

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators Geiss, Polehanki, Shink, McMorrow, Wojno, Cavanagh, Chang, Cherry and Klinefelt

ENROLLED SENATE BILL No. 161

AN ACT to amend 1976 PA 451, entitled *An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts*, 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:

Sec. 1526. (1) For the first 3 years of his or her employment in classroom teaching, a teacher must be assigned by the school in which he or she teaches to 1 or more master teachers, or college professors or retired master teachers, who shall act as a mentor or mentors to the teacher. During the 3-year period, the teacher must also receive intensive professional development induction into teaching, based on a professional development plan that is consistent with the requirements of section 3a of article II of 1937 (Ex Sess) PA 4, MCL 38.83a, including classroom management and instructional delivery. Subject to subsection (2), during the 3-year period, the intensive professional development induction into teaching must consist of at least 15 days of professional development, the experiencing of effective practices in university-linked professional development schools, and regional seminars conducted by master teachers and other mentors.

(2) Except as otherwise provided in this subsection, for teachers employed in classroom teaching on or after August 1, 2023, except for individuals who have physical limitations that make it impracticable for the individual to complete the course and instruction and obtain the required certification under this subsection, the 15 days of professional development described in subsection (1) must include a

course approved by the department in first aid and cardiopulmonary resuscitation that includes a test demonstration on a mannequin and instruction in foreign body airway obstruction management that results in valid certification in these topics issued by the American Red Cross, American Heart Association, or a comparable organization or institution approved by the department. The course, instruction, and certification required under this subsection must be completed within the first year of the 3-year period described in subsection (1). This subsection does not apply to an individual who has successfully completed a course and instruction and holds the valid certification as described in this subsection.

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

Sec. 1531. (1) Except as otherwise provided in this act, the superintendent of public instruction shall determine the requirements for and issue all licenses, certificates, and endorsements for teachers, including preprimary teachers and teachers as counselors, in the public schools of this state.

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

The superintendent of public instruction may accept passage of an equivalent examination approved by the superintendent of public instruction to meet this requirement for an individual holding a teaching certificate from another state, country, or federally recognized Indian tribe.

(3) Except as otherwise provided in this act, the superintendent of public instruction shall only issue a teaching certificate to an individual who has met the elementary or secondary, as applicable, reading credit requirements established under superintendent of public instruction rule. If an individual holds a teaching certificate, notwithstanding any rule to the contrary, the superintendent of public instruction shall not advance the individual's certification to professional certification unless the individual has successfully completed at least a 3-credit course of study with appropriate field experiences in the diagnosis and remediation of reading disabilities and differentiated instruction. To meet this requirement, the course of study should include the following elements, as determined by the department to be appropriate for the individual's certification level and endorsements: interest inventories, English language learning screening, visual and auditory discrimination tools, language expression and processing screening, phonemics, phonics, vocabulary, fluency, comprehension, spelling and writing assessment tools, and instructional strategies. An individual may complete the course of study as part of his or her teacher preparation program.

(4) Any revisions to existing reading standards must include the recognition of reading disorders and enable teachers to make referrals for instruction and support for pupils with reading disorders.

(5) Subject to subsection (8), if an individual holding a teaching certificate from another state, country, or federally recognized Indian tribe applies to the superintendent of public instruction for a Michigan teaching certificate and meets the requirements of this subsection, the superintendent of public instruction shall issue to the individual a Michigan teaching certificate and endorsements comparable to those the individual holds in the other state or country or with the federally recognized Indian tribe without requiring the individual to pass the appropriate examinations otherwise required under subsection (2) or to complete the reading credit requirement established under superintendent of public instruction rule as described in subsection (3). To be eligible to receive a Michigan teaching certificate under this subsection, an individual shall provide evidence satisfactory to the department that he or she has taught successfully for at least 3 years in a position for which the individual's teaching certification from the other state, country, or federally recognized Indian tribe was valid.

(6) Subject to subsection (8), an individual holding a teaching certificate from another state, country, or federally recognized Indian tribe is eligible for a Michigan professional education certificate if the individual meets both of the following:

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

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

(7) Subject to subsection (8), if an individual holding a teaching certificate from another state, country, or federally recognized Indian tribe applies to the superintendent of public instruction for an additional endorsement on a valid Michigan teaching certificate and meets the requirements of this subsection, the superintendent of public instruction shall issue the individual an endorsement comparable to that which the individual holds in the other state or country or with the federally recognized Indian tribe without requiring that the individual pass the appropriate available examinations otherwise required under subsection (2). To be eligible to receive an additional endorsement under this subsection, an individual shall provide evidence satisfactory to the department that he or she has taught successfully for at least 3 years in a position for which the individual's teaching endorsement from the other state, country, or federally recognized Indian tribe is valid.

