

Act No. 235
Public Acts of 2018
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**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. Kahle, Lucido, Victory, Kelly, Frederick, Kosowski, Hughes, Leutheuser, Allor and Hauck

ENROLLED HOUSE BILL No. 5141

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 553a, 1231, 1233, 1233b, 1249, and 1531 (MCL 380.553a, 380.1231, 380.1233, 380.1233b, 380.1249, and 380.1531), 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, section 1249 as amended by 2016 PA 170, and section 1531 as amended by 2015 PA 159.

The People of the State of Michigan enact:

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

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

(a) A requirement that a teacher who holds appropriate certification according to state board rule or who is engaged to teach under section 1233b will be responsible for all of the following for each course in which a pupil is enrolled:

- (i) Improving learning by planned instruction.
- (ii) Diagnosing the pupil's learning needs.
- (iii) Assessing learning, assigning grades, and determining advancement.
- (iv) Reporting outcomes to administrators and parents or legal guardians.

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

(3) Notwithstanding any other provision of this act or any rule, if a school of excellence that is a cyber school is in compliance with the requirements of subsection (2)(a) regarding a certificated teacher or a teacher engaged to teach under section 1233b, any other adult assisting with the oversight of a pupil during the pupil's participation in the cyber school's education program is not required to be a certificated teacher, a teacher engaged to teach under section 1233b, or an employee of the school.

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

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

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

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

(3) Except as otherwise provided under this act, a contract with a teacher is not valid unless the individual holds a valid teaching certificate or is engaged to teach under section 1233b at the time the contractual period begins or the individual is engaged to teach in a community district under section 1233c. A contract shall terminate if the certificate expires by limitation and is not renewed immediately or if it is suspended or revoked by proper legal authority.

(4) The board of a school district, after a teacher has been employed at least 2 consecutive years by the board, may enter into a continuing contract with a certificated teacher or a teacher engaged to teach under section 1233b or, for a community district, with an individual engaged to teach in a community district under section 1233c.

(5) The board of a school district that is a community district may employ or contract for, or both, qualified teachers and other qualified instructional personnel at a public school that formerly operated as an achievement school as necessary to carry out the purposes of the community district.

(6) As used in this section:

(a) "Achievement school" means a public school formerly within the education achievement system that was operated, managed, authorized, established, or overseen by the achievement authority.

(b) "Teacher" does not include a substitute teacher.

Sec. 1233. (1) Except as otherwise provided by law, and subject to sections 1233b and 1233c, the board of a school district or intermediate school district shall not permit a teacher who does not hold a valid teaching certificate to teach in a grade or department of the school.

(2) The board of a school district or intermediate school district shall not allow an individual to serve in a counseling role in the school district or intermediate school district, as the role is defined by the superintendent of public instruction, unless the individual meets 1 or more of the following:

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

(b) The individual meets all of the following:

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

(A) Guidance services—philosophy, principles, and practices.

(B) Individual and group analysis—nature and range of human characteristics and appraisal methods.

(C) Guidance information—vocational development theory, educational and occupational information.

(D) Counseling theory and practice—individual and group procedures, administration and coordination relationships, professional relationships, and ethics.

(E) Supervised experiences—laboratory, practicum, or internship.

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

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

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

(c) The individual meets both of the following:

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

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

(3) Except for teachers engaged to teach under section 1233b and teachers engaged to teach in a community district under section 1233c, the intermediate superintendent shall notify the superintendent of public instruction immediately of the names of noncertificated teachers teaching in violation of subsection (1) and the names of individuals serving in counseling roles in violation of subsection (2), the employing district, and the amount of time the noncertificated teachers or unqualified individuals were employed.

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

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

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

(7) Beginning February 6, 2020, the department shall not renew an individual's school counselor credential unless the department determines that, within the time period since the individual's school counselor credential was issued or last renewed, whichever is most recent, the individual has completed at least 25 hours of professional development approved by the department under subsection (9) covering counseling about the college preparation and selection process and at least 25 hours of professional development approved by the department under subsection (9) covering career counseling. For the purposes of this subsection, career counseling includes, but is not limited to, exploration of military career options and the skilled trades as well as other careers and pathways that lead to industry credentials awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to obtain employment or advance within an occupation. The hours of professional development required under this subsection covering career counseling shall include at least 5 hours covering military career options. The hours of professional development required under this subsection are a part of and not in addition to professional development requirements under department rule.

