

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 161

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1526, 1531, 1531d, 1531j, and 1531k (MCL
380.1526, 380.1531, 380.1531d, 380.1531j, and 380.1531k), section
1526 as amended by 1995 PA 289, section 1531 as amended by 2018 PA
235, section 1531d as added by 2003 PA 18, and sections 1531j and
1531k as amended by 2018 PA 234.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1526. **(1)** For the first 3 years of his or her employment
2 in classroom teaching, a teacher ~~shall~~**must** be assigned by the
3 school in which he or she teaches to 1 or more master teachers, or
4 college professors or retired master teachers, who shall act as a
5 mentor or mentors to the teacher. During the 3-year period, the

1 teacher ~~shall~~**must** also receive intensive professional development
2 induction into teaching, based on a professional development plan
3 that is consistent with the requirements of section 3a of article
4 II of Act No. 4 of the Public Acts of the Extra Session of 1937,
5 ~~being section 38.83a of the Michigan Compiled Laws, 1937 (Ex Sess)~~
6 **PA 4, MCL 38.83a**, including classroom management and instructional
7 delivery. ~~During~~**Subject to subsection (2), during** the 3-year
8 period, the intensive professional development induction into
9 teaching ~~shall~~**must** consist of at least 15 days of professional
10 development, the experiencing of effective practices in university-
11 linked professional development schools, and regional seminars
12 conducted by master teachers and other mentors.

13 **(2) Except as otherwise provided in this subsection, for**
14 **teachers employed in classroom teaching on or after August 1, 2023,**
15 **except for individuals who have physical limitations that make it**
16 **impracticable for the individual to complete the course and**
17 **instruction and obtain the required certification under this**
18 **subsection, the 15 days of professional development described in**
19 **subsection (1) must include a course approved by the department in**
20 **first aid and cardiopulmonary resuscitation that includes a test**
21 **demonstration on a mannequin and instruction in foreign body airway**
22 **obstruction management that results in valid certification in these**
23 **topics issued by the American Red Cross, American Heart**
24 **Association, or a comparable organization or institution approved**
25 **by the department. The course, instruction, and certification**
26 **required under this subsection must be completed within the first**
27 **year of the 3-year period described in subsection (1). This**
28 **subsection does not apply to an individual who has successfully**
29 **completed a course and instruction and holds the valid**

1 certification as described in this subsection.

2 (3) An individual who has completed the course and instruction
 3 and obtained the certification described in subsection (2) and who
 4 performs first aid, cardiopulmonary resuscitation, or foreign body
 5 airway obstruction management on another individual in the course
 6 of his or her employment as a teacher is not liable in a civil
 7 action for damages resulting from an act or omission occurring in
 8 that performance except for an act or omission constituting gross
 9 negligence or willful or wanton misconduct.

10 Sec. 1531. (1) Except as **otherwise** provided in this act, the
 11 superintendent of public instruction shall determine the
 12 requirements for and issue all licenses, ~~and certificates, and~~
 13 **endorsements** for teachers, including preprimary teachers ~~and the~~
 14 ~~requirements for an endorsement of teachers as qualified~~
 15 ~~counselors, and an endorsement of teachers for teaching a foreign~~
 16 ~~language in an elementary grade in the public schools of the~~ **this**
 17 state.

18 (2) Except as otherwise provided in this act, the
 19 superintendent of public instruction shall only issue a teaching
 20 certificate **or additional endorsement** to an individual who has
 21 passed appropriate **available** examinations. ~~as follows:~~

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

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

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

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

14 ~~(b) For an elementary level teaching certificate, pass, if it~~
 15 ~~is available, the elementary certification examination, and pass~~
 16 ~~the appropriate available subject area examination for each subject~~
 17 ~~area, if any, in which he or she applies to be certified. The~~
 18 ~~superintendent of public instruction may accept passage of an~~
 19 ~~equivalent examination approved by the superintendent of public~~
 20 ~~instruction to meet ~~1 or both of these requirements.~~**this**~~
 21 ~~**requirement for an individual holding a teaching certificate from**~~
 22 ~~**another state, country, or federally recognized Indian tribe.**~~

23 (3) ~~(4)~~ Except as otherwise provided in this act, the
 24 superintendent of public instruction shall only issue a teaching
 25 certificate to an individual who has met the elementary or
 26 secondary, as applicable, reading credit requirements established
 27 under superintendent of public instruction rule. If an individual
 28 holds a teaching certificate, ~~then beginning July 1, 2009,~~
 29 notwithstanding any rule to the contrary, the superintendent of

