

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

TEACHER CERTIFICATION CODE

(By authority conferred on the superintendent of public instruction by section 15 of 1964 PA 287, MCL 388.1015, sections 1531, 1535a and 1539b of 1976 PA 451, MCL 380.1531, MCL 380.1535a, and MCL 380.1539b, and Executive Reorganization Order Nos. 1996-6 and 1996-7, MCL 388.993 and 388.994)

PART 1. GENERAL PROVISIONS

R 390.1101 Definitions.

Rule 1. As used in this code:

(a) "Certificate endorsement" means subject or subjects that a teacher is authorized to teach at specific grade levels based on completion of appropriate coursework and passage of the appropriate state teacher subject area examination.

(b) "Departmentalized classroom" means a classroom in which instruction in a specific subject area is provided for a defined period of time.

(c) "Early childhood certificate endorsement" means a specialization to teach in any school program preceding and including grade 3.

(d) "Elementary certificate" means an authorization to teach all subjects, kindergarten to and including grade 5, and grade 6 to and including grade 8 in a self-contained classroom and may include one or more subject area endorsements or authorizations to teach in grade 6 to and including grade 8 in departmentalized classrooms.

(e) "Elementary school" means a school at which instruction is provided for any configuration of grades from kindergarten through grade 8.

(f) "Field experience" means structured, supervised activity in a school setting in which a teacher certification candidate may gain experience in the practice of teaching.

(g) "General elementary endorsement on a secondary certificate" means an authorization to teach all subjects in grades kindergarten to and including 5, and all subjects in grades 6 to and including 8 in a self-contained classroom.

(h) "Michigan teaching certificate" means any of the following:

(i) A permanent certificate. (No longer issued.)

(ii) A life certificate. (No longer issued.)

(iii) A provisional certificate.

(iv) An occupational education certificate.

(v) A continuing certificate. (No longer issued.)

(vi) A professional education certificate.

(vii) A temporary or full vocational authorization. (No longer issued.)

(viii) An interim occupational certificate (Formerly the temporary vocational authorization.)

(ix) A 2-year extended provisional certificate.

(x) A temporary teacher employment authorization.

(i) "Middle level certificate endorsement" means a specialization to teach in grades 5 to and including 9 in the subject area endorsements on the teaching certificate.

(j) "Nonpublic school," means a private, denominational, or parochial school, as defined under section 380.5(4) of 1976 PA 451, MCL 380.5(4).

(k) "Occupational recency" means work experience in the occupational area that has occurred within 6 years of application for an interim occupational authorization or certificate.

(l) "Occupational relevancy" means work experience gained through employment in the occupational area.

(m) "Planned program" means a cohesive, standards based course of study that provides a knowledge and skill for specialization in a subject area or areas and supports the practice of teaching, or supports the professional career development of the educator.

(n) "Satisfactory college semester credit hours" means an average grade of C or better or the equivalent.  
(o) "School district" means a local school district established under section 5 of 1976 PA 451, MCL 380.5, an intermediate school district established under part 7 of 1976 PA 451, a public school academy established under part 6a of 1976 PA 451, an urban high school academy established under part 6c of 1976 PA 451, and a strict discipline academy established under sections 1311b to 1311i of 1976 PA 451, MCL 380.1311b to MCL 380.1311i.

(p) "Secondary certificate" means an authorization to teach in grades 6 to and including 12 in subject area endorsements on the teaching certificate.

(q) "Secondary school" means a school that consists of some or all of grades 6 to 12.

(r) "Self-contained classroom" means a classroom in which 1 teacher provides instruction to the same pupils for the majority of the pupil's instructional day.

(s) "State board" means the state board of education.

(t) "Substantive field" means academic disciplines offered in the K to 12 school's curriculum, appropriate to the grade level of the certificate.

(u) "Teacher preparation institution" means a baccalaureate or higher degree granting institution which is approved for teacher education by the state board to recommend applicants for the several certificates and endorsements provided for in these rules.

History: 1979 AC; 1981 AAC; 1986 AAC; 1989 AAC; 2006 AAC.

#### R 390.1103 Successful teaching.

Rule 3. (1) The determination of 3 years of successful teaching specified in these rules shall be according to the following:

(a) Employment may be with 1 or more employers in a regular or substitute teaching capacity within the validity of the certificate.

(b) Each period of employment shall be characterized as successful or unsuccessful by the employer.

(c) A year of employment is a minimum of 150 teaching days and may be either an academic or a calendar year, but not more than 1 year of employment can be earned during a calendar year.

(d) A day of employment is ½ or more of a teaching day, but not more than 1 day of employment can be earned during a calendar day.

(2) A teacher may appeal any decision under these rules through the recommending institution's appeal procedure and, failing relief from that source, to the superintendent of public instruction.

History: 1979 AC; 2006 AAC.

#### R 390.1105 Persons required to hold certificates or permits.

Rule 5. (1) A person employed as a teacher in an elementary or secondary school with instructional responsibilities shall hold a certificate, permit, or vocational authorization valid for the positions to which the teacher is assigned.

(2) A teacher aide, instructional paraprofessional, classroom assistant, secretary to instructional personnel, or other paraprofessional person legally employed in a non-instructional capacity need not be certificated as a teacher.

(3) A teacher candidate enrolled for student teaching or internship semester credit hours at an approved teacher preparation institution need not hold a teaching certificate.

(4) A full-time teacher of a day school program reimbursed from vocational education funds shall meet the minimum qualifications for endorsement or authorization in the particular vocational education field as specified by the superintendent of public instruction.

(5) A teacher in a reimbursed program in special education shall meet the minimum qualifications for certification, endorsements, or approvals when required by law in the particular special education field, as specified by the superintendent of public instruction.

(6) A person employed as a junior reserve officer training corps teacher need not be a certified teacher but shall be approved by the department of defense to provide instruction in a junior reserve officer training corps assignment.

(7) A previously issued certificate retains its original designation and validity.

History: 1979 AC; 2006 AACS.

R 390.1111 Equality of opportunity.

Rule 11. (1) The state board and the superintendent of public instruction holds that all pupils in educational programs at any level shall have equal access to opportunities to maximize their full development as a resource in a democratic society. Each Michigan teacher preparation institution shall provide prospective teachers access to theoretical knowledge and practical experiences for the development of cultural competence needed to respect differences and to avert disparate treatment based on race, religion, color, national origin or ancestry, age, gender preference, physical attributes, marital status and disability.

(2) An applicant for provisional certification shall show an awareness that Michigan's constitution and laws guarantee the right to equal educational opportunity without discrimination because of race, religion, color, national origin or ancestry, age, sex, marital status, or disability.

(3) An applicant for provisional certification has an important responsibility to create a climate for learning based upon the practice and an understanding of equality of educational opportunity in its fullest sense.

(4) An applicant for provisional certification who is otherwise qualified shall not be denied the right to be certified by the superintendent of public instruction, to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school because he or she is blind, deaf, or physically disabled in some other manner. A school district shall not refuse to engage a teacher who is disabled on such grounds if the teacher is able to carry out the duties of the position in the school district for which he or she applies.