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

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

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

Sec. 1233b. (1) Subject to subsection (2) and except as provided in subsection (3), the board of a 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 an industrial technology education program or a career and technical education program.

(2) Subject to subsections (3) and (6), a noncertificated, nonendorsed teacher is qualified to teach under this section if he or she meets at least 1 of the following minimum requirements:

(a) All of the following:

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

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

(iii) If the teacher desires to teach for more than 1 year, has passed a subject area examination, if a subject area examination exists, in the field of specialization in which he or she will teach.

(iv) Except in the case of 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 a course in an industrial technology education program or 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 all 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) For teaching in a subject matter or field in which a professional license or certification is required, at least 1 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 noncertificated, nonendorsed teacher's initial employment under this section and was in good standing immediately before the license or certification expired.

(iii) Has at least 2 cumulative years of professional experience in that same subject matter or field in the immediately preceding 10 years.

(3) The requirements listed in subsection (2) for a teacher engaged to teach under this section shall be in addition to any other requirements established by the board of a school district or intermediate school district or board of directors of a public school academy, as applicable.

(4) Except as provided in subsection (5), the board of a school district or intermediate school district or board of directors of a public school academy shall not engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course described in subsection (1) if the district or public school academy is able to engage a certificated, endorsed teacher.

(5) Subject to subsection (6), if the board of a school district or intermediate school district or board of directors of a public school academy is able to engage a certificated, endorsed teacher to teach a course described in subsection (1), the board or board of directors may employ or continue to employ a noncertificated, nonendorsed teacher to teach the course if the noncertificated, nonendorsed teacher meets at least 1 of the following:

(a) Both of the following:

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

(ii) The noncertificated, nonendorsed teacher has a planned program leading to teacher certification on file with the employing school district or intermediate school district or public school academy, his or her teacher preparation institution, and the department.

(b) Is engaged to teach in an industrial technology education program or a career and technical education program and meets the requirements under subsection (2)(b).

(6) The board of a school district or intermediate school district or board of directors of a public school academy may employ a noncertificated, nonendorsed teacher who meets the requirements of subsection (2)(b) to teach in an industrial technology education program or a career and technical education program for up to 10 years. The superintendent of public instruction may permit the board or board of directors to employ the teacher for more than 10 years.

(7) If the noncertificated, nonendorsed teacher completes 3 years of successful classroom teaching, as determined by regular observation and review by school district, intermediate school district, or public school academy personnel and teacher preparation institution personnel, the department and a teacher preparation institution shall utilize the teaching experience of a noncertificated, nonendorsed teacher for the purpose of waiving student teaching as a condition for receiving a continued employment authorization in the school district, intermediate school district, or public school academy and a provisional teaching certificate.

(8) An individual engaged to teach under this section is subject to the requirements of sections 1526 and 1527.

Sec. 1249. (1) Subject to subsection (4), with the involvement of teachers and school administrators, the board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement for all teachers and school administrators a rigorous, transparent, and fair performance evaluation system that does all of the following:

(a) Evaluates the teacher's or school administrator's job performance at least annually while providing timely and constructive feedback.

(b) Establishes clear approaches to measuring student growth and provides teachers and school administrators with relevant data on student growth.

(c) Evaluates a teacher's or school administrator's job performance, using multiple rating categories that take into account student growth and assessment data. Student growth must be measured using multiple measures that may include student learning objectives, achievement of individualized education program goals, nationally normed or locally developed assessments that are aligned to state standards, research-based growth measures, or alternative assessments that are rigorous and comparable across schools within the school district, intermediate school district, or public school academy. If the performance evaluation system implemented by a school district, intermediate school district, or public school academy under this section does not already include the rating of teachers as highly effective, effective, minimally effective, and ineffective, then the school district, intermediate school district, or public school academy shall revise the performance evaluation system not later than September 19, 2011 to ensure that it rates teachers as highly effective, effective, minimally effective, or ineffective.

(d) Uses the evaluations, at a minimum, to inform decisions regarding all of the following:

(i) The effectiveness of teachers and school administrators, ensuring that they are given ample opportunities for improvement.

(ii) Promotion, retention, and development of teachers and school administrators, including providing relevant coaching, instruction support, or professional development.

(iii) Whether to grant tenure or full certification, or both, to teachers and school administrators using rigorous standards and streamlined, transparent, and fair procedures.

