

SENATE BILL NO. 161

March 09, 2023, Introduced by Senators GEISS, POLEHANKI, 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 sections 1526, 1531, 1531d, 1531j, and 1531k (MCL 380.1526, 380.1531, 380.1531d, 380.1531j, and 380.1531k), section 1526 as amended by 1995 PA 289, section 1531 as amended by 2018 PA 235, section 1531d as added by 2003 PA 18, and sections 1531j and 1531k as amended by 2018 PA 234.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1526. **(1)** For the first 3 years of his or her employment

1 in classroom teaching, a teacher ~~shall~~**must** be assigned by the
 2 school in which he or she teaches to 1 or more master teachers, or
 3 college professors or retired master teachers, who shall act as a
 4 mentor or mentors to the teacher. During the 3-year period, the
 5 teacher ~~shall~~**must** also receive intensive professional development
 6 induction into teaching, based on a professional development plan
 7 that is consistent with the requirements of section 3a of article
 8 II of ~~Act No. 4 of the Public Acts of the Extra Session of 1937,~~
 9 ~~being section 38.83a of the Michigan Compiled Laws, 1937 (Ex Sess)~~
 10 **PA 4, MCL 38.83a**, including classroom management and instructional
 11 delivery. ~~During~~**Subject to subsection (2), during** the 3-year
 12 period, the intensive professional development induction into
 13 teaching ~~shall~~**must** consist of at least 15 days of professional
 14 development, the experiencing of effective practices in university-
 15 linked professional development schools, and regional seminars
 16 conducted by master teachers and other mentors.

17 **(2) Except as otherwise provided in this subsection, for**
 18 **teachers employed in classroom teaching on or after August 1, 2023,**
 19 **except for individuals who have physical limitations that make it**
 20 **impracticable for the individual to complete the course and**
 21 **instruction and obtain the required certification under this**
 22 **subsection, the 15 days of professional development described in**
 23 **subsection (1) must include a course approved by the department in**
 24 **first aid and cardiopulmonary resuscitation that includes a test**
 25 **demonstration on a mannequin and instruction in foreign body airway**
 26 **obstruction management that results in valid certification in these**
 27 **topics issued by the American Red Cross, American Heart**
 28 **Association, or a comparable organization or institution approved**
 29 **by the department. The course, instruction, and certification**

1 required under this subsection must be completed within the first
 2 year of the 3-year period described in subsection (1). This
 3 subsection does not apply to an individual who has successfully
 4 completed a course and instruction and holds the valid
 5 certification as described in this subsection.

6 (3) An individual who has completed the course and instruction
 7 and obtained the certification described in subsection (2) and who
 8 performs first aid, cardiopulmonary resuscitation, or foreign body
 9 airway obstruction management on another individual in the course
 10 of his or her employment as a teacher is not liable in a civil
 11 action for damages resulting from an act or omission occurring in
 12 that performance except for an act or omission constituting gross
 13 negligence or willful or wanton misconduct.

14 (4) This section does not create a duty to act on the part of
 15 an individual who holds the certification described in subsection
 16 (2).

17 Sec. 1531. (1) Except as **otherwise** provided in this act, the
 18 superintendent of public instruction shall determine the
 19 requirements for and issue all licenses, ~~and certificates, and~~
 20 **endorsements** for teachers, including preprimary teachers ~~—and the~~
 21 ~~requirements for an endorsement of teachers as qualified~~
 22 ~~counselors, and an endorsement of teachers for teaching a foreign~~
 23 ~~language in an elementary grade in the public schools of the~~ **this**
 24 state.

