

Legislative Analysis



SUBSTITUTE TEACHING QUALIFICATIONS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4549 (H-1) as reported from committee
Sponsor: Rep. Nate Shannon
Committee: Education
Complete to 1-9-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4549 would amend the Revised School Code to retroactively allow certain individuals to have served as substitute teachers and to provide new standards under which individuals may serve as substitute teachers beginning a day after the bill takes effect.

With some exceptions, the Revised School Code requires all schools to ensure that an individual holds a valid teaching certificate in order to be employed in a teaching role. However, noncertificated individuals can be employed as substitute teachers if they have an associate degree or at least 60 semester hours of college credit from a college, university, or community college. Individuals with other qualifying experience and credentials can be employed as substitute teachers in an industrial technology education program or a career and technical education program.

Through June 30, 2022, the bill would allow an individual who was already employed by a district or an intermediate school district (ISD) to be placed as a substitute teacher by that district or ISD if the individual had a high school diploma and the district or ISD paid them at least their existing salary or the salary of a substitute teacher, whichever was higher. An employee who declined assignment as a substitute teacher could not be fired, reassigned, or retaliated against solely for that reason.¹

The bill would retroactively extend the ability of districts and ISDs to use current employees as substitute teachers, as described above, from July 1, 2022, through the bill's effective date.

Beginning one day after that date, and lasting through June 30, 2025, a district or ISD could employ an individual with an appropriate teaching certificate or permit (as determined by the superintendent of public instruction) as a substitute teacher if the individual has a high school diploma or high school equivalency certificate. (Requirements for issuance of substitute teacher permits are set by the Michigan Department of Education (MDE) in the administrative code.²) Substitute teachers also would have to be at least 21 years of age, unless they are enrolled in and supervised through participation in an educator preparation program approved by MDE.

An individual could not be placed in a special education program or be responsible for delivering special education programs and services under the above provisions unless they met education requirements for teaching special education under other state laws and federal laws, such as having a bachelor's degree sufficient for teaching special education under those laws.

¹ See <https://www.legislature.mi.gov/documents/2021-2022/billanalysis/House/pdf/2021-HLA-4294-2A8853CD.pdf>

² See https://www.michigan.gov/-/media/Project/Websites/mde/educator_services/rules/teacher_cert_code.pdf

An individual employed as a substitute teacher under the above provisions who is employed by or works at the district or ISD would have to be paid at least their existing salary or the salary of a substitute teacher, whichever is higher.

An individual who declines employment or assignment as a substitute teacher could not be fired, reassigned, or retaliated against solely for that reason.

The board would have to ensure that an individual who is serving as a substitute teacher under the above provisions does not serve in the same substitute teaching assignment for longer than 10 consecutive days.

Finally, the conditional criminal history check procedures described in sections 1230(2) and 1230a(2) of the code would not apply to individuals employed as a substitute teacher under the above provisions, although their employment would be subject to the other requirements of sections 1230 and 1230a.³

MCL 380.1233

BACKGROUND:

Under the Revised School Code, an individual must hold a valid teaching certificate and endorsements related to the grades and subjects taught, as applicable to their teaching assignment. If an individual with a valid and appropriate certificate and related endorsements to teach a certain grade or subject is not available, the school must utilize an individual working under a substitute permit or alternate authorization, as laid out in statute and the administrative code.

There are different types of permits that may be used in the absence of an appropriately certificated teacher, depending on the duration of assignment and qualifications of the individual who would be working under the permit. These range from daily substitute permits, for intermittent assignments when a properly certified teacher is temporarily unavailable, to full-year permits.

The bill would not change the current requirements for issuance of these substitute permits, but, rather, would allow for a new pathway to work as a substitute teacher. The department could create an additional permit type, or revise the issuance requirements for an existing type, to facilitate implementation of the bill. Permits are not held by the substitute teacher directly but are applied for by the district or public school academy (PSA, or charter school) where that individual would be working.

FISCAL IMPACT:

A district, ISD, or PSA that employed a substitute teacher under section 1233(10) of the Revised School Code after that provision's sunset date of June 30, 2022, would no longer be required to have an amount deducted from their state aid in relation to the time period the

³ The provisions that would not apply describe conditions under which an individual can be allowed to work in schools on a conditional basis, pending the completion of a criminal history check. See <http://legislature.mi.gov/doc.aspx?mcl-380-1230> and <http://legislature.mi.gov/doc.aspx?mcl-380-1230a>

individual was in violation. Under section 163 of the State School Aid Act, a district, ISD, or PSA that employs an individual in violation of section 1233 of the Revised School Code must have deducted an amount equal to 50% of the amount paid to the individual in violation before the expiration of a 10-day period given by MDE after notification of the violation, and 100% of the amount paid after the expiration of the 10-day period. This amount may be lessened if the state superintendent finds that the district, ISD, or PSA was hindered in its ability to obtain a qualifying substitute credential.

POSITIONS:

The Michigan Department of Education testified in support of the bill. (5-16-23)

The following entities indicated support for the bill (5-16-23):

- Michigan Association of Superintendents and School Administrators
- Michigan Charter School Association
- Education Advocates of West Michigan

Legislative Analyst: Josh Roesner
Fiscal Analysts: Noel Benson
Jacqueline Mullen

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.