

DEPARTMENT OF EDUCATION

SUPERINTENDENT OF PUBLIC INSTRUCTION

SCHOOL PSYCHOLOGIST ~~CERTIFICATE~~ CERTIFICATION CODE

Proposed Draft September 29, 2016

Filed with the Secretary of State on

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. 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R 380.206a, R 380.209, and R 380.210 of the Michigan Administrative Code are rescinded, R 380.211, R 380.212, R 380.213, and R 380.214 are added to the Code, and R 380.201, R 380.202, R 380.203, R 380.204, R 380.205, R 380.206, R 380.207, and R 380.208 of the Code are amended as follows:

R 380.201 Definitions.

Rule 1. As used in these rules:

(a) "Approved **school psychologist preparation** program" means a **state board**-approved program in a college or university which has regional, state, or national accreditation and **which an institution that** prepares school psychologists in accordance with **these rules the law of the state where the program is offered.**

(b) "~~Board~~" means the state board of education.

(c) "~~Continuing education unit~~" means credit received for successfully completing a board approved professional development program. **One continuing education unit equals 10 contact hours of participation in a class, workshop, seminar, conference, or clinic activity. One semester of credit equals 30 contact hours. A program sponsor shall maintain all records of a school psychologist's participation.**

(d) "Department" means the **Michigan** department of education **unless otherwise indicated.**

(e) "~~Michigan institution~~" means an institution of higher education which has regional, state, or national accreditation.

(c) "**Institution**" means a college or university that has state, regional, or national accreditation.

(d) "**Listed offense**" means as defined in section 1535a of 1976 PA 451, MCL 380.1535a.

(e) "**Michigan professional education certificate**" means a certificate issued under part 3 of the teacher certification code, R 390.1101 to R 390.1216.

(f) "Preliminary school psychologist certificate" means the ~~initial~~ certificate issued to an applicant who has met the requirements of R 380.204 **or R 380.205** ~~to function as a school psychologist.~~

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(g) **“Regionally accredited” means accredited by 1 of the regional accrediting agencies recognized and published by the council for higher education accreditation or its successor agency.**

(h) **“School district” means as defined in R 390.1101.**

(i) "School psychologist certificate" means a certificate that is issued to an applicant who has met the requirements of R 380.206 and R 380.208.

(j) **“State board” means the Michigan state board of education.**

R 380.202 ~~Persons~~ **Individuals required** to hold school psychologist certificate.
certification; exception.

Rule 2. (1) ~~A school psychologist, effective September 1, 1992, shall hold a certificate pursuant to these rules. Only a person who is certificated by the department as a school psychologist in accordance with these rules shall use the title of school psychologist.~~

Subject to subrule (3) of this rule, an individual who is employed as a school psychologist by a school district or in a school district on a contract basis or who performs the functions of a school psychologist in a school district either as an employee or on a contract basis shall hold a valid certificate under these rules.

(2) ~~A person who is employed as a school psychologist by a local or intermediate school district shall be required, by September 1, 1992, to hold a valid Michigan school psychologist certificate or a preliminary school psychologist certificate. Subject to subrule (3) of this rule, only an individual who holds a valid certificate under these rules shall use the title of school psychologist.~~

(3) An individual who is a fully licensed psychologist in Michigan can provide psychological services in a school district, either as an employee or on a contract basis.

R 380.203 Role of school psychologist.

Rule 3. A school psychologist may function in ~~the following~~ **roles: established and defined by standards approved by the state board.**

~~(a) Provide school psychological services to any pupil.~~

~~(b) Conduct interviews and collect direct and indirect measures of behavior for the purposes of understanding academic and behavioral problems, implementing appropriate evidence-based interventions, and evaluating the effects of those interventions.~~

~~(c) Collaborate with staff in planning educational intervention, curriculum, behavioral management, and teaching strategies, including early intervention and response to intervention approaches.~~

~~(d) Consult, counsel, and collaborate with pupils, parents, school personnel, and appropriate outside personnel regarding mental health, behavioral, and educational concerns utilizing psychological principles.~~

~~(e) Provide psychological evaluation for pupils referred as candidates for special education programs and provide reports to the appropriate educational authority.~~

~~(f) Provide direct psychological interventions that include both individual and group interventions using psychological principles.~~

~~(g) Conduct behavior assessments, including functional behavior assessments.~~

~~(h) Perform systematic direct observations of pupils.~~

~~(i) Administer tests which may include intelligence, achievement, personality, adaptive behavior, observations, checklists, interviews, and curriculum based assessment or measures.~~

