

DEPARTMENT OF EDUCATION
SUPERINTENDENT OF PUBLIC INSTRUCTION
SCHOOL SOCIAL WORKER CERTIFICATION CODE

Filed with the secretary of state on June 27, 2024

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) 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 the authority conferred on the superintendent of public instruction by sections 1701 and 1703 of the revised school code, 1976 PA 451, MCL 380.1701 and 380.1703, and Executive Reorganization Order No. 1996-7, MCL 388.994)

R 340.1001, R 340.1002, R 340.1003, R 340.1004, R 340.1005, R 340.1006, R 340.1007, R 340.1008, R 340.1009, and R 340.1010 are added to the Michigan Administrative Code, R 340.1011, R 340.1012, R 340.1013, R 340.1014, R 340.1015, and R 340.1016 are amended, and R 340.1017 and R 340.1018 are rescinded, as follows:

R 340.1001 Definitions.

Rule 1. (1) As used in these rules:

(a) “Accredited” means accredited by an accreditation agency recognized by the Council for Higher Education Accreditation or by the United States Department of Education.

(b) “Act” means the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, unless otherwise indicated.

(c) “Approved school social worker preparation program” means a state-approved program in an institution that prepares school social workers, or their equivalent, in accordance with the state law of the program’s location.

(d) “Department” means the department of education, unless otherwise indicated.

(e) “Education-related professional learning” means an educational opportunity that improves a school social worker’s practice and capacity to perform the work within the profession of education that is 1 or more of the following:

(i) Satisfactory college semester credit hours at an accredited college or university, with 1 semester credit hour being equivalent to 25 education-related professional learning hours.

(ii) State continuing education clock hours.

(iii) Michigan annual district provided professional development hours.

(f) “Individualized education program” means a program described in R 340.1721e.

(g) “Listed offense” means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

(h) “Michigan annual district provided professional development” means Michigan annual district provided professional development as required by sections 1526 and 1527 of the act, MCL 380.1526 and 380.1527.

(i) “Out-of-state” means of a political subdivision of the United States, other than this state, of a federally recognized Native American tribe, or of a foreign country or a political subdivision of a foreign country.

(j) “School social worker credential” means 1 of the following issued under these rules:

- (i) Preliminary school social worker certificate.
- (ii) Professional school social worker certificate.
- (iii) School social worker permit.

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

(l) “State continuing education clock hours” means hours of professional development issued through a process established and approved by the superintendent of public instruction.

(m) “Valid” means within the time period of the credential and not suspended, revoked, rescinded, or nullified.

(2) A term defined in the act has the same meaning when used in these rules.

R 340.1002 Individuals required to hold school social worker credential.

Rule 2. (1) An individual who provides social work services, either as an employee of a public school or on a contractual basis in a public school, to students with disabilities whose individualized education programs require social work services shall hold a valid school social worker credential issued under these rules.

(2) Issuance of a school social worker credential under these rules constitutes approval for purposes of R 340.1799f.

(3) Only an individual who holds a valid school social worker credential under these rules shall use the title of school social worker.

(4) A public school may support a social worker position with funds under the Individuals with Disabilities Education Act, 20 USC 1400 to 1482, and state statutes governing funding for special education programs and services only if the position is held by an individual who holds a valid school social worker credential issued under these rules and only for the portion of time the individual provides social work services to 1 or more students with disabilities whose individualized education programs require social work services.

(5) Except as provided in these rules regarding placement of individuals who provide social work services to students with disabilities whose individualized education programs require social work services, these rules do not prohibit a public school from employing, contracting with, or otherwise using the services of a licensed social worker who does not hold a valid school social worker credential issued under these rules.

R 340.1003 Preliminary school social worker certificate.

Rule 3. (1) The superintendent of public instruction may issue a preliminary school social worker certificate to an applicant who pays the applicable evaluation fee and who meets all of the following requirements at the time of application:

(a) Holds an earned master of social work degree, or its equivalent or higher, from an accredited college or university.

(b) Completed an approved school social worker preparation program.

(c) Completed a minimum of a 500-clock-hour supervised social work practice that reflects and supports state standards for the preparation and practice of school social workers.

(d) Holds a valid limited master's social worker license (LLMSW) or valid master's social worker license (LMSW) issued by the department of licensing and regulatory affairs.