History: 1979 AC; 1989 AACS; 2006 AACS.

R 390.1115 Applications; semester credit hours.

Rule 15. (1) The application for a certificate, permit, or authorization shall be directed to the superintendent of public instruction and submitted on a form supplied or approved by the superintendent of public instruction.

(2) Semester credit hours toward certification shall be completed through an approved teacher preparation institution, or accepted in transfer by such an institution, and shall be acceptable toward requirements for a provisional teaching certificate and a bachelor's or higher degree. The superintendent of public instruction reserves the right to determine the acceptability of credit hours presented for certification from approved teacher preparation institutions located in other states.

(3) For the purpose of initial certification, authorization, or endorsement, passing test scores on the state teacher preparation content area tests are valid for 5 years from the date of testing. Basic skills test scores are valid indefinitely.

History: 1979 AC; 2006 AACS.

R 390.1117 Certificate restrictions and expiration.

Rule 17. (1) A certificate, permit, and an authorization have certain restrictions as to the nature of teaching for which the holder may be employed. The applicant and employer shall be thoroughly familiar with the specific provisions regarding the validity of the several certificates.

(2) All certificates, permits, and authorizations expire on June 30 of the expiration year indicated on the certificate or permit with the exception of the temporary teacher employment authorization and the 2-year extended provisional renewal, or unless otherwise noted on the certificate, permit or authorization.

History: 1979 AC; 2006 AACS.

R 390.1118 Nullification of teaching certificate.

Rule 18. (1) The holder of a Michigan teaching certificate may request the superintendent of public instruction to immediately nullify a teaching certificate, 1 or more certificate endorsements based on a major or minor in a substantive field of study, or a grade level certification if the grade level certification has not been used for employment purposes for 10 or more years. Grade level certification means a certificate endorsement for the extension of the grade level validity of an existing certificate, as defined in R 390.1129.

(2) Any nullification approved by the superintendent of public instruction shall take effect immediately.

(3) Requests for nullification shall be made on an application form provided by the department. An application for nullification may be withdrawn by the applicant any time before the approval. A request shall be made in writing.

(4) Any certificate, endorsement, or grade level certification that has been nullified shall not be reinstated.

History: 1992 AAC; 2006 AAC.

## PART 2. STATE PROVISIONAL CERTIFICATES

R 390.1121 General provisions.

Rule 21. (1) A candidate for certification shall make an application for provisional certification within 5 years after certification requirements have been met. The recommendation by the teacher preparation institution is valid for 5 years.

(2) The requirements in this part of the code for the several certificates are minimum requirements.

(3) Persons enrolled in teacher education institutions in this state shall comply with this part upon the effective date of these rules.

History: 1979 AC; 2006 AAC.

R 390.1122 General education; substantive fields.

Rule 22. (1) An applicant for a provisional certificate shall present evidence of the completion of an approved program of general or liberal education, including English, literature, humanities, social sciences, mathematics, natural or physical sciences, and the arts.

(2) An applicant shall achieve a passing score on all components of the state teacher preparation basic skills test before assignment to directed student teaching.

(3) An applicant shall present evidence of completion of an approved program in any substantive field he or she proposes to teach. At the secondary level, such specialization is earned by completing a major or its equivalent in a specific substantive field. At the elementary level, responsibility for introducing pupils to many areas of human knowledge or inquiry shall not deprive the prospective teacher of the opportunity to develop a degree of specialization in a particular substantive field. Evidence of content mastery by both elementary and secondary candidates shall include a passing score on the state teacher preparation content area tests before certificate recommendation. The applicant shall have early and ongoing field experiences before student teaching. Therefore, the applicant shall present evidence that he or she has begun to master a substantive field and is able, because of his or her teaching skills, to stimulate pupils to seek more knowledge and understanding.

History: 1979 AC; 2006 AAC.

R 390.1123 Professional education.

Rule 23. (1) An applicant for an elementary or secondary Michigan provisional certificate shall present evidence of the completion of at least 20 semester credit hours of theoretical and practical knowledge that reflect the state board approved standards and related proficiencies. These standards

and related proficiencies articulate the knowledge, skills, and disposition entry level teachers should possess upon completion of an approved teacher preparation program. Programs at state board approved teacher preparation institutions in this state shall comply with this part after the effective date of these rules.

(2) The applicant shall present evidence of participation a supervised directed teaching experience at the level for which the certificate is to be granted. The directed teaching assignment shall be for a minimum duration of 12 weeks and for a minimum of 6 semester credit hours.

History: 1979 AC; 1986 AACCS; 2006 AACCS.

R 390.1124 Scholastic averages; directed teaching.

Rule 24. (1) An applicant for an elementary or secondary provisional certificate shall present evidence of satisfactory completion of course credits and shall have passed the state teacher preparation basic skills test before assignment to directed teaching. To qualify for a certificate, an applicant shall obtain satisfactory college credit in directed teaching. An applicant shall have satisfactory college credit in the required hours for each successive certificate and shall meet other standards or requirements, as determined by the teacher preparation institution.

(2) For certification purposes, a minimum of 30 clock hours of classroom teaching and observation under the supervision of a teacher preparation institution is equivalent to 1 semester credit hour in directed teaching. The directed student teaching experience shall engage the applicant in practical experiences that reflect and support the standards and related proficiencies for entry level teachers. An applicant shall satisfactorily complete the directed student teaching experience.

(3) The directed teaching requirement for the initial elementary or secondary provisional certificate may be waived for an experienced teacher as follows:

(a) For an applicant with an earned master's or higher degree and 3 years of successful teaching experience at the appropriate level, together with a recommendation from the school superintendent and the teacher preparation institution regarding the certificate, the requirement of 6 semester credit hours may be waived entirely or in part.

(b) For an applicant with less than an earned master's or higher degree, but with 5 years of successful teaching experience at the appropriate level, together with a recommendation from the school superintendent and the teacher preparation institution regarding the certificate, the requirement of 6 semester credit hours of directed student teaching may be waived, entirely or in part.

History: 1979 AC; 1989 AACCS; 2006 AACCS.

R 390.1125 Degree and recommendations.

Rule 25. (1) An applicant for a provisional certificate shall have been granted a bachelor's degree and shall be recommended by a Michigan college or university approved for teacher preparation by the state board. A Michigan college or university approved for teacher preparation may accept a degree from a regionally accredited institution if it is determined that the degree is equivalent to that awarded by the teacher preparation institution. The superintendent of public instruction reserves the right to determine the acceptability of degree equivalent recommendations.

(2) The teacher preparation institution shall make recommendations concerning all certificates.

(3) When submitting recommendations concerning all initial provisional certificates and authorizations, the applicant shall present a valid certificate as evidence of completion of a course approved by the department in first aid and cardiopulmonary resuscitation.

History: 1979 AC; 1989 AACCS; 2006 AACCS.

