

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

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Education

2. Bureau:

Superintendent of Public Instruction

3. Promulgation type:

MCL 24.244 (1)

4. Title of proposed rule set:

School Psychologist Certification Code

5. Rule numbers or rule set range of numbers:

R 380.201 to R 380.214

6. Estimated time frame:

3 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.

R 380.206

This rule is amended to add clarity and to align with corresponding language in R 380.103(2). As currently worded, it may be possible that some individuals would incorrectly interpret the rule to say that holding a valid Michigan teaching certificate or national certification as a school psychologist eliminates the need to renew a school psychologist certificate. The amendment only restates and reinforces the renewal requirement.

R 380.213(f) and (g) and R 380.214(1)

These rules are amended to align with Executive Order 2019-06, which, effective April 22, 2019, abolished the Michigan Administrative Hearings System and transferred its authority to the newly created Michigan Office of Administrative Hearings and Rules.

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

Specific rule promulgation authority is conferred on the superintendent of public instruction.

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

Specific rule promulgation authority is 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.

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

The rules are mandated by section 1251 of the Revised School Code, 1976 PA 451, MCL 380.1251.

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 rules do not conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards 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 contained in a School Psychologist Certification guidance document located on the Department of Education web site at:

https://www.michigan.gov/mde/0,4615,7-140-5683_14795_83462---,00.html

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

Yes, the rules are listed on the Department of Education's annual regulatory plan as rules to be processed for the current year.

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?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

The rules will be promulgated under section 44(1) of the Administrative Procedures Act because the purposes of the rules are 1) to avoid any possible misinterpretation by restating and reinforcing that renewal of a school psychologist certificate is required even if the individual holds a valid Michigan teaching certificate or national certification, and 2) to align with Executive Order No. 2019-06, which, effective April 22, 2019, abolished the Michigan Administrative Hearings System and transferred its authority to the newly created Michigan Office on Administrative Hearings and Rules.