

SENATE BILL No. 889

March 6, 2018, Introduced by Senators KNOLLENBERG and PAVLOV and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1233b and 1531 (MCL 380.1233b and 380.1531), section 1233b as amended by 1995 PA 289 and section 1531 as amended by 2015 PA 159.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1233b. (1) Except as provided in subsection (3), the
2 board of a local or intermediate school district may engage a full-
3 time or part-time noncertificated, nonendorsed teacher to teach a
4 course in computer science, a foreign language, mathematics,
5 biology, chemistry, engineering, physics, robotics, or in another
6 subject area determined by the state board to be appropriate to be
7 included under this section and so designated by the state board,

1 or any combination of these subject areas, in grades 9 through 12.

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

5 (a) Possesses an earned bachelor's degree from an accredited
6 postsecondary institution.

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

9 (c) If the teacher desires to teach for more than 1 year, has
10 passed ~~both a basic skills examination and a~~ subject area
11 examination, if a subject area examination exists, in the field of
12 specialization in which he or she will teach.

13 (d) Except in the case of ~~persons~~**INDIVIDUALS** engaged to teach
14 a foreign language, has, in the 5-year period immediately preceding
15 the date of hire, not less than 2 years of occupational experience
16 in the field of specialization in which he or she will teach.

17 (3) The requirements listed in subsection (2) for a teacher
18 engaged to teach ~~pursuant to~~**UNDER** this section shall be in
19 addition to any other requirements established by the board of a
20 local or intermediate school district, as applicable.

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

26 (5) If the board of a local or intermediate school district is
27 able to engage a certificated, endorsed teacher to teach a course

1 described in subsection (1), the local or intermediate school board
2 may employ or continue to employ a noncertificated, nonendorsed
3 teacher to teach the course if both of the following conditions are
4 met:

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

8 (b) The noncertificated, nonendorsed teacher has a planned
9 program leading to teacher certification on file with the employing
10 school district or intermediate school district, his or her teacher
11 preparation institution, and the department of education.

12 (6) If the noncertificated, nonendorsed teacher completes 3
13 years of successful classroom teaching, as determined by regular
14 observation and review by school district and teacher preparation
15 institution personnel, the department of education and a teacher
16 preparation institution shall utilize the teaching experience of a
17 noncertificated, nonendorsed teacher for the purpose of waiving
18 student teaching as a condition for receiving a continued
19 employment authorization in the school district and a provisional
20 teaching certificate.

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

1 (2) Except as otherwise provided in this act, the
2 superintendent of public instruction shall only issue a teaching
3 certificate to a ~~person~~**AN INDIVIDUAL** who has passed appropriate
4 examinations as follows:

5 (a) For a secondary level teaching certificate, has passed
6 ~~both the basic skills examination and the~~ appropriate available
7 subject area examination for each subject area in which he or she
8 applies to be certified.

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

14 (3) Except as otherwise provided in this act, the
15 superintendent of public instruction shall issue a Michigan
16 teaching certificate to a ~~person~~**AN INDIVIDUAL** holding a
17 certificate from another state or a teaching degree from an out-of-
18 state teacher preparation institution who applies for a Michigan
19 teaching certificate only if the ~~person~~**INDIVIDUAL** passes
20 appropriate examinations as follows:

21 (a) For a secondary level teaching certificate, pass ~~both the~~
22 ~~basic skills examination and the~~ appropriate available subject area
23 examination for each subject area in which he or she applies to be
24 certified. The superintendent of public instruction may accept
25 passage of an equivalent examination approved by the superintendent
26 of public instruction to meet ~~1 or both of these requirements.~~**THIS**
27 **REQUIREMENT.**

1 (b) For an elementary level teaching certificate, pass, ~~the~~
2 ~~basic skills examination and, if it is available, the elementary~~
3 certification examination, and pass the appropriate available
4 subject area examination for each subject area, if any, in which he
5 or she applies to be certified. The superintendent of public
6 instruction may accept passage of an equivalent examination
7 approved by the superintendent of public instruction to meet 1 or
8 ~~more~~ **BOTH** of these requirements.