(2) The superintendent of public instruction may issue 1 renewal of a preliminary school social worker certificate to an applicant who pays the applicable evaluation fee if both of the following requirements are satisfied at the time of application:

(a) The applicant holds a valid LLMSW or valid LMSW issued by the department of licensing and regulatory affairs.

(b) During the validity of the initial preliminary school social worker certificate, an individual who held a valid professional school social worker certificate issued under these rules or a valid full approval under former R 340.1012 supervised the applicant while the applicant provided social work services to students with disabilities whose individualized education programs required those services.

(3) The superintendent of public instruction shall issue no more than 1 renewal of a preliminary school social worker certificate.

R 340.1004 Professional school social worker certificate.

Rule 4. (1) The superintendent of public instruction may issue a professional school social worker certificate to an applicant who pays the applicable evaluation fee and who meets all of the following requirements at the time of application:

(a) Holds a valid LMSW issued by the department of licensing and regulatory affairs.

(b) Completed an approved school social worker preparation program.

(c) While holding a valid preliminary school social worker certificate issued under these rules or while working under a valid school social worker permit issued under R 340.1009, and while under the supervision of an individual holding a valid professional school social worker certificate issued under these rules or a valid full approval under former R 340.1012, completed 1 full school year as a school social worker providing social work services to students with disabilities whose individualized education programs required those services.

(2) The superintendent of public instruction may issue a renewal of a professional school social worker certificate to an applicant who pays the applicable evaluation fee if both of the following requirements are satisfied at the time of application:

(a) The applicant holds a valid LMSW issued by the department of licensing and regulatory affairs.

(b) Since the issuance of the most recent professional school social worker certificate or renewal, the applicant completed 75 education-related professional learning hours.

R 340.1005 Preliminary and professional school social worker certificate issuance and expiration.

Rule 5. (1) The validity of a preliminary school social worker certificate or professional school social worker certificate, or renewal, is determined by its issue date and expiration date as set forth in this rule and by action taken under R 340.1010 to R 340.1016. An applicant for and the holder of a preliminary school social worker certificate or a professional school social worker certificate and the employer shall be familiar with the specific requirements and expiration date of the certificate.

(2) A preliminary school social worker certificate or renewal issued under these rules expires 3 years after June 30 of the calendar year of issuance.

(3) A professional school social worker certificate or renewal issued under these rules expires 5 years after June 30 of the calendar year of issuance.

(4) The superintendent of public instruction shall not issue a preliminary school social worker certificate or a professional school social worker certificate, or renewal, until the department receives the evaluation fee required by section 1538 of the act, MCL 380.1538.

R 340.1006 Members of the armed forces and uniformed services, veterans, and dependents.

Rule 6. (1) As used in this rule:

(a) "Armed forces" means the United States Army, Air Force, Navy, Marine Corps, Space Force, Coast Guard, or other military force designated by the United States Congress as a part of the Armed Forces of the United States, including the reserve components.

(b) "Dependent" means a spouse, surviving spouse, child who is less than 26 years of age, or surviving child who is less than 26 years of age.

(c) "Uniformed services" means the Commissioned Corps of the United States Public Health Service and the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

(d) "Veteran" means that term as defined in section 1 of 1965 PA 190, MCL 35.61.

(2) If 1 of the following individuals serves a period of active duty during the time period of a certificate issued under these rules, the individual may file a request with the department that the superintendent of public instruction determine that all or part of the period of active duty satisfies some or all of the requirements for renewal of the certificate:

(a) A member of the armed forces or uniformed services.

(b) A veteran.

(3) The following individuals may apply to the department for refund of a fee paid pursuant to these rules under section 1538 of the act, MCL 380.1538:

(a) A member of the armed forces or uniformed services.

(b) A veteran.

(c) A dependent of a member of the armed forces or of the uniformed services.

(d) A dependent of a veteran.

R 340.1007 Out-of-state applicants.

Rule 7. (1) The superintendent of public instruction may issue a school social worker certificate under subrule (2) or (3) of this rule to an applicant who completed an out-of-state approved school social worker preparation program upon verification of the applicant's satisfaction of the requirements, or their equivalent, established for issuance of a school social worker certificate to an individual who completes an approved school social worker preparation program in this state.

