



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

February 9, 2024

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 #23-072-ED)
Legislative Service Bureau (Secretary of State Filing #24-02-02)
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 #2023-072-ED (Secretary of State Filing #24-02-02) on this date at 9:46 A.M. for the Department of Education entitled, "Teachers' Tenure Act Definition of Certificated".

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) 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 black ink that reads "Lashana Threlkeld /CK".

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

February 9, 2024

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

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2023-72 ED

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated January 24, 2024 for the Department of Education “**Teachers' Tenure Act Definition of Certificated**”. 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 read "Marlon I. Brown".

Michigan Office of Administrative Hearings and Rules



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

CERTIFICATE OF ADOPTION

2023-72 ED

TEACHERS' TENURE ACT DEFINITION OF CERTIFICATED RULE

Pursuant to the authority conferred on the superintendent of public instruction by section 2 of article I of 1937 (Ex. Sess.) PA 4, MCL 38.72, and Executive Reorganization Order No. 1996-7, MCL 388.994, the superintendent of public instruction formally adopts:

R 390.661 of the Michigan Administrative Code is amended.

Date: February 2, 2024

Adopted By:

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

Michael F. Rice, Ph.D.
Superintendent of Public Instruction

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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

MARLON I. BROWN, DPA
ACTING DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated January 24, 2024, in which the Department of Education proposes to modify a portion of the Michigan Administrative Code entitled "Teachers' Tenure Act Definition of Certificated" by:


- ◆ Amending R 390.661.

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: February 8, 2024

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
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 January 24, 2024, amending R 390.661 of the Department's rules entitled "Teachers' Tenure Act Definition of Certificated." 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: February 8, 2024

LEGISLATIVE SERVICE BUREAU

By _____

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF EDUCATION
SUPERINTENDENT OF PUBLIC INSTRUCTION
TEACHERS' TENURE ACT DEFINITION OF CERTIFICATED

Filed with the secretary of state on February 9, 2024

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, and 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 2 of article I of 1937 (Ex. Sess.) PA 4, MCL 38.72, and Executive Reorganization Order No. 1996-7, MCL 388.994)

R 390.661 of the Michigan Administrative Code is amended, as follows:

R 390.661 Definition of "certificated" under teachers' tenure act.

Rule 1. (1) For the purposes of serving the probationary period under article II of 1937 (Ex. Sess.) PA 4, MCL 38.81 to 38.84, "certificated" means 1 or more of the following:

(a) Holding a Michigan teaching certificate, as that term is defined in R 390.1101, that is valid for the position to which the teacher is assigned.

(b) Being employed in a school counselor position and holding a Michigan teaching certificate, as that term is defined in R 390.1101, with a school counselor endorsement.

(c) Being a teacher of students with speech and language impairment who provides speech and language services and holds a Michigan teaching certificate, as that term is defined in R 390.1101, with an endorsement in speech and language impairment.

(2) For the purposes of continuing tenure under article III of 1937 (Ex. Sess.) PA 4, MCL 38.91 to 38.93, "certificated" means holding a Michigan teaching certificate, as that term is defined in R 390.1101.

FILED WITH SECRETARY OF STATE

ON 2/9/24 AT 9:46 A.M.