25 (2) Except as otherwise provided in this act, the
 26 superintendent of public instruction shall only issue a teaching
 27 certificate **or additional endorsement** to an individual who has
 28 passed appropriate **available** examinations. ~~as follows:~~

29 ~~(a) For a secondary level teaching certificate, has passed the~~

1 ~~appropriate available subject area examination for each subject~~
 2 ~~area in which he or she applies to be certified.~~

3 ~~(b) For an elementary level teaching certificate, has passed,~~
 4 ~~if it is available, the elementary certification examination, and~~
 5 ~~has passed the appropriate available subject area examination for~~
 6 ~~each subject area, if any, in which he or she applies to be~~
 7 ~~certified.~~

8 ~~(3) Except as otherwise provided in this act, the~~
 9 ~~superintendent of public instruction shall issue a Michigan~~
 10 ~~teaching certificate to an individual holding a certificate from~~
 11 ~~another state or a teaching degree from an out-of-state teacher~~
 12 ~~preparation institution who applies for a Michigan teaching~~
 13 ~~certificate only if the individual passes appropriate examinations~~
 14 ~~as follows:~~

15 ~~(a) For a secondary level teaching certificate, pass the~~
 16 ~~appropriate available subject area examination for each subject~~
 17 ~~area in which he or she applies to be certified. The superintendent~~
 18 ~~of public instruction may accept passage of an equivalent~~
 19 ~~examination approved by the superintendent of public instruction to~~
 20 ~~meet this requirement.~~

21 ~~(b) For an elementary level teaching certificate, pass, if it~~
 22 ~~is available, the elementary certification examination, and pass~~
 23 ~~the appropriate available subject area examination for each subject~~
 24 ~~area, if any, in which he or she applies to be certified. The~~
 25 ~~superintendent of public instruction may accept passage of an~~
 26 ~~equivalent examination approved by the superintendent of public~~
 27 ~~instruction to meet 1 or both of these requirements.~~**this**
 28 **requirement for an individual holding a teaching certificate from**
 29 **another state, country, or federally recognized Indian tribe.**

1 (3) ~~(4)~~ Except as otherwise provided in this act, the
 2 superintendent of public instruction shall only issue a teaching
 3 certificate to an individual who has met the elementary or
 4 secondary, as applicable, reading credit requirements established
 5 under superintendent of public instruction rule. If an individual
 6 holds a teaching certificate, ~~then beginning July 1, 2009,~~
 7 notwithstanding any rule to the contrary, the superintendent of
 8 public instruction shall not advance the individual's certification
 9 to professional certification unless the individual has
 10 successfully completed at least a 3-credit course of study with
 11 appropriate field experiences in the diagnosis and remediation of
 12 reading disabilities and differentiated instruction. To meet this
 13 requirement, the course of study should include the following
 14 elements, as determined by the department to be appropriate for the
 15 individual's certification level and endorsements: interest
 16 inventories, English language learning screening, visual and
 17 auditory discrimination tools, language expression and processing
 18 screening, phonemics, phonics, vocabulary, fluency, comprehension,
 19 spelling and writing assessment tools, and instructional
 20 strategies. An individual may complete the course of study either
 21 as part of his or her teacher preparation program. ~~or during the~~
 22 ~~first 6 years of his or her employment in classroom teaching.~~

23 (4) ~~(5)~~ ~~Not later than January 11, 2002, the superintendent of~~
 24 ~~public instruction, in cooperation with appropriate curriculum~~
 25 ~~specialists and teacher educators, shall revise~~ **Any revisions to**
 26 **existing reading standards to recognize must include the**
 27 **recognition of** reading disorders and ~~to~~ enable teachers to make
 28 referrals for instruction and support for pupils with reading
 29 disorders.

1 (5) ~~(6)~~ Subject to subsection (8), if an individual holding a
 2 teaching certificate from another state, **country, or federally**
 3 **recognized Indian tribe** applies to the superintendent of public
 4 instruction for a Michigan teaching certificate and meets the
 5 requirements of this subsection, the superintendent of public
 6 instruction shall issue to the individual a Michigan ~~professional~~
 7 ~~education~~ teaching certificate and ~~applicable~~ endorsements
 8 comparable to those the individual holds in the other state ~~, or~~
 9 **country or with the federally recognized Indian tribe** without
 10 requiring the individual to pass the ~~applicable subject area~~
 11 ~~examination~~ **appropriate examinations** otherwise required under
 12 subsection (2) ~~or (3)~~. **or to complete the reading credit**
 13 **requirement established under superintendent of public instruction**
 14 **rule as described in subsection (3)**. To be eligible to receive a
 15 Michigan ~~professional education~~ teaching certificate under this
 16 subsection, an individual shall provide evidence satisfactory to
 17 the department that he or she ~~meets all of the following~~
 18 ~~requirements:~~

19 ~~(a) Has~~ **has** taught successfully for at least 3 years in a
 20 position for which the individual's teaching certification from the
 21 other state, **country, or federally recognized Indian tribe** was
 22 valid.

