renewal issued under this code expires 5 years from June 30 of the calendar year of issuance.

(2) A school administrator certificate holder and an employer shall be familiar with the requirements and expiration date of the certificate.

R 380.109 Renewal of school administrator certificate.

Rule 9. (1) The superintendent of public instruction may renew a school administrator certificate upon the applicant's completion, since the issuance of the most recent school administrator certificate or renewal, of any combination of education-related professional learning hours, as defined in R 380.101, totaling 150 hours.

(2) Holding a valid Michigan professional teaching certificate satisfies the requirements of subrule (1) of this rule.

(3) An individual who holds an expired Michigan school administrator certificate and a valid out-of-state school administrator certificate is eligible, upon application to the department, for one 5-year renewal of the Michigan school administrator certificate. The requirements of subrule (1) of this rule do not apply to the 1-time renewal under this subrule.

R 380.124 Notice of basis for action; notice of right to hearing; informal conference to show compliance; referral for hearing.

Rule 24. Subject to summary suspension under section 1535a(2) or 1539b(2) of the revised school code, 1976 PA 451, MCL 380.1535a and 380.1539b, all of the following apply to action taken under R 380.121(1)(a) or (b):

(a) Not more than 7 calendar days after receiving notice that the criminal history of an applicant for or the holder of a school administrator certificate includes conviction of a crime described in section 1535a or 1539b of the revised school code, 1976 PA 451, MCL 380.1535a and 380.1539b, the department shall request from the court a certified copy of the judgment of conviction and sentence or other document regarding disposition of the case.

September 2, 2020

(b) Upon receipt of notice of a basis for action under R 380.121(1)(a), or not later than 10 business days after receiving documentation of a conviction under subdivision (a) of this rule, the department shall notify the applicant for or the holder of the school administrator certificate in writing of all of the following:

(i) Because of the conviction or because of the identified reason under R 380.121(1)(a), the superintendent of public instruction may deny, suspend, or revoke the school administrator certificate.

(ii) The applicant or the holder has the right to a hearing.

(iii) If the applicant or the holder does not request a hearing within 15 business days after receipt of notice of the right to a hearing, the superintendent of public instruction will deny or suspend the school administrator certificate.

(iv) If the applicant or the holder requests a hearing within 15 business days after receipt of the notice, there will be an informal conference to show compliance.

(c) The notice under subdivision (b) of this rule must include a copy of applicable statutes and rules.

(d) Not later than 15 business days after receipt of the notice under subdivision (b) of this rule, the applicant for or the holder of a school administrator certificate shall request a hearing. If the applicant or the holder does not timely request a hearing, the superintendent of public instruction shall deny the initial or renewed school administrator certificate or shall suspend the school administrator certificate.

(e) If the applicant for or the holder of a school administrator certificate timely requests a hearing under subdivision (d) of this rule, the department shall immediately notify the applicant or the holder of the date and time of an informal conference to show compliance. Unless otherwise agreed, the informal conference to show compliance is a telephone conference with an authorized representative of the superintendent of public instruction.

(f) After the informal conference to show compliance and consideration of the evidence presented, the superintendent's designee may recommend referral of the matter to the Michigan office of administrative hearings and rules for hearing or may recommend a finding of compliance or a written settlement of the matter. The superintendent of public instruction shall approve, modify, or deny a recommended finding of compliance or written settlement.

(g) If there is no finding of compliance or written settlement of the matter following the informal conference to show compliance, the department shall refer the case to the Michigan office of administrative hearings and rules for hearing.

R 380.136 Action by superintendent of public instruction on proposal for decision.

Rule 36. (1) The superintendent of public instruction may adopt, modify, or reverse a proposal for decision of the Michigan office of administrative hearings and rules or may remand a case to the Michigan office of administrative hearings and rules for further proceedings.

(2) A party shall not directly or indirectly communicate with the superintendent of public instruction or individuals involved in the review of a proposal for decision regarding issues of fact or law except on notice and opportunity for all parties to participate, unless provided by law.



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

CERTIFICATE OF ADOPTION

Pursuant to the authority conferred on the superintendent of public instruction by sections 1246 and 1536 of the revised school code, 1976 PA 451, MCL 380.1246 and 380.1536, and Executive Reorganization Order No. 1996-6, MCL 388.993, the superintendent of public instruction formally adopts the rules entitled "School Administrator Certification Code."

R 380.107, R 380.109, R 380.124, and R 380.136 of the Michigan Administrative Code are amended.

Adopted by: Michael F. Rice, Ph.D.

A handwritten signature in black ink that reads "Michael F. Rice".

Date: 9/30/20

2020-86 ED

STATE BOARD OF EDUCATION

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FILED WITH SECRETARY OF STATE

ON 10/8/70 AT 1:53 P.M.