

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Education

2. Bureau:

Superintendent of Public Instruction

3. Promulgation type:

Full Process

4. Title of proposed rule set:

School Social Worker Certification Code

5. Rule numbers or rule set range of numbers:

R 340.1001 - R 340.1018

6. Estimated time frame:

12 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

On October 8, 2019, the State Board of Education adopted standards for the preparation and practice of school social workers, who provide services to students with disabilities whose individualized education programs require social work services. The standards were developed by a stakeholder group that included representatives of P-12 schools, educator preparation institutions, and professional organizations. The general purpose of the rules is to implement the strong recommendation of the stakeholder group that the Department of Education develop a school social worker certificate to replace the current "approval" letters issued by the department to allow the employment of individuals as school social workers. The proposed rules describe a certification process that is similar to the process in place for other professional educators, thus formally recognizing the professional status and vital importance of school social workers.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The superintendent of public instruction has specific promulgation authority for the rules.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

The superintendent of public instruction has promulgation authority under sections 1701 and 1703 of the revised school code, MCL 380.1701 and 380.1703, and Executive Reorganization Order 1996-7, MCL 388.994.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Rules regarding intermediate school district special education plans and regarding the qualifications of special education personnel, including school social workers, are mandated by sections 1701 and 1703(1) of the revised school code, MCL 380.1701 and 380.1703.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The subject matter of the rules is currently contained in a document entitled “Policy, Criteria, and Procedures for School Social Worker Approval” (last updated August 29, 2017), located at the following link on the Department of Education’s web site.

https://www.michigan.gov/documents/mde/School_Social_Worker_Approval_544628_7.pdf

11. Are the rules listed on the department’s annual regulatory plan as rules to be processed for the current year?

Yes, the Department of Education’s 2023-2024 annual regulatory plan states that amendments of these rules are under consideration.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The proposed rules implement the strong recommendation of a stakeholder group that the system of school social worker “approval” be replaced with a system of certification of school social workers. The stakeholder group included school social workers and representatives of educator preparation institutions, professional organizations, and Michigan school districts.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The current rules, which were last amended in 2011, do not adequately recognize the complex role of school social workers, who are trained mental health professionals who are an integral part of the multidisciplinary teams that determine students’ eligibility for special education programs and services and who provide special education services to students with disabilities. On October 8, 2019, the State Board of Education approved new, rigorous standards for the preparation and practice of school social workers. The stakeholder group that developed the standards strongly recommended that Michigan replace the current process, whereby the Department of Education “approves” individuals to work as school social workers, with a process that requires certification of school social workers based on satisfaction of specific academic, licensure, and experience requirements.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No, there are no changes or developments since implementation that demonstrate that there is no continued need for the rules or any portions thereof.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.