

HOUSE BILL No. 5145

October 19, 2017, Introduced by Reps. Alexander, Lucido, Victory, Kelly, Kahle, 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 1531, 1531j, and 1531k (MCL 380.1531, 380.1531j, and 380.1531k), section 1531 as amended by 2015 PA 159 and sections 1531j and 1531k as added by 2015 PA 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

8 (2) Except as otherwise provided in this act, the
9 superintendent of public instruction shall only issue a teaching

1 certificate to ~~a person~~ **AN INDIVIDUAL** who has passed appropriate
2 examinations as follows:

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

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

12 (3) Except as otherwise provided in this act, the
13 superintendent of public instruction shall issue a Michigan
14 teaching certificate to ~~a person~~ **AN INDIVIDUAL** holding a
15 certificate from another state or a teaching degree from an out-of-
16 state teacher preparation institution who applies for a Michigan
17 teaching certificate only if the ~~person~~ **INDIVIDUAL** passes
18 appropriate examinations as follows:

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

25 (b) For an elementary level teaching certificate, pass the
26 basic skills examination and, if it is available, the elementary
27 certification examination, and pass the appropriate available

1 subject area examination for each subject area, if any, in which he
2 or she applies to be certified. The superintendent of public
3 instruction may accept passage of an equivalent examination
4 approved by the superintendent of public instruction to meet 1 or
5 more of these requirements.

6 (4) Except as otherwise provided in this act, the
7 superintendent of public instruction shall only issue a teaching
8 certificate to ~~a person~~ **AN INDIVIDUAL** who has met the elementary or
9 secondary, as applicable, reading credit requirements established
10 under superintendent of public instruction rule. If ~~a person~~ **AN**
11 **INDIVIDUAL** holds a teaching certificate, then beginning July 1,
12 2009, notwithstanding any rule to the contrary, the superintendent
13 of public instruction shall not advance the ~~person's~~ **INDIVIDUAL'S**
14 certification to professional certification unless the ~~person~~
15 **INDIVIDUAL** has successfully completed at least a 3-credit course of
16 study with appropriate field experiences in the diagnosis and
17 remediation of reading disabilities and differentiated instruction.
18 To meet this requirement, the course of study should include the
19 following elements, as determined by the department to be
20 appropriate for the ~~person's~~ **INDIVIDUAL'S** certification level and
21 endorsements: interest inventories, English language learning
22 screening, visual and auditory discrimination tools, language
23 expression and processing screening, phonemics, phonics,
24 vocabulary, fluency, comprehension, spelling and writing assessment
25 tools, and instructional strategies. ~~A person~~ **AN INDIVIDUAL** may
26 complete the course of study either as part of his or her teacher
27 preparation program or during the first 6 years of his or her

1 employment in classroom teaching.

2 (5) Not later than January 11, 2002, the superintendent of
3 public instruction, in cooperation with appropriate curriculum
4 specialists and teacher educators, shall revise existing reading
5 standards to recognize reading disorders and to enable teachers to
6 make referrals for instruction and support for pupils with reading
7 disorders.

8 (6) Subject to subsection (8), if ~~a person~~ **AN INDIVIDUAL**
9 holding a teaching certificate from another state applies to the
10 superintendent of public instruction for a Michigan teaching
11 certificate and meets the requirements of this subsection, the
12 superintendent of public instruction shall issue to the ~~person~~
13 **INDIVIDUAL** a Michigan professional education teaching certificate
14 and applicable endorsements comparable to those the ~~person~~
15 **INDIVIDUAL** holds in the other state, without requiring the ~~person~~
16 **INDIVIDUAL** to pass a basic skills examination or the applicable
17 subject area examination otherwise required under subsection (2) or
18 (3). To be eligible to receive a Michigan professional education
19 teaching certificate under this subsection, ~~a person~~ **AN INDIVIDUAL**
20 shall provide evidence satisfactory to the department that he or
21 she meets all of the following requirements:

22 (a) Has taught successfully for at least 3 years in a position
23 for which the ~~person's~~ **INDIVIDUAL'S** teaching certification from the
24 other state was valid.

25 (b) Has earned, after his or her initial certification in
26 another state, at least 18 semester credit hours in a planned
27 course of study at an institution of higher education approved by

1 the superintendent of public instruction or has earned, at any
2 time, a master's or doctoral degree approved by the superintendent
3 of public instruction.

4 (c) Has met the elementary or secondary, as applicable,
5 reading credit requirement established under superintendent of
6 public instruction rule.

7 (7) ~~A person~~**AN INDIVIDUAL** who receives a teaching certificate
8 and endorsement or endorsements under subsection (6) is eligible to
9 receive 1 or more additional endorsements comparable to
10 endorsements the ~~person~~**INDIVIDUAL** holds in another state only if
11 the ~~person~~**INDIVIDUAL** passes the appropriate subject area
12 examinations required under subsection (2) or (3).