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

(9) For the purposes of this section, the superintendent of public instruction, based upon criteria recommended by a committee of teachers, representatives of approved teacher education institutions, Michigan education organizations and associations, and experts in

measurement and assessment, shall develop, select, or develop and select 1 or more subject area examinations. In addition, the superintendent of public instruction, based upon criteria recommended by the committee described in this subsection, shall approve a reading subtest to be taken and passed by individuals seeking pre-K to grade 3 or grade 3 to grade 6-level endorsement. If the department develops for use under this subsection an examination that had previously been contracted for using a competitive bid process, then the department shall not expend on the development of that examination an amount that exceeds the amount that the department expended on procurement of the most recent competitively-bid version of that examination. The competitive bid process must address validity, reliability, and other technical standards of the examinations and of the appropriate administration and use of those examinations.

(10) Not later than November 30 of each year, the superintendent of public instruction shall submit in writing a report on the development or selection and use of the subject area examinations to the house and senate education committees. The report must also contain a financial statement regarding revenue received from the assessment of fees levied under subsection (12) and the amount of and any purposes for which that revenue was expended.

(11) The examinations required by this section may be taken at different times during an approved teacher preparation program, but the examinations, as applicable, must be passed before an individual is recommended for certification.

(12) The department, or if approved by the superintendent of public instruction, a private testing service, may assess fees for taking the appropriate available examinations described in subsection (2). The fees, which must be set by the superintendent of public instruction, must not exceed the actual cost of the examination and of administering the examination. Fees received by the department must be expended solely for administrative expenses that it incurs in implementing this section. If the superintendent of public instruction increases a fee charged for an examination under this subsection, at least 1 year before implementing the fee increase, the department shall notify each approved teacher education institution of the amount of the fee increase. An approved teacher education institution shall notify each of its affected students of the timing and amount of such a fee increase.

(13) If an individual holding a teaching certificate from another state, country, or federally recognized Indian tribe applies for a Michigan teaching certificate and meets all requirements for the Michigan teaching certificate except passage of the appropriate available examinations under subsection (2) or the reading credit requirement under subsection (3), the superintendent of public instruction shall issue a nonrenewable temporary teaching certificate, good for 1 year, to the individual. The superintendent of public instruction shall not issue a Michigan teaching certificate to the individual after expiration of the temporary teaching certificate unless the individual has met the requirements of this section.

(14) As used in this section:

(a) ♦Additional endorsement♦ means an endorsement added to a Michigan teaching certificate after initial issuance of the certificate.

(b) ♦An individual holding a teaching certificate from another state, country, or federally recognized Indian tribe♦ means an individual with a valid teaching certificate or an individual who is eligible for a teaching certificate in the state or country or with the federally recognized Indian tribe in which or with which the individual is certificated or eligible for certification.

(c) ♦Subject area examination♦ means an examination related to an endorsement area for the purpose of demonstrating the applicant's knowledge and understanding of the subject matter and determining whether or not an applicant is eligible for a Michigan teaching certificate or endorsement.

(15) The superintendent of public instruction shall promulgate rules for the implementation of this section.

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

Sec. 1531d. (1) Subject to subsection (3), the superintendent of public instruction shall not issue an initial teaching certificate to a person unless the person presents evidence satisfactory to the superintendent of public instruction that the person meets 1 of the following:

(a) Has successfully completed a course approved by the department in first aid and cardiopulmonary resuscitation, including a test demonstration on a mannequin, and has successfully completed instruction approved by the department in foreign body airway obstruction management, and holds valid certification in these topics issued by the American Red Cross, American Heart Association, or a comparable organization or institution approved by the department.

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

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

(3) Subsection (1) does not apply after July 31, 2023.

Sec. 1531j. Notwithstanding any other provision of this act or a rule to the contrary, but except as otherwise provided in section 1531, the superintendent of public instruction shall not issue an initial professional teaching certificate to an individual unless the individual

presents evidence satisfactory to the superintendent of public instruction demonstrating that he or she meets all of the following:

(a) The individual has completed at least 3 years of teaching, as defined in rules promulgated by the superintendent of public instruction.

(b) The individual meets any of the following:

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

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

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

Sec. 1531k. The superintendent of public instruction shall not issue an initial advanced professional education certificate to an individual, or renew an individual's advanced professional education certificate, unless the individual presents evidence satisfactory to the superintendent of public instruction demonstrating that he or she meets criteria established by the department and either of the following:

(a) Has been rated as highly effective or effective on his or her annual year-end evaluation under section 1249 for 3 out of the 5 most recent school years and has not been rated ineffective on his or her annual year-end evaluation under section 1249 within the 5 most recent school years.

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

This act is ordered to take immediate effect.

 A close-up of a signature Description automatically generated with low confidence

Secretary of the Senate

Clerk of the House of Representatives

Approved _____

Governor