



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 #20-088-ED)  
Legislative Service Bureau (Secretary of State Filing #20-10-04)  
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 #2020-088-ED (Secretary of State Filing #20-10-04) on this date at 1:53 P.M. for the Department of Education entitled, "Certification and Licensure of School Counselors".

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

A handwritten signature in cursive script that reads "Melissa Malerman /CK".

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 – 1<sup>st</sup> Floor  
430 W. Allegan  
Lansing, MI 48909

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules  
Administrative Rules #: 2020-~~87~~ ED  
88

Dear Secretary Benson:

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated September 11, 2020, for the Department of Education entitled “**Certification and Licensure of School Counselors**” 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".

Michigan Office of Administrative Hearings and Rules



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 11, 2020, in which the Department of Education proposes to modify a portion of the Michigan Administrative Code entitled "**Certification and Licensure of School Counselors**" by:


- ◆ Amending R 390.1301, R 390.1304, R 390.1305, R 390.1306, R 390.1307, R 390.1308, R 390.1312, and R 390.1313.

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



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 11, 2020, amending R 390.1301, R 390.1304, R 390.1305, R 390.1306, R 390.1307, R 390.1308, R 390.1312, and R 390.1313 of the Department's rules entitled "Certification and Licensure of School Counselors." 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

DEPARTMENT OF EDUCATION  
SUPERINTENDENT OF PUBLIC INSTRUCTION  
CERTIFICATION AND LICENSURE OF SCHOOL COUNSELORS

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 1233 and 1531 of the revised school code, 1976 PA 451, MCL 380.1233 and 380.1531)

R 390.1301, R 390.1304, R 390.1305, R 390.1306, R 390.1307, R 390.1308, R 390.1312, and R 390.1313 of the Michigan Administrative Code are amended, as follows:

R 390.1301 Definitions.

Rule 1. As used in these rules:

(a) “Annual district provided professional development” means that term as defined in R 390.1101.

(b) “Approved school counselor preparation program” means a state approved program in a college or university that has regional accreditation and that prepares school counselors in accordance with these rules.

(c) “Department” means the Michigan department of education.

(d) “Education-related professional learning hours” means an educational opportunity intended to improve a school counselor’s practice and capacity to perform the work within the profession of education, including time spent engaging with local employers or technical centers, that is 1 or more of the following:

(i) Satisfactory college semester credit hours applicable to school counseling at a regionally accredited college or university, with 1 semester credit hour being equivalent to 25 education-related professional learning hours.

(ii) State continuing education clock hours applicable to school counseling.

(iii) Michigan annual district provided professional development hours applicable to school counseling.

(e) “Michigan teaching certificate” means that term as defined in R 390.1101.

(f) “Nonpublic school” means a private, denominational, or parochial school.

(g) “Regionally accredited” means accredited by 1 of the regional accrediting agencies recognized and published by the Council for Higher Education Accreditation or its successor agency.

(h) “Role of a school counselor” means the following roles in which school counselors serve and that, in Michigan, require a Michigan school counseling credential:

(i) Provide individual and group counseling services to assist students.

(ii) Collaborate with staff in planning educational interventions, curriculum, behavioral management plans, and teaching strategies.

(iii) Consult and collaborate with students, families, school personnel, and appropriate professionals and agency personnel regarding behavioral and educational concerns.

(iv) Provide guidance to students utilizing technology, career development theory, educational information, and occupational information.

(v) Assess students by using assessment, statistics and research methodology, follow-up evaluations, and measurement methods.

(vi) Assess school counseling programs using assessment, statistics and research methodology, follow-up evaluations, and measurement methods.

(vii) Design, implement, and evaluate guidance and counseling programs focusing on the career, academic, personal, social, emotional, and developmental needs of all students using, but not limited to, the following functions:

(A) Advising.

(B) Placement.

(C) Planning.

(D) Assessment.

(E) Counseling.

(F) Coordinating.

(G) Instructing.

(H) Referring.

(I) Programming.

(viii) Support and coordinate career development navigator programs to increase the number of college- and career-ready pupils, with an emphasis on increasing the number of citizens working in high-demand fields.

(i) "Satisfactory college semester credit hours" means a grade of C or better or the equivalent.

(j) "School counselor" means an individual who has successfully completed an approved school counselor preparation program and performs the role of a school counselor.

(k) "School counselor credential" means 1 of the following:

(i) School counselor endorsement on a valid Michigan teaching certificate.

(ii) Preliminary school counselor credential issued under R 390.1304.

(iii) Temporary school counselor license issued under R 390.1307.

(iv) School counselor license issued under R 390.1305 or R 390.1306.

(l) "School counselor educator" means an individual employed as a faculty member to teach in an approved school counselor preparation program.

(m) "School counselor endorsement" means an endorsement issued under R 390.1303 or R 390.1303a.

(n) "School district" means that term as defined in R 390.1101.

(o) "Sponsoring institution" means an institution of higher education approved for teacher or counselor preparation by the state board that makes recommendations for applicants under R 390.1101 to R 390.1216.

(p) "State board" means the Michigan state board of education.

(q) “State continuing education clock hours” means hours of professional development issued through a process established and approved by the superintendent of public instruction.

(r) “Valid” means being within the time period of the credential.

R 390.1304 Preliminary school counselor credential.