(2) The superintendent of public instruction may issue a preliminary school social worker certificate to an individual described in subrule (1) of this rule who pays the applicable evaluation fee and who satisfies the requirements of R 340.1003, or their equivalent, at the time of application.

(3) The superintendent of public instruction may issue a professional school social worker certificate to an individual described in subrule (1) of this rule who pays the applicable evaluation fee if, at the time of application, 1 of the following is satisfied:

(a) The individual satisfies the requirements of R 340.1004, or their equivalent.

(b) All of the following:

(i) The individual holds a valid LMSW issued by the department of licensing and regulatory affairs.

(ii) The individual holds a valid out-of-state certificate that is equivalent to a professional school social worker certificate issued by the department.

(iii) The individual completed 1 full school year as a social worker in a school setting providing social work services to students with disabilities whose individualized education programs required those services.

R 340.1008 Approval of school social worker preparation programs.

Rule 8. (1) The state board shall approve standards for reviewing school social worker preparation programs.

(2) The superintendent of public instruction shall approve school social worker preparation programs in accordance with the state board approved standards.

(3) Continued approval by the superintendent of public instruction requires that the school social worker preparation provider be accredited or that a state review process recommend approval by the superintendent of public instruction.

R 340.1009 School social worker permit.

Rule 9. (1) If a public school is unable to employ or contract with a certified school social worker, the public school may apply to the department for a school social worker permit under this rule.

(2) On application and payment of the applicable evaluation fee, the superintendent of public instruction may issue a school social worker permit to a public school that verifies all of the following:

(a) At the time of application, the individual holds an earned master of social work degree or higher, or equivalent, from an accredited college or university.

(b) At the time of application, the individual holds a valid LLMSW or valid LMSW issued by the department of licensing and regulatory affairs.

(c) At the time of application, the individual was accepted for enrollment in an approved school social worker preparation program.

(d) During the validity of the permit, while under the supervision of an individual holding a valid professional school social worker certificate issued under these rules or a valid full approval under former R 340.1012, the individual will provide social work services to students with disabilities whose individualized education programs require those services.

(3) On application and payment of the applicable evaluation fee, the superintendent of public instruction may issue 1 renewal of a school social worker permit to a public school that verifies all of the following:

(a) One of the following at the time of application:

(i) The individual is enrolled in, and demonstrates progress toward completion of, an approved school social worker preparation program after issuance of the initial school social worker permit.

(ii) The individual holds a valid or expired preliminary school social worker certificate issued under these rules.

(b) At the time of application, the individual holds a valid LLMSW or valid LMSW issued by the department of licensing and regulatory affairs.

(c) During the validity of the initial permit, while under the supervision of an individual holding a valid professional school social worker certificate issued under these rules or a valid full approval under former R 340.1012, the individual provided social work services to students with disabilities whose individualized education programs required those services.

(d) During the validity of the renewal, while under the supervision of an individual holding a valid professional school social worker certificate issued under these rules or a valid full approval under former R 340.1012, the individual will provide social work services to students with disabilities whose individualized education programs require those services.

(4) The superintendent of public instruction shall issue no more than 1 renewal of a school social worker permit under this rule.

(5) A school social worker permit issued under this rule is valid from the issue date through August 31 immediately following the academic year listed on the permit.

(6) Subject to subrule (8) of this rule, the superintendent of public instruction may revoke, refuse to grant, or refuse to renew a school social worker permit or renewal for any of the following reasons:

(a) Fraud, material misrepresentation, or concealment or omission of fact in the application for or the use of the school social worker permit or renewal.

(b) Conviction of the individual for whom a public school requests a school social worker permit or renewal, or who is working under a school social worker permit or renewal, of a crime described in section 1535a of the act, MCL 380.1535a.

(c) Failure to meet the requirements for the school social worker permit or renewal.

(d) Action taken by an out-of-state certifying authority against an educator credential issued at any time to the individual by that authority.

(7) The superintendent of public instruction may rescind a school social worker permit or renewal at the request of the employing or contracting public school.

(8) The superintendent of public instruction shall revoke, refuse to grant, or refuse to renew a school social worker permit or renewal if the individual working under the permit or renewal, or if the individual for whom a public school requests the permit or renewal, was convicted of a listed offense.

R 340.1010 Suspension of, revocation of, imposition of conditions on, or denial of renewal of preliminary or professional school social worker certificate.

