

**SUBSTITUTE FOR
SENATE BILL NO. 909**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 553a, 1231, 1233, 1233b, and 1531i (MCL
380.553a, 380.1231, 380.1233, 380.1233b, and 380.1531i), section
553a as amended by 2011 PA 277, section 1231 as amended by 2016 PA
192, section 1233 as amended by 2017 PA 151, section 1233b as
amended by 1995 PA 289, and section 1531i as amended by 2018 PA
106.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 553a. (1) An authorizing body may issue a contract to
2 establish a school of excellence that is a cyber school. A cyber
3 school shall provide full-time instruction to pupils through online
4 learning or otherwise on a computer or other technology, and this
5 instruction and learning may occur remote from a school facility.

1 (2) A contract for a school of excellence that is a cyber
2 school shall include all of the provisions required under section
3 553 and all of the following:

4 (a) A requirement that a teacher who holds appropriate
5 certification according to state board rule **OR WHO IS ENGAGED TO**
6 **TEACH UNDER SECTION 1233B** will be responsible for all of the
7 following for each course in which a pupil is enrolled:

8 (i) Improving learning by planned instruction.

9 (ii) Diagnosing the pupil's learning needs.

10 (iii) Assessing learning, assigning grades, and determining
11 advancement.

12 (iv) Reporting outcomes to administrators and parents or legal
13 guardians.

14 (b) A requirement that the cyber school will make educational
15 services available to pupils for a minimum of at least 1,098 hours
16 during a school year and will ensure that each pupil participates
17 in the educational program for at least 1,098 hours during a school
18 year.

19 (3) Notwithstanding any other provision of this act or any
20 rule, if a school of excellence that is a cyber school is in
21 compliance with the requirements of subsection (2)(a) regarding a
22 certificated teacher **OR A TEACHER ENGAGED TO TEACH UNDER SECTION**
23 **1233B**, any other adult assisting with the oversight of a pupil
24 during the pupil's participation in the cyber school's education
25 program is not required to be a certificated teacher, **A TEACHER**
26 **ENGAGED TO TEACH UNDER SECTION 1233B**, or an employee of the school.

27 (4) Notwithstanding any rule to the contrary, a cyber school

1 is not required to comply with any rule that would require a
2 pupil's physical presence or attendance in a classroom.

3 (5) At the end of a cyber school's second complete school year
4 of operations, the authorizing body of a school of excellence that
5 is a cyber school shall submit to the superintendent of public
6 instruction and the legislature, in the form and manner prescribed
7 by the superintendent of public instruction, a report detailing the
8 operation of the cyber school, providing statistics of pupil
9 participation and academic performance, and making recommendations
10 for any further statutory or rule change related to cyber schools
11 and online learning in this state.

12 Sec. 1231. (1) Except as otherwise provided in subsection (5),
13 the board of a school district shall hire and contract with
14 qualified teachers. Contracts with teachers shall be in writing and
15 signed on behalf of the school district by a majority of the board,
16 by the president and secretary of the board, or by the
17 superintendent of schools or an authorized representative of the
18 board. The contracts shall specify the wages agreed upon.

19 (2) A teacher's contract shall be filed with the secretary of
20 the board and a duplicate copy of the contract shall be furnished
21 to the teacher.

22 (3) Except as otherwise provided under this act, a contract
23 with a teacher is not valid unless the individual holds a valid
24 teaching certificate **OR IS ENGAGED TO TEACH UNDER SECTION 1233B** at
25 the time the contractual period begins or the individual is engaged
26 to teach in a community district under section 1233c. A contract
27 shall terminate if the certificate expires by limitation and is not

1 renewed immediately or if it is suspended or revoked by proper
2 legal authority.

3 (4) The board of a school district, after a teacher has been
4 employed at least 2 consecutive years by the board, may enter into
5 a continuing contract with a certificated teacher **OR A TEACHER**
6 **ENGAGED TO TEACH UNDER SECTION 1233B** or, for a community district,
7 with an individual engaged to teach in a community district under
8 section 1233c.

9 (5) The ~~school~~ board of a school district that is a community
10 district may employ or contract for, or both, qualified teachers
11 and other qualified instructional personnel at a public school that
12 formerly operated as an achievement school, ~~as defined in section 3~~
13 ~~of the state school aid act of 1979, MCL 388.1603,~~ as necessary to
14 carry out the purposes of the community district.