Rule 4. (1) A Michigan approved school counselor preparation program may recommend an applicant enrolled in the program who is seeking a school counselor endorsement or school counselor license for a 3-year nonrenewable preliminary school counselor credential upon completion of both of the following:

(a) A minimum of 30 semester credit hours in school counseling in an approved school counselor preparation program.

(b) Successful completion of the school counselor examination approved by the superintendent of public instruction.

(2) A sponsoring institution shall recommend an applicant for a preliminary school counselor credential in a manner designated by the superintendent of public instruction. The recommendation shall identify appropriate grade levels for which the applicant qualifies.

R 390.1305 School counselor license; applicant trained in Michigan approved school counselor preparation program.

Rule 5. (1) An applicant for a school counselor license trained in a Michigan approved school counselor preparation program shall meet all of the following requirements:

(a) Completion of the requirements set forth in section 1233(2)(b)(i) of the revised school code, 1976 PA 451, MCL 380.1233.

(b) Successful completion of the school counselor examination approved by the superintendent of public instruction.

(c) Recommendation by an approved school counselor preparation program to provide services as a school counselor. The approved school counselor preparation program shall make the recommendation for the issuance of a school counselor license in a manner designated by the superintendent of public instruction.

(d) Completion of not less than 30 graduate level semester credit hours in school counseling, including an internship. Online and distance learning credit earned at a sponsoring institution with an approved school counselor preparation program or a regionally accredited college or university may satisfy this requirement in whole or in part.

(e) Completion of not less than a 600-clock-hour internship with students under the supervision of a school counselor educator in an approved school counselor preparation program. At least 300 of the 600 clock hours must be in a school setting.

(2) The superintendent of public instruction may renew a school counselor license if the applicant has completed, since the issuance of the most recent school counselor license or renewal, any combination of education-related professional learning hours totaling 150 hours. The 150 education-related professional learning hours must include hours that satisfy the requirements of section 1233(6) to (8) of the revised school code, 1976 PA 451, MCL 380.1233.

(3) Online and distance learning semester credit hours meet the requirements for renewal of a school counselor license if earned at a sponsoring institution with an approved school counselor preparation program or a regionally accredited college or university.

R 390.1306 School counselor license; applicant trained in out-of-state school counselor preparation program.

Rule 6. (1) An applicant for a school counselor license trained in an out-of-state school counselor preparation program approved by the appropriate out-of-state agency shall meet all of the following requirements:

(a) Apply directly to the department.

(b) Pass the school counselor examination approved by the superintendent of public instruction.

(c) Meet at least 1 of the following:

(i) Hold a master's degree or higher from a regionally accredited institution in a school counselor preparation program approved by the appropriate out-of-state agency that includes the skills and content areas described in section 1233(2)(b)(i) of the revised school code, 1976 PA 451, MCL 380.1233.

(ii) Satisfy all of the following:

(A) Complete successful experience serving in the role of a school counselor as described in section 1233(2)(c)(i) of the revised school code, 1976 PA 451, MCL 380.1233.

(B) Hold a baccalaureate degree from a regionally accredited institution in a school counselor preparation program approved by the appropriate out-of-state agency.

(C) Provide written documentation of the out-of-state credential and the approval document required by that state to serve in the role of a school counselor.

(2) Renewal of a school counselor license issued under this rule is subject to the requirements set forth in R 390.1305(2) and (3).

R 390.1307 Temporary school counselor license; applicant trained in out-of-state school counselor preparation program.

Rule 7. The superintendent of public instruction may issue a 1-year nonrenewable temporary school counselor license to an applicant for a school counselor license trained in an out-of-state school counselor preparation program approved by the appropriate out-of-state agency who satisfies all requirements except successful completion of the school counselor examination approved by the superintendent of public instruction. The temporary school counselor license allows employment of the individual as a school counselor in this state.

R 390.1308 School counselor credential restrictions and expiration dates.

Rule 8. (1) School counselor credentials issued under these rules have certain restrictions as to the nature of teaching or serving as a school counselor for which school districts or nonpublic schools may employ the holders of the credentials. Applicants, credential holders, and employers shall be familiar with the specific provisions regarding school counselor credentials.



(2) Subject to subrule (4) of this rule, a certificate, license, or renewal issued under these rules expires 5 years from June 30 of the calendar year of issuance.

(3) A preliminary school counselor credential issued under R 390.1304 expires 3 years from the date of issuance.

(4) A temporary school counselor license issued under R 390.1307 expires 1 year from the date of issuance.

R 390.1312 Notice of basis for action; notice of right to hearing; informal conference to show compliance; referral for hearing.

Rule 12. 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 390.1310(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 school counselor credential 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 390.1310(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 counselor credential in writing of all of the following:

(i) Because of the conviction or because of the identified reason under R 390.1310(1)(a), the superintendent of public instruction may deny, suspend, or revoke the school counselor credential.

(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 counselor credential.

(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 counselor credential 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 counselor credential or shall suspend the school counselor credential.

(e) If the applicant for or the holder of a school counselor credential 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 390.1313 Action by superintendent of public instruction on proposal for decision.

Rule 13. (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 1233 and 1531 of the revised school code, 1976 PA 451, MCL 380.1233 and 380.1531, the superintendent of public instruction formally adopts the rules entitled "Certification and Licensure of School Counselors."

R 390.1301, R 390.1304, R 390.1305, R 390.1306, R 390.1307, R 390.1308, R 390.1312, and R 390.1313 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

2020-88 ED

**STATE BOARD OF EDUCATION**

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FILED WITH SECRETARY OF STATE

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