13 (8) The superintendent of public instruction shall deny a
14 Michigan teaching certificate to ~~a person~~**AN INDIVIDUAL** described
15 in subsection (6) for fraud, material misrepresentation, or
16 concealment in the ~~person's~~**INDIVIDUAL'S** application for a
17 certificate or for a conviction for which ~~a person's~~**AN**
18 **INDIVIDUAL'S** teaching certificate may be revoked under section
19 1535a.

20 (9) The department, based upon criteria recommended pursuant
21 to subsection (11), shall provide to approved teacher education
22 institutions guidelines and criteria approved by the superintendent
23 of public instruction for use in the development or selection of a
24 basic skills examination and approved guidelines and criteria for
25 use in the development or selection of subject area examinations.

26 (10) For the purposes of this section, the superintendent of
27 public instruction, based upon criteria recommended pursuant to

1 subsection (11), shall develop, select, or develop and select 1 or
2 more basic skills examinations and subject area examinations. In
3 addition, the superintendent of public instruction, based upon
4 criteria recommended pursuant to subsection (11), shall approve an
5 elementary certification examination and a reading subject area
6 examination. If the department develops for use under this
7 subsection an examination that had previously been contracted for
8 using a competitive bid process, then the department shall not
9 expend on the development of that examination an amount that
10 exceeds the amount that the department expended on procurement of
11 the most recent competitively-bid version of that examination.

12 (11) The superintendent of public instruction shall appoint an
13 11-member teacher examination advisory committee comprised of
14 representatives of approved teacher education institutions and
15 Michigan education organizations and associations. Not more than
16 1/2 of the members comprising this committee shall be certified
17 teachers. This committee shall recommend criteria to be used by the
18 superintendent of public instruction in the development, selection,
19 or development and selection of 1 or more basic skills
20 examinations, and criteria to be used by the superintendent of
21 public instruction in the development, selection, or development
22 and selection of subject area examinations. In addition, the
23 committee shall recommend guidelines for the use and administration
24 of those examinations. The basic skills examinations referred to in
25 this subsection may be developed by the superintendent of public
26 instruction or selected by the superintendent of public instruction
27 from commercially or university developed examinations. In

1 addition, an approved teacher education institution, pursuant to
2 guidelines and criteria described in subsection (9), may develop an
3 examination at its own expense for approval by the superintendent
4 of public instruction. An approved teacher education institution
5 that develops its own examination is liable for any litigation that
6 results from the use of its examination.

7 (12) The superintendent of public instruction shall appoint a
8 7-member standing technical advisory council comprised of ~~persons~~
9 **INDIVIDUALS** who are experts in measurement and assessment. This
10 council shall advise the superintendent of public instruction and
11 the teacher examination committee on the validity, reliability, and
12 other technical standards of the examinations that will be used or
13 are being used and of the administration and use of those
14 examinations.

15 (13) Not later than November 30 of each year, the
16 superintendent of public instruction shall submit in writing a
17 report on the development or selection and use of the basic skills
18 examination, the elementary certification examination, and the
19 subject area examinations to the house and senate education
20 committees. The report shall also contain a financial statement
21 regarding revenue received from the assessment of fees levied
22 pursuant to subsection (15) and the amount of and any purposes for
23 which that revenue was expended.

24 (14) The basic skills examination, the elementary
25 certification examination, and the subject area examinations
26 required by this section may be taken at different times during an
27 approved teacher preparation program, but the basic skills

1 examination must be passed before ~~a person~~ **AN INDIVIDUAL** is
2 enrolled for student teaching and the elementary certification
3 examination and the subject area examinations, as applicable, must
4 be passed before ~~a person~~ **AN INDIVIDUAL** is recommended for
5 certification.

6 (15) The department, or if approved by the superintendent of
7 public instruction, a private testing service, may assess fees for
8 taking the basic skills examination, elementary certification
9 examination, and the subject area examinations. The fees, which
10 shall be set by the superintendent of public instruction, shall not
11 exceed the actual cost of the examination and of administering the
12 examination. Fees received by the department shall be expended
13 solely for administrative expenses that it incurs in implementing
14 this section. If the superintendent of public instruction increases
15 a fee charged for an examination under this subsection, at least 1
16 year before implementing the fee increase, the department shall
17 notify each approved teacher education institution of the amount of
18 the fee increase. An approved teacher education institution shall
19 notify each of its affected students of the timing and amount of
20 such a fee increase.

21 (16) If ~~a person~~ **AN INDIVIDUAL** holding a teaching certificate
22 from another state applies for a Michigan teaching certificate and
23 meets all requirements for the Michigan teaching certificate except
24 passage of the appropriate examinations under subsection (3), the
25 superintendent of public instruction shall issue a nonrenewable
26 temporary teaching certificate, good for 1 year, to the ~~person~~.
27 **INDIVIDUAL**. The superintendent of public instruction shall not

1 issue a Michigan teaching certificate to the ~~person~~ **INDIVIDUAL**
2 after expiration of the temporary teaching certificate unless the
3 ~~person~~ **INDIVIDUAL** passes appropriate examinations as described in
4 subsection (3).