- ~~(j) Interpret the psychological and other diagnostic data for professionals, parents, pupils, and appropriate others.~~
- ~~(k) Collaborate in program planning and evaluation services for decision making purposes which may include eligibility decisions and data based problem solving.~~
- ~~(l) Design and implement instructional support and assessment systems, such as response to intervention approaches and curriculum based assessment or measurement.~~
- ~~(m) Contribute to and evaluate the effects of prevention, early intervention, and crisis intervention programs, including systems level mental health programs such as school wide positive behavior support plans.~~
- ~~(n) Conduct research and program evaluations for the purpose of improvement of services.~~

R 380.204 Preliminary school psychologist certificate; **applicant trained in Michigan approved school psychologist preparation program.**

Rule 4. (1) An applicant for a preliminary school psychologist certificate **who was trained in a Michigan approved school psychologist preparation program** shall ~~meet~~ **satisfy** both of the following requirements:

- ~~(a) Have completed a~~ **Completion of a master's degree program that is not less than minimum of 45 graduate semester credit hours in an approved program toward the school psychologist certificate. An internship shall not be considered a part of the 45 semester hours.**
 - ~~(b) Have completed~~ **Completion of** not less than a 600-clock-hour, supervised, **field-based practicum or** internship with school age pupils **students** in an approved school psychologist **psychology** program, **a minimum of 300** clock hours of which shall be in a school setting under the supervision of ~~a person~~ **an individual** who holds a **valid Michigan** school psychologist certificate. **The practicum or internship shall begin no earlier than the second year in a school psychologist preparation program and shall involve integration and performance in the full range of school psychology roles as defined in R 380.203. The practicum or internship shall be a culminating experience during which an individual applies skills learned in prior coursework and practice contexts. Upon completion of the 600 hours, the individual shall be prepared to practice the full range of school psychology functions. The 45 semester credit hours required in subdivision (a) of this subrule does not include the clock hours required under this subdivision.**
- (2) ~~Officials of a~~ **A Michigan institution that has an approved school psychologist preparation program** shall recommend to the department, ~~on a form provided by the department,~~ the issuance of a preliminary school psychologist certificate. The recommendation to issue the preliminary school psychologist certificate shall be made when an applicant has completed the requirements ~~approved by the board as defined set forth in these rules~~ **this rule and the applicant has applied for certification. An application to an institution with an approved program for a preliminary school psychologist certificate shall be considered a certification requirement. An applicant shall meet the requirements for a preliminary school psychologist certificate when his or her application has been received and approved by the institution and the department. The department shall review the recommendation made by the officials of an institution before the certificate is issued to determine that certification requirements are met. The department shall issue a certificate based on the recommendation of the Michigan institution.**

~~(3) A preliminary school psychologist certificate shall be valid for 3 years. A preliminary school psychologist certificate expires on 3 years from June 30 of the expiration calendar year indicated on the certificate is issued.~~

~~(4) A person~~ **An individual** employed under ~~the~~ a preliminary school psychologist certificate shall have **a minimum of 2 hours per week of local supervision provided by a fully certificated individual who holds a valid Michigan school psychologist certificate and has a minimum of 3 years of experience as a school psychologist with a minimum of 2 hours per week of supervision.**

~~(5) An applicant~~ **A holder of a preliminary school psychologist certificate** and an employer shall be familiar with the specific requirements of the preliminary school psychologist certificate.

~~(6) Subject to subrule (7) of this rule, A a preliminary school psychologist certificate may be renewed for an additional 3 years~~ **one 3-year period** upon completion of not less than 6 semester **credit** hours of ~~credit~~ in an approved **school psychologist preparation** program. ~~Credit shall be in courses appropriate to a school psychologist as determined by the institution. A preliminary school psychologist certificate may be renewed once. Completion of the 6 semester credit hours shall be after issuance of the preliminary school psychologist certificate.~~

~~(7) Correspondence credit is not acceptable for meeting the requirements of an initial preliminary school psychology certificate, or its renewal. Online and distance learning coursework is acceptable for renewal if attending a state, regional, or nationally accredited institution. Coursework shall be applicable to the school psychologist position. A preliminary school psychologist certificate issued under this rule may be renewed for one 3-year period if the individual holds a valid out-of-state school psychologist certificate. The requirements of subrule (6) of this rule do not apply to renewal under this subrule.~~