(iv) Removing ineffective tenured and untenured teachers and school administrators after they have had ample opportunities to improve, and ensuring that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures.

(2) The board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the performance evaluation system for teachers meets all of the following:

(a) The performance evaluation system shall include at least an annual year-end evaluation for all teachers. Beginning with the 2015-2016 school year, an annual year-end evaluation shall meet all of the following:

(i) For the 2015-2016, 2016-2017, and 2017-2018 school years, 25% of the annual year-end evaluation shall be based on student growth and assessment data. Beginning with the 2018-2019 school year, 40% of the annual year-end evaluation shall be based on student growth and assessment data.

(ii) Beginning with the 2018-2019 school year, for core content areas in grades and subjects in which state assessments are administered, 50% of student growth must be measured using the state assessments, and the portion of student growth not measured using state assessments must be measured using multiple research-based growth measures or alternative assessments that are rigorous and comparable across schools within the school district, intermediate school district, or public school academy. Student growth also may be measured by student learning objectives or nationally normed or locally adopted assessments that are aligned to state standards, or based on achievement of individualized education program goals.

(iii) Beginning with the 2016-2017 school year, the portion of a teacher's annual year-end evaluation that is not based on student growth and assessment data, as described under subparagraph (i), shall be based primarily on a teacher's performance as measured by the evaluation tool developed or adopted by the school district, intermediate school district, or public school academy under subdivision (f).

(iv) The portion of a teacher's evaluation that is not measured using student growth and assessment data, as described under subparagraph (i), or using the evaluation tool developed or adopted by the school district, intermediate school district, or public school academy, as described under subparagraph (iii), shall incorporate criteria enumerated in section 1248(1)(b)(i) to (iii) that are not otherwise evaluated under subparagraph (i) or (iii).

(b) If there are student growth and assessment data available for a teacher for at least 3 school years, the annual year-end evaluation shall be based on the student growth and assessment data for the most recent 3-consecutive-school-year period. If there are not student growth and assessment data available for a teacher for at least 3 school years, the annual year-end evaluation shall be based on all student growth and assessment data that are available for the teacher.

(c) The annual year-end evaluation shall include specific performance goals that will assist in improving effectiveness for the next school year and are developed by the school administrator or his or her designee conducting the evaluation, in consultation with the teacher, and any recommended training identified by the school administrator or designee, in consultation with the teacher, that would assist the teacher in meeting these goals. For a teacher described in subdivision (d), the school administrator or designee shall develop, in consultation with the teacher, an individualized development plan that includes these goals and training and is designed to assist the teacher to improve his or her effectiveness.

(d) The performance evaluation system shall include a midyear progress report for a teacher who is in the first year of the probationary period prescribed by section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, or who received a rating of minimally effective or ineffective in his or her most recent annual year-end evaluation. The midyear progress report shall be used as a supplemental tool to gauge a teacher's improvement from the preceding school year and to assist a teacher to improve. All of the following apply to the midyear progress report:

(i) The midyear progress report shall be based at least in part on student achievement.

(ii) The midyear progress report shall be aligned with the teacher's individualized development plan under subdivision (c).

(iii) The midyear progress report shall include specific performance goals for the remainder of the school year that are developed by the school administrator conducting the annual year-end evaluation or his or her designee and any recommended training identified by the school administrator or designee that would assist the teacher in meeting these goals. At the midyear progress report, the school administrator or designee shall develop, in consultation with the teacher, a written improvement plan that includes these goals and training and is designed to assist the teacher to improve his or her rating.

(iv) The midyear progress report shall not take the place of an annual year-end evaluation.

(e) The performance evaluation system shall include classroom observations to assist in the performance evaluations. All of the following apply to these classroom observations:

(i) A classroom observation shall include a review of the teacher's lesson plan and the state curriculum standard being used in the lesson and a review of pupil engagement in the lesson.

(ii) A classroom observation does not have to be for an entire class period.

(iii) Unless a teacher has received a rating of effective or highly effective on his or her 2 most recent annual year-end evaluations, there shall be at least 2 classroom observations of the teacher each school year. Beginning with the 2016-2017 school year, at least 1 observation must be unscheduled.

