

Legislative Analysis



PROFESSIONAL TRADES PACKAGE

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House Bill 5139 as enacted
Public Act 229 of 2018
Sponsor: Rep. Daire Rendon

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

House Bill 5141 as enacted
Public Act 235 of 2018
Sponsor: Rep. Bronna Kahle

House Bill 5142 as enacted
Public Act 266 of 2018
Sponsor: Rep. Robert L. Kosowski

House Bill 5145 as enacted
Public Act 234 of 2018
Sponsor: Rep. Julie Alexander

House Committee: Workforce and Talent Development
Senate Committee: Economic Development and International Investment
Complete to 9-18-18

BRIEF SUMMARY:

House Bills 5139, 5141, 5142, 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 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:

- Promoting student success.
- Embedding Michigan Merit Curriculum flexibility.
- Increasing professional trades instructors.
- Supporting career development.
- Developing practical professional trades experiences for students and educators.
- Promoting 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 January 1, 2019. The program would have to 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 2019-2020 school year, the board of a school district or board of directors of a public school academy would have to ensure that the district's curriculum incorporates instruction in career development for kindergarten to 12th grade.

This section of statute would be known as the "Superintendent Brian Whiston Career Pathways Law."

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.

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

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 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 those cases, the teacher would have to 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 would have to 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 at least 2 cumulative years of professional experience in that same subject matter or field in the immediately preceding 10 years.

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. Under the bill, the board of a district or ISD or board of directors of a PSA may employ a person meeting the proposed alternative requirements to teach in an industrial technology education program or CTE program for up to 10 years (with potential extension subject to approval by the Superintendent of Public Instruction).

Finally, teachers qualifying under this path must also comply with the professional development requirements in Sections 1526 and 1527 of the Code. The bill would require the Superintendent, in consultation with TED and other interested parties, to promulgate rules allowing an individual to use time spent engaging with local employers or technical centers toward the renewal of a teaching certificate in the same manner as state continuing education or professional development. The rules would have to be promulgated by January 1, 2019.

[Note: On consideration by the Senate, the members adopted a “conflict substitute” for the bill—House Bill 5141 (Substitute S-3). The “conflict sub” updated the bill to incorporate changes to sections of the Code that were proposed by Senate Bill 889, which was ultimately enacted as Public Act 233 of 2018.² These changes were incorporated into the substitute for HB 5141 so that they would not be overwritten and lost if HB 5141 were signed into law after SB 889.]

² <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-0889-481D0A89.pdf>

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.

[Note: On consideration by the Senate, the members adopted a "conflict substitute" for the bill—House Bill 5142 (Substitute S-1). The "conflict sub" updated the bill to incorporate changes to sections of the Code that were proposed by House Bill 5579, the Fiscal Year 2018-19 Education Omnibus Budget, which was ultimately enacted as Public Act 265 of 2018.³ These changes were incorporated into the substitute for HB 5142 so that they would not be overwritten and lost if HB 5142 were signed into law after HB 5579.]

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 representatives of employers, economic development agencies, trade unions, and others as determined appropriate by MDE.

House Bills 5139, 5141, and 5145 take effect September 25, 2018, and House Bill 5142 takes effect September 26, 2018.

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.

³ <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-5579-5B7A4063.pdf>

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, as well as promulgate rules to allow an individual to use time spent engaging with local employers or technical centers toward the renewal of a teaching certificate.

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.

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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.