1 public instruction shall not advance the individual's certification
 2 to professional certification unless the individual has
 3 successfully completed at least a 3-credit course of study with
 4 appropriate field experiences in the diagnosis and remediation of
 5 reading disabilities and differentiated instruction. To meet this
 6 requirement, the course of study should include the following
 7 elements, as determined by the department to be appropriate for the
 8 individual's certification level and endorsements: interest
 9 inventories, English language learning screening, visual and
 10 auditory discrimination tools, language expression and processing
 11 screening, phonemics, phonics, vocabulary, fluency, comprehension,
 12 spelling and writing assessment tools, and instructional
 13 strategies. An individual may complete the course of study ~~either~~
 14 as part of his or her teacher preparation program. ~~or during the~~
 15 ~~first 6 years of his or her employment in classroom teaching.~~

16 ~~(4) (5) Not later than January 11, 2002, the superintendent of~~
 17 ~~public instruction, in cooperation with appropriate curriculum~~
 18 ~~specialists and teacher educators, shall revise~~ **Any revisions to**
 19 existing reading standards ~~to recognize~~ **must include the**
 20 **recognition of** reading disorders and ~~to enable~~ teachers to make
 21 referrals for instruction and support for pupils with reading
 22 disorders.

23 ~~(5) (6)~~ Subject to subsection (8), if an individual holding a
 24 teaching certificate from another state, **country, or federally**
 25 **recognized Indian tribe** applies to the superintendent of public
 26 instruction for a Michigan teaching certificate and meets the
 27 requirements of this subsection, the superintendent of public
 28 instruction shall issue to the individual a Michigan ~~professional~~
 29 ~~education~~ teaching certificate and ~~applicable~~ endorsements

1 comparable to those the individual holds in the other state ~~, or~~
2 **country or with the federally recognized Indian tribe** without
3 requiring the individual to pass the ~~applicable subject area~~
4 ~~examination~~ **appropriate examinations** otherwise required under
5 subsection (2) ~~or (3)~~. **or to complete the reading credit**
6 **requirement established under superintendent of public instruction**
7 **rule as described in subsection (3)**. To be eligible to receive a
8 Michigan ~~professional education teaching certificate~~ under this
9 subsection, an individual shall provide evidence satisfactory to
10 the department that he or she ~~meets all of the following~~
11 ~~requirements:~~

12 ~~(a) Has~~ **has** taught successfully for at least 3 years in a
13 position for which the individual's teaching certification from the
14 other state, **country, or federally recognized Indian tribe** was
15 valid.

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

22 ~~(6) (c) Has met the~~ **Subject to subsection (8), an individual**
23 **holding a teaching certificate from another state, country, or**
24 **federally recognized Indian tribe is eligible for a Michigan**
25 **professional education certificate if the individual meets both of**
26 **the following:**

27 **(a) The individual has taught successfully for at least 3**
28 **years in a position for which the individual's teaching**
29 **certification from the other state, country, or federally**

1 **recognized Indian tribe was valid.**

2 (b) **The individual meets the** elementary or secondary, as
3 applicable, reading credit requirement established under
4 superintendent of public instruction rule **as described in**
5 **subsection (3).**

6 (7) ~~An individual who receives a teaching certificate and~~
7 ~~endorsement or endorsements under subsection (6) is eligible to~~
8 ~~receive 1 or more additional endorsements comparable to~~
9 ~~endorsements the individual holds in another state only if the~~
10 ~~individual passes the appropriate subject area examinations~~
11 ~~required under subsection (2) or (3).~~**Subject to subsection (8), if**
12 **an individual holding a teaching certificate from another state,**
13 **country, or federally recognized Indian tribe applies to the**
14 **superintendent of public instruction for an additional endorsement**
15 **on a valid Michigan teaching certificate and meets the requirements**
16 **of this subsection, the superintendent of public instruction shall**
17 **issue the individual an endorsement comparable to that which the**
18 **individual holds in the other state or country or with the**
19 **federally recognized Indian tribe without requiring that the**
20 **individual pass the appropriate available examinations otherwise**
21 **required under subsection (2). To be eligible to receive an**
22 **additional endorsement under this subsection, an individual shall**
23 **provide evidence satisfactory to the department that he or she has**
24 **taught successfully for at least 3 years in a position for which**
25 **the individual's teaching endorsement from the other state,**
26 **country, or federally recognized Indian tribe is valid.**

27 (8) The superintendent of public instruction shall deny a
28 Michigan teaching certificate **or endorsement** to an individual
29 described in subsection (5), (6), **or (7)** for fraud, material

1 misrepresentation, or concealment in the individual's application
2 for a certificate or for a conviction for which an individual's
3 teaching certificate may be **suspended or** revoked under section
4 1535a.

