

Act No. 282
Public Acts of 1992
Approved by the Governor
December 18, 1992
Filed with the Secretary of State
December 18, 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992**

Introduced by Rep. Keith
Rep. Profit named co-sponsor

ENROLLED HOUSE BILL No. 5533

AN ACT to amend section 1531 of Act No. 451 of the Public Acts of 1976, entitled as amended "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and classify the laws relating to elementary and secondary education; to provide for the classification, organization, regulation, and maintenance of schools, school districts, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, and intermediate school districts; to provide for the regulation of school teachers and school administrators; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal certain acts and parts of acts," as amended by Act No. 267 of the Public Acts of 1986, being section 380.1531 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 1531 of Act No. 451 of the Public Acts of 1976, as amended by Act No. 267 of the Public Acts of 1986, being section 380.1531 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 1531. (1) Except as provided in this section, the state board shall determine the requirements for and issue all licenses and certificates for teachers, including preprimary teachers, and the requirements for an endorsement of teachers as qualified counselors and an endorsement of teachers for teaching a foreign language in an elementary grade in the public schools of the state.

(2) Beginning July 1, 1992 and subject to subsection (12), the state board shall only issue a teaching certificate to a person who has passed appropriate examinations as follows:

(a) For a secondary level teaching certificate, has passed both the basic skills examination and the appropriate available subject area examination for each subject area in which he or she applies to be certified.

(b) For an elementary level teaching certificate, has passed the basic skills examination and, if it is available, the elementary certification examination, and has passed the appropriate available subject area examination for each subject area, if any, in which he or she applies to be certified.

(3) Beginning July 1, 1992, a person holding a certificate from another state or a teaching degree from an out-of-state teacher preparation institution who applies for a Michigan teaching certificate shall be required to pass appropriate examinations as follows:

(a) For a secondary level teaching certificate, pass both the basic skills examination and the appropriate available subject area examination for each subject area in which he or she applies to be certified. The state board may accept passage of an equivalent examination approved by the state board to meet 1 or both of these requirements.

(b) For an elementary level teaching certificate, pass the basic skills examination and, if it is available, the elementary certification examination, and pass the appropriate available subject area examination for each subject area, if any, in which he or she applies to be certified. The state board may accept passage of an equivalent examination approved by the state board to meet 1 or more of these requirements.

(4) Not later than June 1, 1988, the department, based upon criteria recommended pursuant to subsection (6), shall provide to state board approved teacher education institutions state board approved guidelines and criteria for use in the development or selection of a basic skills examination, and not later than June 1, 1989, approved guidelines and criteria for use in the development or selection of subject area examinations.

(5) For the purposes of this section, not later than January 1, 1989, the state board, based upon criteria recommended pursuant to subsection (6), shall develop, select, or develop and select 1 or more basic skills examinations, and not later than January 1, 1990, subject area examinations. In addition, the state board, based upon criteria recommended pursuant to subsection (6), shall approve an elementary certification examination not later than October 1, 1992 and a reading subject area examination not later than October 1, 1993.

(6) Not later than January 18, 1987, the state board shall appoint an 11-member teacher examination advisory committee comprised of representatives of approved teacher education institutions and Michigan education organizations and associations. Not more than 1/2 of the members comprising this committee shall be certified teachers. Not later than January 1, 1988, this committee shall recommend criteria to be used by the state board in the development, selection, or development and selection of 1 or more basic skills examinations, and not later than January 1, 1989, criteria to be used by the state board in the development, selection, or development and selection of subject area examinations. In addition, by those dates, the committee shall recommend guidelines for the use and administration of those examinations. The basic skills examinations referred to in this subsection may be developed by the state board or selected by the state board from commercially or university developed examinations. In addition, an approved teacher education institution, pursuant to guidelines and criteria described in subsection (4), may develop an examination at its own expense for approval by the state board. An approved teacher education institution that develops its own examination is liable for any litigation that results from the use of its examination.

