

# HOUSE BILL No. 5747

March 22, 2018, Introduced by Reps. Reilly, Canfield, McCready, Webber, Graves, Tedder, Kesto and Iden 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, 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 added by 2009 PA 202.

**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  
7 school shall include all of the provisions required under section

1 553 and all of the following:

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

6 (i) Improving learning by planned instruction.

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

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

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

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

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

25 (4) Notwithstanding any rule to the contrary, a cyber school  
26 is not required to comply with any rule that would require a  
27 pupil's physical presence or attendance in a classroom.

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

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

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

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

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

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

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

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

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

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

24 (2) The board of a school district or intermediate school  
25 board of an intermediate school district shall not allow an  
26 individual to serve in a counseling role in the school district or  
27 intermediate school district, as the role is defined by the

1 superintendent of public instruction, unless the individual meets 1  
2 or more of the following:

3 (a) The individual holds a valid teaching certificate with a  
4 school counseling endorsement.

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

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

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

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

12 (C) Guidance information--vocational development theory,  
13 educational and occupational information.

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

17 (E) Supervised experiences--laboratory, practicum, or  
18 internship.

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

21 (ii) Has successfully completed the department's guidance  
22 counselor examination.

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

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

26 (i) Has at least 5 years of successful experience serving in a  
27 school counseling role in another state within the immediately

1 preceding 7-year period.

2 (ii) Has successfully completed the department's guidance  
3 counselor examination.

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

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

18 (5) All vocational education teachers certified after June 1,  
19 1995 shall pass a competency test.

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

24 (7) Beginning ~~2 years after the effective date of the~~  
25 ~~amendatory act that added this subsection,~~ **FEBRUARY 6, 2020**, the  
26 department shall not renew an individual's school counselor  
27 credential unless the department determines that, within the time

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

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

26 (9) The department shall approve the professional development  
27 for the purposes of subsection (7). The department shall only

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

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

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

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

1 (A) BOTH OF THE FOLLOWING:

2 (i) POSSESSES AN EARNED DOCTORAL DEGREE FROM AN ACCREDITED  
3 POSTSECONDARY INSTITUTION.

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

8 (B) ALL OF THE FOLLOWING:

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

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

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

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

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

26 (D) HOLDS A CURRENT TEACHING CERTIFICATE OR LICENSE ISSUED BY  
27 A DEPARTMENT, BOARD, OR AUTHORITY IN ANOTHER STATE OF THE UNITED

1 **STATES OR THE DISTRICT OF COLUMBIA.**

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

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

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

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

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

26 **(ii)** ~~(b)~~ The noncertificated, nonendorsed teacher has a  
 27 planned program leading to teacher certification on file with the

1 employing school district, ~~or~~ intermediate school district, **OR**  
2 **PUBLIC SCHOOL ACADEMY**, his or her teacher preparation institution,  
3 and the department. ~~of education.~~

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

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

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

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

27 Sec. 1531i. (1) The superintendent of public instruction shall

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

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

12 (a) Is a participant in an alternative teaching program that  
13 is approved by the superintendent of public instruction. To be  
14 approved, a program provider shall demonstrate to the satisfaction  
15 of the superintendent of public instruction that it meets all of  
16 the following:

17 (i) Provides for its participants an intensive training  
18 program in teaching that is determined by the superintendent of  
19 public instruction to constitute the equivalent of at least 12  
20 college credit hours and that includes training in at least all of  
21 the following subject areas:

22 (A) Child development or child psychology.

23 (B) Family and community relationships.

24 (C) Diverse learners.

25 (D) Instructional strategies.

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

27 (ii) Has a proven record of producing successful teachers in 1

1 or more other states or is modeled after a program that has a  
2 proven record of producing successful teachers in 1 or more other  
3 states.

4 (iii) Accepts for participation only persons who meet the  
5 requirements of subdivision (b).

6 (b) Holds a bachelor's, master's, doctorate, or professional  
7 degree from a regionally accredited college or university with a  
8 grade point average of at least 3.0 on a 4.0 scale or the  
9 equivalent on another scale, as determined by the superintendent of  
10 public instruction.

11 (c) Passes both the ~~basic skills~~ **PROFESSIONAL READINESS**  
12 examination and the appropriate available subject area examination  
13 for each subject area in which he or she applies to be certified.

14 **(3) THE PROCESS ESTABLISHED UNDER SUBSECTION (1) SHALL PROVIDE**  
15 **THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION WILL GRANT AN INTERIM**  
16 **TEACHING CERTIFICATE TO A TEACHER WHO HAS TAUGHT UNDER SECTION**  
17 **1233B FOR 3 YEARS.**

18 **(4)** ~~(3)~~—A person earning a provisional certificate under this  
19 section will be subject to provisions of administrative rules  
20 governing teachers, as established by the superintendent of public  
21 instruction.

22 **(5)** ~~(4)~~—A person who possesses an interim teaching certificate  
23 under this section may be employed to teach in a public school in  
24 the same manner as a person holding a Michigan teaching certificate  
25 issued under section 1531 if all of the following requirements are  
26 met:

27 (a) While the person is teaching under an interim teaching

1 certificate, the school district or public school academy in which  
2 the person is teaching provides intensive observation and coaching  
3 in a manner and to the extent prescribed by the superintendent of  
4 public instruction.

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

9 **(6)** ~~(5)~~—The superintendent of public instruction shall develop  
10 standards for granting a person a Michigan teaching certificate  
11 issued under section 1531 after the person has demonstrated  
12 satisfactory teaching performance for 3 years under an interim  
13 teaching certificate and has met the requirements established by  
14 the superintendent of public instruction for a Michigan teaching  
15 certificate.

16 **(7)** ~~(6)~~—The superintendent of public instruction shall  
17 promulgate rules that he or she considers necessary to implement  
18 this section.

19 **(8)** ~~(7)~~—As used in this section, "~~basic skills examination~~",  
20 "elementary certification examination" ~~,~~ and "subject area  
21 examination" mean those terms as defined in section 1531.

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

24 Enacting section 2. This amendatory act does not take effect  
25 unless Senate Bill No. \_\_\_\_ or House Bill No. 5748 (request no.  
26 03081'17 a) of the 99th Legislature is enacted into law.