



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 #20-087-ED)
Legislative Service Bureau (Secretary of State Filing #20-10-03)
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 #2020-087-ED (Secretary of State Filing #20-10-03) on this date at 1:53 P.M. for the Department of Education entitled, "School Psychologist 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 #: 2020-87 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 Psychologist 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 "D. [unclear]".

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 380.206, R 380.213, and R 380.214 of the Department's rules entitled "School Psychologist 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 29, 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 Psychologist Certification Code**" by:


- ◆ Amending R 380.206, R 380.213, and R 380.214.

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 29, 2020

Michigan Office of Administrative Hearings and Rules

By: 
Katie Wienczewski,
Attorney

DEPARTMENT OF EDUCATION
SUPERINTENDENT OF PUBLIC INSTRUCTION
SCHOOL PSYCHOLOGIST CERTIFICATION CODE

Filed with the secretary of state on

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 section 1251 of 1976 PA 451, MCL 380.1251, and Executive Reorganization Order Nos. 1996-6 and 1996-7, MCL 388.993 and MCL 388.994)

R 380.206, R 380.213, and R 380.214 of the Michigan Administrative Code are amended as follows:

R 380.206 School psychologist certificate.

Rule 6. (1) Subject to subrules (3) and (4) of this rule, an applicant for a school psychologist certificate shall meet all of the following requirements:

(a) Hold a Michigan preliminary school psychologist certificate.

(b) Possess a specialist-level degree or its equivalent in school psychology with a minimum of 60 semester credit hours in school psychology from an institution with an approved school psychologist preparation program.

(c) Complete not less than a 1,200-clock-hour internship with students in an approved school psychologist preparation program, a minimum of 600 clock hours of which must be in a school setting under the supervision of an individual who holds a valid school psychologist certificate. Supervision must be for a minimum of 2 hours per week.

(2) Subject to subrules (3) and (4) of this rule, a Michigan institution that has an approved school psychologist preparation program shall recommend to the department the issuance of a school psychologist certificate. The institution shall not make the recommendation to issue a school psychologist certificate until the applicant has completed the requirements of this rule and applied for certification. The superintendent of public instruction may issue a certificate based on the recommendation of the institution.

(3) Upon application, the superintendent of public instruction may issue a school psychologist certificate to an individual who holds a valid out-of-state school psychologist certificate and has satisfied the requirements of subrule (1)(b) of this rule in an out-of-state approved school psychologist preparation program and the requirements of subrule (1)(c) of this rule. Subrules (1)(a) and (2) of this rule do not apply to an individual described in this subrule.

(4) Upon application, the superintendent of public instruction may issue a school psychologist certificate to an individual who is a nationally certified school psychologist

and has satisfied the requirements of subrule (1)(b) and (c) of this rule. Subrules (1)(a) and (2) of this rule do not apply to an individual described in this subrule.

(5) A school psychologist certificate expires 5 years from June 30 of the calendar year of issuance.

(6) A holder of a school psychologist certificate and an employer shall be familiar with the specific requirements of the school psychologist certificate.

(7) The superintendent of public instruction may renew a school psychologist certificate every 5 years upon application to the department and completion, since the issuance of the most recent school psychologist certificate or renewal, of any combination of education-related professional learning hours, as defined in R 380.201, totaling 150 hours.

(8) Holding a valid Michigan professional teaching certificate or valid national certification as a school psychologist at the time of the renewal application satisfies the professional learning requirement of subrule (7) of this rule.

(9) An individual who holds an expired Michigan school psychologist certificate and a valid out-of-state school psychologist certificate is eligible, upon application to the department, for a 1-time 5-year renewal of the Michigan school psychologist certificate. The requirements of subrule (7) of this rule do not apply to a 1-time renewal under this subrule.

R 380.213 Notice of basis for action; notice of right to hearing; informal conference to show compliance; referral for hearing.

Rule 13. Subject to summary suspension under section 1539b(2) of the revised school code, 1976 PA 451, MCL 380.1539b, all of the following apply to action taken under R 380.211(1)(a) or (b):

(a) Not more than 7 calendar days after receiving notice that the criminal history of the applicant for or the holder of a preliminary school psychologist certificate or a school psychologist certificate includes conviction of a crime described in section 1539b of the revised school code, 1976 PA 451, MCL 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.

(b) Upon receipt of notice of a basis for action under R 380.211(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 preliminary school psychologist certificate or the school psychologist certificate in writing of all of the following:

(i) Because of the conviction or because of the identified reason under R 380.211(1)(a), the superintendent of public instruction may deny, suspend, or revoke the preliminary school psychologist certificate or the school psychologist 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 preliminary school psychologist certificate or the school psychologist 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 preliminary school psychologist certificate or a school psychologist 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 preliminary school psychologist certificate or school psychologist certificate or shall suspend the preliminary school psychologist certificate or the school psychologist certificate.

(e) If the applicant for or the holder of a preliminary school psychologist certificate or school psychologist 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 380.214 Action by superintendent of public instruction on proposal for decision.

Rule 14. (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 section 1251 of the revised school code, 1976 PA 451, MCL 380.1251, and Executive Reorganization Order Nos. 1996-6 and 1996-7, MCL 388.993 and 388.994, the superintendent of public instruction formally adopts the rules entitled "School Psychologist Certification Code."

R 380.206, R 380.213, and R 380.214 of the Michigan Administrative Code are amended.

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

A handwritten signature in cursive script that reads "Michael F. Rice".

Date: 9/30/20

2020-87 ED

STATE BOARD OF EDUCATION

CASANDRA E. ULBRICH – PRESIDENT • PAMELA PUGH – VICE PRESIDENT
MICHELLE FECTEAU – SECRETARY • TOM MCMILLIN – TREASURER
TIFFANY D. TILLEY – NASBE DELEGATE • JUDITH PRITCHETT
LUPE RAMOS-MONTIGNY • NIKKI SNYDER

608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • 833-633-5788

FILED WITH SECRETARY OF STATE

ON 10/8/20 AT 1:53 P.M.