R 390.1126 State elementary provisional certificates.

Rule 26. (1) An initial state elementary provisional certificate may be issued to an applicant who presents evidence that he or she has completed the requirements in R 390.1123 and either of the following:

(a) A major of not less than 30 semester credit hours or a group major of 36 semester credit hours and, in addition to such major or group major, a planned program minor of 20 semester credit hours in other substantive fields deemed appropriate to elementary education. After July 1983, there shall be evidence to prove that the applicant has completed 6 semester credit hours in the teaching of reading.

(b) Three minors of not less than 20 semester credit hours each, 2 of which shall be in substantive fields which may include a group minor of 24 semester credit hours and the third to be a minor of 20 semester credit hours or a group minor of 24 semester credit hours in content area appropriate to elementary education. After July 1, 1983, there shall be evidence to prove that the applicant has completed 6 semester credit hours in the required reading courses.

(2) A state elementary provisional certificate which is issued after September 1, 1988, is valid for teaching all subjects in grades kindergarten to and including 5, for teaching subject area endorsements in grades 6 to and including 8 in which the applicant has completed a major or minor, and for teaching all subjects in grades kindergarten to and including 8 when those subjects are taught in a self-contained classroom in which a majority of the instruction is provided by 1 teacher. All initial provisional certificates issued within a calendar year expire 6 years from June 30 of that year.

(3) A conviction of a crime described in MCL 380.1535a(2) is considered to be reasonable and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for denial of a teaching certificate or state board approval.

History: 1979 AC; 1981 AACS; 1989 AACS; 2006 AACS.

#### R 390.1127 State secondary provisional certificates.

Rule 27. (1) An initial state secondary provisional certificate may be issued to an applicant who presents evidence of the completion the requirement in R 390.1123 and all of the following:

(a) A major of not less than 30 semester credit hours or a group major of not less than 36 semester credit hours or a comprehensive group major of not less than 50 semester credit hours.

(b) A minor of not less than 20 semester credit hours or a group minor of not less than 24 semester credit hours. Upon the effective date of these rules, obtaining an endorsement in a required minor preparation is optional.

(c) After July 1, 1983, 3 semester credit hours in reading instruction as appropriate to the content area.

(2) An initial state secondary provisional certificate which is issued after September 1, 1988, is valid for teaching in subject areas in grades 6 to and including 12 in which the applicant has completed an approved endorsement program. Secondary teaching certificates issued before September 1, 1988, are also valid for teaching in subject area endorsements in grades 6 to and including 12. All initial provisional certificates issued within a calendar year expire 6 years from June 30 of that year.

(3) A conviction of a crime described in MCL 380.1535a(2) is considered to be reasonable and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for denial of a teaching certificate or state board approval.

History: 1979 AC; 1981 AACS; 1986 AACS; 2006 AACS.

#### R 390.1128 Additional subject area endorsements.

Rule 28. A person who is already certificated and who wishes to qualify for an additional subject area endorsement may combine coursework to meet preparation standards in the specialty area with already earned semester credit hours to bring the total up to the minimum number of required credits as specified in these rules. Upon completion of the credits and passage of the state teacher preparation content area test or tests, the additional endorsement shall be recommended by a teacher preparation institution.

History: 1979 AC; 1986 AACS; 2006 AACS.

#### R 390.1129 Additional certificate endorsements.

Rule 29. (1) The holder of an elementary or secondary provisional, permanent, continuing, or professional education certificate may qualify for another certificate endorsement by presenting evidence

that he or she has completed 1 of the following endorsement programs with a minimum of 20 semester credit hours:

- (a) Early childhood.
- (b) General elementary.
- (c) Middle school level.
- (d) Areas appropriate to the secondary grades.

(2) The general elementary and middle school endorsements shall include not less than 6 semester credit hours in the teaching of reading, which shall include reading in the content areas and studies in developmental reading.

When the planned program is completed following the issuance of the initial provisional state certificate, a person may apply the credit to the requirements for the professional education certificate. If the endorsement covers the kindergarten to and including grade 12 range, the program shall include the 6 semester credit hours of required reading preparation.

(3) Upon successful completion of requirements, a Michigan institution approved for teacher preparation or an approved out-of-state institution, as authorized by the provisions of R 390.1132(1)(c), may recommend the additional certificate endorsement.

History: 1979 AC; 1981 AACS; 1986 AACS; 1989 AACS; 2006 AACS.

R 390.1129a Procedures at expiration of provisional certificates.

Rule 29a. (1) To be qualified for teaching at the expiration of an elementary or secondary provisional certificate or temporary vocational authorization certificate, an applicant shall qualify within the provisional or interim occupational certificate period for a professional education or occupational education certificate. If the applicant does not so qualify, a 3-year renewal of the provisional or interim occupational certificate may be granted if the applicant presents evidence that he or she has completed 9 semester credit hours in a planned program at an approved teacher preparation institution since the issuance of the provisional or temporary vocational authorization certificate or that he or she holds an earned master's or higher degree in areas appropriate to kindergarten to and including grade 12. Beginning July 1, 2007, the applicant shall present evidence of the satisfactory completion of the additional state required course of study in the diagnosis and remediation of reading disabilities and differentiated instruction, including field experiences. A second 3-year renewal may be granted if the applicant presents evidence that he or she has earned 18 semester credit hours after the issuance of the provisional or interim occupational certificate in a planned course of study that is applicable toward the requirements for a professional education or occupational education certificate or that he or she holds an earned master's or higher degree. If the planned program is completed at an out-of-state teacher preparation institution, the planned program shall be a specific masters or higher degree program or an additional subject area endorsement program of at least 20 semester credit hours. A master's or higher degree completed for purposes of certificate renewal cannot be a degree in religion, law, or medicine, or other content inappropriate for teaching at the kindergarten to and including grade 12 level. The teacher preparation institution may determine which courses or credits are applicable to an endorsement or planned program. All initial provisional certificate renewals issued within a calendar year expire 3 years from June 30 of that year.

(2) The teacher preparation institution shall make a recommendation concerning the certificate.

(3) Additional 3 year renewals of a provisional or interim occupational certificate may be obtained after the expiration of the second provisional or temporary vocational authorization certificate renewal if all semester credit hours for a professional or occupational education certificate have been completed. An employing Michigan school district or nonpublic school may sponsor a teacher for additional 3 year provisional or interim occupational certificate renewals. An applicant shall apply to the superintendent of public instruction for renewal within 30 days after the employment of the teacher in a full-time or part-time regular teaching assignment. Additional renewals are not available for substitute teaching or for applicants who have already met continuing, professional, or occupational education certificate requirements.