15 (6) As used in this section: ~~,"teacher"~~

16 (A) **"ACHIEVEMENT SCHOOL" MEANS A PUBLIC SCHOOL FORMERLY WITHIN**
17 **THE EDUCATION ACHIEVEMENT SYSTEM THAT WAS OPERATED, MANAGED,**
18 **AUTHORIZED, ESTABLISHED, OR OVERSEEN BY THE ACHIEVEMENT AUTHORITY.**

19 (B) **"TEACHER"** does not include a substitute teacher.

20 Sec. 1233. (1) Except as otherwise provided by law, and
21 subject to ~~section~~ **SECTIONS 1233B AND** 1233c, the board of a school
22 district or intermediate school board of an intermediate school
23 district shall not permit a teacher who does not hold a valid
24 teaching certificate to teach in a grade or department of the
25 school.

26 (2) The board of a school district or intermediate school
27 board of an intermediate school district shall not allow an

1 individual to serve in a counseling role in the school district or
2 intermediate school district, as the role is defined by the
3 superintendent of public instruction, unless the individual meets 1
4 or more of the following:

5 (a) The individual holds a valid teaching certificate with a
6 school counseling endorsement.

7 (b) The individual meets all of the following:

8 (i) Holds a master's degree awarded after completion of an
9 approved school counselor education program that includes at least
10 all of the following skills and content areas or their equivalent:

11 (A) Guidance services--philosophy, principles, and practices.

12 (B) Individual and group analysis--nature and range of human
13 characteristics and appraisal methods.

14 (C) Guidance information--vocational development theory,
15 educational and occupational information.

16 (D) Counseling theory and practice--individual and group
17 procedures, administration and coordination relationships,
18 professional relationships, and ethics.

19 (E) Supervised experiences--laboratory, practicum, or
20 internship.

21 (F) Evaluation--statistics and research methodology, follow-up
22 evaluation, and measurement methods.

23 (ii) Has successfully completed the department's guidance
24 counselor examination.

25 (iii) Has been recommended by an approved school counselor
26 education program to provide services as a school counselor.

27 (c) The individual meets both of the following:

1 (i) Has at least 5 years of successful experience serving in a
2 school counseling role in another state within the immediately
3 preceding 7-year period.

4 (ii) Has successfully completed the department's guidance
5 counselor examination.

6 (3) Except for teachers **ENGAGED TO TEACH UNDER SECTION 1233B**
7 **AND TEACHERS** engaged to teach in a community district under section
8 1233c, the intermediate superintendent shall notify the
9 superintendent of public instruction immediately of the names of
10 noncertificated teachers teaching in violation of subsection (1)
11 and the names of individuals serving in counseling roles in
12 violation of subsection (2), the employing district, and the amount
13 of time the noncertificated teachers or unqualified individuals
14 were employed.

15 (4) A vocational teacher preparation institution shall utilize
16 the employment experience of an annually authorized teacher for the
17 purpose of waiving student teaching as a requirement for vocational
18 certification if the annually authorized teacher is supervised by
19 the teacher preparation institution.

20 (5) All vocational education teachers certified after June 1,
21 1995 shall pass a competency test.

22 (6) The board of a school district or intermediate school
23 district may employ an individual without a teaching certificate as
24 a substitute teacher if the individual has at least 90 semester
25 hours of college credit from a college or university.

26 (7) Beginning ~~2 years after the effective date of the~~
27 ~~amendatory act that added this subsection,~~ **FEBRUARY 6, 2020**, the

1 department shall not renew an individual's school counselor
2 credential unless the department determines that, within the time
3 period since the individual's school counselor credential was
4 issued or last renewed, whichever is most recent, the individual
5 has completed at least 25 hours of professional development
6 approved by the department under subsection (9) covering counseling
7 about the college preparation and selection process and at least 25
8 hours of professional development approved by the department under
9 subsection (9) covering career counseling. For the purposes of this
10 subsection, career counseling includes, but is not limited to,
11 exploration of military career options and the skilled trades as
12 well as other careers and pathways that lead to industry
13 credentials awarded in recognition of an individual's attainment of
14 measurable technical or occupational skills necessary to obtain
15 employment or advance within an occupation. The hours of
16 professional development required under this subsection covering
17 career counseling shall include at least 5 hours covering military
18 career options. The hours of professional development required
19 under this subsection are a part of and not in addition to
20 professional development requirements under department rule.