23 ~~(b) Has earned, after his or her initial certification in~~
 24 ~~another state, at least 18 semester credit hours in a planned~~
 25 ~~course of study at an institution of higher education approved by~~
 26 ~~the superintendent of public instruction or has earned, at any~~
 27 ~~time, a master's or doctoral degree approved by the superintendent~~
 28 ~~of public instruction.~~

29 (6) ~~(c) Has met the~~ **Subject to subsection (8), an individual**

1 holding a teaching certificate from another state, country, or
2 federally recognized Indian tribe is eligible for a Michigan
3 professional education certificate if the individual meets both of
4 the following:

5 (a) The individual has taught successfully for at least 3
6 years in a position for which the individual's teaching
7 certification from the other state, country, or federally
8 recognized Indian tribe was valid.

9 (b) The individual meets the elementary or secondary, as
10 applicable, reading credit requirement established under
11 superintendent of public instruction rule **as described in**
12 **subsection (3).**

13 ~~(7) An individual who receives a teaching certificate and~~
14 ~~endorsement or endorsements under subsection (6) is eligible to~~
15 ~~receive 1 or more additional endorsements comparable to~~
16 ~~endorsements the individual holds in another state only if the~~
17 ~~individual passes the appropriate subject area examinations~~
18 ~~required under subsection (2) or (3).~~ **Subject to subsection (8), if**
19 **an individual holding a teaching certificate from another state,**
20 **country, or federally recognized Indian tribe applies to the**
21 **superintendent of public instruction for an additional endorsement**
22 **on a valid Michigan teaching certificate and meets the requirements**
23 **of this subsection, the superintendent of public instruction shall**
24 **issue the individual an endorsement comparable to that which the**
25 **individual holds in the other state or country or with the**
26 **federally recognized Indian tribe without requiring that the**
27 **individual pass the appropriate available examinations otherwise**
28 **required under subsection (2). To be eligible to receive an**
29 **additional endorsement under this subsection, an individual shall**

1 provide evidence satisfactory to the department that he or she has
 2 taught successfully for at least 3 years in a position for which
 3 the individual's teaching endorsement from the other state,
 4 country, or federally recognized Indian tribe is valid.

5 (8) The superintendent of public instruction ~~shall~~**may** deny a
 6 Michigan teaching certificate **or endorsement** to an individual
 7 described in subsection (5), (6), **or (7)** for fraud, material
 8 misrepresentation, or concealment in the individual's application
 9 for a certificate or for a conviction for which an individual's
 10 teaching certificate may be **suspended or** revoked under section
 11 1535a.

12 ~~(9) The department, based upon criteria recommended under~~
 13 ~~subsection (11), shall provide to approved teacher education~~
 14 ~~institutions approved guidelines and criteria for use in the~~
 15 ~~development or selection of subject area examinations.~~

16 (9) ~~(10)~~For the purposes of this section, the superintendent
 17 of public instruction, based upon criteria recommended ~~under~~
 18 ~~subsection (11),~~ **by a committee of teachers, representatives of**
 19 **approved teacher education institutions, Michigan education**
 20 **organizations and associations, and experts in measurement and**
 21 **assessment**, shall develop, select, or develop and select 1 or more
 22 subject area examinations. In addition, the superintendent of
 23 public instruction, based upon criteria recommended ~~under~~
 24 ~~subsection (11),~~ **by the committee described in this subsection,**
 25 shall approve an ~~elementary certification examination and a reading~~
 26 ~~subject area examination.~~ **subtest to be taken and passed by**
 27 **individuals seeking pre-K to grade 3 or grade 3 to grade 6-level**
 28 **endorsement.** If the department develops for use under this
 29 subsection an examination that had previously been contracted for

1 using a competitive bid process, then the department shall not
2 expend on the development of that examination an amount that
3 exceeds the amount that the department expended on procurement of
4 the most recent competitively-bid version of that examination. **The**
5 **competitive bid process must address validity, reliability, and**
6 **other technical standards of the examinations and of the**
7 **appropriate administration and use of those examinations.**