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

9 **(9) (10)** For the purposes of this section, the superintendent
10 of public instruction, based upon criteria recommended ~~under~~
11 ~~subsection (11),~~ **by a committee of teachers, representatives of**
12 **approved teacher education institutions, Michigan education**
13 **organizations and associations, and experts in measurement and**
14 **assessment,** shall develop, select, or develop and select 1 or more
15 subject area examinations. In addition, the superintendent of
16 public instruction, based upon criteria recommended ~~under~~
17 ~~subsection (11),~~ **by the committee described in this subsection,**
18 shall approve an ~~elementary certification examination and a reading~~
19 ~~subject area examination.~~ **subtest to be taken and passed by**
20 **individuals seeking pre-K to grade 3 or grade 3 to grade 6-level**
21 **endorsement.** If the department develops for use under this
22 subsection an examination that had previously been contracted for
23 using a competitive bid process, then the department shall not
24 expend on the development of that examination an amount that
25 exceeds the amount that the department expended on procurement of
26 the most recent competitively-bid version of that examination. **The**
27 **competitive bid process must address validity, reliability, and**
28 **other technical standards of the examinations and of the**
29 **appropriate administration and use of those examinations.**

1 ~~(11) The superintendent of public instruction shall appoint an~~
2 ~~11-member teacher examination advisory committee composed of~~
3 ~~representatives of approved teacher education institutions and~~
4 ~~Michigan education organizations and associations. Not more than~~
5 ~~1/2 of the members comprising this committee shall be certified~~
6 ~~teachers. This committee shall recommend criteria to be used by the~~
7 ~~superintendent of public instruction in the development, selection,~~
8 ~~or development and selection of subject area examinations. In~~
9 ~~addition, the committee shall recommend guidelines for the use and~~
10 ~~administration of those examinations.~~

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

19 (10) ~~(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 elementary~~
22 ~~certification examination and the subject area examinations to the~~
23 ~~house and senate education committees. The report shall **must** also~~
24 ~~contain a financial statement regarding revenue received from the~~
25 ~~assessment of fees levied under subsection ~~(15)~~ **(12)** and the amount~~
26 ~~of and any purposes for which that revenue was expended.~~

27 (11) ~~(14)~~ The elementary certification examination and the
28 ~~subject area examinations required by this section may be taken at~~
29 ~~different times during an approved teacher preparation program, but~~

1 the ~~elementary certification examination and the subject area~~
 2 examinations, as applicable, must be passed before an individual is
 3 recommended for certification.

4 **(12)** ~~(15)~~—The department, or if approved by the superintendent
 5 of public instruction, a private testing service, may assess fees
 6 for taking the ~~elementary certification examination and the subject~~
 7 ~~area~~ **appropriate available** examinations **described in subsection**
 8 **(2)**. The fees, which ~~shall~~ **must** be set by the superintendent of
 9 public instruction, ~~shall~~ **must** not exceed the actual cost of the
 10 examination and of administering the examination. Fees received by
 11 the department ~~shall~~ **must** be expended solely for administrative
 12 expenses that it incurs in implementing this section. If the
 13 superintendent of public instruction increases a fee charged for an
 14 examination under this subsection, at least 1 year before
 15 implementing the fee increase, the department shall notify each
 16 approved teacher education institution of the amount of the fee
 17 increase. An approved teacher education institution shall notify
 18 each of its affected students of the timing and amount of such a
 19 fee increase.

