

H.B. 5476

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1531 and 1532 (MCL 380.1531 and 380.1532),
as amended by 1995 PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

8 (2) Except as otherwise provided in this act, the state
9 board shall only issue a teaching certificate to a person who has
10 passed appropriate examinations as follows:

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

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

10 (3) Except as otherwise provided in this act, the state
11 board shall issue a Michigan teaching certificate to a person
12 holding a certificate from another state or a teaching degree
13 from an out-of-state teacher preparation institution who applies
14 for a Michigan teaching certificate only if the person passes
15 appropriate examinations as follows:

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

22 (b) For an elementary level teaching certificate, pass the
23 basic skills examination and, if it is available, the elementary
24 certification examination, and pass the appropriate available
25 subject area examination for each subject area, if any, in which
26 he or she applies to be certified. The state board may accept

1 passage of an equivalent examination approved by the state board
2 to meet 1 or more of these requirements.

3 (4) Subject to subsection (6), if a person holding a teach-
4 ing certificate from another state applies to the state board for
5 a Michigan teaching certificate and meets the requirements of
6 this subsection, the state board shall issue to the person a
7 Michigan professional education teaching certificate and applica-
8 ble endorsements comparable to those the person holds in the
9 other state, without requiring the person to pass a basic skills
10 examination or the applicable subject area examination otherwise
11 required under subsection (2) or (3). To be eligible to receive
12 a Michigan professional education teaching certificate under this
13 subsection, a person shall provide evidence satisfactory to the
14 department that he or she meets all of the following
15 requirements:

16 (a) Has taught successfully for at least 3 years in a posi-
17 tion for which the person's teaching certification from the other
18 state was valid.

19 (b) Has earned, after his or her initial certification in
20 another state, at least 18 semester credit hours in a planned
21 course of study at a state board approved institution of higher
22 education or has earned, at any time, a state board approved
23 master's or doctoral degree.

24 (c) Has met the elementary or secondary, as applicable,
25 reading credit requirement established under state board rule.

26 (5) A person who receives a teaching certificate and
27 endorsement or endorsements under subsection (4) is eligible to

1 receive 1 or more additional endorsements comparable to
2 endorsements the person holds in another state only if the person
3 passes the appropriate subject area examinations required under
4 subsection (2) or (3).

5 (6) The state board shall deny a Michigan teaching certifi-
6 cate to a person described in subsection (4) for fraud, material
7 misrepresentation, or concealment in the person's application for
8 a certificate or for a conviction for which a person's teaching
9 certificate may be revoked under section 1535a.

10 (7) The department, based upon criteria recommended pursuant
11 to subsection (9), shall provide to state board approved teacher
12 education institutions state board approved guidelines and cri-
13 teria for use in the development or selection of a basic skills
14 examination and approved guidelines and criteria for use in the
15 development or selection of subject area examinations.

16 (8) For the purposes of this section, the state board, based
17 upon criteria recommended pursuant to subsection (9), shall
18 develop, select, or develop and select 1 or more basic skills
19 examinations and subject area examinations. In addition, the
20 state board, based upon criteria recommended pursuant to subsec-
21 tion (9), shall approve an elementary certification examination
22 and a reading subject area examination.

23 (9) The state board shall appoint an 11-member teacher exam-
24 ination advisory committee comprised of representatives of
25 approved teacher education institutions and Michigan education
26 organizations and associations. Not more than 1/2 of the members
27 comprising this committee shall be certified teachers. This

1 committee shall recommend criteria to be used by the state board
2 in the development, selection, or development and selection of 1
3 or more basic skills examinations, and criteria to be used by the
4 state board in the development, selection, or development and
5 selection of subject area examinations. In addition, the commit-
6 tee shall recommend guidelines for the use and administration of
7 those examinations. The basic skills examinations referred to in
8 this subsection may be developed by the state board or selected
9 by the state board from commercially or university developed
10 examinations. In addition, an approved teacher education insti-
11 tution, pursuant to guidelines and criteria described in subsec-
12 tion (7), may develop an examination at its own expense for
13 approval by the state board. An approved teacher education
14 institution that develops its own examination is liable for any
15 litigation that results from the use of its examination.

16 (10) The state board shall appoint a 7-member standing tech-
17 nical advisory council comprised of persons who are experts in
18 measurement and assessment. This council shall advise the state
19 board and the teacher examination committee on the validity,
20 reliability, and other technical standards of the examinations
21 that will be used or are being used and of the administration and
22 use of those examinations.

23 (11) Not later than November 30 of each year, the state
24 board shall submit in writing a report on the development or
25 selection and use of the basic skills examination, the elementary
26 certification examination, and the subject area examinations to
27 the house and senate education committees. The report shall also

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1 contain a financial statement regarding revenue received from the
2 assessment of fees levied pursuant to subsection (13) and the
3 amount of and any purposes for which that revenue was expended.

4 (12) The basic skills examination, the elementary certifica-
5 tion examination, and the subject area examinations required by
6 this section may be taken at different times during an approved
7 teacher preparation program, but the basic skills examination
8 must be passed before a person is enrolled for student teaching
9 and the elementary certification examination and the subject area
10 examinations, as applicable, must be passed before a person is
11 recommended for certification.

12 (13) The department, or if approved by the state board, a
13 private testing service, may assess fees for taking the basic
14 skills examination, elementary certification examination, and the
15 subject area examinations. The fees, which shall be set by the
16 state board, shall not exceed \$50.00 for a basic skills examina-
17 tion or \$75.00 for an elementary certification examination or a
18 subject area examination. However, if a subject area examination
19 for vocational education [] includes a per-
20 formance examination, an additional fee may be assessed for
21 taking the performance examination, not to exceed the actual cost
22 of administering the performance examination. Fees received by
23 the department shall be expended solely for administrative
24 expenses that it incurs in implementing this section.

25 (14) If a person holding a teaching certificate from another
26 state applies for a Michigan teaching certificate and meets all
27 requirements for the Michigan teaching certificate except passage

1 of the appropriate examinations under subsection (3), the state
2 board shall issue a nonrenewable temporary teaching certificate,
3 good for 1 year, to the person. The state board shall not issue
4 a Michigan teaching certificate to the person after expiration of
5 the temporary teaching certificate unless the person passes
6 appropriate examinations as described in subsection (3). IF THE
7 PERSON TEACHES FOR A SCHOOL YEAR UNDER A TEMPORARY TEACHING CER-
8 TIFICATE UNDER THIS SUBSECTION AND PASSES APPROPRIATE EXAMINA-
9 TIONS UNDER SUBSECTION (3), THE STATE BOARD SHALL CREDIT THAT
10 TEACHING EXPERIENCE AS 1 YEAR OF SUCCESSFUL EXPERIENCE COUNTING
11 TOWARD FURTHER TEACHING CERTIFICATION.

12 (15) As used in this section:

13 (a) "Basic skills examination" means an examination devel-
14 oped or selected by the state board or developed pursuant to sub-
15 section (9) by an approved teacher education institution for the
16 purpose of demonstrating the applicant's knowledge and under-
17 standing of basic language and mathematical skills and other
18 skills necessary for the certificate sought, and for determining
19 whether or not an applicant is eligible for a provisional
20 Michigan teaching certificate.

21 (b) "Elementary certification examination" means a compre-
22 hensive examination for elementary certification that has been
23 developed or selected by the state board for demonstrating the
24 applicant's knowledge and understanding of the core subjects nor-
25 mally taught in elementary classrooms and for determining whether
26 or not an applicant is eligible for an elementary level teaching
27 certificate.

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

7 (16) The state board shall promulgate rules for the imple-
8 mentation of this section.

9 (17) Notwithstanding any rule promulgated by the state board
10 to the contrary, the state board shall continue to issue state
11 elementary or secondary continuing education certificates pursu-
12 ant to R 390.1132(1) of the Michigan administrative code to per-
13 sons who completed the requirements of that rule by December 31,
14 1992 and who apply for that certificate not later than March 15,
15 1994. If the state board has issued a state elementary or sec-
16 ondary professional education certificate to a person described
17 in this section, the state board shall consider the person to
18 have a state elementary or secondary, as applicable, continuing
19 education certificate.

20 Sec. 1532. (1) Before a teaching certificate is valid in
21 this state, the holder shall record the certificate in the office
22 of the intermediate superintendent or of the superintendent of
23 schools of the school district in which the holder expects to
24 teach.

25 (2) Before a teaching certificate is valid in this state,
26 the holder shall make and subscribe the following oath or
27 affirmation:

1 "I do solemnly swear (or affirm) that I will support the
2 constitution of the United States of America and the constitution
3 of the state of Michigan and that I will faithfully discharge the
4 duties of the office of teacher according to the best of my
5 ability".

6 (3) The oath set forth in subsection (2) shall be signed by
7 the holder of the teaching certificate, notarized, and attached
8 to or superimposed on the teaching certificate.

9 (4) Except as provided in this act, the teaching certificate
10 shall not be nullified except by the state board and for a cause
11 that would have initially justified the withholding of the
12 certificate.

13 (5) Upon the request of a teacher, the state board
14 ~~immediately~~ shall nullify that teacher's teaching certificate.
15 Upon the request of a teacher, the state board ~~may~~ SHALL nul-
16 lify 1 or more endorsements on the teaching certificate, or a
17 grade level certification included in the teaching certificate if
18 the grade level certification has not been used for 10 or more
19 years. A NULLIFICATION BY THE STATE BOARD UNDER THIS SUBSECTION
20 THAT IS APPROVED ON OR BEFORE MARCH 1 OF A CALENDAR YEAR SHALL
21 TAKE EFFECT ON JULY 1 OF THE SAME CALENDAR YEAR. A NULLIFICATION
22 BY THE STATE BOARD UNDER THIS SUBSECTION THAT IS APPROVED AFTER
23 MARCH 1 OF A CALENDAR YEAR SHALL TAKE EFFECT ON JULY 1 OF THE
24 NEXT CALENDAR YEAR. The state board shall not reinstate, reissue,
25 or renew a teaching certificate, endorsement on a teaching cer-
26 tificate, or a grade level certification that has been nullified
27 pursuant to this subsection.