8 ~~(11) The superintendent of public instruction shall appoint an~~
9 ~~11-member teacher examination advisory committee composed of~~
10 ~~representatives of approved teacher education institutions and~~
11 ~~Michigan education organizations and associations. Not more than~~
12 ~~1/2 of the members comprising this committee shall be certified~~
13 ~~teachers. This committee shall recommend criteria to be used by the~~
14 ~~superintendent of public instruction in the development, selection,~~
15 ~~or development and selection of subject area examinations. In~~
16 ~~addition, the committee shall recommend guidelines for the use and~~
17 ~~administration of those examinations.~~

18 ~~(12) The superintendent of public instruction shall appoint a~~
19 ~~7-member standing technical advisory council composed of~~
20 ~~individuals who are experts in measurement and assessment. This~~
21 ~~council shall advise the superintendent of public instruction and~~
22 ~~the teacher examination committee on the validity, reliability, and~~
23 ~~other technical standards of the examinations that will be used or~~
24 ~~are being used and of the administration and use of those~~
25 ~~examinations.~~

26 **(10)** ~~(13)~~ Not later than November 30 of each year, the
27 superintendent of public instruction shall submit in writing a
28 report on the development or selection and use of ~~the elementary~~
29 ~~certification examination and the subject area examinations to the~~

1 house and senate education committees. The report ~~shall~~**must** also
 2 contain a financial statement regarding revenue received from the
 3 assessment of fees levied under subsection ~~(15)~~**(12)** and the amount
 4 of and any purposes for which that revenue was expended.

5 **(11)** ~~(14)~~—The ~~elementary certification examination and the~~
 6 ~~subject area~~ examinations required by this section may be taken at
 7 different times during an approved teacher preparation program, but
 8 the ~~elementary certification examination and the subject area~~
 9 examinations, as applicable, must be passed before an individual is
 10 recommended for certification.

11 **(12)** ~~(15)~~—The department, or if approved by the superintendent
 12 of public instruction, a private testing service, may assess fees
 13 for taking the ~~elementary certification examination and the subject~~
 14 ~~area~~**appropriate available** examinations **described in subsection**
 15 **(2)**. The fees, which ~~shall~~**must** be set by the superintendent of
 16 public instruction, ~~shall~~**must** not exceed the actual cost of the
 17 examination and of administering the examination. Fees received by
 18 the department ~~shall~~**must** be expended solely for administrative
 19 expenses that it incurs in implementing this section. If the
 20 superintendent of public instruction increases a fee charged for an
 21 examination under this subsection, at least 1 year before
 22 implementing the fee increase, the department shall notify each
 23 approved teacher education institution of the amount of the fee
 24 increase. An approved teacher education institution shall notify
 25 each of its affected students of the timing and amount of such a
 26 fee increase.

27 **(13)** ~~(16)~~—If an individual holding a teaching certificate from
 28 another state, **country, or federally recognized Indian tribe**
 29 applies for a Michigan teaching certificate and meets all

1 requirements for the Michigan teaching certificate except passage
 2 of the appropriate **available** examinations under subsection ~~(3)~~, **(2)**
 3 **or the reading credit requirement under subsection (3)**, the
 4 superintendent of public instruction shall issue a nonrenewable
 5 temporary teaching certificate, good for 1 year, to the individual.
 6 The superintendent of public instruction shall not issue a Michigan
 7 teaching certificate to the individual after expiration of the
 8 temporary teaching certificate unless the individual ~~passes~~
 9 ~~appropriate examinations as described in subsection (3)~~. **has met the**
 10 **requirements of this section.**

11 **(14)** ~~(17)~~ As used in this section:

12 (a) ~~"Elementary certification examination" means a~~
 13 ~~comprehensive examination for elementary certification that has~~
 14 ~~been developed or selected by the superintendent of public~~
 15 ~~instruction for demonstrating the applicant's knowledge and~~
 16 ~~understanding of the core subjects normally taught in elementary~~
 17 ~~classrooms and for determining whether or not an applicant is~~
 18 ~~eligible for an elementary level teaching certificate.~~ **"Additional**
 19 **endorsement" means an endorsement added to a Michigan teaching**
 20 **certificate after initial issuance of the certificate.**

