

HOUSE BILL No. 5141

October 19, 2017, Introduced by Reps. Kahle, Lucido, Victory, Kelly, Frederick, Kosowski, Hughes, Leutheuser, Allor and Hauck and referred to the Committee on Workforce and Talent Development.

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

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.

6 (2) A contract for a school of excellence that is a cyber

1 school shall include all of the provisions required under section
2 553 and all of the following:

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

7 (i) Improving learning by planned instruction.

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

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

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

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

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

26 (4) Notwithstanding any rule to the contrary, a cyber school
27 is not required to comply with any rule that would require a

1 pupil's physical presence or attendance in a classroom.

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

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

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

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

1 legal authority.

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

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

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

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

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

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

25 (2) The board of a school district or ~~intermediate school~~
26 ~~board of an~~ intermediate school district shall not allow an
27 individual to serve in a counseling role in the school district or

1 intermediate school district, as the role is defined by the
2 superintendent of public instruction, unless the individual meets 1
3 or more of the following and the board ~~or intermediate school board~~
4 complies with subsection (7):

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) If the board of a school district or ~~intermediate school~~
27 ~~board of an~~ intermediate school district chooses to employ an

individual who does not hold a valid teaching certificate to serve in a counseling role, as permitted under subsection (2), the ~~school board or intermediate school board~~ shall comply with sections 1230 and 1230a with respect to that individual to the same extent as required for employing an individual with a teaching certificate to serve as a teacher.

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

(2) Subject to subsection (3), a noncertificated, nonendorsed teacher is qualified to teach ~~pursuant to~~ **UNDER** this section if he or she meets ~~all~~ **AT LEAST 1** of the following minimum requirements:

(A) ALL OF THE FOLLOWING:

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

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

(iii) ~~(c)~~ If the teacher desires to teach for more than 1 year, has passed both a basic skills examination and a subject area

examination, if a subject area examination exists, in the field of specialization in which he or she will teach.

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

(B) FOR TEACHING IN A CAREER AND TECHNICAL EDUCATION PROGRAM, IS ENGAGED TO TEACH IN A SUBJECT MATTER OR FIELD IN WHICH THE TEACHER HAS ACHIEVED EXPERTISE, AS DETERMINED BY THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY, AND SATISFIES BOTH OF THE FOLLOWING:

(i) HAS A HIGH SCHOOL DIPLOMA OR A HIGH SCHOOL EQUIVALENCY CERTIFICATE AS DEFINED IN SECTION 4 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1604.

(ii) EITHER OF THE FOLLOWING:

(A) HOLDS A PROFESSIONAL LICENSE OR CERTIFICATION IN THAT SAME SUBJECT MATTER OR FIELD.

(B) PREVIOUSLY HELD A PROFESSIONAL LICENSE OR CERTIFICATION IN THAT SAME SUBJECT MATTER OR FIELD THAT EXPIRED NO MORE THAN 2 YEARS BEFORE THE START OF EMPLOYMENT AS A TEACHER AND WAS IN GOOD STANDING IMMEDIATELY BEFORE THE LICENSE OR CERTIFICATION EXPIRED.

(3) The requirements listed in subsection (2) for a teacher engaged to teach ~~pursuant to~~ **UNDER** this section shall be in addition to any other requirements established by the board of a ~~local~~ **SCHOOL DISTRICT** or intermediate school district **OR BOARD OF**

1 **DIRECTORS OF A PUBLIC SCHOOL ACADEMY**, as applicable.

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

8 (5) If the board of a ~~local~~-**SCHOOL DISTRICT** or intermediate
 9 school district **OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY** is
 10 able to engage a certificated, endorsed teacher to teach a course
 11 described in subsection (1), the ~~local or intermediate school board~~
 12 **OR BOARD OF DIRECTORS** may employ or continue to employ a
 13 noncertificated, nonendorsed teacher to teach the course if both of
 14 the following conditions are met:

15 (a) The noncertificated, nonendorsed teacher is annually and
 16 continually enrolled and completing credit in an approved teacher
 17 preparation program leading to a provisional teaching certificate.

18 (b) The noncertificated, nonendorsed teacher has a planned
 19 program leading to teacher certification on file with the employing
 20 school district or intermediate school district **OR PUBLIC SCHOOL**
 21 **ACADEMY**, his or her teacher preparation institution, and the
 22 department. ~~of education.~~

23 (6) If the noncertificated, nonendorsed teacher completes 3
 24 years of successful classroom teaching, as determined by regular
 25 observation and review by school district, **INTERMEDIATE SCHOOL**
 26 **DISTRICT, OR PUBLIC SCHOOL ACADEMY PERSONNEL** and teacher
 27 preparation institution personnel, the department ~~of education and~~

1 a teacher preparation institution shall utilize the teaching
2 experience of a noncertificated, nonendorsed teacher for the
3 purpose of waiving student teaching as a condition for receiving a
4 continued employment authorization in the school district,
5 **INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY** and a
6 provisional teaching certificate.

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

9 Enacting section 2. This amendatory act does not take effect
10 unless Senate Bill No. ____ or House Bill No. 5142 (request no.
11 04154'17 a) of the 99th Legislature is enacted into law.