

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Education

2. Bureau:

Superintendent of Public Instruction

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Teacher Certification Code

5. Rule numbers or rule set range of numbers:

R 390.1101 - R 390.1216

6. Estimated time frame:

6 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.

General purposes of the proposed amendments include: to add, clarify, and update definitions and terminology; to clarify and add flexibility to certification requirements, including requirements relevant to individuals holding out-of-state credentials; to incorporate the concept of appropriate placement; to align the rules with the new certification structure and to incorporate current career and technical education certificates into the general certification structure; to provide flexibility and benefits for members of the military and their dependents; to update permit requirements; and to provide procedures for the denial, rescission, reinstatement, and removal of suspension of teaching certificates.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The superintendent of public instruction has promulgation authority for the rules.

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

The superintendent of public instruction has authority to promulgate the rules under section 1 of article I of 1937 (Ex. Sess.) PA 4, MCL 38.71, and sections 1157, 1531, 1531i, 1535a, and 1539b of the revised school code, 1976 PA 451, MCL 380.1157, 380.1531, 380.1531i, 380.1535a, and 380.1539b, and Executive Reorganization Order Nos. 1996-6 and 1996-7, MCL 388.993 and 388.994.

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

The rules are mandated by sections 1157 and 1531 of the revised school code, 1976 PA 451, MCL 380.1157 and 380.1531, and Executive Reorganization Order No. 1996-7, MCL 388.994. Sections 1531i, 1535a, and 1539b of the revised school code, 1976 PA 451, MCL 380.1531i, 380.1535a, and 380.1539b, require rules as determined to be necessary.

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 or duplicate similar rules, compliance requirements, or other standards adopted 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 subject matter of the rules is contained in numerous documents on the Department of Education website at the following link:

<https://www.michigan.gov/mde/services/ed-serv/ed-cert>

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

The rules are listed on the Department of Education's 2023-2024 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?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The rules do not incorporate recommendations received from the public regarding complaints or comments regarding the rules.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The Department of Education continuously evaluates the rules, which were last amended in 2020. Neither technology, economic conditions, nor other factors have changed the regulatory activity covered by the rules since the last evaluation.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

There have been no changes or developments since implementation that demonstrate that there is not a continued need for the rules or any portion of the rules.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.