21 (b) **"An individual holding a teaching certificate from another**
 22 **state, country, or federally recognized Indian tribe" means an**
 23 **individual with a valid teaching certificate or an individual who**
 24 **is eligible for a teaching certificate in the state or country or**
 25 **with the federally recognized Indian tribe in which or with which**
 26 **the individual is certificated or eligible for certification.**

27 (c) ~~(b)~~ **"Subject area examination" means an examination**
 28 **related to a specific area of certification, which examination has**
 29 **been developed or selected by the superintendent of public**

1 ~~instruction~~ **an endorsement area** for the purpose of demonstrating
 2 the applicant's knowledge and understanding of the subject matter
 3 and determining whether or not an applicant is eligible for a
 4 Michigan teaching certificate **or endorsement**.

5 (15) ~~(18)~~—The superintendent of public instruction shall
 6 promulgate rules for the implementation of this section.

7 ~~(19) Notwithstanding any rule to the contrary, the~~
 8 ~~superintendent of public instruction shall continue to issue state~~
 9 ~~elementary or secondary continuing education certificates under R~~
 10 ~~390.1132(1) of the Michigan Administrative Code to individuals who~~
 11 ~~completed the requirements of that rule by December 31, 1992 and~~
 12 ~~who apply for that certificate not later than March 15, 1994. If~~
 13 ~~the superintendent of public instruction has issued a state~~
 14 ~~elementary or secondary professional education certificate to an~~
 15 ~~individual described in this section, the superintendent of public~~
 16 ~~instruction shall consider the individual to have a state~~
 17 ~~elementary or secondary, as applicable, continuing education~~
 18 ~~certificate.~~

19 (16) ~~(20)~~—Not later than January 1, 2019, the superintendent
 20 of public instruction, in consultation with the department of
 21 ~~talent and economic development~~ **labor and economic opportunity** and
 22 groups or individuals representing employers, economic development
 23 agencies, trade unions, secondary school principals, middle and
 24 elementary school principals, teachers, school district and
 25 intermediate school district superintendents, and others as
 26 determined appropriate by the department, shall promulgate rules to
 27 allow an individual to use time spent engaging with local employers
 28 or technical centers toward the renewal of a teaching certificate
 29 in the same manner as state continuing education or professional

1 development.

2 Sec. 1531d. (1) ~~Beginning July 1, 2004, the~~ **Subject to**
 3 **subsection (4), the** superintendent of public instruction shall not
 4 issue an initial teaching certificate to a person unless the person
 5 presents evidence satisfactory to the superintendent of public
 6 instruction that the person meets 1 of the following:

7 (a) Has successfully completed a course approved by the
 8 department in first aid and cardiopulmonary resuscitation,
 9 including a test demonstration on a mannequin, and has successfully
 10 completed instruction approved by the department in foreign body
 11 airway obstruction management, and holds valid certification in
 12 these topics issued by the American ~~red cross,~~ **Red Cross**, American
 13 ~~heart association,~~ **Heart Association**, or a comparable organization
 14 or institution approved by the department.

15 (b) Has physical limitations that make it impracticable for
 16 the person to complete the instruction and obtain the required
 17 certification under subdivision (a).

18 (2) A person who meets the requirements described in
 19 subsection (1)(a) and who performs first aid, cardiopulmonary
 20 resuscitation, or foreign body airway obstruction management on
 21 another person in the course of his or her employment as a teacher
 22 is not liable in a civil action for damages resulting from an act
 23 or omission occurring in that performance except an act or omission
 24 constituting gross negligence or willful ~~and or~~ wanton misconduct.

25 (3) This section does not create a duty to act on the part of
 26 a person who holds the certification described in subsection
 27 (1)(a).

