

# HOUSE BILL NO. 5011

September 14, 2023, Introduced by Reps. Weiss, Stone, Wilson and Tsernoglou 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 (10), the board of a school district  
20 or intermediate school district may employ an individual without a  
21 teaching certificate as a substitute teacher if either of the  
22 following requirements is met, ~~if~~ **as** applicable:

23 **(a) Either of the following, if applicable:**

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

28 (ii) ~~(b)~~—For substitute teaching a course in an industrial  
29 technology education program or a career and technical education

1 program, the individual is engaged to substitute teach in a subject  
 2 matter or field in which the individual has achieved expertise, as  
 3 determined by the board of a school district or intermediate school  
 4 district and satisfies all of the following, if applicable:

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

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

11       **(I)** ~~(A)~~—Holds a professional license or certification in that  
 12 same subject matter or field.

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

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

21       **(b) Beginning with each individual without a teaching**  
 22 **certificate who is initially employed as a substitute teacher on or**  
 23 **after the effective date of the amendatory act that added this**  
 24 **sentence, the individual has successfully completed a 6-hour course**  
 25 **in classroom management training or a classroom management training**  
 26 **course that is equivalent to 1 full day of professional**  
 27 **development. If the board contracts with a private entity for the**  
 28 **employment of a substitute teacher, it shall ensure, before**  
 29 **employment, that the private entity has paid for all of the costs**

**1 associated with the substitute teacher's completion of the course  
2 or training required under this subdivision.**

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

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

1           (8) The department shall approve the professional development  
2 for the purposes of subsection (6). The department shall only  
3 approve a professional development program or course for the  
4 purposes of subsection (6) if the department determines that the  
5 content and curriculum for the professional development meet  
6 standards that are developed by the department in consultation with  
7 the department of labor and economic opportunity and groups  
8 representing school counselors, college admissions professionals,  
9 financial aid officers, employers, and others as determined  
10 appropriate by the department. The department shall develop these  
11 standards by July 1, 2018 and shall facilitate the involvement in  
12 the development of the standards of the groups required under this  
13 subsection.

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

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

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

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

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

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

1           (i) If the individual's existing salary as an employee of or  
2 worker at the school district or intermediate school district is  
3 higher than the salary of a substitute teacher who is employed at  
4 or works at the school district or intermediate school district,  
5 the individual's salary for his or her employment or work as a  
6 substitute teacher under this subsection must not be lower than his  
7 or her existing salary.

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

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

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