20 **(13)** ~~(16)~~—If an individual holding a teaching certificate from
 21 another state, **country, or federally recognized Indian tribe**
 22 applies for a Michigan teaching certificate and meets all
 23 requirements for the Michigan teaching certificate except passage
 24 of the appropriate **available** examinations under subsection ~~(3)~~, **(2)**
 25 **or the reading credit requirement under subsection (3)**, the
 26 superintendent of public instruction shall issue a nonrenewable
 27 temporary teaching certificate, good for 1 year, to the individual.
 28 The superintendent of public instruction shall not issue a Michigan
 29 teaching certificate to the individual after expiration of the

1 temporary teaching certificate unless the individual ~~passes~~
2 ~~appropriate examinations as described in subsection (3).~~ **has met the**
3 **requirements of this section.**

4 **(14)** ~~(17)~~ As used in this section:

5 (a) ~~"Elementary certification examination" means a~~
6 ~~comprehensive examination for elementary certification that has~~
7 ~~been developed or selected by the superintendent of public~~
8 ~~instruction for demonstrating the applicant's knowledge and~~
9 ~~understanding of the core subjects normally taught in elementary~~
10 ~~classrooms and for determining whether or not an applicant is~~
11 ~~eligible for an elementary level teaching certificate.~~ **"Additional**
12 **endorsement" means an endorsement added to a Michigan teaching**
13 **certificate after initial issuance of the certificate.**

14 (b) **"An individual holding a teaching certificate from another**
15 **state, country, or federally recognized Indian tribe" means an**
16 **individual with a valid teaching certificate or an individual who**
17 **is eligible for a teaching certificate in the state or country or**
18 **with the federally recognized Indian tribe in which or with which**
19 **the individual is certificated or eligible for certification.**

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

27 **(15)** ~~(18)~~ The superintendent of public instruction shall
28 promulgate rules for the implementation of this section.

29 ~~(19)~~ Notwithstanding any rule to the contrary, the

1 ~~superintendent of public instruction shall continue to issue state~~
 2 ~~elementary or secondary continuing education certificates under R~~
 3 ~~390.1132(1) of the Michigan Administrative Code to individuals who~~
 4 ~~completed the requirements of that rule by December 31, 1992 and~~
 5 ~~who apply for that certificate not later than March 15, 1994. If~~
 6 ~~the superintendent of public instruction has issued a state~~
 7 ~~elementary or secondary professional education certificate to an~~
 8 ~~individual described in this section, the superintendent of public~~
 9 ~~instruction shall consider the individual to have a state~~
 10 ~~elementary or secondary, as applicable, continuing education~~
 11 ~~certificate.~~

12 **(16)** ~~(20)~~ Not later than January 1, 2019, the superintendent
 13 of public instruction, in consultation with the department of
 14 ~~talent and economic development~~ **labor and economic opportunity** and
 15 groups or individuals representing employers, economic development
 16 agencies, trade unions, secondary school principals, middle and
 17 elementary school principals, teachers, school district and
 18 intermediate school district superintendents, and others as
 19 determined appropriate by the department, shall promulgate rules to
 20 allow an individual to use time spent engaging with local employers
 21 or technical centers toward the renewal of a teaching certificate
 22 in the same manner as state continuing education or professional
 23 development.

24 Sec. 1531d. (1) ~~Beginning July 1, 2004, the~~ **Subject to**
 25 **subsection (3), the** superintendent of public instruction shall not
 26 issue an initial teaching certificate to a person unless the person
 27 presents evidence satisfactory to the superintendent of public
 28 instruction that the person meets 1 of the following:

29 (a) Has successfully completed a course approved by the

1 department in first aid and cardiopulmonary resuscitation,
 2 including a test demonstration on a mannequin, and has successfully
 3 completed instruction approved by the department in foreign body
 4 airway obstruction management, and holds valid certification in
 5 these topics issued by the American ~~red cross,~~ **Red Cross**, American
 6 ~~heart association,~~ **Heart Association**, or a comparable organization
 7 or institution approved by the department.

8 (b) Has physical limitations that make it impracticable for
 9 the person to complete the instruction and obtain the required
 10 certification under subdivision (a).

11 (2) A person who meets the requirements described in
 12 subsection (1)(a) and who performs first aid, cardiopulmonary
 13 resuscitation, or foreign body airway obstruction management on
 14 another person in the course of his or her employment as a teacher
 15 is not liable in a civil action for damages resulting from an act
 16 or omission occurring in that performance except an act or omission
 17 constituting gross negligence or willful ~~and or~~ wanton misconduct.