R 380.205 ~~Out-of-state applicants for preliminary~~ **Preliminary school psychologist certificate; applicant trained in out-of-state approved school psychologist preparation program.**

Rule 5. (1) ~~An out-of-state applicant for a school psychologist certificate shall first apply for a Michigan preliminary school psychologist certificate unless the applicant meets the criteria in R 380.206a.~~ **Subject to R 380.206(3) and (4), an individual who was trained in an out-of-state approved school psychologist preparation program and who seeks school psychologist certification in this state shall first apply for a Michigan preliminary school psychologist certificate under this rule.**

~~(2) The board may accept a comparable school psychologist certificate from another state, or a foreign country, or national certification as a school psychologist as a basis for the issuance of a Michigan preliminary school psychologist certificate.~~ **An applicant for a preliminary school psychologist certificate who was trained in an out-of-state approved school psychologist preparation program must satisfy both of the following requirements:**

(a) Complete the requirements of R 380.204(1)(a) and (b).

(b) Hold a valid out-of-state school psychologist certificate.

~~(3) The board~~ **department** may accept credits presented for certification from ~~accredited an out-of-state institutions or agencies located in other states or foreign countries~~ **institution.**

~~Proof of credit shall be submitted to the department directly from the institution, on official transcripts.~~

~~(4) An applicant for a preliminary school psychologist certificate in this state who has been educated in an approved school psychology program in another state~~ **under this rule shall present evidence of having fulfilled all of the requirements established for applicants who have been educated in the approved in Michigan universities apply directly to the department.**

(5) An individual employed under a preliminary school psychologist certificate issued under this rule shall have a minimum of 2 hours per week of local supervision provided by an individual who holds a valid school psychologist certificate and has a minimum of 3 years of experience as a school psychologist.

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

(7) A preliminary school psychologist certificate issued under this rule expires 3 years from June 30 of the calendar year the certificate is issued.

(8) Subject to subrule (9) of this rule, a preliminary school psychologist certificate may be renewed for one 3-year period upon completion of not less than 6 semester credit hours in an approved school psychologist preparation program. Completion of the 6 semester credit hours shall be after issuance of the preliminary school psychologist certificate.

(9) A preliminary school psychologist certificate held by an individual who holds a valid out-of-state school psychologist certificate may be renewed for one 3-year period. The requirements of subrule (8) of this rule do not apply to renewal under this subrule.

R 380.206 School psychologist certificate.

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

(a) Hold a ~~valid~~ Michigan preliminary school psychologist certificate.

(b) Possess a specialist's 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) Have completed a minimum of 15 graduate semester credit hours in school psychology, including an internship, in addition to the 45 semester hours required for the preliminary certificate.~~

~~(d) In addition to the 600 clock hours of practicum or internship required for the preliminary school psychologist certificate, have completed complete~~ **not less than a 600 1,200-clock-hour, supervised internship with school-age pupils students** in an approved school psychology **psychologist preparation** program, ~~300~~ **a minimum of 600** clock hours of which ~~shall~~ **must** be in a school setting under the supervision of ~~a person~~ **an individual** who holds a valid ~~Michigan~~ school psychologist certificate ~~or its equivalent~~. **Supervision shall be for a minimum of 2 hours per week.**

~~(e) Meet the requirements in this rule and in R 380.208.~~

~~(f) Have completed 1 year of successful experience employed as a school psychologist with direction from a fully certificated Michigan school psychologist with a minimum of 2 hours per week of supervision.~~

~~(2) Subject to subrules (3) and (4) of this rule, Officials of a Michigan institution that has an approved school psychologist psychology program shall recommend, to the department, on a form provided by the department, the issuance of a school psychologist certificate. The recommendation to issue a school psychologist certificate shall be made when an applicant has completed the requirements of these rules this rule and applied for certification. An application to an institution that has an approved program for a school psychologist certificate shall be considered a certification requirement. An applicant shall meet the requirements for a school psychologist certificate when his or her application has been received and approved by the institution and the department. The department shall issue a certificate based on the recommendation of the institution review the recommendation made by the officials of an institution before the certificate is issued to determine that certification requirements are met.~~

~~(3) A school psychologist certificate shall be valid for 5 years. Upon application, the department shall 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) All certificates issued within a calendar year expire 5 years from June 30 of that year. Upon application, the department shall issue a school psychologist certificate to an individual who is certified as a school psychologist by the national association of school psychologists 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) An applicant and an employer shall be familiar with the specific requirements of the school psychologist certificate. A school psychologist certificate expires 5 years from June 30 of the calendar year the certificate is issued.~~