Rule 10. The superintendent of public instruction may suspend, revoke, impose reasonable conditions on, or deny renewal of a preliminary school social worker certificate or professional school social worker certificate for either of the following reasons:

(a) The holder of the preliminary school social worker certificate or professional school social worker certificate engaged in fraud, material misrepresentation, or concealment or omission of fact in the application for or the use of any credential issued by the superintendent of public instruction.

(b) The holder of the preliminary school social worker certificate or professional school social worker certificate was convicted of a crime described in section 1539b of the act, MCL 380.1539b.

R 340.1011 Notice of basis for action; notice of right to hearing; informal conference; referral for hearing.

Rule 11. Subject to summary suspension under section 1539b(2) of the act, MCL 380.1539b, all of the following apply to action taken under R 340.1010:

(a) Not more than 7 calendar days after receiving notice that the criminal history of the holder of a preliminary school social worker certificate or professional school social worker certificate includes conviction of a crime described in section 1539b of the act, 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) On receipt of notice of a basis for action under R 340.1010(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 holder of the preliminary school social worker certificate or professional school social worker certificate in writing of all of the following:

(i) Because of the conviction or because of the identified reason under R 340.1010(a), the superintendent of public instruction may suspend, revoke, impose conditions on, or deny renewal of the preliminary school social worker certificate or professional school social worker certificate.

(ii) The holder has the right to a hearing.

(iii) If 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 shall suspend or deny renewal of the preliminary school social worker certificate or professional school social worker certificate.

(iv) If the holder requests a hearing within 15 business days after receipt of the notice, there must be an informal conference.

(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 holder of the preliminary school social worker certificate or professional school social worker certificate shall request a hearing. If the holder does not timely request a hearing, the superintendent of public instruction shall suspend or deny renewal of the preliminary school social worker certificate or professional school social worker certificate.

(e) If the holder of the preliminary school social worker certificate or professional school social worker certificate timely requests a hearing under subdivision (d) of this rule, the department shall immediately notify the holder of the date and time of an informal conference. Unless otherwise agreed, the informal conference is a telephone conference with an authorized representative of the department.

(f) After the informal conference and consideration of the documentation and other information presented, the department may recommend that the superintendent of public instruction take no action against or grant renewal of the preliminary school social worker certificate or professional school social worker certificate or that there be a settlement or conditional agreement. The superintendent of public instruction shall approve, modify, or deny the recommendation of the department.

(g) If the superintendent of public instruction or designee decides to refer the case to the Michigan office of administrative hearings and rules for hearing following the informal conference, the department shall make the referral.

R 340.1012 Denial or rescission of preliminary or professional school social worker certificate.

Rule 12. (1) The superintendent of public instruction may deny an individual's application for a preliminary school social worker certificate or professional school social worker certificate for any of the following reasons:

(a) The applicant engaged in fraud, material misrepresentation, or concealment or omission of fact in the application for or the use of any credential issued to the individual by the superintendent of public instruction.

(b) The applicant was convicted of a crime described in section 1539b of the act, MCL 380.1539b.

(c) The applicant does not meet the requirements for the certificate.

(d) An out-of-state certifying authority took action against an educator credential issued at any time to the applicant by that authority.

(2) After notice and an opportunity to show compliance, the superintendent of public instruction may rescind a preliminary school social worker certificate or professional school social worker certificate for failure of the holder to meet the requirements for the preliminary school social worker certificate or professional school social worker certificate.

R 340.1013 Investigation.

Rule 13. An authorized representative of the department shall perform the investigatory and prosecutorial functions regarding cases pertaining to school social worker certification. On receipt of information that may serve as the basis for suspension, revocation, denial, refusal to renew, or rescission of a preliminary school social worker certificate or professional school social worker certificate, the authorized representative shall initiate an investigation of that information.

R 340.1014 Reinstatement of suspended or revoked preliminary or professional school social worker certificate.

Rule 14. (1) Unless the superintendent of public instruction suspended or revoked an individual's preliminary school social worker certificate or professional school social worker certificate based on conviction of a listed offense, the individual may file with the department a request for reinstatement of the preliminary school social worker certificate or professional school social worker certificate that was suspended or revoked under these rules.