(4) The superintendent of public instruction may approve the issuance of a 2-year extended provisional teaching certificate, temporary vocational authorization, or interim occupational certificate upon the application of a Michigan school district or nonpublic school to a teacher whose provisional, temporary

vocational authorization, or interim occupational certificate has expired and who has not earned sufficient credits for regular renewal, provided the following conditions are met:

- (a) The teacher is an employee of the applying school district or nonpublic school.
  - (b) The teacher's original provisional, temporary vocational authorization, or interim occupational certificate expired within the 10-year period preceding the year of application.
  - (c) The teacher shall be currently enrolled in an approved 18 semester credit hour planned program or masters or higher degree program at an approved teacher preparation institution.
  - (d) The teacher shall verify at least 1 year of teaching experience within the validity of the teaching certificate at the time of application.
  - (e) With the issuance of the 2-year extended provisional certificate, the teacher waives the candidate's rights to further renewals of the provisional certificate.
- (5) An individual who holds an expired provisional, temporary vocational authorization, or interim occupational certificate, but holds a valid certificate from another state, who has taught within the grade level and subject area endorsement or endorsements to the validity of the certificate for at least 1 year in the preceding 5-year period is eligible for a 3-year renewal of the provisional, temporary vocational authorization, or interim occupational certificate.

History: 1979 AC; 1989 AACS; 2006 AACS.

#### R 390.1130 Reciprocity.

Rule 30. (1) The superintendent of public instruction may enter into written agreements with the states for the mutual acceptance of 1 or more types of teaching certificates issued by each state. The department of education shall publish and distribute annually a list of states with which reciprocity agreements are signed, or whose certificates are accepted in a similar manner to Michigan.

(2) Under the reciprocity agreement in subrule (1) of this rule, the superintendent of public instruction may issue a provisional certificate to a person who meets the following requirements:

- (a) The applicant has, or is eligible for, a teaching certificate issued by the certifying authority of any other state in which requirements for certification are deemed equivalent to those in effect in this state.
- (b) The applicant has successfully completed a course in first aid, which includes cardiopulmonary resuscitation (adult and child).
- (c) The applicant has passed the Michigan teacher preparation basic skills and appropriate content area tests.

History: 1979 AC; 2006 AACS.

### PART 3. STATE PROFESSIONAL EDUCATION CERTIFICATES

#### R 390.1131 Rescinded.

History: Rescinded 1954 ACS 74, Eff. Jan. 19, 1973.

#### R 390.1132 State elementary or secondary professional education certificates.

Rule 32. (1) A state elementary or secondary professional education certificate may be issued to an applicant who presents evidence that he or she has completed all of the following requirements:

- (a) The applicant has taught successfully for 3 years according to the validity of the provisional certificate and since the issuance of the provisional certificate, as determined by the superintendent of public instruction and upon recommendation of the teacher preparation institution and the school district or nonpublic school.
- (b) The applicant has earned 18 semester credit hours after the issuance of the state provisional certificate in a planned course of study that is approved by the teacher preparation institution. The planned program is either in the subject area endorsement or endorsements on the certificate or is planned to support the teaching of an academic subject with deeper knowledge and additional skills or other areas related to K-12 teaching or support services. Beginning July 1, 2007, the planned program may



include the satisfactory completion of the additional state required course of study in the diagnosis and remediation of reading disabilities and differentiated instruction, including field experiences. The 18 semester credit hours may include the reading credit required in subdivision (d) of this subrule. A person with an earned master's or higher degree in areas appropriate to kindergarten to and including grade 12 teaching is not required to complete the 18-semester credit hour planned program. Applicants with an earned master's or higher degree shall have completed the reading credit required in subdivision (d) of this subrule.

(c) The applicant may apply for a professional education certificate after completing a course of study at an out-of-state teacher preparation institution which is accredited by a regional or national accreditation agency recognized by the state board, if semester credit hours comprising a planned course of study are applicable toward a master's or higher degree or an additional subject area endorsement program of at least 20 semester credit hours.

(d) Beginning July 1, 1983, the applicant has completed a minimum of 6 semester credit hours of teaching reading for an elementary professional education certificate or a minimum of 3 semester credit hours of reading instruction as appropriate to the content area for a secondary professional education certificate. This reading credit shall have been completed at any time before application for the professional education certification.

(e) A masters or higher degree completed for purposes of certificate advancement or renewal cannot be a degree in religion, law, or medicine. The teacher preparation institution may determine which courses or credits are applicable to an endorsement or planned program.

(2) Teachers who hold National Board for Professional Teaching Standards certification are eligible to receive a professional education certificate with the same 10-year validity span as the national board certificate with an expiration date of June 30 of the year following the expiration of the national board certificate.

(3) Out-of-state applicants who meet requirements for the professional education certificate as their initial Michigan teaching certificate are not required to take and pass the state teacher preparation content area test or tests under section 1531(5) of 1976 PA 451, MCL 380.1531(5), unless the applicant is seeking additional subject area endorsement or endorsements that are shown on the out-of-state certificate.

History: 1979 AC; 1981 AACS; 1989 AACS; 2006 AACS.

R 390.1133 Rescinded.

History: 1979 AC; 1981 AACS; 1989 AACS; 2006 AACS.

R 390.1134 Validity of permanent or continuing certificate or full vocational authorization.

Rule 34. (1) A permanent or continuing certificate or full vocational authorization retains its validity if the holder is employed in an educational capacity for a minimum of 100 days in any given 5-year period.

(2) A permanent or continuing certificate or full vocational authorization is lapsed automatically if the holder is not employed in an educational capacity for the minimum of 100 days in the 5-year period.

(3) A lapsed permanent or continuing certificate or full vocational authorization may be reinstated for an applicant who presents evidence that he or she meets either of the following requirements:

(a) Holds a master's or higher degree from an approved teacher preparation institution.

(b) Has completed, subsequent to the lapsing, 6 semester credit hours of satisfactory college credit from an approved teacher preparation institution.

(4) A lapsed permanent or continuing certificate or full vocational authorization may be reinstated provisionally for 1 year by the superintendent of public instruction upon the request of a school district or nonpublic school that is willing to employ and sponsor the holder full-time for 1 year. The provisional reinstatement shall be authorized to the sponsoring school district or nonpublic school in the name of the holder under the following conditions:

(a) During the reinstatement period, the employing school district or nonpublic school shall provide appropriate classroom supervision to the teacher candidate for reinstatement of the certificate or authorization. The employer shall submit a written evaluation to the superintendent of public instruction at the end of the 1-year reinstatement period. (b) When the employer reports the completion of 1 year of successful experience during the reinstatement period, the permanent or continuing certificate or full vocational authorization shall be fully reinstated.

(c) When the employer reports that the reinstatement year of experience was unsuccessful, the holder of the lapsed certificate or authorization shall enroll in a teacher preparation institution of his or her choice and complete a minimum of 6 semester credit hours selected to improve the teaching skills identified by the sponsoring employer as deficient during the 1-year reinstatement period. Upon successful completion of that additional credit, the permanent or continuing certificate or full vocational authorization shall be fully reinstated.

(5) A permanent, continuing, or full vocational authorization certificate is valid for teaching in this state in the grades, subjects, or levels specified on the certificate.

(6) This rule shall remain applicable to permanent or continuing certificates or full vocational authorizations.

