

DEPARTMENT OF EDUCATION
SUPERINTENDENT OF PUBLIC INSTRUCTION
SCHOOL ADMINISTRATOR CERTIFICATION CODE

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 1246 and 1536 of the revised school code, 1976 PA 451, MCL 380.1246 and 380.1536, and Executive Reorganization Order No. 1996-6, MCL 388.993)

R 380.107, R 380.109, R 380.124, and R 380.136 of the Michigan Administrative Code are amended as follows:

R 380.107 Expiration of school administrator certificate.

Rule 7. (1) A school administrator certificate or renewal issued under this code expires 5 years from June 30 of the calendar year of issuance.

(2) A school administrator certificate holder and an employer shall be familiar with the requirements and expiration date of the certificate.

R 380.109 Renewal of school administrator certificate.

Rule 9. (1) The superintendent of public instruction may renew a school administrator certificate upon the applicant's completion, since the issuance of the most recent school administrator certificate or renewal, of any combination of education-related professional learning hours, as defined in R 380.101, totaling 150 hours.

(2) Holding a valid Michigan professional teaching certificate satisfies the requirements of subrule (1) of this rule.

(3) An individual who holds an expired Michigan school administrator certificate and a valid out-of-state school administrator certificate is eligible, upon application to the department, for one 5-year renewal of the Michigan school administrator certificate. The requirements of subrule (1) of this rule do not apply to the 1-time renewal under this subrule.

R 380.124 Notice of basis for action; notice of right to hearing; informal conference to show compliance; referral for hearing.

Rule 24. Subject to summary suspension under section 1535a(2) or 1539b(2) of the revised school code, 1976 PA 451, MCL 380.1535a and 380.1539b, all of the following apply to action taken under R 380.121(1)(a) or (b):

(a) Not more than 7 calendar days after receiving notice that the criminal history of an applicant for or the holder of a school administrator certificate includes conviction of a crime described in section 1535a or 1539b of the revised school code, 1976 PA 451, MCL 380.1535a and 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.

September 2, 2020

(b) Upon receipt of notice of a basis for action under R 380.121(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 administrator certificate in writing of all of the following:

(i) Because of the conviction or because of the identified reason under R 380.121(1)(a), the superintendent of public instruction may deny, suspend, or revoke the school administrator certificate.

(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 administrator certificate.

(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 administrator certificate 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 administrator certificate or shall suspend the school administrator certificate.

(e) If the applicant for or the holder of a school administrator certificate 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 380.136 Action by superintendent of public instruction on proposal for decision.

Rule 36. (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.