(7) Not later than January 18, 1987, the state board shall appoint a 7-member standing technical advisory council comprised of persons who are experts in measurement and assessment. This council shall advise the state board and the teacher examination committee on the validity, reliability, and other technical standards of the examinations that will be used or are being used and of the administration and use of those examinations.

(8) Not later than November 30, 1992 and each year thereafter, the state board shall submit in writing a report on the development or selection and use of the basic skills examination, the elementary certification examination, and the subject area examinations to the house and senate education committees. The report shall also contain a financial statement regarding revenue received from the assessment of fees levied pursuant to subsection (10) and the amount of and any purposes for which that revenue was expended.

(9) The basic skills examination, the elementary certification examination, and the subject area examinations required by this section may be taken at different times during an approved teacher preparation program, but, subject to subsection (11), the basic skills examination must be passed before a person is enrolled for student teaching and the elementary certification examination and the subject area examinations, as applicable, must be passed before a person is recommended for certification.

(10) The department, or if approved by the state board, a private testing service, may assess fees for taking the basic skills examination, elementary certification examination, and the subject area examinations. The fees, which shall be set by the state board, shall not exceed \$50.00 for a basic skills examination or \$75.00 for an elementary certification examination or a subject area examination. However, if a subject area examination for vocational education includes a performance examination, an additional fee may be assessed for taking the performance examination, not to exceed the actual cost of administering the performance examination. Fees received by the department shall be expended solely for administrative expenses that it incurs in implementing subsections (2) to (15).

(11) For persons who took an examination administered under this section in February 1992 or April 1992, the department shall make available not later than June 30, 1992 the results of the examination indicating both the person's score on the examination and whether the person has passed or failed the examination. If a person failed a basic skills examination administered in February 1992 or 1 or more subject area examinations administered in April 1992, the department shall allow the person to retake the failed examination once without charge to the person. Subsequent reexaminations shall be subject to the fees described in subsection (10). A person who failed a basic skills examination administered in February 1992 or April 1992 may be enrolled for

student teaching before passing the basic skills examination but must pass the basic skills examination before he or she may be recommended for certification.

(12) Until September 1, 1993, a person holding a teaching certificate that was in effect on January 1, 1992 who applies for an elementary level teaching certificate or for certification in a subject area, and who meets the other applicable requirements, is not required to pass the elementary certification examination or appropriate subject area examination, as applicable, in order to receive the elementary level teaching certificate or to be certified in the subject area.

(13) As used in this section:

(a) "Basic skills examination" means an examination developed or selected by the state board or developed pursuant to subsection (6) by an approved teacher education institution for the purpose of demonstrating the applicant's knowledge and understanding of basic language and mathematical skills and other skills necessary for the certificate sought, and for determining whether or not an applicant is eligible for a provisional Michigan teaching certificate. Not later than June 30, 1987, the department shall advise the state board and the legislature whether or not the department recommends that the basic skills examination include an examination of a person's knowledge and understanding of 1 or more of the following: brain function, learning styles, and learning processes.

(b) "Elementary certification examination" means a comprehensive examination for elementary certification that has been developed or selected by the state board for demonstrating the applicant's knowledge and understanding of the core subjects normally taught in elementary classrooms and for determining whether or not an applicant is eligible for an elementary level teaching certificate.

(c) "Subject area examination" means an examination related to a specific area of certification, which examination has been developed or selected by the state board for the purpose of demonstrating the applicant's knowledge and understanding of the subject matter and determining whether or not an applicant is eligible for a Michigan teaching certificate.

(14) The state board shall certify as qualified the supervisors required in section 1506. The state board shall certify teachers as qualified to teach the class described in section 1507(1), based upon the recommendation of a teacher training institution, upon an evaluation of the teacher's educational qualifications and experience, and upon any additional requirements the state board considers necessary.

(15) The state board shall promulgate rules for the implementation of this section.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.