9 (4) Except as otherwise provided in this act, the
10 superintendent of public instruction shall only issue a teaching
11 certificate to ~~a person~~ **AN INDIVIDUAL** who has met the elementary or
12 secondary, as applicable, reading credit requirements established
13 under superintendent of public instruction rule. If ~~a person~~ **AN**
14 **INDIVIDUAL** holds a teaching certificate, then beginning July 1,
15 2009, notwithstanding any rule to the contrary, the superintendent
16 of public instruction shall not advance the ~~person's~~ **INDIVIDUAL'S**
17 certification to professional certification unless the ~~person~~
18 **INDIVIDUAL** has successfully completed at least a 3-credit course of
19 study with appropriate field experiences in the diagnosis and
20 remediation of reading disabilities and differentiated instruction.
21 To meet this requirement, the course of study should include the
22 following elements, as determined by the department to be
23 appropriate for the ~~person's~~ **INDIVIDUAL'S** certification level and
24 endorsements: interest inventories, English language learning
25 screening, visual and auditory discrimination tools, language
26 expression and processing screening, phonemics, phonics,
27 vocabulary, fluency, comprehension, spelling and writing assessment

1 tools, and instructional strategies. ~~A person~~ **AN INDIVIDUAL** may
2 complete the course of study either as part of his or her teacher
3 preparation program or during the first 6 years of his or her
4 employment in classroom teaching.

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

11 (6) Subject to subsection (8), if ~~a person~~ **AN INDIVIDUAL**
12 holding a teaching certificate from another state applies to the
13 superintendent of public instruction for a Michigan teaching
14 certificate and meets the requirements of this subsection, the
15 superintendent of public instruction shall issue to the ~~person~~
16 **INDIVIDUAL** a Michigan professional education teaching certificate
17 and applicable endorsements comparable to those the ~~person~~
18 **INDIVIDUAL** holds in the other state, without requiring the ~~person~~
19 **INDIVIDUAL** to pass ~~a basic skills examination or the~~ applicable
20 subject area examination otherwise required under subsection (2) or
21 (3). To be eligible to receive a Michigan professional education
22 teaching certificate under this subsection, ~~a person~~ **AN INDIVIDUAL**
23 shall provide evidence satisfactory to the department that he or
24 she meets all of the following requirements:

25 (a) Has taught successfully for at least 3 years in a position
26 for which the ~~person's~~ **INDIVIDUAL'S** teaching certification from the
27 other state was valid.

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

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

10 (7) ~~A person~~**AN INDIVIDUAL** who receives a teaching certificate
11 and endorsement or endorsements under subsection (6) is eligible to
12 receive 1 or more additional endorsements comparable to
13 endorsements the ~~person~~**INDIVIDUAL** holds in another state only if
14 the ~~person~~**INDIVIDUAL** passes the appropriate subject area
15 examinations required under subsection (2) or (3).

16 (8) The superintendent of public instruction shall deny a
17 Michigan teaching certificate to a ~~person~~**AN INDIVIDUAL** described
18 in subsection (6) for fraud, material misrepresentation, or
19 concealment in the ~~person's~~**INDIVIDUAL'S** application for a
20 certificate or for a conviction for which a ~~person's~~**AN**
21 **INDIVIDUAL'S** teaching certificate may be revoked under section
22 1535a.

23 (9) The department, based upon criteria recommended ~~pursuant~~
24 ~~to~~**UNDER** subsection (11), shall provide to approved teacher
25 education institutions ~~guidelines and criteria approved by the~~
26 ~~superintendent of public instruction for use in the development or~~
27 ~~selection of a basic skills examination and approved guidelines and~~

1 criteria for use in the development or selection of subject area
2 examinations.

3 (10) For the purposes of this section, the superintendent of
4 public instruction, based upon criteria recommended ~~pursuant to~~
5 **UNDER** subsection (11), shall develop, select, or develop and select
6 1 or more ~~basic skills examinations and~~ subject area examinations.
7 In addition, the superintendent of public instruction, based upon
8 criteria recommended ~~pursuant to~~ **UNDER** subsection (11), shall
9 approve an elementary certification examination and a reading
10 subject area examination. If the department develops for use under
11 this subsection an examination that had previously been contracted
12 for using a competitive bid process, then the department shall not
13 expend on the development of that examination an amount that
14 exceeds the amount that the department expended on procurement of
15 the most recent competitively-bid version of that examination.

16 (11) The superintendent of public instruction shall appoint an
17 11-member teacher examination advisory committee ~~comprised~~ **COMPOSED**
18 of representatives of approved teacher education institutions and
19 Michigan education organizations and associations. Not more than
20 1/2 of the members comprising this committee shall be certified
21 teachers. This committee shall recommend ~~criteria to be used by the~~
22 ~~superintendent of public instruction in the development, selection,~~
23 ~~or development and selection of 1 or more basic skills~~
24 ~~examinations, and~~ criteria to be used by the superintendent of
25 public instruction in the development, selection, or development
26 and selection of subject area examinations. In addition, the
27 committee shall recommend guidelines for the use and administration