History: 1979 AC; 1986 AACS; 1989 AACS; 2006 AACS.

R 390.1135 Professional education certificate or occupational education certificate; renewal.

Rule 35. (1) An initial professional education certificate or occupational education certificate is valid from the date of issuance in a given year to June 30 of the expiration year and shall be renewed, on proper application, upon the applicant's completion of at least one of the following:

(a) Six semester credit hours of academic credit at any recognized university or college or Michigan community college.

(b) Eighteen state board continuing education units, or other state board approved equivalent options completed through professional development programs that support the teaching of an academic subject with additional content knowledge, pedagogy, instructional technology or other needs related to the teachers' practice or professional activities defined and approved by the superintendent of public instruction or that are consistent with the certificate holder's professional development plan.

(2) 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 an alternative to 1 semester credit hour. Additional semester credit hours beyond the required 6 semester credit hours or equivalent in state board continuing education units earned during any certificate validity span shall not be applied toward any subsequent renewals.

(3) All professional education or occupational education certificates issued within a calendar year expire 5 years from June 30 of that year.

(4) To renew an expired professional education or occupational education certificate, a person shall apply to the superintendent of public instruction for a renewal and shall present evidence of the completion of 6 semester credit hours, or their equivalent, in approved professional development programs or approved professional activities as defined in subrule (1) of this rule, within the 5 year period preceding the date of application and after the date of issuance of the previous certificate for renewal.

(5) Credit completed out of state shall support the teaching of subjects or other needs related to the teacher's practice and shall have been completed at an approved teacher preparation institution holding either regional or national accreditation.

(6) This rule applies to all candidates who apply and qualify for a professional education certificate or an occupational education certificate after June 30, 1992.

History: 1986 AACS; 1989 AACS; 2006 AACS.

R 390.1136 Rescinded.

History: 1989 AACS; 2006 AACS.

## PART 4. STATE SPECIAL PERMITS

### R 390.1141 General provisions.

Rule 41. (1) On application, the superintendent of public instruction shall issue to a school district or nonpublic school a special permit to employ a person who has met all statutory requirements by submitting evidence of the completion of the prescribed amount of satisfactory college credit from an approved college or university. The permit shall be a full-year, emergency, or substitute permit.

(2) A full-year or substitute permit or renewal of either permit is issued to the recommending superintendent or personnel officer, who shall apply for such permit or renewal and who shall affirm under oath that the requirements for the requested permit or renewal have been met, including that a certificated teacher is not available for employment. The recommending superintendent or personnel officer receiving the permit or renewal shall hold the permit or renewal for the person.

History: 1979 AC; 1989 AACCS; 2006 AACCS.

### R 390.1142 Full-year permit approvals.

Rule 42. (1) Full-year permit shall be issued when the school district or nonpublic school has posted and advertised the position at college and university placement offices and the appropriate mass media and a properly certificated teacher is unavailable for a teaching assignment.

(2) An application for a full-year special permit approval shall contain evidence that the candidate has completed a bachelor's degree or higher at an approved regionally or nationally accredited teacher preparation institution. When the permit is requested for an assignment to teach a core academic subject, the candidate shall present evidence of completion of an academic major in the subject or obtaining a passing score on the appropriate state board approved teacher certification subject test before issuance of the permit.

(3) The full-year permit is valid for teaching in the grades or subjects or grade and subjects specified on the permit for the school year for which the permit is issued.

(4) A full-year permit may be renewed when evidence is presented that the person in the regular teaching assignment has completed 6 additional semester credit hours of satisfactory credit toward appropriate teacher certification for that assignment and has been assigned to 1 or more master teachers who shall serve as a mentor. The full-year permit approval may be renewed for a maximum of 2 years without reposting the position if the renewal credit hours and mentoring requirements are met. For a teacher who presents evidence of the completion of an academic major in a core subject or who is assigned to teach a non-core subject, the teacher shall pass the state teacher preparation basic skills test and appropriate subject area tests within 3 years after employment under the full-year permit.

History: 1979 AC; 1989 AACCS; 2006 AACCS.

### R 390.1143 Substitute permit approvals.

Rule 43. (1) A school district or nonpublic school may apply for a substitute permit approval for an individual who has completed not less than 90 semester credit hours of satisfactory college credit. The credit shall be consolidated at one 4-year regionally accredited college or university.

(2) The substitute permit is valid for teaching on a substitute basis from September 1 to August 31 of a given school year. Teaching on a substitute basis means teaching when the regular certificated teacher is temporarily absent. The permit is not valid for any regular or extended teaching assignment. An established or extended teaching assignment is defined as an assignment to the same classroom for more than 90 calendar days.

(3) Individuals who hold valid Michigan teaching certificates are not required to have a substitute permit approval for teaching in short term assignments of 90 calendar days or less outside of the grade level and subject area validity of their teaching certificates.

(4) A substitute permit is renewable each year.

History: 1979 AC; 1989 AACCS; 2006 AACCS.

R 390.1144 Rescinded.

History: 1979 AC; 1989 AACCS.

R 390.1145 Permits in emergency situations.

Rule 45. (1) In emergency situations and on recommendation of the superintendent or administrator of a school district or nonpublic school, the superintendent of public instruction may issue an emergency permit for a candidate who holds a bachelor's or higher degree in the content to be taught from a regionally or nationally accredited college or university or who is currently enrolled in an approved teacher preparation program and has completed not less than 90 semester credit hours towards teacher certification. An emergency permit approval shall only be issued if the school district or nonpublic school has searched and is unable to find an appropriately certificated teacher or an individual who meets full year permit approval requirements and if failure to authorize this emergency permit will deprive children of an education. The permit shall be issued for a specific period of time under emergency circumstances. A labor dispute is not an emergency circumstance.

(2) Emergency permits may be renewed if the school district or nonpublic school can sufficiently provide evidence that the emergency situation continues to exist and that the individual is enrolled in a teacher preparation program, has completed a minimum of 6 semester credit hours toward appropriate certification, and is assigned to a mentor teacher.

History: 1979 AC; 1989 AACCS; 2006 AACCS.

R 390.1146 Permits; noncertificated; nonendorsed.

Rule 46. (1) A school district or nonpublic school pursuant to section 1233b of 1976 PA 451, MCL 380.1233b, is authorized to employ a noncertificated, nonendorsed, teacher for grades 9 to and including 12 in the subject areas of computer science, foreign languages, mathematics, biology, chemistry, engineering, physics, and robotics or other subjects, as approved by the superintendent of public instruction, provided the individual meets the following requirements:

(a) A bachelor's degree from an accredited postsecondary institution.

(b) A major or a graduate degree in the field of specialization in which the candidate will teach.

(c) In the 5-year period immediately preceding the date of hire, not less than 2 years of occupational experience in the field of specialization in which the candidate will teach. An individual who teaches in the area of foreign language is exempt from this requirement.

(d) Verification that the employing school district or nonpublic school has posted and advertised the position and has been unable to find an appropriately certificated teacher for the assignment.

