

# HOUSE BILL NO. 4549

May 11, 2023, Introduced by Rep. Shannon and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1233 (MCL 380.1233), as amended by 2021 PA 149.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

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

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

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

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

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

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

15           (C) Guidance information--vocational development theory,  
16 educational and occupational information.

17           (D) Counseling theory and practice--individual and group  
18 procedures, administration and coordination relationships,  
19 professional relationships, and ethics.

20           (E) Supervised experiences--laboratory, practicum, or  
21 internship.

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

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

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

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

29           (i) Has at least 5 years of successful experience serving in a

1 school counseling role in another state within the immediately  
2 preceding 7-year period.

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

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

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

19 (5) Subject to ~~subsection~~**subsections** (10) **and (11)**, the board  
20 of a school district or intermediate school district may employ an  
21 individual without a teaching certificate as a substitute teacher  
22 if either of the following requirements is met, if applicable:

23 (a) The individual has at least 60 semester hours of college  
24 credit or an associate degree from a college, university, or  
25 community college. The 60 semester hours do not need to be from the  
26 same college, university, or community college.

27 (b) For substitute teaching a course in an industrial  
28 technology education program or a career and technical education  
29 program, the individual is engaged to substitute teach in a subject

1 matter or field in which the individual has achieved expertise, as  
2 determined by the board of a school district or intermediate school  
3 district and satisfies all of the following, if applicable:

4 (i) Has a high school diploma or a high school equivalency  
5 certificate as that term is defined in section 4 of the state  
6 school aid act of 1979, MCL 388.1604.

7 (ii) For substitute teaching in a subject matter or field in  
8 which a professional license or certification is required, at least  
9 1 of the following:

10 (A) Holds a professional license or certification in that same  
11 subject matter or field.

12 (B) Previously held a professional license or certification in  
13 that same subject matter or field that expired not more than 2  
14 years before the noncertificated substitute teacher's initial  
15 employment under this section and was in good standing immediately  
16 before the license or certification expired.

17 (iii) Has at least 2 cumulative years of professional experience  
18 in that same subject matter or field in the immediately preceding  
19 10 years.

20 (6) The department shall not renew an individual's school  
21 counselor credential unless the department determines that, within  
22 the time period since the individual's school counselor credential  
23 was issued or last renewed, whichever is most recent, the  
24 individual has completed at least 25 hours of professional  
25 development approved by the department under subsection (8)  
26 covering counseling about the college preparation and selection  
27 process and at least 25 hours of professional development approved  
28 by the department under subsection (8) covering career counseling.  
29 For the purposes of this subsection, career counseling includes,

1 but is not limited to, exploration of military career options and  
2 the skilled trades as well as other careers and pathways that lead  
3 to industry credentials awarded in recognition of an individual's  
4 attainment of measurable technical or occupational skills necessary  
5 to obtain employment or advance within an occupation. The hours of  
6 professional development required under this subsection covering  
7 career counseling must include at least 5 hours covering military  
8 career options. The hours of professional development required  
9 under this subsection are a part of and not in addition to  
10 professional development requirements under department rule.

11 (7) An individual may complete the professional development  
12 hours for the purposes of subsection (6) as part of the  
13 professional development provided by a school district,  
14 intermediate school district, public school academy, or nonpublic  
15 school under section 1527 if the content and curriculum of the  
16 professional development provided under section 1527 are approved  
17 by the department under subsection (8).

18 (8) The department shall approve the professional development  
19 for the purposes of subsection (6). The department shall ~~only~~  
20 approve a professional development program or course for the  
21 purposes of subsection (6) **only** if the department determines that  
22 the content and curriculum for the professional development meet  
23 standards that are developed by the department in consultation with  
24 the department of labor and economic opportunity and groups  
25 representing school counselors, college admissions professionals,  
26 financial aid officers, employers, and others as determined  
27 appropriate by the department. The department shall develop these  
28 standards by July 1, 2018 and shall facilitate the involvement in  
29 the development of the standards of the groups required under this

1 subsection.

2 (9) The superintendent of public instruction shall promulgate  
3 or modify rules as necessary to implement subsections (6) to (8).

