

# Legislative Analysis



## SUBSTITUTE TEACHER CERTIFICATION EXCEPTIONS

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<http://www.house.mi.gov/hfa>

**House Bill 4294 as enacted**  
**Public Act 149 of 2021**  
**Sponsor: Rep. Brad Paquette**  
**House Committee: Education**  
**Senate Committee: Education and Career Readiness**  
**Complete to 12-15-22**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

Generally, the Revised School Code requires all schools to ensure that their teachers hold a valid teaching certificate (with exceptions for certain subject areas and for schools and teachers in the Detroit Public Schools Community District). However, the board of a school district or intermediate school district (ISD) may employ a person who does not have a teaching certificate to serve as a substitute teacher as long as that person has at least 60 semester hours of college credit or an associate degree from a college, university, or community college<sup>1</sup> or has qualifying expertise in an industrial technology education program or a career and technical education program.<sup>2</sup>

**House Bill 4294** amends the code to provide that, through June 30, 2022, in addition to the exceptions described above, the board of a school district or ISD may employ a person who does not have a teaching certificate to serve as a substitute teacher if both of the following are met:

- The person has a high school diploma or high school equivalency certificate and is employed by or works at the district or ISD.
- If the person's existing salary is higher than that of a substitute teacher for the district or ISD, that salary must not be lowered when serving as a substitute teacher, and if the existing salary is lower, it must be raised to at least the level of a substitute teacher when serving in that capacity.

For individuals employed in a substitute role under the above circumstances, the criminal history check requirements outlined in sections 1230(2) and 1230a(2) of the code do not apply, although their employment is subject to the other requirements of sections 1230 and 1230a.<sup>3</sup>

Finally, an individual who declines employment or assignment as a substitute teacher as described above cannot be terminated or reassigned from their existing position or retaliated against solely for declining employment or assignment as a substitute.

MCL 380.1233

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<sup>1</sup> House Fiscal Agency analysis of 2018 PA 236 (House Bill 4069): <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-4069-2C7147E4.pdf>

<sup>2</sup> House Fiscal Agency analysis of 2018 PA 418 (House Bill 4421): <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-4421-8B8E0D66.pdf>

<sup>3</sup> The excepted provisions detail the conditions under which an individual can be allowed to work in schools on a conditional basis, pending the completion of a criminal history check. See <http://legislature.mi.gov/doc.aspx?mcl-380-1230> and <http://legislature.mi.gov/doc.aspx?mcl-380-1230a>

**BACKGROUND:**

House Bill 4342 of the 2019-20 legislative session,<sup>4</sup> as reported from House committee, proposed exceptions similar to those found in HB 4294, but for the 2020-2021 school year only. That flexibility was contemplated in order to meet the unique staffing concerns brought about by the COVID-19 pandemic, both in juggling remote and hybrid schooling and in addressing teacher absences due to COVID-19–related illnesses.

As introduced, HB 4294 would have allowed similar exceptions through June 30, 2026. As described above, the version of the bill that was enacted into law as 2021 PA 149 has an end date of June 30, 2022.

**FISCAL IMPACT:**

House Bill 4294 would have no impact on the state and would have an indeterminate impact on local school districts, ISDs, and public school academies (PSAs) depending on how they respond to the increased flexibility for hiring substitutes and how they employ qualified individuals in both their regular positions and as substitute teachers.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

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<sup>4</sup> House Fiscal Agency summary of House Bill 4342 (H-3) of 2019-20:  
<http://www.legislature.mi.gov/documents/2019-2020/billanalysis/House/pdf/2019-HLA-4342-EF011760.pdf>