21 (8) An individual may complete the professional development
22 hours for the purposes of subsection (7) as part of the
23 professional development provided by a school district,
24 intermediate school district, public school academy, or nonpublic
25 school under section 1527 if the content and curriculum of the
26 professional development provided under section 1527 are approved
27 by the department under subsection (9).

1 (9) The department shall approve the professional development
2 for the purposes of subsection (7). The department shall only
3 approve a professional development program or course for the
4 purposes of subsection (7) if the department determines that the
5 content and curriculum for the professional development meet
6 standards that are developed by the department in consultation with
7 the department of talent and economic development and groups
8 representing school counselors, college admissions professionals,
9 financial aid officers, employers, and others as determined
10 appropriate by the department. The department shall develop these
11 standards by July 1, 2018 and shall facilitate the involvement in
12 the development of the standards of the groups required under this
13 subsection.

14 (10) The superintendent of public instruction shall promulgate
15 or modify rules as necessary to implement subsections (7) to (9).

16 Sec. 1233b. (1) ~~Except~~ **SUBJECT TO SUBSECTION (2) AND EXCEPT** as
17 provided in subsection (3), the board of a ~~local~~ **SCHOOL DISTRICT** or
18 intermediate school district **OR THE BOARD OF DIRECTORS OF A PUBLIC**
19 **SCHOOL ACADEMY** may engage a full-time or part-time noncertificated,
20 nonendorsed teacher to teach a course in computer science, a
21 foreign language, mathematics, biology, chemistry, engineering,
22 physics, robotics, or in another subject area determined by the
23 state board to be appropriate to be included under this section and
24 so designated by the state board, or any combination of these
25 subject areas, in grades 9 through 12, **OR IN A CAREER AND TECHNICAL**
26 **EDUCATION PROGRAM.**

27 (2) Subject to subsection (3), a noncertificated, nonendorsed

1 teacher is qualified to teach ~~pursuant to~~ **UNDER** this section if he
2 or she meets ~~all~~ **AT LEAST 1** of the following minimum requirements:

3 **(A) BOTH OF THE FOLLOWING:**

4 **(i) POSSESSES AN EARNED DOCTORAL DEGREE FROM AN ACCREDITED**
5 **POSTSECONDARY INSTITUTION.**

6 **(ii) IS A FACULTY MEMBER EMPLOYED FULL-TIME BY AN ACCREDITED**
7 **POSTSECONDARY INSTITUTION WHO HAS BEEN GRANTED INSTITUTIONAL**
8 **TENURE, OR HAS BEEN DESIGNATED AS BEING ON TENURE TRACK, BY THE**
9 **POSTSECONDARY INSTITUTION.**

10 **(B) ALL OF THE FOLLOWING:**

11 **(i)** ~~(a)~~ Possesses an earned bachelor's degree from an
12 accredited postsecondary institution.

13 **(ii)** ~~(b)~~ Has a major or a graduate degree in the field of
14 specialization in which he or she will teach.

15 **(iii)** ~~(c)~~ If the teacher desires to teach for more than 1
16 year, has passed ~~both a basic skills examination and a~~ subject area
17 examination, if a subject area examination exists, in the field of
18 specialization in which he or she will teach.

19 **(iv)** ~~(d)~~ Except in the case of ~~persons~~ **INDIVIDUALS** engaged to
20 teach a foreign language, has, in the 5-year period immediately
21 preceding the date of hire, not less than 2 years of occupational
22 experience in the field of specialization in which he or she will
23 teach.

24 **(C) FOR TEACHING IN A CAREER AND TECHNICAL EDUCATION PROGRAM,**
25 **HOLDS A PROFESSIONAL LICENSE OR CERTIFICATION IN THE SUBJECT MATTER**
26 **IN WHICH HE OR SHE IS ENGAGED TO TEACH.**

27 **(D) HOLDS A CURRENT TEACHING CERTIFICATE OR LICENSE ISSUED BY**

1 A DEPARTMENT, BOARD, OR AUTHORITY IN ANOTHER STATE OF THE UNITED
2 STATES OR THE DISTRICT OF COLUMBIA.

3 (3) The requirements listed in subsection (2) for a teacher
4 engaged to teach ~~pursuant to~~ **UNDER** this section shall be in
5 addition to any other requirements established by the board of a
6 ~~local~~ **SCHOOL DISTRICT** or intermediate school district **OR THE BOARD**
7 **OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY**, as applicable.