5 (17) As used in this section:

6 (a) "Basic skills examination" means an examination developed
7 or selected by the superintendent of public instruction or
8 developed pursuant to subsection (11) by an approved teacher
9 education institution for the purpose of demonstrating the
10 applicant's knowledge and understanding of basic language and
11 mathematical skills and other skills necessary for the certificate
12 sought, and for determining whether or not an applicant is eligible
13 for a provisional Michigan teaching certificate.

14 (b) "Elementary certification examination" means a
15 comprehensive examination for elementary certification that has
16 been developed or selected by the superintendent of public
17 instruction for demonstrating the applicant's knowledge and
18 understanding of the core subjects normally taught in elementary
19 classrooms and for determining whether or not an applicant is
20 eligible for an elementary level teaching certificate.

21 (c) "Subject area examination" means an examination related to
22 a specific area of certification, which examination has been
23 developed or selected by the superintendent of public instruction
24 for the purpose of demonstrating the applicant's knowledge and
25 understanding of the subject matter and determining whether or not
26 an applicant is eligible for a Michigan teaching certificate.

27 (18) The superintendent of public instruction shall promulgate

1 rules for the implementation of this section.

2 (19) Notwithstanding any rule to the contrary, the
 3 superintendent of public instruction shall continue to issue state
 4 elementary or secondary continuing education certificates pursuant
 5 to R 390.1132(1) of the Michigan ~~administrative code~~ **ADMINISTRATIVE**
 6 **CODE** to ~~persons~~ **INDIVIDUALS** who completed the requirements of that
 7 rule by December 31, 1992 and who apply for that certificate not
 8 later than March 15, 1994. If the superintendent of public
 9 instruction has issued a state elementary or secondary professional
 10 education certificate to a ~~person~~ **AN INDIVIDUAL** described in this
 11 section, the superintendent of public instruction shall consider
 12 the ~~person~~ **INDIVIDUAL** to have a state elementary or secondary, as
 13 applicable, continuing education certificate.

14 (20) NOT LATER THAN JULY 1, 2018, THE SUPERINTENDENT OF PUBLIC
 15 INSTRUCTION SHALL PROMULGATE RULES TO ALLOW AN INDIVIDUAL TO USE
 16 TIME SPENT ENGAGING WITH LOCAL EMPLOYERS OR TECHNICAL CENTERS
 17 TOWARD THE RENEWAL OF A TEACHING CERTIFICATE IN THE SAME MANNER AS
 18 STATE CONTINUING EDUCATION OR PROFESSIONAL DEVELOPMENT.

19 Sec. 1531j. (1) Notwithstanding any other provision of this
 20 act or a rule to the contrary, beginning July 1, 2018, the
 21 superintendent of public instruction shall not issue an initial
 22 professional teaching certificate to an individual unless the
 23 individual presents evidence satisfactory to the superintendent of
 24 public instruction demonstrating that he or she meets all of the
 25 following:

26 (a) The individual has successfully completed at least 3 full
 27 years of classroom teaching.

(b) The individual meets either of the following:

(i) Was rated as either effective or highly effective on his or her annual year-end performance evaluation under section 1249 for the 3 consecutive school years immediately preceding his or her application for the professional teaching certificate.

(ii) Was rated as either effective or highly effective on his or her annual year-end performance evaluation under section 1249 for at least 3 nonconsecutive school years before his or her application for the professional teaching certificate and submits a recommendation from the chief school administrator of the school at which he or she is currently employed that he or she be issued a professional teaching certificate.

(2) NOT LATER THAN JULY 1, 2018, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PROMULGATE RULES TO ALLOW AN INDIVIDUAL TO USE TIME SPENT ENGAGING WITH LOCAL EMPLOYERS OR TECHNICAL CENTERS TOWARD THE RENEWAL OF A PROFESSIONAL TEACHING CERTIFICATE IN THE SAME MANNER AS STATE CONTINUING EDUCATION OR PROFESSIONAL DEVELOPMENT.

Sec. 1531k. (1) Beginning on the effective date of this section, the superintendent of public instruction shall not issue an initial advanced professional education certificate to an individual, or renew an individual's advanced professional education certificate, unless the individual presents evidence satisfactory to the superintendent of public instruction demonstrating that he or she meets all of the following:

(a) Has been rated as highly effective on his or her annual year-end evaluation under section 1249 for 3 out of the 5 most

1 recent school years.

2 (b) Has not been rated ineffective on his or her annual year-
3 end evaluation under section 1249 within the 5 most recent school
4 years.

5 (c) Meets additional criteria established by the department.

6 **(2) NOT LATER THAN JULY 1, 2018, THE SUPERINTENDENT OF PUBLIC**
7 **INSTRUCTION SHALL PROMULGATE RULES TO ALLOW AN INDIVIDUAL TO USE**
8 **TIME SPENT ENGAGING WITH LOCAL EMPLOYERS OR TECHNICAL CENTERS**
9 **TOWARD THE RENEWAL OF AN ADVANCED PROFESSIONAL EDUCATION**
10 **CERTIFICATE IN THE SAME MANNER AS STATE CONTINUING EDUCATION OR**
11 **PROFESSIONAL DEVELOPMENT.**

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