~~(6) The renewal of a school psychologist certificate requires the completion of 6 semester credit hours of academic credit at any 4-year college or university or Michigan community college recognized by the department, or the equivalent in approved 18 state board continuing education units. Credit shall be towards an individual's professional development as a school psychologist. A combination of semester credit hours and state board continuing education units may be used to meet requirements for renewal. Three state board continuing education units are equivalent to 1 semester credit hour. Additional semester credit hours beyond the required 6 semester credit hours or equivalent state board approved continuing education units earned during any certificate validity span shall not be applied toward any later renewals. A holder of a school psychologist certificate and an employer shall be familiar with the specific requirements of the school psychologist certificate.~~

~~(7) All renewal credit shall be completed after the date of issuance of a school psychologist certificate and within the 5 calendar year period before applying for the renewal. A school psychologist certificate may be renewed every 5 years upon application to the department and completion, since the issuance of the most recent school psychologist certificate or renewal, of a combination of the following totaling 150 hours, with 1 semester credit hour being equivalent to 25 hours of state continuing education clock hours or 25 hours of district provided professional development:~~

(a) Semester credit hours applicable to a school psychologist position at a regionally accredited college or university.

(b) State continuing education clock hours in approved professional development activities applicable to a school psychologist position.

(c) Michigan district provided professional development applicable to a school psychologist position.

~~(8) Correspondence credit is not acceptable for meeting the requirements of the school psychologist certificate or its renewal. Online and distance learning coursework is acceptable for renewal if attending any 4-year college or university or Michigan community college recognized by the department. Coursework shall be applicable to the school psychologist position. The requirements of subrule (7) of this rule do not apply to renewal of a valid or expired school psychologist certificate held by either of the following individuals, who may apply directly to the department for renewal every 5 years:~~

(a) A school psychologist who holds a valid Michigan professional education certificate.

(b) A school psychologist who holds a valid school psychologist certificate issued by the national association of school psychologists.

~~(9) Credit earned toward renewing a school psychologist certificate may be used for renewing a professional education teaching certificate or occupational and vocational certificate. An individual who holds an expired Michigan school psychologist certificate and a valid out-of-state school psychologist certificate and who has been employed within the validity of either certificate for at least 1 year in the immediately preceding 5-year period 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.~~

~~(10) To renew a school psychologist certificate that has been expired for more than 5 years, 12 semester hours of credit shall be required. Coursework shall be applicable to the school psychologist position.~~

~~(11) To renew a school psychologist certificate that has been expired for more than 10 years, 18 semester hours of credit shall be required.~~

~~R 380.206a Out of state applicants for school psychologist certificate. **Rescinded.**~~

~~Rule 6a. The board may accept national certification as a school psychologist and 1 year of work experience beyond the internship as a basis for the issuance of a Michigan school psychologist certificate to an out of state applicant.~~

~~R 380.207 Program **Initial program** approval and periodic review.~~

~~Rule 7. (1) A school psychologist preparation program shall be approved for a 5-year period by the board. The requirements for the school psychologist certificates identified in these rules shall be included as part of the program preparation. The board shall review the adequacy of institutional resources, staff, and academic advisement services in meeting to meet state requirements. The board will also utilize supply and demand data in determining the need for approving additional training programs. **The state board shall approve standards for reviewing school psychologist preparation programs.**~~

~~(2) A 5-year renewal of board approval shall require an institutional report of graduates before program renewal and a report of the number of instances certificate recommendations~~

have been denied. The report shall include recommendations for program revisions and responses from graduates, employers, and other school administrators on revising program requirements.

~~(3) Failing to comply with board certification and program approval requirements or knowingly advising individuals to complete credit in excess of board-approved institutional requirements may result in the suspension of an institution's approval pending a review by the state superintendent of public instruction.~~

~~(4) The officials of an institution shall document to the department that the applicant has met all approved program requirements. The superintendent of public instruction shall approve school psychologist preparation programs in accordance with the state board approved standards.~~

(3) Continued approval of a school psychologist preparation program by the superintendent of public instruction requires national accreditation of the preparation program provider by an accrediting body that is recognized by the United States Department of Education or a recommendation for approval to the superintendent of public instruction from a state review process.

R 380.208 School psychologist competencies.