(2) The requirements in subrule (1) of this rule may be waived if the following conditions are met:

(a) The noncertificated, nonendorsed teacher is annually and continually enrolled in and completing credit in an approved teacher preparation program leading to appropriate certification or endorsement.

(b) The noncertificated, nonendorsed teacher has a planned program leading to teacher certification or endorsement on file with the employing school district or nonpublic school, the candidate's teacher preparation institution and the department of education.

(3) If the school district or nonpublic school wishes to employ a noncertificated, nonendorsed teacher in 1 of the designated subject areas for more than 1 year, the teacher shall pass both the state teacher certification basic skills and subject area examinations (if a subject area examination exists) in the field of specialization in which the candidate will teach, and shall be assigned a mentor teacher.

History: 1989 AACCS; 2006 AACCS.

## PART 5. TEACHER PREPARATION INSTITUTIONS

R 390.1151 Approved teacher preparation institutions and specialty programs.

Rule 51. (1) The state board approves standards and procedures for reviewing prospective teacher preparation institutions to prepare and recommend candidates for initial certification. The superintendent of public instruction shall make recommendations to the state board for the initial state approval of teacher preparation institutions based on state board approved standards and procedures.

(2) Continued approval of teacher preparation institutions by the superintendent of public instruction requires either accreditation of the preparation program 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.

(3) The superintendent of public instruction shall approve specialty programs in accordance with state board approved standards for teacher preparation. Specialty programs may result in endorsements issued on a teaching certificate.

(4) Upon request of the superintendent of public instruction, a preparation institution shall present a report of its teacher preparation curricula and specialty program offerings. The programs of an approved teacher preparation institution are subject to periodic review by the superintendent of public instruction. All reports of the nationally recognized teacher preparation accrediting body shall be maintained by the superintendent of public instruction.

(5) An institution recommending candidates for teaching certificates shall establish selection techniques which ensure that only qualified candidates are admitted to the teacher preparation program and that only qualified candidates are recommended for certification or additional endorsements.

(6) All specialty programs offered by an approved teacher preparation institution shall be in subject matter fields pertinent to teaching at the level for which certification is to be recommended as approved by the state board. The state board reserves the right to determine the criteria for accepting certification of candidates prepared in out-of-state teacher preparation institutions and in accordance with state law.

(7) An endorsement program may be designated by the state board with options or requirements for teaching in grades kindergarten to and including grade 12.

History: 1979 AC; 2006 AACS.

R 390.1152 Approved teacher preparation institutions; equivalence option.

Rule 52. (1) An approved Michigan teacher preparation institution may award semester credit hours based upon previously completed course work or previous life learning experiences in partial fulfillment of requirements for an institution's approved programs for certification or specialty endorsements.

(2) Equivalence options are prohibited for specific legal requirements for candidates seeking initial provisional certification.

History: 1979 AC; 2006 AACS.

R 390.1153 Approved teacher preparation institutions; experimental programs.

Rule 53. The superintendent of public instruction, at the request of an approved teacher preparation institution, may waive for a specific time particular requirements of this code for experimental teacher preparation programs. A request for such a waiver shall provide sufficient detail as prescribed to allow substantial scientifically based experimentation with preparation programs. An institution shall objectively evaluate and report on the effectiveness of the experiment for the specified time period. The superintendent of public instruction may give approval to continue an experimental program when evaluation data provide evidence of value.

History: 1979 AC; 2006 AACS.

R 390.1154 Out-of-state institutions and teacher candidates.

Rule 54. (1) An applicant for certification in this state, who has been educated in an out-of-state teacher preparation institution that is a regionally or nationally accredited institution, shall present evidence of having fulfilled all of the requirements established for residents of this state or as prescribed by law. The superintendent of public instruction may accept credit from an institution accredited by its regional accrediting association.

(2) A candidate from an out-of-state teacher preparation institution that is not regionally or nationally accredited or state approved for teacher preparation, shall seek a transcript review and recommendation for certification by a state approved or nationally accredited Michigan teacher preparation institution.

(3) Semester credit hours obtained from teacher preparation institutions in foreign countries shall be evaluated by an organization approved by the United States office of education and by the superintendent of public instruction in determining eligibility for certification.

(4) An out-of-state candidate with a valid initial elementary or secondary teaching certificate shall present evidence that he or she meets the following requirements:

(a) Has a bachelor's or higher degree from a teacher preparation institution approved by that state's appropriate education agency.

(b) Has completed a program in elementary or secondary education as prescribed by that teacher preparation institution, if the institution is regionally or nationally accredited at the time of his or her graduation. If the out-of-state candidate has not graduated from such an institution, then he or she shall apply to an approved Michigan teacher preparation institution for a credential review and recommendation to the superintendent of public instruction.

(c) Has met the Michigan reading and testing (basic skills and appropriate content area) requirements.

(d) Has successfully completed a course in first aid, which includes cardiopulmonary resuscitation (adult and child).

(5) A 1-year temporary teacher employment authorization may be issued to an out-of-state applicant who presents evidence of the following:

(a) The applicant holds a valid teaching certificate from another state.

(b) The applicant has completed an approved elementary or secondary teacher preparation program.

(c) The applicant meets all requirements for a provisional certificate except for passing the state teacher preparation basic skills and content area tests.

(d) The applicant has successfully completed a course in first aid, which includes cardiopulmonary resuscitation for both children and adults.

(6) Out-of-state applicants may qualify for a professional education certificate as their initial Michigan teaching certificate, and would not be required to pass the state teacher preparation basic skills and content area tests, if the following evidence is presented:

(a) The applicant holds a valid teaching certificate from another state.

(b) The applicant has completed an approved elementary or secondary teacher preparation program.

(c) The applicant has earned, after initial certification, at least 18 semester credit hours in a planned course of study or, earned at any time, a masters or higher degree at a regionally or nationally accredited state approved teacher preparation institution.

(d) If elementary certified, the applicant has completed 6 semester credit hours in the teaching of reading; if secondary certified, the applicant has completed 3 semester credit hours in the teaching of reading.

(e) The applicant has completed 3 years of successful teaching within the grade level and subject area validity of the teaching certificate.

History: 1979 AC; 2006 AACCS.

R 390.1155 Non-teacher preparation institutions.

Rule 55. An applicant presenting semester credit hours from an institution of higher education not approved for teacher preparation purposes shall complete such semester credit hours as may be required by the state superintendent of public instruction.

History: 1979 AC; 2006 AACS.

R 390.1156 Distance learning.

Rule 56. (1) Distance learning credits from an approved teacher preparation program may apply toward requirements for continuing certification.

(2) Programs for initial teacher certification shall include some face-to-face interactions and early and ongoing structured supervised field experiences appropriate to the content and levels of certification.

History: 1979 AC; 2006 AACS.

R 390.1157 Rescinded.

History: 1981 AACS; 2006 AACS.

## PART 6. VOCATIONAL ENDORSEMENT AND AUTHORIZATION

R 390.1161 State secondary provisional certification with vocational endorsement.