4 (10) Subject to subsection ~~(12)~~, **(13)**, beginning on the  
5 ~~effective date of the amendatory act that added this subsection~~  
6 **December 27, 2021, through June 30, 2022, and beginning on July 1,**  
7 **2022, through the effective date of the amendatory act that added**  
8 **subsection (11)**, the board of a school district or intermediate  
9 school district may employ an individual without a certificate or  
10 permit who does not meet the requirements under subsection (5) as a  
11 substitute teacher if both of the following are met:

12 (a) Both of the following apply to the individual:

13 (i) The individual has a high school diploma or high school  
14 equivalency certificate as that term is defined in section 4 of the  
15 state school aid act of 1979, MCL 388.1604.

16 (ii) The individual is employed by or works at the school  
17 district or intermediate school district.

18 (b) The board ensures that both of the following are met, as  
19 applicable:

20 (i) If the individual's existing salary as an employee of or  
21 worker at the school district or intermediate school district is  
22 higher than the salary of a substitute teacher who is employed at  
23 or works at the school district or intermediate school district,  
24 the individual's salary for ~~his or her~~ **the individual's** employment  
25 or work as a substitute teacher under this subsection must not be  
26 lower than ~~his or her~~ **the individual's** existing salary.

27 (ii) If the individual's existing salary as an employee of or  
28 worker at the school district or intermediate school district is  
29 lower than the salary of a substitute teacher who is employed at or

1 works at the school district or intermediate school district, the  
2 individual's salary for ~~his or her~~ **the individual's** employment or  
3 work as a substitute teacher under this subsection must be in an  
4 amount that is equal to or greater than the salary of a substitute  
5 teacher who is employed at or works at the school district or  
6 intermediate school district.

7       **(11) Subject to subsection (13), beginning 1 day after the**  
8 **effective date of the amendatory act that added this subsection,**  
9 **through June 30, 2025, the board of a school district or**  
10 **intermediate school district may employ an individual with an**  
11 **appropriate teaching certificate or permit, as determined by the**  
12 **superintendent of public instruction, who does not meet the**  
13 **requirements under subsection (5) as a substitute teacher if both**  
14 **of the following are met:**

15       **(a) Both of the following apply to the individual:**

16       **(i) The individual has a high school diploma or high school**  
17 **equivalency certificate as that term is defined in section 4 of the**  
18 **state school aid act of 1979, MCL 388.1604.**

19       **(ii) For substitute teaching in any of grades 9 to 12, either**  
20 **of the following is met:**

21       **(A) The individual is at least 21 years of age.**

22       **(B) The individual is enrolled in and supervised through**  
23 **participation in a department-approved educator preparation**  
24 **program.**

25       **(b) If the individual is an employee of or worker at the**  
26 **school district or intermediate school district, the board ensures**  
27 **that both of the following are met, as applicable:**

28       **(i) If the individual's existing salary as an employee of or**  
29 **worker at the school district or intermediate school district, as**

1 applicable, is higher than the salary of a substitute teacher who  
2 is employed at or works at the school district or intermediate  
3 school district, the individual's salary for the individual's  
4 employment or work as a substitute teacher under this subsection  
5 must not be lower than the individual's existing salary.

6 (ii) If the individual's existing salary as an employee of or  
7 worker at the school district or intermediate school district, as  
8 applicable, is lower than the salary of a substitute teacher who is  
9 employed at or works at the school district or intermediate school  
10 district, the individual's salary for the individual's employment  
11 or work as a substitute teacher under this subsection must be in an  
12 amount that is equal to or greater than the salary of a substitute  
13 teacher who is employed at or works at the school district or  
14 intermediate school district.

15 (12) ~~(11)~~—An individual who declines employment or assignment  
16 as a substitute teacher under subsection (10) **or (11)** must not be  
17 terminated from ~~his or her~~ **the individual's** existing employment or  
18 assignment and must not be subject to retaliation solely for  
19 declining the employment or assignment under subsection (10) **or**  
20 **(11)**.

21 (13) ~~(12)~~—Notwithstanding any other provision of this act,  
22 sections 1230(2) and 1230a(2) do not apply to an individual  
23 employed under subsection (10) **or (11)**. However, all other  
24 requirements under sections 1230 and 1230a apply to the employment  
25 of an individual under subsection (10) **or (11)**.