(iv) Beginning with the 2016-2017 school year, the school administrator responsible for the teacher's performance evaluation shall conduct at least 1 of the observations. Other observations may be conducted by other observers who are trained in the use of the evaluation tool that is used under subdivision (f). These other observers may be teacher leaders.

(v) Beginning with the 2016-2017 school year, a school district, intermediate school district, or public school academy shall ensure that, within 30 days after each observation, the teacher is provided with feedback from the observation.

(f) For the purposes of conducting annual year-end evaluations under the performance evaluation system, by the beginning of the 2016-2017 school year, the school district, intermediate school district, or public school academy shall adopt and implement 1 or more of the evaluation tools for teachers that are included on the list under subsection (5). However, if a school district, intermediate school district, or public school academy has 1 or more local evaluation tools for teachers or modifications of an evaluation tool on the list under subsection (5), and the school district, intermediate school district, or public school academy complies with subsection (3), the school district, intermediate school district, or public school academy may conduct annual year-end evaluations for teachers using 1 or more local evaluation tools or modifications. The evaluation tools shall be used consistently among the schools operated by a school district, intermediate school district, or public school academy so that all similarly situated teachers are evaluated using the same evaluation tool.

(g) The performance evaluation system shall assign an effectiveness rating to each teacher of highly effective, effective, minimally effective, or ineffective, based on his or her score on the annual year-end evaluation described in this subsection.

(h) As part of the performance evaluation system, and in addition to the requirements of section 1526, a school district, intermediate school district, or public school academy is encouraged to assign a mentor or coach to each teacher who is described in subdivision (d).

(i) The performance evaluation system may allow for exemption of student growth data for a particular pupil for a school year upon the recommendation of the school administrator conducting the annual year-end evaluation or his or her designee and approval of the school district superintendent or his or her designee, intermediate superintendent or his or her designee, or chief administrator of the public school academy, as applicable.

(j) The performance evaluation system shall provide that, if a teacher is rated as ineffective on 3 consecutive annual year-end evaluations, the school district, public school academy, or intermediate school district shall dismiss the teacher from his or her employment. This subdivision does not affect the ability of a school district, intermediate school district, or public school academy to dismiss a teacher from his or her employment regardless of whether the teacher is rated as ineffective on 3 consecutive annual year-end evaluations.

(k) The performance evaluation system shall provide that, if a teacher is rated as highly effective on 3 consecutive annual year-end evaluations, the school district, intermediate school district, or public school academy may choose to conduct a year-end evaluation biennially instead of annually. However, if a teacher is not rated as highly effective on 1 of these biennial year-end evaluations, the teacher shall again be provided with annual year-end evaluations.

(l) The performance evaluation system shall provide that, if a teacher who is not in a probationary period prescribed by section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated as ineffective on an annual year-end evaluation, the teacher may request a review of the evaluation and the rating by the school district superintendent, intermediate superintendent, or chief administrator of the public school academy, as applicable. The request for a review must be submitted in writing within 20 days after the teacher is informed of the rating. Upon receipt of the request, the school

district superintendent, intermediate superintendent, or chief administrator of the public school academy, as applicable, shall review the evaluation and rating and may make any modifications as appropriate based on his or her review. However, the performance evaluation system shall not allow for a review as described in this subdivision more than twice in a 3-school-year period.

(m) Beginning with the 2016-2017 school year, the school district, intermediate school district, or public school academy shall provide training to teachers on the evaluation tool or tools used by the school district, intermediate school district, or public school academy in its performance evaluation system and on how each evaluation tool is used. This training may be provided by a school district, intermediate school district, or public school academy, or by a consortium consisting of 2 or more of these.

(n) Beginning with the 2016-2017 school year, a school district, intermediate school district, or public school academy shall ensure that training is provided to all evaluators and observers. The training shall be provided by an individual who has expertise in the evaluation tool or tools used by the school district, intermediate school district, or public school academy, which may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. This subdivision does not prohibit a school district, intermediate school district, public school academy, or consortium consisting of 2 or more of these, from providing the training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

(3) Beginning with the 2016-2017 school year, a school district, intermediate school district, or public school academy shall post on its public website all of the following information about the evaluation tool or tools it uses for its performance evaluation system for teachers:

(a) The research base for the evaluation framework, instrument, and process or, if the school district, intermediate school district, or public school academy adapts or modifies an evaluation tool from the list under subsection (5), the research base for the listed evaluation tool and an assurance that the adaptations or modifications do not compromise the validity of that research base.

