

**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:

Certification and Licensure of School Counselors

5. Rule numbers or rule set range of numbers:

R 390.1301 to R 390.1313

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 390.1301(k)

The names of two credentials are changed to remove the confusing term “authorization” and to describe the credentials more accurately, similar to the proposed amendments of the Teacher Certification Code to replace the term “temporary teacher employment authorization.” Cross references to rules under which credentials are issued are added for the sake of clarity.

R 390.1301(r)

The definition of “valid” is clarified by tailoring it more specifically to school counselor credentials, for which only the time period component of the definition of “validity” in R 390.1101 applies.

R 390.1304

The name of the credential is aligned with R 390.1101(k), as amended. Subrule (2) is deleted as unnecessary in light of the description of the credential in subrule (1), as amended, and because it duplicates R 390.1308(3).

R 390.1305

Subrules (2) and (4) are deleted because they duplicate R 390.1308(2).

Subrule (3) (now (2)) is amended to delete the obsolete reference to February 6, 2020, and to align with the renumbering of subsections of section 1233 of the Revised School Code, MCL 380.1233, as amended by 2018 PA 418, effective March 20, 2019.

Subrule (6) is deleted as obsolete because, in accordance with MCL 380.1233 as amended by 2017 PA 151, it applied only before February 6, 2020.

R 390.1306

Subrule (1)(b) is amended to replace “Successfully complete” with “Pass” for purposes of simplification.

Subrule (1)(c)(ii)(A) is amended to refer simply to the statutory requirement.

Subrule (2) is deleted because it duplicates R 390.1308(2).

R 390.1307

The name of the credential is aligned with R 390.1301(k), as amended. The unnecessary and confusing reference to the “validity” of the credential is deleted.

R 390.1308

In subrule (1), the unnecessary and confusing reference to the “validity” of credentials is deleted.

The content of R 390.1305(4) is moved to subrule (2).

In subrules (3) and (4), the names of credentials are aligned with R 390.1301(k), as amended.

R 390.1312(f) and (g) and R 390.1313(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 promulgation authority for the rules is conferred on the superintendent of public instruction.

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

Applicable statutory references are: sections 1233 and 1531 of the Revised School Code, 1976 PA 451, MCL 380.1233 and 380.1531.

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

Rules are mandated by sections 1233 and 1531 of the Revised School Code, 1976 PA 451, MCL 380.1233 and 380.1531.

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 certification and licensure of school counselors are addressed in documents available on the Department of Education website at:

https://www.michigan.gov/documents/mde/Cert_Reqs_Counselors_613320_7.pdf

https://www.michigan.gov/documents/mde/School_Counselor_PD_627406_7.pdf

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 amendments are to align with 2017 PA 151 and 2018 PA 418, which amended MCL 380.1233; to align with Executive Reorganization Order No. 2019-06, which abolished the Michigan Administrative Hearings System and transferred its authority to the newly created Michigan Office of Administrative Hearings and Rules; to replace confusing terminology; to add clarity; to delete duplicative, obsolete, and unnecessary language; to add a statutory citation; and to consolidate provisions about the expiration of credentials in one rule.