1 of those examinations. ~~The basic skills examinations referred to in~~
2 ~~this subsection may be developed by the superintendent of public~~
3 ~~instruction or selected by the superintendent of public instruction~~
4 ~~from commercially or university developed examinations. In~~
5 ~~addition, an approved teacher education institution, pursuant to~~
6 ~~guidelines and criteria described in subsection (9), may develop an~~
7 ~~examination at its own expense for approval by the superintendent~~
8 ~~of public instruction. An approved teacher education institution~~
9 ~~that develops its own examination is liable for any litigation that~~
10 ~~results from the use of its examination.~~

11 (12) The superintendent of public instruction shall appoint a
12 7-member standing technical advisory council ~~comprised~~ **COMPOSED** of
13 ~~persons~~ **INDIVIDUALS** who are experts in measurement and assessment.
14 This council shall advise the superintendent of public instruction
15 and the teacher examination committee on the validity, reliability,
16 and other technical standards of the examinations that will be used
17 or are being used and of the administration and use of those
18 examinations.

19 (13) Not later than November 30 of each year, the
20 superintendent of public instruction shall submit in writing a
21 report on the development or selection and use of ~~the basic skills~~
22 ~~examination,~~ the elementary certification examination, and the
23 subject area examinations to the house and senate education
24 committees. The report shall also contain a financial statement
25 regarding revenue received from the assessment of fees levied
26 ~~pursuant to~~ **UNDER** subsection (15) and the amount of and any
27 purposes for which that revenue was expended.

1 (14) The ~~basic skills examination, the~~ elementary
2 certification examination ~~, and the subject area examinations~~
3 required by this section may be taken at different times during an
4 approved teacher preparation program, but ~~the basic skills~~
5 ~~examination must be passed before a person is enrolled for student~~
6 ~~teaching and the elementary certification examination and the~~
7 subject area examinations, as applicable, must be passed before a
8 ~~person~~ **AN INDIVIDUAL** is recommended for certification.

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

24 (16) If ~~a person~~ **AN INDIVIDUAL** holding a teaching certificate
25 from another state applies for a Michigan teaching certificate and
26 meets all requirements for the Michigan teaching certificate except
27 passage of the appropriate examinations under subsection (3), the

1 superintendent of public instruction shall issue a nonrenewable
2 temporary teaching certificate, good for 1 year, to the ~~person-~~
3 **INDIVIDUAL**. The superintendent of public instruction shall not
4 issue a Michigan teaching certificate to the ~~person-~~**INDIVIDUAL**
5 after expiration of the temporary teaching certificate unless the
6 ~~person-~~**INDIVIDUAL** passes appropriate examinations as described in
7 subsection (3).

8 (17) As used in this section:

9 ~~—(a) "Basic skills examination" means an examination developed~~
10 ~~or selected by the superintendent of public instruction or~~
11 ~~developed pursuant to subsection (11) by an approved teacher~~
12 ~~education institution for the purpose of demonstrating the~~
13 ~~applicant's knowledge and understanding of basic language and~~
14 ~~mathematical skills and other skills necessary for the certificate~~
15 ~~sought, and for determining whether or not an applicant is eligible~~
16 ~~for a provisional Michigan teaching certificate.~~

17 **(A)** ~~(b)~~—"Elementary certification examination" means a
18 comprehensive examination for elementary certification that has
19 been developed or selected by the superintendent of public
20 instruction for demonstrating the applicant's knowledge and
21 understanding of the core subjects normally taught in elementary
22 classrooms and for determining whether or not an applicant is
23 eligible for an elementary level teaching certificate.

24 **(B)** ~~(c)~~—"Subject area examination" means an examination
25 related to a specific area of certification, which examination has
26 been developed or selected by the superintendent of public
27 instruction for the purpose of demonstrating the applicant's

1 knowledge and understanding of the subject matter and determining
2 whether or not an applicant is eligible for a Michigan teaching
3 certificate.

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

6 (19) Notwithstanding any rule to the contrary, the
7 superintendent of public instruction shall continue to issue state
8 elementary or secondary continuing education certificates ~~pursuant~~
9 ~~to~~ **UNDER** R 390.1132(1) of the Michigan ~~administrative code~~
10 **ADMINISTRATIVE CODE** to ~~persons~~ **INDIVIDUALS** who completed the
11 requirements of that rule by December 31, 1992 and who apply for
12 that certificate not later than March 15, 1994. If the
13 superintendent of public instruction has issued a state elementary
14 or secondary professional education certificate to a ~~person~~ **AN**
15 **INDIVIDUAL** described in this section, the superintendent of public
16 instruction shall consider the ~~person~~ **INDIVIDUAL** to have a state
17 elementary or secondary, as applicable, continuing education
18 certificate.

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