

# Legislative Analysis



## SUBSTITUTE TEACHING QUALIFICATIONS

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**House Bill 4549 as introduced**  
**Sponsor: Rep. Nate Shannon**  
**Committee: Education**  
**Revised 5-22-23**

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

### SUMMARY:

House Bill 4549 would amend the Revised School Code to retroactively allow certain individuals to serve 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 individuals hold a valid teaching certificate 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, and 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.

In addition, through June 30, 2022, an individual who was already employed by a district or an intermediate school district (ISD) could be placed as a substitute teacher by that district or ISD if they 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.<sup>1</sup>

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.

Substitute teachers subbing in grades 9 to 12 would additionally 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 the Michigan Department of Education (MDE).

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.

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

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

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.<sup>2</sup>

MCL 380.1233

## **BACKGROUND:**

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

There are different types of permits that may be used, 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 teacher is temporarily unavailable, to full-year permits. The bill would not change the requirements for issuance of these substitute permits, which are found in the Administrative Code, but, rather, would allow for individuals meeting the requirements in the bill to work as substitute teachers.

## **FISCAL IMPACT:**

A district, ISD, or public school academy (PSA, or charter school) 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 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.

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■ 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.

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<sup>2</sup> 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>