Rule 61. (1) An applicant for vocational endorsement shall meet the requirements for state secondary provisional certification as described in part 2 of these rules as well as presenting evidence of completing all of the following:

(a) A program with a minimum of 6 semester credit hours, or equivalent, of coursework in vocational teacher education at an institution approved by the state board for the preparation of vocational teachers.

(b) Program requirements, as defined by the state board, for each vocational endorsement.

(c) Two years of work experience in the occupational area of the endorsement or completion of a planned equivalent program of directed supervised occupational experience approved by the department of education. The occupational experience shall be characterized by its relevancy and recency.

(2) Vocational endorsement is valid for teaching in the stated occupational area in approved vocational education programs.

History: 1979 AC; 2006 AACS.

R 390.1162 State secondary professional education certification with vocational endorsement.

Rule 62. A state professional education certificate with a vocational endorsement may be issued to an applicant who has met the requirements for professional education certification as described in part 3 of these rules and who has presented evidence that he or she has completed both of the following requirements:

(a) Taught successfully for 3 years according to the validity of his or her provisional certificate or vocational endorsement and since the issuance of the provisional certificate or vocational endorsement, as determined by the superintendent of public instruction and upon recommendation of the teacher preparation institution and the employing school district.

(b) Earned 18 semester credit hours after the issuance of his or her state provisional certificate and vocational endorsement in a planned course of study, which includes a minimum of 9 semester credit hours of relevant vocational education. This advanced course of study is applicable to the applicant's professional development in vocational relevant coursework. A person who possesses an earned master's or higher degree is not required to complete the 18-semester credit hour planned program or the 9 semester credit hours of relevant vocational education.

History: 1979 AC; 1989 AACS; 2006 AACS.

R 390.1163 Interim occupational certificate (formerly called temporary vocational authorization).

Rule 63. (1) An interim occupational certificate may be issued upon the report of a designated occupational teacher preparation institution to an applicant presenting evidence that he or she has met the following requirements:

- (a) Possesses a baccalaureate degree.
- (b) Has a major or minor in the field of specialization in which occupational certification is being requested.
- (c) Has a minimum of 2 years (4,000 hours) of experience in the occupational area concerned or has completed a planned program of directed supervised occupational experience approved by the superintendent of public instruction. The occupational experience shall be characterized by its relevancy and recency.
- (d) Has passed both the state teacher preparation basic skills test and appropriate subject area test or tests available at the time of application.
- (e) Has successfully completed a minimum of 6 semester credit hours of professional or vocational education credit.

(2) The interim occupational certificate is valid for teaching in those courses in which instruction is limited to the occupation specified on the certificate in approved occupational programs. Interim occupational certificates issued within a calendar year expire 6 years from June 30 of that year.

History: 1979 AC; 2006 AACCS.

R 390.1164 Rescinded.

History: 1979 AC; 2006 AACCS.

R 390.1164a Occupational education certificates.

Rule 64a. (1) An occupational education certificate shall be issued to qualified candidates and shall be valid for continued teaching in those courses in which instruction is limited to the occupation specified on the certificate in approved occupational programs.

(2) Applications for the occupational education certificate shall contain evidence that the candidate has met the following:

- (a) Has taught successfully for 3 years according to the validity of his or her provisional secondary certificate or interim occupational certificate, as determined by the superintendent of public instruction and upon recommendation of the teacher preparation institution and the school district.
- (b) Has completed, since the issuance of the interim occupational certificate or temporary vocational authorization, in the case of the candidate who does not hold a secondary provisional or professional education certificate, a minimum of 9 semester credit hours which are in vocationally related coursework according to the department of education guidelines.

(3) All occupational education certificates issued within a calendar year expire 5 years from June 30 of that year.

History: 2006 AACCS.

R 390.1165 Annual occupational authorization.

Rule 65. (1) If a candidate does not meet the standards described for obtaining the interim occupational certificate, an evaluation of recent and relevant work experience can be used to issue an annual occupational authorization for 1 year to an employing school district. The annual occupational authorization is restricted to grade 9 to 12 assignments.

(2) The annual occupational authorization is valid for teaching those courses in approved programs in which instruction is limited to the occupation specified on the authorization.

(3) A school district shall certify that an occupational education certificated teacher is not available. A school district shall document that an occupational education certificated teacher opening was advertised, but a teacher was not available, before applying for the annual occupational



authorization. The advertising requirement does not apply if the noncertificated teacher for whom the annual occupational authorization is sought is annually and continually enrolled and completing credit in an approved occupational teacher preparation program leading to occupational certification. The exemption from the advertising requirement shall not be granted for more than 8 consecutive school years subject to guidelines for program completion determined by the department of education.

History: 1979 AC; 1987 AACCS; 2006 AACCS.

R 390.1166 Credit from institutions not designated for preparation of occupational teachers.

Rule 66. Candidates for occupational endorsement or authorization who present semester credit hours from a teacher preparation institution not approved by the state board for the preparation of vocational teachers may validate the semester credit hours by satisfying one of the following criteria:

(a) Admission to graduate department, division, or school of a college or university approved for vocational teacher preparation.

(b) Completion of 6 semester hours of acceptable graduate work at an institution approved by the state board for the preparation of vocational teachers.

(c) Meeting the requirements specified by the superintendent of public instruction.

History: 1979 AC; 2006 AACCS.

R 390.1167 Instructional programs leading to state or federal license.

Rule 67. Personnel assigned instructional responsibility in fields for which a state or federal license is required shall hold the appropriate license before requesting a vocational endorsement or authorization.

History: 1979 AC.

#### PART 9. EFFECTIVE DATE AND RESCISSION

R 390.1198 Effective date.

Rule 98. These rules are effective July 1, 1967.

History: 1979 AC.

Editor's note: Under former S24.74 of the Michigan Compiled Laws, a rule did not become effective until filed with the secretary of state and until published in the supplement to the Michigan Administrative Code. These rules were published November 15, 1967, in Administrative Code Supplement No. 52.

R 390.1199 Rescission.

Rule 99. The teacher's certification code of the state board of education, being R 390.401 to R 390.533 of the Michigan Administrative Code, and appearing on pages 4001 to 4012 of the 1954 volume of the Code, with amendments to rules appearing on pages 109 and 110 of the 1955 Annual Supplement to the Code, pages 3258 and 3259 of the 1964-65 Annual Supplements to the Code, and page 65 of Supplement No. 46 to the Code, is rescinded. The state board rule pertaining to fees for certificates and duplicates, being R 390.691 of the Michigan Administrative Code, and appearing on page 2622 of the 1962 Annual Supplement to the Code, is rescinded.

History: 1979 AC.

#### PART 10. ADMINISTRATIVE HEARINGS

R 390.1201 Certificates; denial, suspension, or revocation; reinstatement.

