

HOUSE BILL NO. 4038

January 19, 2023, Introduced by Rep. Paquette 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) **and (11)**, the board of a school
20 district or intermediate school district may employ an individual
21 without a teaching certificate as a substitute teacher if either of
22 the following requirements is met, if applicable:

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

27 (b) For substitute teaching a course in an industrial
28 technology education program or a career and technical education
29 program, the individual is engaged to substitute teach in a subject

1 matter or field in which the individual has achieved expertise, as
2 determined by the board of a school district or intermediate school
3 district and satisfies all of the following, if applicable:

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

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

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

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

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

20 (6) The department shall not renew an individual's school
21 counselor credential unless the department determines that, within
22 the time period since the individual's school counselor credential
23 was issued or last renewed, whichever is most recent, the
24 individual has completed at least 25 hours of professional
25 development approved by the department under subsection (8)
26 covering counseling about the college preparation and selection
27 process and at least 25 hours of professional development approved
28 by the department under subsection (8) covering career counseling.
29 For the purposes of this subsection, career counseling includes,

1 but is not limited to, exploration of military career options and
2 the skilled trades as well as other careers and pathways that lead
3 to industry credentials awarded in recognition of an individual's
4 attainment of measurable technical or occupational skills necessary
5 to obtain employment or advance within an occupation. The hours of
6 professional development required under this subsection covering
7 career counseling must include at least 5 hours covering military
8 career options. The hours of professional development required
9 under this subsection are a part of and not in addition to
10 professional development requirements under department rule.

11 (7) An individual may complete the professional development
12 hours for the purposes of subsection (6) as part of the
13 professional development provided by a school district,
14 intermediate school district, public school academy, or nonpublic
15 school under section 1527 if the content and curriculum of the
16 professional development provided under section 1527 are approved
17 by the department under subsection (8).

18 (8) The department shall approve the professional development
19 for the purposes of subsection (6). The department shall only
20 approve a professional development program or course for the
21 purposes of subsection (6) if the department determines that the
22 content and curriculum for the professional development meet
23 standards that are developed by the department in consultation with
24 the department of labor and economic opportunity and groups
25 representing school counselors, college admissions professionals,
26 financial aid officers, employers, and others as determined
27 appropriate by the department. The department shall develop these
28 standards by July 1, 2018 and shall facilitate the involvement in
29 the development of the standards of the groups required under this

1 subsection.

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

4 (10) Subject to subsection ~~(12)~~, **(13)**, beginning on ~~the~~
5 ~~effective date of the amendatory act that added this subsection~~
6 **December 27, 2021**, through June 30, 2022, **and beginning on July 1,**
7 **2022, through the effective date of the amendatory act that added**
8 **subsection (13)**, the board of a school district or intermediate
9 school district may employ an individual without a certificate or
10 permit who does not meet the requirements under subsection (5) as a
11 substitute teacher if both of the following are met:

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

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

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

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

20 (i) If the individual's existing salary as an employee of or
21 worker at the school district or intermediate school district is
22 higher than the salary of a substitute teacher who is employed at
23 or works at the school district or intermediate school district,
24 the individual's salary for his or her employment or work as a
25 substitute teacher under this subsection must not be lower than his
26 or her existing salary.

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

1 works at the school district or intermediate school district, the
2 individual's salary for his or her employment or work as a
3 substitute teacher under this subsection must be in an amount that
4 is equal to or greater than the salary of a substitute teacher who
5 is employed at or works at the school district or intermediate
6 school district.

7 (11) Subject to subsection (13), beginning 1 day after the
8 effective date of the amendatory act that added subsection (13)
9 through June 30, 2024, the board of a school district or
10 intermediate school district may employ an individual with an
11 appropriate teaching certificate or permit, as determined by the
12 superintendent of public instruction, who does not meet the
13 requirements under subsection (5) as a substitute teacher if both
14 of the following are met:

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

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

19 (ii) For substitute teaching in any of grades 9 to 12, either
20 of the following is met:

21 (A) The individual is at least 21 years of age.

22 (B) The individual is enrolled in and supervised through
23 participation in a department-approved educator preparation
24 program.

25 (b) If the individual is an employee of or worker at the
26 school district or intermediate school district, the board ensures
27 that both of the following are met, as applicable:

28 (i) If the individual's existing salary as an employee of or
29 worker at the school district or intermediate school district, as

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

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

15 (12) ~~(11)~~—An individual who declines employment or assignment
16 as a substitute teacher under subsection (10) **or (11)** must not be
17 terminated from his or her existing employment or assignment and
18 must not be subject to retaliation solely for declining the
19 employment or assignment under subsection (10) **or (11)**.

20 (13) ~~(12)~~—Notwithstanding any other provision of this act,
21 sections 1230(2) and 1230a(2) do not apply to an individual
22 employed under subsection (10) **or (11)**. However, all other
23 requirements under sections 1230 and 1230a apply to the employment
24 of an individual under subsection (10) **or (11)**.