Rule 8. ~~A candidate seeking approval~~ **An individual applying** for a school psychologist certificate shall ~~be recommended by an approved college or university as having demonstrated~~ **demonstrate** all of the following competencies: **established and defined by standards approved by the state board.**

~~(a) Knowledge of the organization and administration of local and state agencies and their services for pupils.~~

~~(b) Knowledge of federal and state special education laws and other legal aspects of the role of the school psychologist.~~

~~(c) Knowledge of data-based decision making used to evaluate the outcomes of intervention services. Data-based decision making is applied at the individual level to evaluate student response to intervention services and at the broader system level, as in the evaluation of systems-level practices.~~

~~(d) Skills in the ability to consult, counsel, and collaborate with pupils, parents, school personnel, and appropriate outside personnel regarding mental health, behavior, and educational concerns utilizing psychological principles.~~

~~(e) Knowledge of varied assessment practices useful in identifying student strengths and needs, in understanding problems, and in measuring progress and accomplishments. Methods include interviews, formal and informal test administration, behavior assessment, curriculum-based assessment, and measurement and ecological and environmental assessment.~~

~~(f) Understanding of the rationale of assessment, testing and measurement, and skills in the administration of assessments including tests, including those which measure intelligence, achievement, personality, and adaptive behavior.~~

~~(g) Ability to carry out systematic direct observations of pupils.~~

~~(h) Skills in integrating data obtained from tests and from other sources of information and the ability to communicate these findings to other professionals, parents, and pupils in a meaningful way.~~

~~(i) Skills in psychological report writing and other written communication.~~

- (j) Knowledge of human learning processes, techniques to assess those processes, and direct and indirect services applicable to the development of cognitive and academic skills.
- (k) Knowledge of human development, psychopathology, stressors, and crises in schools and the skills to apply this knowledge to such areas as crisis prevention and intervention, and functional behavior assessment.
- (l) Knowledge of human behavior and behavior management techniques and the capacity to plan and implement classroom management procedures pertaining to the behavior of pupils.
- (m) Comprehensive understanding of personality development and the assessment of human behavior.
- (n) Knowledge of family systems, including family strengths and influences on development, learning, and behavior, and of methods to involve families in education and service delivery.
- (o) Knowledge of how cultural and ethnic differences influence behavior and affect evaluation.
- (p) Competency in the planning and prescribing of teaching and curriculum strategies for pupils.
- (q) Knowledge of research methods, statistics, and program evaluation methods.
- (r) Knowledge of computer technology necessary to implement computer applications for management, to understand the computer's instructional value, and to develop the computer skills needed in the delivery of educational and psychological services.
- (s) Knowledge of the ethical standards of the profession of school psychology.

R 380.209 Eligibility of persons who have temporary or full approval on August 31, 1992, to receive certificates **Rescinded**.

~~Rule 9. (1) A person who has temporary approval as a school psychologist on August 31, 1992, pursuant to the provisions of R 340.1153 shall be eligible to receive the preliminary school psychologist certificate without meeting the certificate requirements set forth in the provisions of R 380.204.~~

~~—(2) A person who has full approval as a school psychologist on August 31, 1992, pursuant to the provisions of R 340.1152 shall be eligible to receive the school psychologist certificate without meeting the requirements set forth in the provisions of R 380.206.~~

~~—(3) A school psychologist who was approved on August 31, 1992, pursuant to the provisions of R 340.1152 or R 340.1153 shall have 5 years from the effective date of these rules to apply for a preliminary school psychologist or school psychologist certificate.~~

R 380.210 Reseission **Rescinded**.

~~Rule 10. R 340.1151 to R 340.1158 of the Michigan Administrative Code, appearing on pages 2795 to 2797 of the 1979 Michigan Administrative Code, are rescinded.~~

R 380.211 Denial, suspension, or revocation of preliminary school psychologist certificate or school psychologist certificate; reinstatement.

Rule 11. (1) The superintendent of public instruction may refuse to grant, refuse to renew, suspend, revoke, or impose reasonable conditions on a preliminary school psychologist certificate or a school psychologist certificate granted pursuant to these rules for the following reasons:

(a) Fraud, material misrepresentation, or concealment or omission of fact in the application for or the use of a preliminary school psychologist certificate or a school

psychologist certificate.

(b) Conviction of a crime described in section 1535a or 1539b of 1976 PA 451, MCL 380.1535a or 380.1539b.