Rule 101. (1) The superintendent of public instruction may refuse to grant or renew, or may suspend for a fixed term, or revoke, or may impose reasonable conditions on, a teaching certificate or state board approval granted pursuant to these rules for the following reasons:

(a) Fraud, or material misrepresentation, concealment or omission of fact in the application for, or the use of, a teaching certificate or state board approval.

(b) Conviction of an offense listed in MCL 380.1535a or MCL 380.1539b.

(2) The superintendent of public instruction may refuse to grant or renew a teaching certificate or a state board approval for failure or ineligibility of the applicant to meet the criteria for the applicable certification or state board approval.

(3) A certificate or state board approval shall not be denied, suspended, or revoked solely on the basis of a conviction, unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in the state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state.

(4) A certified copy of the judgment of conviction and sentence is conclusive evidence of conviction of a crime pursuant to MCL 380.1535a or MCL 380.1539b. A conviction of a crime listed in MCL 380.1535a or MCL 380.1539b, or of a substantially similar crime in another state, is considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for suspension or revocation of the person's teaching certificate or state board approval.

(5) After the completion of a person'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. The superintendent of public instruction shall not grant a new or renewed certificate or reinstate a person's certificate unless the superintendent of public instruction finds that the person is currently fit to serve in an elementary or secondary school in this state and that reinstatement of the person's teaching certificate will not adversely affect the health, safety, and welfare of pupils.

History: 1979 AC; 2006 AACCS.

R 390.1202 Contested case; grounds.

Rule 102. A contested case may be instituted pursuant to 1969 PA 306, in the event of a refusal to grant or renew a teacher's certificate, or in the event of a suspension or revocation of a teacher's certificate.

History: 1979 AC; 2006 AACCS.

R 390.1203 Investigation.

Rule 103. The superintendent of public instruction shall designate an employee of the Michigan Department of Education to perform the investigatory and prosecutorial functions regarding contested cases pertaining to teacher certification or state board approval. Upon receipt of information which may serve as the basis for a refusal to grant, or renew, suspend or revoke a teaching certificate, or state board approval, the designee of the superintendent of public instruction shall initiate an investigation of that information.

History: 1979 AC; 2006 AACCS.

R 390.1204 Written charges; service; notice of opportunity to show compliance.

Rule 104. (1) The designee of the superintendent of public instruction shall prepare and file written charges and shall serve a letter copy of notice of opportunity to show compliance to the teacher in question and shall inform the teacher of hearing rights under these rules, and pursuant to sections 71 to 92 of 1969, PA 306, MCL 24.271 to MCL 24.292. A complete copy of the applicable rules and laws shall be furnished to the teacher.

(2) Within 15 business days of service of the notice of opportunity to show compliance, a teacher may file a request for an informal conference to show compliance. The informal conference shall be a telephone conference, unless otherwise specified, with an authorized representative of the superintendent of public instruction.

(3) After the informal conference, the superintendent's designee may, after considering the evidence presented, direct that a notice of hearing be issued. If, after considering the evidence presented, the superintendent's designee recommends making a finding of compliance or entering into a written settlement of the matter with the teacher without a formal hearing, the superintendent of public instruction shall approve, modify, or deny the recommended action.

History: 1979 AC; 2004 AACCS; 2006 AACCS.

R 390.1205 Rescinded.

History: 1979 AC; 2006 AACCS.

R 390.1206 Notice of hearing; written charges; settlement; absence of party.

Rule 106. (1) Following 15 working days of service of the notice of opportunity to show compliance, if the teacher does not request an informal conference, a notice of suspension of the teacher's certificate shall be served upon the teacher.

(2) After an informal conference, and a decision by the superintendent's designee to proceed to hearing, a copy of the written charges shall be served upon the teacher and a request for a hearing shall be submitted to the state office of administrative hearings and rules.

(3) If the teacher fails to attend the hearing, then the hearing may proceed and the decision may be made in the absence of the teacher.

(4) The teacher and the superintendent of public instruction may agree in writing to a settlement of the matter without a hearing.

History: 1979 AC; 2004 AACCS; 2006 AACCS.

R 390.1207 Answer to formal charges; bill of particulars.

Rule 107. (1) A certified teacher or holder of a state board approval may file an answer to formal charges with the designee of the superintendent of public instruction. The answer shall be filed not less than 10 days before the hearing. The designee of the superintendent of public instruction shall file a copy of the answer upon receipt with the state office of administrative hearings and rules.

History: 1979 AC; 2006 AACCS.

R 390.1208 Rescinded.

History: 1979 AC; 2006 AACCS.

R 390.1209 Filing.

Rule 109. In order to be timely received, any filing required under these rules shall be received by the Michigan Department of Education before the close of business on the last day of the time limit for the filing. Filing may be by facsimile (fax).

History: 1979 AC; 2006 AACCS.

R 390.1210 Summary suspension.

Rule 110. If a person who holds a Michigan teaching certificate or state board approval has been convicted of a crime described in MCL 380.1535a(2) and 380.1539b(2), or if the superintendent of public instruction or his or her designee finds that the public health, safety or welfare otherwise requires emergency action, the superintendent of public instruction or his or her designee shall order summary suspension of the person's teaching certificate or state board approval, pursuant to MCL 24.292. The person subsequently shall be provided a prompt opportunity for a hearing as provided under that section. Rules 104 and 106 do not apply to this rule.

History: 1979 AC; 2006 AACS.

R 390.1211 Rescinded.

History: 1979 AC; 2006 AACS.

R 390.1212 Transcript.

Rule 112. A verbatim record will be taken of the proceedings. A party may request a copy of the transcript at the party's expense.

History: 1979 AC; 2006 AACS.

R 390.1213 Exceptions; cross exceptions; briefs.

Rule 113. (1) Within 20 days after service of the proposal for decision, a party may file a written statement with the superintendent of public instruction, setting forth exceptions thereto or to any other part of the record or proceeding, including rulings upon motions and objections. A brief in support of these exceptions may be filed with the superintendent of public instruction. A copy of the exceptions and any brief shall be served on each party to the proceedings.

(2) Within 10 days after service of an exception, a party may file a cross exception and a brief in support thereof, or a brief in support of the proposal for decision. A copy of the cross exceptions and any brief shall be served on each party to the proceedings.

History: 1979 AC; 2006 AACS.

R 390.1214 Oral arguments.

Rule 114. If a party desires to present oral arguments to the superintendent of public instruction, a written request therefor shall be made to the superintendent of public instruction at the time an exception, cross exception, or brief is filed. The superintendent of public instruction on his or her own motion, may direct oral argument or grant or deny a request for oral argument.

History: 1979 AC; 2006 AACS.

R 390.1215 Rescinded.

History: 1979 AC; 2006 AACS.

R 390.1216 Proposal for decision; action by superintendent of public instruction.

Rule 116. (1) The superintendent of public instruction may adopt, modify, or reverse the proposal for decision or remand the case to the state office of administrative hearings and rules for further findings of fact.

(2) A party shall not directly or indirectly communicate with the superintendent of public instruction or persons 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.

History: 1979 AC; 2006 AACCS.