

SENATE BILL NO. 162

March 09, 2023, Introduced by Senators MCCANN, POLEHANKI, GEISS, SHINK, MCMORROW, WOJNO, CAVANAGH, CHANG, CHERRY and KLINEFELT 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.

6 (2) The board of a school district or intermediate school

1 district shall not allow an individual to serve in a counseling
 2 role in the school district or intermediate school district, as the
 3 role is defined by the superintendent of public instruction, unless
 4 the individual **holds a valid school counselor credential. The**
 5 **superintendent of public instruction shall issue a school counselor**
 6 **license only to an individual who** meets 1 or more of the following:

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

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

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

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

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

17 ~~(C) Guidance information--vocational development theory,~~
 18 ~~educational and occupational information.~~

19 ~~(D) Counseling theory and practice--individual and group~~
 20 ~~procedures, administration and coordination relationships,~~
 21 ~~professional relationships, and ethics.~~

22 ~~(E) Supervised experiences--laboratory, practicum, or~~
 23 ~~internship.~~

24 ~~(F) Evaluation--statistics and research methodology, follow-up~~
 25 ~~evaluation, and measurement methods.~~**that is approved by the**
 26 **superintendent of public instruction based on standards developed**
 27 **by the department in consultation with practicing school**
 28 **counselors, representatives from school counselor preparation**
 29 **programs, and state associations representing school counselors.**

1 (ii) Has successfully completed the department's guidance
2 counselor examination.

3 ~~(iii) Has been recommended by an approved school counselor
4 education program to provide services as a school counselor.~~

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

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

13 (ii) Has successfully completed the department's guidance
14 counselor examination.

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

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

29 (5) Subject to subsection (10), the board of a school district

1 or intermediate school district may employ an individual without a
2 teaching certificate as a substitute teacher if either of the
3 following requirements is met, if applicable:

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

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

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

17 (ii) For substitute teaching in a subject matter or field in
18 which a professional license or certification is required, at least
19 1 of the following:

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

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

27 (iii) Has at least 2 cumulative years of professional experience
28 in that same subject matter or field in the immediately preceding
29 10 years.

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

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

28 (8) The department shall approve the professional development
29 for the purposes of subsection (6). The department shall only

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

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

15 (10) Subject to subsection (12), beginning on ~~the effective~~
 16 ~~date of the amendatory act that added this subsection~~ **December 27,**
 17 **2021** through June 30, 2022, the board of a school district or
 18 intermediate school district may employ an individual without a
 19 certificate or permit who does not meet the requirements under
 20 subsection (5) as a substitute teacher if both of the following are
 21 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).

27 **(13) The superintendent of public instruction may issue a**
28 **preliminary school counselor license to an individual enrolled in**
29 **an approved school counselor preparation program if the individual**

1 meets both of the following:

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

4 (b) The individual has successfully completed the department's
5 guidance counselor examination.

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

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

24 (16) Except as otherwise provided in this section, as used in
25 this section:

26 (a) "Individual holding a school counselor license from
27 another state, country, or federally recognized Indian tribe" or
28 "individual who holds a school counselor license from another
29 state, country, or federally recognized Indian tribe" means an

1 individual with a valid school counselor credential or an
2 individual who is eligible for a school counselor credential in the
3 state or country or with the federally recognized Indian tribe in
4 which or with which the individual holds the credential or is
5 eligible for the credential.

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

8 (i) A school counselor endorsement on a valid Michigan teaching
9 certificate.

10 (ii) A preliminary school counselor license as described in
11 this section.

12 (iii) A temporary school counselor license as described in this
13 section.

14 (iv) A school counselor license.