

**SUBSTITUTE FOR
SENATE BILL NO. 162**

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.

6 (2) The board of a school district or intermediate school
7 district shall not allow an individual to serve in a counseling
8 role in the school district or intermediate school district, as the
9 role is defined by the superintendent of public instruction, unless

1 the individual **holds a valid school counselor credential. The**
 2 **superintendent of public instruction shall issue a school counselor**
 3 **license only to an individual who** meets 1 or more of the following:

4 ~~(a) The individual holds a valid teaching certificate with a~~
 5 ~~school counseling endorsement.~~

6 ~~(a) (b)~~The individual meets ~~all~~**both** of the following:

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

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

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

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

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

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

21 ~~(F) Evaluation--statistics and research methodology, follow-up~~
 22 ~~evaluation, and measurement methods.~~**that is approved by the**

23 **superintendent of public instruction based on standards developed**
 24 **by the department in consultation with practicing school**
 25 **counselors, representatives from school counselor preparation**
 26 **programs, and state associations representing school counselors.**

27 (ii) Has successfully completed the department's ~~guidance~~
 28 **school** counselor examination.

29 ~~(iii) Has been recommended by an approved school counselor~~

1 ~~education program to provide services as a school counselor.~~

2 **(b) ~~(c)~~ The Subject to subsection (15), the individual is an**
3 **individual who holds a school counselor license from another state,**
4 **country, or federally recognized Indian tribe and meets ~~both~~ either**
5 of the following:

6 (i) Has at least ~~5~~**3** years of successful experience serving in
7 a school counseling role in another state ~~within the immediately~~
8 ~~preceding 7-year period.~~**or country or with a federally recognized**
9 **Indian tribe.**

10 (ii) Has successfully completed the department's ~~guidance~~
11 **school** counselor examination.

12 (3) Except for teachers engaged to teach under section 1233b
13 and teachers engaged to teach in a community district under section
14 1233c, the intermediate superintendent shall notify the
15 superintendent of public instruction immediately of the names of
16 noncertificated teachers teaching in violation of subsection (1)
17 and the names of individuals serving in counseling roles in
18 violation of subsection (2), the employing district, and the amount
19 of time the noncertificated teachers or unqualified individuals
20 were employed.

21 (4) A vocational teacher preparation institution shall utilize
22 the employment experience of an annually authorized teacher for the
23 purpose of waiving student teaching as a requirement for vocational
24 certification if the annually authorized teacher is supervised by
25 the teacher preparation institution.

26 (5) Subject to subsection (10), the board of a school district
27 or intermediate school district may employ an individual without a
28 teaching certificate as a substitute teacher if either of the
29 following requirements is met, if applicable:

1 (a) The individual has at least 60 semester hours of college
2 credit or an associate degree from a college, university, or
3 community college. The 60 semester hours do not need to be from the
4 same college, university, or community college.

5 (b) For substitute teaching a course in an industrial
6 technology education program or a career and technical education
7 program, the individual is engaged to substitute teach in a subject
8 matter or field in which the individual has achieved expertise, as
9 determined by the board of a school district or intermediate school
10 district and satisfies all of the following, if applicable:

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

14 (ii) For substitute teaching in a subject matter or field in
15 which a professional license or certification is required, at least
16 1 of the following:

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

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

24 (iii) Has at least 2 cumulative years of professional experience
25 in that same subject matter or field in the immediately preceding
26 10 years.

27 (6) The department shall not renew an individual's school
28 counselor credential unless the department determines that, within
29 the time period since the individual's school counselor credential

1 was issued or last renewed, whichever is most recent, the
2 individual has completed at least 25 hours of professional
3 development approved by the department under subsection (8)
4 covering counseling about the college preparation and selection
5 process and at least 25 hours of professional development approved
6 by the department under subsection (8) covering career counseling.
7 For the purposes of this subsection, career counseling includes,
8 but is not limited to, exploration of military career options and
9 the skilled trades as well as other careers and pathways that lead
10 to industry credentials awarded in recognition of an individual's
11 attainment of measurable technical or occupational skills necessary
12 to obtain employment or advance within an occupation. The hours of
13 professional development required under this subsection covering
14 career counseling must include at least 5 hours covering military
15 career options. The hours of professional development required
16 under this subsection are a part of and not in addition to
17 professional development requirements under department rule.