28 **(4) Subsection (1) does not apply after July 31, 2023.**

29 Sec. 1531j. ~~(1)~~ Notwithstanding any other provision of this

1 act or a rule to the contrary, ~~beginning July 1, 2018,~~ **but except**
 2 **as otherwise provided in section 1531,** the superintendent of public
 3 instruction shall not issue an initial professional teaching
 4 certificate to an individual unless the individual presents
 5 evidence satisfactory to the superintendent of public instruction
 6 demonstrating that he or she meets all of the following:

7 (a) The individual has ~~successfully~~ completed at least 3 ~~full~~
 8 years of ~~classroom~~ teaching, **as defined in rules promulgated by the**
 9 **superintendent of public instruction.**

10 (b) The individual meets ~~either~~ **any** of the following:

11 (i) Was rated as either effective or highly effective on his or
 12 her annual year-end performance evaluation under section 1249 for
 13 the 3 consecutive school years immediately preceding his or her
 14 application for the professional teaching certificate.

15 (ii) Was rated as either effective or highly effective on his
 16 or her annual year-end performance evaluation under section 1249
 17 for at least 3 nonconsecutive school years before his or her
 18 application for the professional teaching certificate and submits a
 19 recommendation from the chief school administrator of the school at
 20 which he or she is currently employed that he or she be issued a
 21 professional teaching certificate.

22 ~~(2) Not later than January 1, 2019, the superintendent of~~
 23 ~~public instruction, in consultation with the department of talent~~
 24 ~~and economic development and groups or individuals representing~~
 25 ~~employers, economic development agencies, trade unions, secondary~~
 26 ~~school principals, middle and elementary school principals,~~
 27 ~~teachers, school district and intermediate school district~~
 28 ~~superintendents, and others as determined appropriate by the~~
 29 ~~department, shall promulgate rules to allow an individual to use~~

1 ~~time spent engaging with local employers or technical centers~~
 2 ~~toward the renewal of a professional teaching certificate in the~~
 3 ~~same manner as state continuing education or professional~~
 4 ~~development.~~

5 (iii) Since issuance of the individual's most recent teaching
 6 certificate, the individual completed at least 3 years of
 7 successful experience in an appropriate assignment, as determined
 8 by the superintendent of public instruction, including experience
 9 as a teacher leader, a teacher of children from birth through pre-
 10 K, a teacher of adult education, or a provider of K to 12
 11 instruction in an assignment that does not require an annual
 12 performance evaluation under section 1249.

13 Sec. 1531k. ~~(1) Beginning November 5, 2015, the~~ ~~The~~
 14 superintendent of public instruction shall not issue an initial
 15 advanced professional education certificate to an individual, or
 16 renew an individual's advanced professional education certificate,
 17 unless the individual presents evidence satisfactory to the
 18 superintendent of public instruction demonstrating that he or she
 19 meets ~~all~~ **criteria established by the department and either** of the
 20 following:

21 (a) Has been rated as highly effective **or effective** on his or
 22 her annual year-end evaluation under section 1249 for 3 out of the
 23 5 most recent school years -

24 ~~(b) Has~~ **and has** not been rated ineffective on his or her
 25 annual year-end evaluation under section 1249 within the 5 most
 26 recent school years.

27 ~~(c) Meets additional criteria established by the department.~~

28 ~~(2) Not later than January 1, 2019, the superintendent of~~
 29 ~~public instruction, in consultation with the department of talent~~

1 ~~and economic development and groups or individuals representing~~
2 ~~employers, economic development agencies, trade unions, secondary~~
3 ~~school principals, middle and elementary school principals,~~
4 ~~teachers, school district and intermediate school district~~
5 ~~superintendents, and others as determined appropriate by the~~
6 ~~department, shall promulgate rules to allow an individual to use~~
7 ~~time spent engaging with local employers or technical centers~~
8 ~~toward the renewal of an advanced professional education~~
9 ~~certificate in the same manner as state continuing education or~~
10 ~~professional development.~~

11 **(b) Since issuance of the individual's most recent teaching**
12 **certificate, the individual completed at least 3 years of**
13 **successful experience in an appropriate assignment, as determined**
14 **by the superintendent of public instruction, including experience**
15 **as a teacher leader, a teacher of children from birth through pre-**
16 **K, a teacher of adult education, or a provider of K to 12**
17 **instruction in an assignment that does not require an annual**
18 **performance evaluation under section 1249.**