(2) If the superintendent of public instruction suspended or revoked the preliminary school social worker certificate or professional school social worker certificate under R 340.1010(a), all of the following apply:

(a) The individual shall provide to the department documentation and other information that demonstrates that the individual is currently fit to serve in an elementary or secondary school in this state and that reinstatement of the individual's preliminary school social worker certificate or professional school social worker certificate will not adversely affect the health, safety, and welfare of pupils.

(b) If the superintendent of public instruction suspended the preliminary school social worker certificate or professional school social worker certificate pursuant to an agreement between the department and the individual, the individual shall provide to the department documentation and other information that establishes satisfaction of the conditions set forth in the agreement.

(c) Not more than 30 calendar days after receipt of the request for reinstatement, the department shall notify the individual in writing of all of the following:

(i) The individual has the right to a hearing.

(ii) If the individual does not request a hearing within 30 calendar days after receipt of notice of the right to a hearing, the superintendent of public instruction shall dismiss the request for reinstatement of the preliminary school social worker certificate or professional school social worker certificate.

(iii) If the individual requests a hearing within 30 calendar days after receipt of the notice, there must be an informal conference on the request for reinstatement.

(d) Not later than 30 calendar days after receipt of the notice, the individual shall request a hearing. If the individual does not timely request a hearing, the superintendent of public instruction shall dismiss the request for reinstatement of the preliminary school social worker certificate or professional school social worker certificate.

(e) If the individual timely requests a hearing, the department shall immediately notify the individual of the date and time of an informal conference on the request for reinstatement. Unless otherwise agreed, the informal conference is a telephone conference with an authorized representative of the department.

(f) After the informal conference and consideration of the documentation and other information presented, the department shall recommend that the superintendent of public instruction reinstate or deny reinstatement of the preliminary school social worker certificate or professional school social worker certificate. Based on consideration of the recommendation and the documentation and other information presented, the superintendent of public instruction shall reinstate or deny reinstatement of the preliminary school social worker certificate or professional school social worker certificate. The superintendent of public instruction shall not reinstate the preliminary school social worker certificate or professional school social worker certificate unless the superintendent of public instruction finds that the individual is currently fit to serve in an elementary or secondary school in this state and that reinstatement will not adversely affect the health, safety, and welfare of pupils.

(g) If the superintendent of public instruction does not reinstate the preliminary school social worker certificate or professional school social worker certificate under subdivision (f) of this subrule, the department shall refer the request to the Michigan office of administrative hearings and rules for hearing.

(3) If the superintendent of public instruction suspended or revoked the preliminary school social worker certificate or professional school social worker certificate under R 340.1010(b), not more than 30 calendar days after receipt of a request for a hearing on reinstatement, the department shall refer the request to the Michigan office of administrative hearings and rules under section 1539b(5) of the act, MCL 380.1539b.

R 340.1015 Removal of suspension or revocation of preliminary or professional school social worker certificate after conviction set aside, expunged, or dismissed.

Rule 15. (1) The superintendent of public instruction shall remove the suspension or revocation of a preliminary school social worker certificate or professional school social worker certificate if all of the following requirements are met:

(a) The suspension or revocation was based solely on a criminal conviction under section 1539b of the act, MCL 380.1539b.

(b) The holder of the credential files with the department a request for removal of the suspension or removal that includes documentation satisfactory to the department that the conviction was set aside under 1965 PA 213, MCL 780.621 to 780.624, or otherwise expunged or dismissed by a court of competent jurisdiction.

(c) If the conviction was set aside under section 1g of 1965 PA 213, MCL 780.621g, and the judgment of sentence included an order of restitution, the request for removal includes verification that the individual has fully paid court-ordered restitution or has made a good faith effort to do so.

(2) Removal of a suspension or revocation under this rule does not relieve the holder of the preliminary school social worker certificate or professional school social worker certificate of the responsibility to comply with all legal requirements for renewal of the preliminary school social worker certificate or professional school social worker certificate.

(3) This rule does not preclude the superintendent of public instruction from taking action against a preliminary school social worker certificate or professional school social worker certificate under R 340.1010, or from denying or rescinding a preliminary school social worker certificate or professional school social worker certificate under R 340.1012, for a reason other than a conviction that was set aside or otherwise expunged or dismissed.

R 340.1016 Action of superintendent of public instruction on proposal for decision.

Rule 16. (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.

R 340.1017 Rescinded.

R 340.1018 Rescinded.