8 (4) Except as provided in subsection (5), the board of a ~~local~~
9 **SCHOOL DISTRICT** or intermediate school district **OR THE BOARD OF**
10 **DIRECTORS OF A PUBLIC SCHOOL ACADEMY** shall not engage a full-time
11 or part-time noncertificated, nonendorsed teacher to teach a course
12 described in subsection (1) if the district **OR PUBLIC SCHOOL**
13 **ACADEMY** is able to engage a certificated, endorsed teacher.

14 (5) If the board of a ~~local~~ **SCHOOL DISTRICT** or intermediate
15 school district **OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL**
16 **ACADEMY** is able to engage a certificated, endorsed teacher to teach
17 a course described in subsection (1), the ~~local or intermediate~~
18 ~~school board~~ **OR BOARD OF DIRECTORS** may employ or continue to employ
19 a noncertificated, nonendorsed teacher to teach the course if ~~both~~
20 ~~of the following conditions are met.~~ **THE NONCERTIFICATED,**
21 **NONENDORSED TEACHER MEETS AT LEAST 1 OF THE FOLLOWING:**

22 (A) **BOTH OF THE FOLLOWING:**

23 (i) ~~(a)~~ The noncertificated, nonendorsed teacher is annually
24 and continually enrolled and completing credit in an approved
25 teacher preparation program leading to a provisional teaching
26 certificate.

27 (ii) ~~(b)~~ The noncertificated, nonendorsed teacher has a

1 planned program leading to teacher certification on file with the
2 employing school district, ~~or~~ intermediate school district, **OR**
3 **PUBLIC SCHOOL ACADEMY**, his or her teacher preparation institution,
4 and the department. ~~of education.~~

5 (B) FOR A NONCERTIFICATED, NONENDORSED TEACHER TEACHING IN A
6 CAREER AND TECHNICAL EDUCATION PROGRAM, MEETS BOTH OF THE
7 FOLLOWING:

8 (i) DURING THE FIRST 2 YEARS OF HIS OR HER EMPLOYMENT AS A
9 TEACHER UNDER THIS SECTION, COMPLETES A PROGRAM OF INSTRUCTION ON
10 PEDAGOGICAL SKILLS THAT IS APPROVED BY THE BOARD OF THE SCHOOL
11 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR THE BOARD OF DIRECTORS
12 OF THE PUBLIC SCHOOL ACADEMY EMPLOYING THE TEACHER.

13 (ii) ENGAGES IN A COMPREHENSIVE AND ONGOING MENTORSHIP
14 EXPERIENCE, AS DETERMINED BY THE BOARD OF THE SCHOOL DISTRICT OR
15 INTERMEDIATE SCHOOL DISTRICT OR THE BOARD OF DIRECTORS OF THE
16 PUBLIC SCHOOL ACADEMY EMPLOYING THE TEACHER.

17 (6) If ~~the~~ **A** noncertificated, nonendorsed teacher completes 3
18 years of successful classroom teaching, as determined by regular
19 observation and review by school district, **INTERMEDIATE SCHOOL**
20 **DISTRICT, OR PUBLIC SCHOOL ACADEMY PERSONNEL** and teacher
21 preparation institution personnel, the department ~~of education~~ and
22 a teacher preparation institution shall utilize the teaching
23 experience of a noncertificated, nonendorsed teacher for the
24 purpose of waiving student teaching as a condition for receiving a
25 continued employment authorization in the school district,
26 **INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY** and a
27 provisional teaching certificate.

1 Sec. 1531i. (1) The superintendent of public instruction shall
2 establish a process for an individual to earn an interim teaching
3 certificate under this section that qualifies the individual to
4 teach in the public schools and to earn a Michigan teaching
5 certificate using the process under this section. The process shall
6 meet all applicable requirements for an alternative teaching
7 certification process under the no child left behind act of 2001,
8 Public Law 107-110. The process shall not allow for an interim
9 teaching certificate for special education.