(2) The superintendent of public instruction may refuse to grant or refuse to renew a preliminary school psychologist certificate or a school psychologist certificate for failure of the applicant to meet the requirements for the certificate. After notice and an opportunity to show compliance, the superintendent of public instruction may rescind, suspend, or revoke a preliminary school psychologist certificate or a school psychologist certificate for failure of the holder to meet the requirements for the certificate.

(3) The superintendent of public instruction shall not deny, refuse to renew, suspend, or revoke a preliminary school psychologist certificate or a school psychologist certificate solely on the basis of a conviction unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the individual's present fitness to serve as a school psychologist in this state or that the conviction demonstrates that the individual is unfit to act as a school psychologist in this state. For purposes of this subrule, conviction of a listed offense is reasonably and adversely related to the individual's present fitness to serve as a school psychologist in this state and demonstrates that the individual is unfit to serve as a school psychologist in this state.

(4) A certified copy of the judgment of conviction and sentence is conclusive evidence of conviction of a crime described in section 1535a or 1539b of 1976 PA 451, MCL 380.1535a or 380.1539b. With the exception of a conviction of a listed offense, a conviction of a crime listed in those sections or of a substantially similar crime in another state is considered to be reasonably and adversely related to the ability of the individual to serve as a school psychologist and is sufficient grounds for refusal to grant, refusal to renew, suspension of, or revocation of a preliminary school psychologist certificate or school psychologist certificate. For purposes of this subrule, conviction of a listed offense is reasonably and adversely related to the individual's present fitness to serve as a school psychologist in this state and demonstrates that the individual is unfit to serve as a school psychologist in this state.

(5) If the superintendent of public instruction refuses to grant, refuses to renew, suspends, or revokes a preliminary school psychologist certificate or a school psychologist certificate under subrule 1(b) of this rule, after the completion of the individual's sentence and upon application and a showing of good cause, the superintendent of public instruction may grant a new or renewed certificate or reinstate a suspended or revoked certificate. This does not apply if the individual was convicted of a listed offense, in which case the superintendent of public instruction shall not grant a new or renewed preliminary school psychologist certificate or school psychologist certificate or reinstate a suspended or revoked certificate. If the individual was convicted of a crime described in section 1535a or 1539b of 1976 PA 451, MCL 380.1535a or 380.1539b, other than a listed offense, the superintendent of public instruction shall not grant a new or renewed certificate or reinstate an individual's certificate under this rule unless the superintendent of public instruction finds that the individual is currently fit to serve as a school psychologist in this state and that granting a new or renewed certificate or reinstating the preliminary school psychologist certificate or school psychologist certificate will not adversely affect the health, safety, and welfare of students.

R 390.212 Investigation.

Rule 12. The superintendent of public instruction shall designate an employee of the department to perform the investigatory and prosecutorial functions regarding cases pertaining to preliminary school psychologist certificates or school psychologist certificates. Upon receipt of information that may serve as the basis for a refusal to grant, refusal to renew, suspend, or revoke a preliminary school psychologist certificate or a school psychologist certificate, the designee of the superintendent of public instruction shall initiate an investigation of that information.

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

Rule 13. (1) All of the following apply to action taken under R 380.211(1)(a) or (b) unless the individual was convicted of a listed offense:

(a) Not more than 7 calendar days after receiving notice that the applicant for or the holder of a preliminary school psychologist certificate or a school psychologist certificate has been convicted of a crime described in section 1535a or 1539b of 1976 PA 451, MCL 380.1535a or 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 subrule, the department shall notify the applicant 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 preliminary school psychologist certificate or the school psychologist certificate may be denied, suspended, or revoked.

(ii) The applicant or the holder of the preliminary school psychologist certificate or the school psychologist certificate has the right to a hearing.

(iii) If a hearing is not requested within 15 business days after receipt of notice of the right to a hearing, the preliminary school psychologist certificate or the school psychologist certificate will be denied or suspended.

(iv) If a hearing is requested 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 subrule 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 subrule, the applicant 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 school psychologist certificate.

(e) If the applicant or the holder of a preliminary school psychologist certificate or school psychologist certificate timely requests a hearing under subdivision (d) of this

subrule, 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 shall be 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 administrative hearing system 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 administrative hearing system for hearing.

(2) If action is taken by the superintendent of public instruction under R 380.211 based on a conviction of a listed offense, there is no right to request a hearing and the superintendent of public instruction shall not reinstate a preliminary school psychologist certificate or a school psychologist certificate.

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 administrative hearing system or may remand a case to the Michigan administrative hearing system 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.