

DEPARTMENT OF EDUCATION
SUPERINTENDENT OF PUBLIC INSTRUCTION
SCHOOL PSYCHOLOGIST 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 section 1251 of 1976 PA 451, MCL 380.1251, and Executive Reorganization Order Nos. 1996-6 and 1996-7, MCL 388.993 and MCL 388.994)

R 380.206, R 380.213, and R 380.214 of the Michigan Administrative Code are amended as follows:

R 380.206 School psychologist certificate.

Rule 6. (1) Subject to subrules (3) and (4) of this rule, an applicant for a school psychologist certificate shall meet all of the following requirements:

(a) Hold a Michigan preliminary school psychologist certificate.

(b) Possess a specialist-level degree or its equivalent in school psychology with a minimum of 60 semester credit hours in school psychology from an institution with an approved school psychologist preparation program.

(c) Complete not less than a 1,200-clock-hour internship with students in an approved school psychologist preparation program, a minimum of 600 clock hours of which must be in a school setting under the supervision of an individual who holds a valid school psychologist certificate. Supervision must be for a minimum of 2 hours per week.

(2) Subject to subrules (3) and (4) of this rule, a Michigan institution that has an approved school psychologist preparation program shall recommend to the department the issuance of a school psychologist certificate. The institution shall not make the recommendation to issue a school psychologist certificate until the applicant has completed the requirements of this rule and applied for certification. The superintendent of public instruction may issue a certificate based on the recommendation of the institution.

(3) Upon application, the superintendent of public instruction may issue a school psychologist certificate to an individual who holds a valid out-of-state school psychologist certificate and has satisfied the requirements of subrule (1)(b) of this rule in an out-of-state approved school psychologist preparation program and the requirements of subrule (1)(c) of this rule. Subrules (1)(a) and (2) of this rule do not apply to an individual described in this subrule.

(4) Upon application, the superintendent of public instruction may issue a school psychologist certificate to an individual who is a nationally certified school psychologist

and has satisfied the requirements of subrule (1)(b) and (c) of this rule. Subrules (1)(a) and (2) of this rule do not apply to an individual described in this subrule.

(5) A school psychologist certificate expires 5 years from June 30 of the calendar year of issuance.

(6) A holder of a school psychologist certificate and an employer shall be familiar with the specific requirements of the school psychologist certificate.

(7) The superintendent of public instruction may renew a school psychologist certificate every 5 years upon application to the department and completion, since the issuance of the most recent school psychologist certificate or renewal, of any combination of education-related professional learning hours, as defined in R 380.201, totaling 150 hours.

(8) Holding a valid Michigan professional teaching certificate or valid national certification as a school psychologist at the time of the renewal application satisfies the professional learning requirement of subrule (7) of this rule.

(9) An individual who holds an expired Michigan school psychologist certificate and a valid out-of-state school psychologist certificate is eligible, upon application to the department, for a 1-time 5-year renewal of the Michigan school psychologist certificate. The requirements of subrule (7) of this rule do not apply to a 1-time renewal under this subrule.

R 380.213 Notice of basis for action; notice of right to hearing; informal conference to show compliance; referral for hearing.

Rule 13. Subject to summary suspension under section 1539b(2) of the revised school code, 1976 PA 451, MCL 380.1539b, all of the following apply to action taken under R 380.211(1)(a) or (b):

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

(b) Upon receipt of notice of a basis for action under R 380.211(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 preliminary school psychologist certificate or the school psychologist certificate in writing of all of the following:

(i) Because of the conviction or because of the identified reason under R 380.211(1)(a), the superintendent of public instruction may deny, suspend, or revoke the preliminary school psychologist certificate or the school psychologist 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 preliminary school psychologist certificate or the school psychologist 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 preliminary school psychologist certificate or a school psychologist 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 preliminary school psychologist certificate or school psychologist certificate or shall suspend the preliminary school psychologist certificate or the school psychologist certificate.

(e) If the applicant for or the holder of a preliminary school psychologist certificate or school psychologist 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 380.214 Action by superintendent of public instruction on proposal for decision.

Rule 14. (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.