18 (7) An individual may complete the professional development
19 hours for the purposes of subsection (6) as part of the
20 professional development provided by a school district,
21 intermediate school district, public school academy, or nonpublic
22 school under section 1527 if the content and curriculum of the
23 professional development provided under section 1527 are approved
24 by the department under subsection (8).

25 (8) The department shall approve the professional development
26 for the purposes of subsection (6). The department shall only
27 approve a professional development program or course for the
28 purposes of subsection (6) if the department determines that the
29 content and curriculum for the professional development meet

1 standards that are developed by the department in consultation with
 2 the department of labor and economic opportunity and groups
 3 representing school counselors, college admissions professionals,
 4 financial aid officers, employers, and others as determined
 5 appropriate by the department. The department shall develop these
 6 standards by July 1, 2018 and shall facilitate the involvement in
 7 the development of the standards of the groups required under this
 8 subsection.

9 (9) The superintendent of public instruction shall promulgate
 10 or modify rules as necessary to implement ~~subsections (6) to~~
 11 ~~(8).~~ **this section.**

12 (10) Subject to subsection (12), beginning on ~~the effective~~
 13 ~~date of the amendatory act that added this subsection~~ **December 27,**
 14 **2021** through June 30, 2022, the board of a school district or
 15 intermediate school district may employ an individual without a
 16 certificate or permit who does not meet the requirements under
 17 subsection (5) as a substitute teacher if both of the following are
 18 met:

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

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

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

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

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

1 or works at the school district or intermediate school district,
2 the individual's salary for ~~his or her~~ **the individual's** employment
3 or work as a substitute teacher under this subsection must not be
4 lower than ~~his or her~~ **the individual's** existing salary.

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

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

19 (12) Notwithstanding any other provision of this act, sections
20 1230(2) and 1230a(2) do not apply to an individual employed under
21 subsection (10). However, all other requirements under sections
22 1230 and 1230a apply to the employment of an individual under
23 subsection (10).

24 (13) **The superintendent of public instruction may issue a**
25 **preliminary school counselor license to an individual enrolled in**
26 **an approved school counselor preparation program if the individual**
27 **meets both of the following:**

28 (a) **The individual has completed at least 30 semester hours in**
29 **an approved school counselor preparation program.**

1 (b) The individual has successfully completed the department's
2 school counselor examination.

3 (14) Subject to subsection (15), if an individual holding a
4 school counselor license from another state, country, or federally
5 recognized Indian tribe applies for a Michigan school counselor
6 license and meets all requirements for the Michigan school
7 counselor license except for passage of the appropriate
8 examinations described in subsection (2) (b), the superintendent of
9 public instruction shall issue a nonrenewable temporary school
10 counselor license, good for 1 year, to the individual. The
11 superintendent of public instruction shall not issue a Michigan
12 school counselor license to the individual after the expiration of
13 the temporary school counselor license unless the individual
14 completes the licensing requirements described in this section.

15 (15) The superintendent of public instruction shall deny a
16 Michigan school counselor credential to an individual described in
17 subsection (2) (b) or (14) for fraud, material misrepresentation, or
18 concealment in the individual's application for a license or for a
19 conviction for which an individual's state board approval may be
20 suspended or revoked under section 1539b.

21 (16) Except as otherwise provided in this section, as used in
22 this section:

23 (a) "Individual holding a school counselor license from
24 another state, country, or federally recognized Indian tribe" or
25 "individual who holds a school counselor license from another
26 state, country, or federally recognized Indian tribe" means an
27 individual with a valid school counselor credential or an
28 individual who is eligible for a school counselor credential in the
29 state or country or with the federally recognized Indian tribe in

1 which or with which the individual holds the credential or is
2 eligible for the credential.

3 (b) "School counselor credential" means, except as used in
4 subdivision (a), 1 of the following:

5 (i) A school counselor endorsement on a valid Michigan teaching
6 certificate.

7 (ii) A preliminary school counselor license as described in
8 this section.

9 (iii) A temporary school counselor license as described in this
10 section.

11 (iv) A school counselor license.