10 (2) The process established under subsection (1) shall provide
11 that the superintendent of public instruction will grant an interim
12 teaching certificate to an individual who meets all of the
13 following:

14 (a) Is a participant in an alternative teaching program that
15 is approved by the superintendent of public instruction ~~—To be~~
16 ~~approved, a program provider shall demonstrate to the satisfaction~~
17 ~~of the superintendent of public instruction that it meets all of~~
18 ~~the following:~~ **OR IS A PARTICIPANT IN AN ALTERNATIVE TEACHING**
19 **PROGRAM OPERATED BY AN INTERMEDIATE SCHOOL DISTRICT. AN ALTERNATIVE**
20 **TEACHING PROGRAM UNDER THIS SUBDIVISION MUST MEET ALL OF THE**
21 **FOLLOWING:**

22 (i) Provides for its participants an intensive training
23 program in teaching that is determined by the superintendent of
24 public instruction to constitute the equivalent of at least 12
25 college credit hours and that includes training in at least all of
26 the following subject areas:

27 (A) Child development or child psychology.

1 (B) Family and community relationships.

2 (C) Diverse learners.

3 (D) Instructional strategies.

4 (E) A form of field-based experience in a classroom setting.

5 (ii) Has a proven record of producing successful teachers or
6 is modeled after a program that has a proven record of producing
7 successful teachers.

8 (iii) Its participants have a cohort grade point average of at
9 least 3.0 on a 4.0 scale or the equivalent on another scale, as
10 determined by the superintendent of public instruction, upon
11 earning the degree required under subdivision (b). If a cohort
12 member has earned more than 1 degree required under subdivision
13 (b), the highest grade point average earned by the cohort member
14 must be used in calculating the cohort grade point average under
15 this subparagraph.

16 (iv) Accepts for participation only individuals who meet the
17 requirements of subdivision (b).

18 (b) Holds a bachelor's, master's, doctorate, or professional
19 degree from a regionally accredited college or university.

20 (c) Passes the appropriate available subject area examination
21 for each subject area in which he or she applies to be certified.

22 **(3) THE PROCESS ESTABLISHED UNDER SUBSECTION (1) SHALL PROVIDE**
23 **THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION WILL GRANT AN INTERIM**
24 **TEACHING CERTIFICATE TO A TEACHER WHO HAS TAUGHT UNDER SECTION**
25 **1233B FOR 3 YEARS, IN THE SUBJECT AREA IN WHICH THE TEACHER TAUGHT**
26 **UNDER SECTION 1233B.**

27 **(4) ~~(3)~~—An individual earning a Michigan teaching certificate**

1 using the process under this section will be subject to provisions
2 of administrative rules governing teachers, as established by the
3 superintendent of public instruction.

4 (5) ~~(4)~~—An individual who possesses an interim teaching
5 certificate under this section may be employed to teach in a public
6 school in the same manner as an individual holding a Michigan
7 teaching certificate issued under section 1531 if all of the
8 following requirements are met:

9 (a) While the individual is teaching under an interim teaching
10 certificate, the school district or public school academy in which
11 the individual is teaching provides intensive observation and
12 coaching in a manner and to the extent prescribed by the
13 superintendent of public instruction.

14 (b) The individual is making satisfactory progress toward
15 meeting the requirements for being awarded a Michigan teaching
16 certificate under section 1531, as established by the
17 superintendent of public instruction under subsection ~~(5)~~ **(6)**.

18 (6) ~~(5)~~—The superintendent of public instruction shall develop
19 standards for granting an individual a Michigan teaching
20 certificate issued under section 1531 after the individual has
21 demonstrated satisfactory teaching performance for 3 years under an
22 interim teaching certificate and has met the requirements
23 established by the superintendent of public instruction for a
24 Michigan teaching certificate.

25 (7) ~~(6)~~—The superintendent of public instruction shall
26 promulgate rules that he or she considers necessary to implement
27 this section.

1 (8) ~~(7)~~—As used in this section:

2 (a) "Cohort" means all of the individuals enrolled in an
3 alternative teaching program approved by the superintendent of
4 public instruction for the 3 years immediately preceding the
5 granting of an interim teaching certificate under this section to
6 an individual enrolled in the alternative teaching program.

7 (b) "Elementary certification examination" and "subject area
8 examination" mean those terms as defined in section 1531.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.

11 Enacting section 2. This amendatory act does not take effect
12 unless Senate Bill No. 910 of the 99th Legislature is enacted into
13 law.