18 ~~(3) This section does not create a duty to act on the part of~~
 19 ~~a person who holds the certification described in subsection~~
 20 ~~(1)(a).~~

21 **(3) Subsection (1) does not apply after July 31, 2023.**

22 Sec. 1531j. ~~(1)~~ Notwithstanding any other provision of this
 23 act or a rule to the contrary, ~~beginning July 1, 2018,~~ **but except**
 24 **as otherwise provided in section 1531**, the superintendent of public
 25 instruction shall not issue an initial professional teaching
 26 certificate to an individual unless the individual presents
 27 evidence satisfactory to the superintendent of public instruction
 28 demonstrating that he or she meets all of the following:

29 (a) The individual has ~~successfully~~ completed at least 3 ~~full~~

1 years of ~~classroom~~ teaching, **as defined in rules promulgated by the**
 2 **superintendent of public instruction.**

3 (b) The individual meets ~~either~~ **any** of the following:

4 (i) Was rated as either effective or highly effective on his or
 5 her annual year-end performance evaluation under section 1249 for
 6 the 3 consecutive school years immediately preceding his or her
 7 application for the professional teaching certificate.

8 (ii) Was rated as either effective or highly effective on his
 9 or her annual year-end performance evaluation under section 1249
 10 for at least 3 nonconsecutive school years before his or her
 11 application for the professional teaching certificate and submits a
 12 recommendation from the chief school administrator of the school at
 13 which he or she is currently employed that he or she be issued a
 14 professional teaching certificate.

15 ~~(2) Not later than January 1, 2019, the superintendent of~~
 16 ~~public instruction, in consultation with the department of talent~~
 17 ~~and economic development and groups or individuals representing~~
 18 ~~employers, economic development agencies, trade unions, secondary~~
 19 ~~school principals, middle and elementary school principals,~~
 20 ~~teachers, school district and intermediate school district~~
 21 ~~superintendents, and others as determined appropriate by the~~
 22 ~~department, shall promulgate rules to allow an individual to use~~
 23 ~~time spent engaging with local employers or technical centers~~
 24 ~~toward the renewal of a professional teaching certificate in the~~
 25 ~~same manner as state continuing education or professional~~
 26 ~~development.~~

27 (iii) **Since issuance of the individual's most recent teaching**
 28 **certificate, the individual completed at least 3 years of**
 29 **successful experience in an appropriate assignment, as determined**

1 by the superintendent of public instruction, including experience
 2 as a teacher leader, a teacher of children from birth through pre-
 3 K, a teacher of adult education, or a provider of K to 12
 4 instruction in an assignment that does not require an annual
 5 performance evaluation under section 1249.

6 Sec. 1531k. ~~(1) Beginning November 5, 2015, the~~ ~~The~~
 7 superintendent of public instruction shall not issue an initial
 8 advanced professional education certificate to an individual, or
 9 renew an individual's advanced professional education certificate,
 10 unless the individual presents evidence satisfactory to the
 11 superintendent of public instruction demonstrating that he or she
 12 meets ~~all~~ **criteria established by the department and either** of the
 13 following:

14 (a) Has been rated as highly effective **or effective** on his or
 15 her annual year-end evaluation under section 1249 for 3 out of the
 16 5 most recent school years -

17 ~~(b) Has~~ **and has** not been rated ineffective on his or her
 18 annual year-end evaluation under section 1249 within the 5 most
 19 recent school years.

20 ~~(c) Meets additional criteria established by the department.~~

21 ~~(2) Not later than January 1, 2019, the superintendent of~~
 22 ~~public instruction, in consultation with the department of talent~~
 23 ~~and economic development and groups or individuals representing~~
 24 ~~employers, economic development agencies, trade unions, secondary~~
 25 ~~school principals, middle and elementary school principals,~~
 26 ~~teachers, school district and intermediate school district~~
 27 ~~superintendents, and others as determined appropriate by the~~
 28 ~~department, shall promulgate rules to allow an individual to use~~
 29 ~~time spent engaging with local employers or technical centers~~

1 ~~toward the renewal of an advanced professional education~~
2 ~~certificate in the same manner as state continuing education or~~
3 ~~professional development.~~

4 **(b) Since issuance of the individual's most recent teaching**
5 **certificate, the individual completed at least 3 years of**
6 **successful experience in an appropriate assignment, as determined**
7 **by the superintendent of public instruction, including experience**
8 **as a teacher leader, a teacher of children from birth through pre-**
9 **K, a teacher of adult education, or a provider of K to 12**
10 **instruction in an assignment that does not require an annual**
11 **performance evaluation under section 1249.**