(b) The identity and qualifications of the author or authors or, if the school district, intermediate school district, or public school academy adapts or modifies an evaluation tool from the list under subsection (5), the identity and qualifications of a person with expertise in teacher evaluations who has reviewed the adapted or modified evaluation tool.

(c) Either evidence of reliability, validity, and efficacy or a plan for developing that evidence or, if the school district, intermediate school district, or public school academy adapts or modifies an evaluation tool from the list under subsection (5), an assurance that the adaptations or modifications do not compromise the reliability, validity, or efficacy of the evaluation tool or the evaluation process.

(d) The evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators.

(e) A description of the processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans.

(f) A description of the plan for providing evaluators and observers with training.

(4) If a collective bargaining agreement was in effect for teachers or school administrators of a school district, public school academy, or intermediate school district as of July 19, 2011, if that same collective bargaining agreement is still in effect as of November 5, 2015, and if that collective bargaining agreement prevents compliance with subsection (1), then subsection (1) does not apply to that school district, public school academy, or intermediate school district until after the expiration of that collective bargaining agreement.

(5) The department shall establish and maintain a list of teacher evaluation tools that have demonstrated evidence of efficacy and that may be used for the purposes of this section. That list initially shall include at least the evaluation models recommended in the final recommendations released by the Michigan council on educator effectiveness in July 2013. The list shall include a statement indicating that school districts, intermediate school districts, and public school academies are not limited to only using the evaluation tools that are included on the list. A school district, intermediate school district, or public school academy is not required to use an evaluation tool for teacher evaluations that is the same as it uses for school administrator evaluations or that has the same author or authors as the evaluation tool it uses for school administrator evaluations. The department shall promulgate rules establishing standards and procedures for adding an evaluation tool to or removing an evaluation tool from the list. These rules shall include a process for a school district, intermediate school district, or public school academy to submit its own evaluation tool for review for placement on the list.

(6) The training required under subsection (2) shall be paid for from the funds available in the educator evaluation reserve fund created under section 95a of the state school aid act, MCL 388.1695a.

(7) This section does not affect the operation or applicability of section 1248.

(8) As used in this section, “teacher” means an individual who has a valid Michigan teaching certificate or authorization or who is engaged to teach under section 1233b; who is employed, or contracted for, by a school district, intermediate

school district, or public school academy; and who is assigned by the school district, intermediate school district, or public school academy to deliver direct instruction to pupils in any of grades K to 12 as a teacher of record.

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

(2) Except as otherwise provided in this act, the superintendent of public instruction shall only issue a teaching certificate to an individual who has passed appropriate examinations as follows:

(a) For a secondary level teaching certificate, has passed the appropriate available subject area examination for each subject area in which he or she applies to be certified.

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

(3) Except as otherwise provided in this act, the superintendent of public instruction shall issue a Michigan teaching certificate to an individual holding a certificate from another state or a teaching degree from an out-of-state teacher preparation institution who applies for a Michigan teaching certificate only if the individual passes appropriate examinations as follows:

(a) For a secondary level teaching certificate, pass the appropriate available subject area examination for each subject area in which he or she applies to be certified. The superintendent of public instruction may accept passage of an equivalent examination approved by the superintendent of public instruction to meet this requirement.

(b) For an elementary level teaching certificate, pass, if it is available, the elementary certification examination, and pass the appropriate available subject area examination for each subject area, if any, in which he or she applies to be certified. The superintendent of public instruction may accept passage of an equivalent examination approved by the superintendent of public instruction to meet 1 or both of these requirements.

(4) Except as otherwise provided in this act, the superintendent of public instruction shall only issue a teaching certificate to an individual who has met the elementary or secondary, as applicable, reading credit requirements established under superintendent of public instruction rule. If an individual holds a teaching certificate, then beginning July 1, 2009, notwithstanding any rule to the contrary, the superintendent of public instruction shall not advance the individual's certification to professional certification unless the individual has successfully completed at least a 3-credit course of study with appropriate field experiences in the diagnosis and remediation of reading disabilities and differentiated instruction. To meet this requirement, the course of study should include the following elements, as determined by the department to be appropriate for the individual's certification level and endorsements: interest inventories, English language learning screening, visual and auditory discrimination tools, language expression and processing screening, phonemics, phonics, vocabulary, fluency, comprehension, spelling and writing assessment tools, and instructional strategies. An individual may complete the course of study either as part of his or her teacher preparation program or during the first 6 years of his or her employment in classroom teaching.

