

Legislative Analysis



PROFESSIONAL TRADES PACKAGE

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**House Bill 5139 (H-1) as reported from
committee
Sponsor: Rep. Daire Rendon**

Analysis available at
<http://www.legislature.mi.gov>

**House Bill 5140 (H-1) as reported
Sponsor: Rep. Sue Allor**

**House Bill 5142 as reported
Sponsor: Rep. Robert L. Kosowski**

**House Bill 5141 (H-1) as reported
Sponsor: Rep. Bronna Kahle**

**House Bill 5145 (H-4) as reported
Sponsor: Rep. Julie Alexander**

**Committee: Workforce and Talent Development
Complete to 12-13-17**

BRIEF SUMMARY:

House Bills 5139, 5140, 5141, and 5145 would amend the Revised School Code to do all of the following:

- Require the Michigan Department of Education (MDE) to develop or adopt a career development model program of instruction, in consultation with the Department of Talent and Economic Development (TED).
- Allow trade schools and skilled trade employers expanded recruitment access.
- Allow noncertificated, nonendorsed individuals to teach career and technical education (CTE) programs and industrial technology education programs, as long as they meet other specified requirements.
- Require promulgation of rules allowing time spent engaging with local employers or technical centers to count toward continuing education or professional development.

House Bill 5142 would make complementary amendments to the State School Aid Act for noncertificated, nonendorsed CTE teachers.

FISCAL IMPACT:

Overall, the bills would create administrative costs for the state and would have an indeterminate cost impact for local units of government including school districts, ISDs, and PSAs. See ***Fiscal Information***, below, for a detailed analysis.

THE APPARENT PROBLEM:

The bill package is understood to address concerns of a growing skills gap between Michigan employers and workers. The House Workforce and Talent Development committee heard from various employers and educators over a series of weeks, who described the need for career development instruction and exploration of the various growing industries around the state.

In June of 2017, Governor Snyder unveiled a series of recommendations¹ from the Michigan Career Pathway Alliance that were intended to improve student access to career technical education and skilled trades. MDE and TED worked together with various stakeholders to develop 17 recommendations, which focused on the following 6 goals:

- Promote student success.
- Embed Michigan Merit Curriculum flexibility.
- Increase professional trades instructors.
- Support career development.
- Develop practical professional trades experiences for students and educators.
- Promote career pathways

Many of the proposals in this bill package are intended to effect these changes.

THE CONTENT OF THE BILLS:

House Bill 5139 (proposed MCL 380.1166a)

The bill would require the MDE, in consultation with TED, to develop or adopt, and make available to schools, a *model program of instruction in career development* no later than July 1, 2018. The program must do all of the following:

- Define learning targets and themes for each grade level.
- Include instruction for students in kindergarten to 12th grade.
- Incorporate career development education within core instruction.
- Include strategies for engaging parents and community business and industry interests.

Beginning in the 2018-2019 school year, the board of a school district or board of directors of a public school academy must ensure that the district's curriculum incorporates instruction in career development for kindergarten to 12th grade.

House Bill 5140 (MCL 380.1136; proposed MCL 380.1139a)

House Bill 5140 would require high schools to provide access to their students' pupil directory information to an eligible entity at least annually, upon written request from that

¹ Michigan Career Pathway Recommendations:
https://www.michigan.gov/documents/snyder/Michigan_Career_Pathways_Recommendations_576725_7.pdf

entity. The information may not be provided if, before the school year, the student's parent or guardian submits a signed written statement not to do so. Additionally, the bill would prohibit the high school from providing the student's address or telephone number if the parent or guardian has previously refused to designate that information as directory information.

The bill would require the board of the school district or intermediate school district (ISD), or the public school academy's (PSA, or charter school) board of directors, to post a notice describing these provisions on the district, ISD, or PSA website homepage. Also, the high school would be required to provide any public notice required under Title 20, section 1232 of the U.S. Code, which governs family educational and privacy rights.

Under the bill, the high school may require the representative of an eligible entity to pay a fee of not more than the costs incurred by the school for maintaining, copying, and mailing or otherwise providing the information. Eligible entities may only use the pupil directory information to provide students with information concerning educational and career opportunities available at the eligible entity; they may not release the information to a person not involved in recruiting students or employees for the eligible entity.

The bill would introduce several definitions, including the following:

Eligible entity: Michigan Works!, or a proprietary school, community college, college, university, skilled trade employer, apprenticeship program, or professional trade association, located in this state.

Proprietary school (as defined in the Proprietary Schools Act): a school that uses a certain plan or method to teach a trade, occupation, or vocation for a consideration, reward, or promise of any kind. Proprietary school includes, but is not limited to, a private business, trade, or home study school. It does not include any of the following: (1) a school or college possessing authority to grant degrees; (2) a school licensed by law through another board or department of this state; (3) a school maintained or a program conducted, without profit, by a person for that person's employees; or (4) a school or program within a school that exclusively provides yoga instruction, yoga teacher training, or both.

Pupil directory information: a student's name and address and, if it is a listed or published telephone number, the student's telephone number.

[Note: the bill borrows much of its language from similar provisions in MCL 380.1139, which allows access to high school pupil directory information to the Armed Forces and the service academies of the Armed Forces. That section likewise provides parents the opportunity to opt out, as well as the same definition for pupil directory information.]

House Bill 5141 (MCL 380.553a et al.)

The bill would amend the section of the Code that permits the employment of noncertificated, nonendorsed teachers in certain specialties. Currently, those individuals may teach courses in high school computer science, a foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or other subjects the state board identifies. The bill would add teaching in an industrial technology education program or a career and technical education (CTE) program to that list.

It would also create minimum requirements for noncertificated, nonendorsed teachers teaching in an industrial technology education or CTE program. Now, a noncertificated, nonendorsed teacher must meet all of the following requirements:

- Possess a qualifying bachelor's degree.
- Have a major or graduate degree in the area of specialization in which he or she will teach.
- Have passed a basic skills examination and subject area examination, if the teacher desires to teach for more than a year.
- Have at least 2 years of subject-specific experience in the preceding 5 years, except for those teaching a foreign language.

The bill would provide alternate requirements for those teaching in an industrial technology education or CTE program. In that case, the teacher must be engaged in a subject matter or field in which the teacher has achieved expertise, as determined by the board of a school district or ISD or board of directors of a PSA, and must satisfy all of the following:

- Have a high school diploma or high school equivalency certificate.
- If teaching in a subject matter or field in which a professional license or certification is required, at least one of the following:
 - Hold a professional license or certification in that same subject matter or field.
 - Have previously held a license or certification in that same subject matter or field if the license or certification expired no more than 2 years before the start of employment and was in good standing immediately before it expired.
 - Have attained journeyworker status by completing a joint apprentice and training committee program registered with the U.S. Department of Labor Office of Apprenticeship.
- Have at least 3 consecutive years of professional experience in that same subject matter or field.

The current requirements and the proposed alternate requirements are in addition to any other requirements established by the board of the school district or ISD or board of directors of a PSA.

Currently, a board or board of directors may employ or continue to employ a noncertificated, nonendorsed teacher (even if a certificated, endorsed teacher is available) if the teacher meets certain requirements. Specifically, the noncertificated teacher must be

enrolled in a teacher preparation program leading to a provisional teaching certificate and have a planned program leading to a teacher certification on file with the district, ISD, or PSA, as well as his or her teacher preparation institution and MDE.

The bill would retain that provision and describe another path by which the board or board of directors could employ or continue to employ the noncertificated, nonendorsed teacher. If that teacher is teaching in an industrial technology education or CTE program, the teacher must meet all of the following:

- Engage in professional development in the first 3 years of employment that includes instruction on at least all of the following:
 - Current research, trends, and best practices in education.
 - Lesson design, assessment, and grading.
 - Classroom management and maintaining a safe classroom environment.
 - Instructional strategies and delivery.
 - Compliance and legal issues for educators.
 - Developmentally appropriate practice and child development.
 - Differentiated instruction and diverse learners.
- Complete a 2-week training course that is approved by MDE and includes at least all of the following:
 - Recurring feedback sessions that include discussions on the development and implementation of concrete plans to improve teaching skills in order to increase student learning.
 - Working with veteran teachers to improve an individual's teaching skills in order to increase student learning.
 - Intensive instruction on lesson planning.
 - A study of the fundamentals of teaching and the practice of teaching techniques.
- Be rated as effective or highly effective in his or her performance evaluation.

The bill would require the Superintendent of Public Instruction to issue a document indicating that a noncertificated, nonendorsed teacher has met these requirements. Finally, teachers qualifying under this path must also comply with the professional development requirements in Sections 1526 and 1527 of the Code.

House Bill 5142 (MCL 388.1606 and 388.1763)

House Bill 5142 would amend the State School Aid Act to incorporate the proposed allowance of noncertificated, nonendorsed CTE and industrial technology education teachers. Specifically, the Act currently requires MDE to deduct from a district's or ISD's state aid allocation the amount paid to educators not legally certificated or licensed. It also requires those schools to notify MDE of the names and amounts paid to those individuals. The bill would exclude noncertificated, nonendorsed CTE and industrial technology education teachers allowed under the proposed changes to Section 1233b from those provisions.

House Bill 5145 (MCL 380.1531 et al.)

The bill would amend the Code to require the superintendent of public instruction to promulgate rules allowing an individual to use time spent engaging with local employers or technical centers toward the renewal of a *teaching certificate, professional teaching certificate, advanced professional education certificate, or school administrator's certificate* in the same manner as state continuing education or professional development. These rules would be promulgated by July 1, 2018, and in consultation with the TED and groups representing employers, economic development agencies, trade unions, and others as determined appropriate by MDE.

House Bills 5139, 5141, 5142, and 5145 would take effect 90 days after enactment.

House Bills 5141 and 5142 are tie-barred together, meaning that neither could take effect unless both were enacted.

FISCAL INFORMATION:

House Bill 5139

The MDE, in consultation with the Department of Talent and Economic Development, would incur increased administrative costs related to the development or adoption of a model program of instruction in career development. The magnitude of the cost would depend on whether MDE chose to develop its own career development program of instruction, which would require more time and staff devoted to its creation, or adopt a program, which would create only marginal administrative costs to choose a program.

School districts, ISDs, and PSAs would incur administrative and curricular cost increases to adjust and incorporate the grade-appropriate career development program into their curriculum for grades kindergarten to 12.

House Bill 5140

The bill would allow districts to recoup the cost of providing access to their pupil directory information to an eligible entity, so the impact should be minimal, if any.

House Bills 5141 and 5142

HB 5141 would increase costs for MDE to perform additional administrative duties confirming noncertificated, nonendorsed teachers that meet the bill's additional requirements.

The bills could reduce costs to districts and PSAs by increasing the supply of teachers through the expansion of the definition of noncertificated, nonendorsed teachers that are qualified to teach in an industrial technology education program or a career and technical education program. However, there are no data available regarding the salaries that might be required to incentivize someone to move into teaching career and technical education.

House Bill 5145

The bill could increase administrative costs for MDE, in consultation with TED, related to the promulgation of rules to allow an individual to use time spent engaging with local employers or technical centers toward the renewal of a teaching, professional teaching, advanced professional teaching, or school administrator's certificate in the same manner as state continuing education or professional development.

ARGUMENTS:

Against:

House Bill 5145

Some expressed concern that the language describing qualifying actions was too broad. Professional development is intended to build skills for teachers, which would translate to a better education for students. The bill calls for time spent "engaging" with local employers or technical centers to count toward a teacher's recertification. Critics wondered whether mere conversations would fulfill this requirement, which would seem to diminish the effect of the requirement.

POSITIONS:

Representatives of Lenawee ISD testified in support of HBs 5139, 5141, and 5145. (10-24-17)

Representatives of the Michigan School Counselor Association testified in support of HBs 5139 and 5145. (10-31-17)

A representative of the Southern Michigan Center for Science and Industry testified in support of HB 5141. (10-31-17)

The following organizations support the bills:

- Oakland Schools (10-24-17)
- Operating Engineers Local 324 (10-24-17)
- Michigan Construction Foundation (10-31-17)
- Michigan Manufacturers Association (10-31-17)
- Michigan Infrastructure and Transportation Association (10-31-17)
- Michigan Restaurant Association (10-31-17)
- Consumers Energy (10-31-17)
- Grand Rapids Area Chamber of Commerce (10-31-17)
- Michigan West Coast Chamber of Commerce (10-31-17)
- Michigan Chamber of Commerce (12-12-17)
- Michigan Chemistry Council (12-12-17)
- Home Builders Association of Michigan (12-12-17)
- Small Business Association of Michigan (12-12-17)
- Associated Builders and Contractors (12-12-17)
- National Federation of Independent Business (12-12-17)

The Michigan Association of Secondary School Principals supports HBs 5139 and 5145. (12-12-17)

The Michigan Farm Bureau supports HBs 5139, 5141, 5142, and 5145. (12-12-17)

The Michigan Works! Association supports HB 5140. (10-31-17)

The Michigan Association of State Universities supports HB 5140. (12-12-17)

Barry, Branch, Calhoun, Jackson, Lenawee, and Monroe ISDs support HB 5145. (12-12-17)

Michigan Independent Colleges and Universities took a neutral position on HB 5140. (10-24-17)

Barry, Branch, Calhoun, Jackson, Lenawee, and Monroe ISDs took a neutral position on HBs 5139, 5141, and 5142. (12-12-17)

Barry, Branch, Calhoun, Jackson, Lenawee, and Monroe ISDs oppose HB 5140. (12-12-17)

The Michigan Association of Secondary School Principals opposes HBs 5140 and 5141. (12-12-17)

Macomb ISD opposes HB 5141 as written. (12-12-17)

The Michigan Education Association opposes HB 5141. (12-12-17)

The American Federation of Teachers-Michigan opposes HB 5141. (12-12-17)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.