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

(6) Subject to subsection (8), if an individual holding a teaching certificate from another state applies to the superintendent of public instruction for a Michigan teaching certificate and meets the requirements of this subsection, the superintendent of public instruction shall issue to the individual a Michigan professional education teaching certificate and applicable endorsements comparable to those the individual holds in the other state, without requiring the individual to pass the applicable subject area examination otherwise required under subsection (2) or (3). To be eligible to receive a Michigan professional education teaching certificate under this subsection, an individual shall provide evidence satisfactory to the department that he or she meets all of the following requirements:

(a) Has taught successfully for at least 3 years in a position for which the individual's teaching certification from the other state was valid.

(b) Has earned, after his or her initial certification in another state, at least 18 semester credit hours in a planned course of study at an institution of higher education approved by the superintendent of public instruction or has earned, at any time, a master's or doctoral degree approved by the superintendent of public instruction.

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

(7) An individual who receives a teaching certificate and endorsement or endorsements under subsection (6) is eligible to receive 1 or more additional endorsements comparable to endorsements the individual holds in another state only if the individual passes the appropriate subject area examinations required under subsection (2) or (3).

(8) The superintendent of public instruction shall deny a Michigan teaching certificate to an individual described in subsection (6) for fraud, material misrepresentation, or concealment in the individual's application for a certificate or for a conviction for which an individual's teaching certificate may be revoked under section 1535a.

(9) The department, based upon criteria recommended under subsection (11), shall provide to approved teacher education institutions approved guidelines and criteria for use in the development or selection of subject area examinations.

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

(11) The superintendent of public instruction shall appoint an 11-member teacher examination advisory committee composed of representatives of approved teacher education institutions and Michigan education organizations and associations. Not more than 1/2 of the members comprising this committee shall be certified teachers. This committee shall recommend criteria to be used by the superintendent of public instruction in the development, selection, or development and selection of subject area examinations. In addition, the committee shall recommend guidelines for the use and administration of those examinations.

(12) The superintendent of public instruction shall appoint a 7-member standing technical advisory council composed of individuals who are experts in measurement and assessment. This council shall advise the superintendent of public instruction and the teacher examination committee on the validity, reliability, and other technical standards of the examinations that will be used or are being used and of the administration and use of those examinations.

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

(14) The elementary certification examination and the subject area examinations required by this section may be taken at different times during an approved teacher preparation program, but the elementary certification examination and the subject area examinations, as applicable, must be passed before an individual is recommended for certification.

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

(16) If an individual holding a teaching certificate from another state applies for a Michigan teaching certificate and meets all requirements for the Michigan teaching certificate except passage of the appropriate examinations under subsection (3), the superintendent of public instruction shall issue a nonrenewable temporary teaching certificate, good for 1 year, to the individual. The superintendent of public instruction shall not issue a Michigan teaching certificate to the individual after expiration of the temporary teaching certificate unless the individual passes appropriate examinations as described in subsection (3).

(17) As used in this section:

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

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

(18) The superintendent of public instruction shall promulgate rules for the implementation of this section.

(19) Notwithstanding any rule to the contrary, the superintendent of public instruction shall continue to issue state elementary or secondary continuing education certificates under R 390.1132(1) of the Michigan Administrative Code to individuals who completed the requirements of that rule by December 31, 1992 and who apply for that certificate not

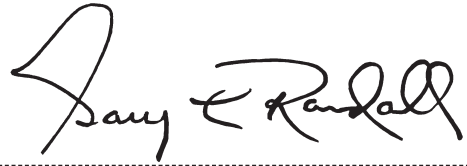
later than March 15, 1994. If the superintendent of public instruction has issued a state elementary or secondary professional education certificate to an individual described in this section, the superintendent of public instruction shall consider the individual to have a state elementary or secondary, as applicable, continuing education certificate.

(20) Not later than January 1, 2019, the superintendent of public instruction, in consultation with the department of talent and economic development and groups or individuals representing employers, economic development agencies, trade unions, secondary school principals, middle and elementary school principals, teachers, school district and intermediate school district superintendents, and others as determined appropriate by the department, shall promulgate rules to allow 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.

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

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5142 of the 99th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor