

HOUSE BILL No. 4394

March 25, 2015, Introduced by Rep. Glenn and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 553a, 632, 1231, 1233, 1233b, 1235, 1237,
1473, and 1531f (MCL 380.553a, 380.632, 380.1231, 380.1233,
380.1233b, 380.1235, 380.1237, 380.1473, and 380.1531f), section
553a as amended by 2011 PA 277, section 632 as amended by 2007 PA
107, section 1231 as amended by 2002 PA 735, section 1233 as
amended by 2000 PA 288, section 1233b as amended by 1995 PA 289,
section 1237 as added by 2000 PA 387, section 1473 as amended by
2000 PA 230, and section 1531f as added by 2010 PA 168.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 553a. (1) An authorizing body may issue a contract to
2 establish a school of excellence that is a cyber school. A cyber
3 school shall provide full-time instruction to pupils through online

1 learning or otherwise on a computer or other technology, and this
2 instruction and learning may occur remote from a school facility.

3 (2) A contract for a school of excellence that is a cyber
4 school shall include all of the provisions required under section
5 553 and all of the following:

6 (a) A requirement that a teacher who holds appropriate
7 certification according to state board rule **OR WHO IS ENGAGED TO**
8 **TEACH UNDER SECTION 1233B** will be responsible for all of the
9 following for each course in which a pupil is enrolled:

10 (i) Improving learning by planned instruction.

11 (ii) Diagnosing the pupil's learning needs.

12 (iii) Assessing learning, assigning grades, and determining
13 advancement.

14 (iv) Reporting outcomes to administrators and parents or legal
15 guardians.

16 (b) A requirement that the cyber school will make educational
17 services available to pupils for a minimum of at least 1,098 hours
18 during a school year and will ensure that each pupil participates
19 in the educational program for at least 1,098 hours during a school
20 year.

21 (3) Notwithstanding any other provision of this act or any
22 rule, if a school of excellence that is a cyber school is in
23 compliance with the requirements of subsection (2)(a) regarding a
24 certificated teacher **OR TEACHER ENGAGED TO TEACH UNDER SECTION**
25 **1233B**, any other adult assisting with the oversight of a pupil
26 during the pupil's participation in the cyber school's education
27 program is not required to be a certificated teacher **OR TEACHER**

1 **ENGAGED TO TEACH UNDER SECTION 1233B** or an employee of the school.

2 (4) Notwithstanding any rule to the contrary, a cyber school
3 is not required to comply with any rule that would require a
4 pupil's physical presence or attendance in a classroom.

5 (5) At the end of a cyber school's second complete school year
6 of operations, the authorizing body of a school of excellence that
7 is a cyber school shall submit to the superintendent of public
8 instruction and the legislature, in the form and manner prescribed
9 by the superintendent of public instruction, a report detailing the
10 operation of the cyber school, providing statistics of pupil
11 participation and academic performance, and making recommendations
12 for any further statutory or rule change related to cyber schools
13 and online learning in this state.

14 Sec. 632. (1) In the process of establishing salaries or
15 determining other working conditions, the intermediate school board
16 may provide other related benefits of an economic nature on a joint
17 participating or nonparticipating basis with intermediate school
18 district employees. Subject to section 633, the benefits may
19 include health and accident insurance coverage, group life
20 insurance, annuity contracts, and reimbursement for credit hours
21 earned during employment for professional improvement.

22 (2) After a teacher has been employed at least 7 consecutive
23 years by the intermediate school board, and at the end of each
24 additional period of 7 or more consecutive years of employment, the
25 intermediate school board may grant the teacher a sabbatical leave
26 for professional improvement for not to exceed 2 semesters at 1
27 time, if the teacher holds a permanent, life, or continuing

1 certificate **OR IS ENGAGED TO TEACH UNDER SECTION 1233B**. During the
2 sabbatical leave, the teacher shall be considered to be in the
3 employ of the intermediate school board, shall have a contract, and
4 may be paid compensation under the regulations of the intermediate
5 school board. The intermediate school board shall not be held
6 liable for death or injuries sustained by a teacher while on
7 sabbatical leave.

8 Sec. 1231. (1) The board of a school district shall hire and
9 contract with qualified teachers. Contracts with teachers shall be
10 in writing and signed on behalf of the school district by a
11 majority of the board, by the president and secretary of the board,
12 or by the superintendent of schools or an authorized representative
13 of the board. The contracts shall specify the wages agreed upon.

14 (2) A teacher's contract shall be filed with the secretary of
15 the board and a duplicate copy of the contract shall be furnished
16 to the teacher.

17 (3) Except as otherwise provided under this act, a contract
18 with a teacher is not valid unless the person holds a valid
19 teaching certificate at the time the contractual period begins **OR**
20 **IS ENGAGED TO TEACH UNDER SECTION 1233B**. A contract shall terminate
21 if the certificate expires by limitation and is not renewed
22 immediately or if it is suspended or revoked by proper legal
23 authority.

24 (4) The board of a school district, after a teacher has been
25 employed at least 2 consecutive years by the board, may enter into
26 a continuing contract with a certificated teacher **OR TEACHER**
27 **ENGAGED TO TEACH UNDER SECTION 1233B**.

1 (5) As used in this section, "teacher" does not include a
2 substitute teacher.

3 Sec. 1233. (1) Except as otherwise provided by law, **AND**
4 **SUBJECT TO SECTION 1233B**, the board of a school district or
5 intermediate school board of an intermediate school district shall
6 not permit a teacher who does not hold a valid teaching certificate
7 to teach in a grade or department of the school.

8 (2) The board of a school district or intermediate school
9 board of an intermediate school district shall not allow an
10 individual to serve in a counseling role in the school district or
11 intermediate school district, as the role is defined by the
12 superintendent of public instruction, unless the individual meets 1
13 or more of the following and the board or intermediate school board
14 complies with subsection (7):

15 (a) The individual holds a valid teaching certificate with a
16 school counseling endorsement.

17 (b) The individual meets all of the following:

18 (i) Holds a master's degree awarded after completion of an
19 approved school counselor education program that includes at least
20 all of the following skills and content areas or their equivalent:

21 (A) Guidance services--philosophy, principles, and practices.

22 (B) Individual and group analysis--nature and range of human
23 characteristics and appraisal methods.

24 (C) Guidance information--vocational development theory,
25 educational and occupational information.

26 (D) Counseling theory and practice--individual and group
27 procedures, administration and coordination relationships,

1 professional relationships, and ethics.

2 (E) Supervised experiences--laboratory, practicum, or
3 internship.

4 (F) Evaluation--statistics and research methodology, follow-up
5 evaluation, and measurement methods.

6 (ii) Has successfully completed the department's guidance
7 counselor examination.

8 (iii) Has been recommended by an approved school counselor
9 education program to provide services as a school counselor.

10 (c) The individual meets both of the following:

11 (i) Has at least 5 years of successful experience serving in a
12 school counseling role in another state within the immediately
13 preceding 7-year period.

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

16 (3) ~~The~~ **EXCEPT FOR TEACHERS ENGAGED TO TEACH UNDER SECTION**
17 **1233B, 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

1 the teacher preparation institution.

2 (5) All vocational education teachers certified after June 1,
3 1995 shall pass a competency test.

4 (6) The board of a school district or intermediate school
5 district may employ a person without a teaching certificate as a
6 substitute teacher if the person has at least 90 semester hours of
7 college credit from a college or university.

8 (7) If the board of a school district or intermediate school
9 board of an intermediate school district chooses to employ an
10 individual who does not hold a valid teaching certificate to serve
11 in a counseling role, as permitted under subsection (2), the school
12 board or intermediate school board shall comply with sections 1230
13 and 1230a with respect to that individual to the same extent as
14 required for employing a person with a teaching certificate to
15 serve as a teacher.

16 Sec. 1233b. (1) ~~Except as provided in subsection (3), the~~ **THE**
17 board of a local or intermediate school district **OR BOARD OF**
18 **DIRECTORS OF A PUBLIC SCHOOL ACADEMY** may engage a full-time or
19 part-time noncertificated, nonendorsed teacher to teach ~~a course in~~
20 ~~computer science, a foreign language, mathematics, biology,~~
21 ~~chemistry, engineering, physics, robotics, or in another subject~~
22 ~~area determined by the state board to be appropriate to be included~~
23 ~~under this section and so designated by the state board, or any~~
24 ~~combination of these subject areas, in grades 9 through 12.~~ **IN ITS**
25 **SCHOOLS IF THE BOARD OR BOARD OF DIRECTORS DETERMINES THAT, DUE TO**
26 **THE INDIVIDUAL'S COMBINATION OF EDUCATION AND EXPERIENCE, IT WOULD**
27 **BE APPROPRIATE AND IN THE BEST INTERESTS OF THE PUPILS OF THE**

1 SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL
2 ACADEMY.

3 ~~—— (2) Subject to subsection (3), a noncertificated, nonendorsed~~
4 ~~teacher is qualified to teach pursuant to this section if he or she~~
5 ~~meets all of the following minimum requirements:~~

6 ~~—— (a) Possesses an earned bachelor's degree from an accredited~~
7 ~~postsecondary institution.~~

8 ~~—— (b) Has a major or a graduate degree in the field of~~
9 ~~specialization in which he or she will teach.~~

10 ~~—— (c) If the teacher desires to teach for more than 1 year, has~~
11 ~~passed both a basic skills examination and a subject area~~
12 ~~examination, if a subject area examination exists, in the field of~~
13 ~~specialization in which he or she will teach.~~

14 ~~—— (d) Except in the case of persons engaged to teach a foreign~~
15 ~~language, has, in the 5-year period immediately preceding the date~~
16 ~~of hire, not less than 2 years of occupational experience in the~~
17 ~~field of specialization in which he or she will teach.~~

18 ~~—— (3) The requirements listed in subsection (2) for a teacher~~
19 ~~engaged to teach pursuant to this section shall be in addition to~~
20 ~~any other requirements established by the board of a local or~~
21 ~~intermediate school district, as applicable.~~

22 ~~—— (4) Except as provided in subsection (5), the board of a local~~
23 ~~or intermediate school district shall not engage a full-time or~~
24 ~~part-time noncertificated, nonendorsed teacher to teach a course~~
25 ~~described in subsection (1) if the district is able to engage a~~
26 ~~certificated, endorsed teacher.~~

27 ~~—— (5) If the board of a local or intermediate school district is~~

1 ~~able to engage a certificated, endorsed teacher to teach a course~~
 2 ~~described in subsection (1), the local or intermediate school board~~
 3 ~~may employ or continue to employ a noncertificated, nonendorsed~~
 4 ~~teacher to teach the course if both of the following conditions are~~
 5 ~~met.~~

6 ~~—— (a) The noncertificated, nonendorsed teacher is annually and~~
 7 ~~continually enrolled and completing credit in an approved teacher~~
 8 ~~preparation program leading to a provisional teaching certificate.~~

9 ~~—— (b) The noncertificated, nonendorsed teacher has a planned~~
 10 ~~program leading to teacher certification on file with the employing~~
 11 ~~school district or intermediate school district, his or her teacher~~
 12 ~~preparation institution, and the department of education.~~

13 (2) ~~(6)~~ If ~~the~~ **A** noncertificated, nonendorsed teacher **ENGAGED**
 14 **TO TEACH UNDER THIS SECTION** completes 3 years of successful
 15 classroom teaching, as determined by regular observation and review
 16 by school district and teacher preparation institution personnel,
 17 the department ~~of education~~ and a teacher preparation institution
 18 shall utilize the teaching experience of ~~a~~ **THE** noncertificated,
 19 nonendorsed teacher for the purpose of waiving student teaching as
 20 a condition for receiving ~~a continued employment authorization in~~
 21 ~~the school district and a provisional teaching certificate.~~

22 Sec. 1235. (1) After a teacher has been employed at least 7
 23 consecutive years by the board of a school district, and at the end
 24 of each additional period of 7 or more consecutive years of
 25 employment, the board may grant the teacher a sabbatical leave for
 26 professional improvement for not to exceed 2 semesters at 1 time,
 27 if the teacher holds a permanent, life, or continuing certificate,

1 **IS ENGAGED TO TEACH UNDER SECTION 1233B**, or is engaged in teaching
2 in a college maintained by the board. During the sabbatical leave,
3 the teacher shall be considered to be in the employ of the board,
4 shall have a contract, and may be paid compensation as provided in
5 the regulations of the board. The board shall not be liable for
6 death or injuries sustained by the teacher while on sabbatical
7 leave.

8 (2) A teacher shall be allowed credit toward retirement for
9 time spent on sabbatical leave under regulations established by the
10 Michigan public school ~~employee's~~ **EMPLOYEES'** retirement board.

11 (3) Upon return from a sabbatical leave a teacher shall be
12 restored to the teacher's position held prior to sabbatical leave
13 or to a position of like nature, seniority, status, and pay. The
14 teacher shall be entitled to other benefits provided under
15 regulations of the board.

16 Sec. 1237. Notwithstanding any other provision of this act or
17 a rule to the contrary, a school district, local act school
18 district, intermediate school district, or public school academy
19 may employ a person who does not hold a teaching certificate to
20 provide speech and language services if the person meets the
21 requirements for speech-language certification by the American
22 ~~speech language hearing association. However, a person who does not~~
23 ~~hold a teaching certificate shall not be assigned to serve as a~~
24 ~~classroom teacher.~~ **SPEECH-LANGUAGE-HEARING ASSOCIATION.**

25 Sec. 1473. (1) The board of a school district, board of
26 directors of a public school academy, or governing board of a
27 nonpublic school shall consider providing college level equivalent

1 courses either directly, through an intermediate district program,
2 or by agreement in a consortium or cooperative program.

3 (2) If a public school pupil successfully completes a college
4 level equivalent course that is offered by electronic means,
5 including, but not limited to, the ~~internet~~, **INTERNET**, digital
6 broadcast, or satellite network, and is offered by a school
7 district, a regionally accredited college or university, or the
8 Michigan ~~virtual high school~~ **VIRTUAL HIGH SCHOOL** described in
9 section 1481, and if the pupil has been sponsored in this process
10 by a certificated teacher employed by the pupil's school district
11 or public school academy **OR A TEACHER ENGAGED TO TEACH UNDER**
12 **SECTION 1233B BY THE PUPIL'S SCHOOL DISTRICT OR PUBLIC SCHOOL**
13 **ACADEMY**, the school district or public school academy in which the
14 pupil is enrolled shall do all of the following:

15 (a) Grant appropriate high school credit for completion of the
16 course.

17 (b) Count that credit toward the graduation and subject area
18 requirements of the school district or public school academy.

19 Sec. 1531f. (1) ~~The department may enter into a memorandum of~~
20 ~~understanding with a federally recognized Native American tribe,~~
21 ~~the board of a school district, or the board of directors of a~~
22 ~~public school academy that authorizes the superintendent of public~~
23 ~~instruction to issue a 3-year letter of approval or continuing~~
24 ~~approval to allow the~~ **AS PROVIDED UNDER SECTION 1233B, A** Native
25 American tribe, school district, or public school academy ~~to~~ **MAY**
26 use teachers who do not possess a valid Michigan teaching
27 certificate to teach a Native American tribal language and culture

1 class. ~~A memorandum of understanding entered into under this~~
2 ~~section shall require that a noncertificated teacher has~~
3 ~~demonstrated mastery of the tribal language either through a~~
4 ~~credential issued by a federally recognized Native American tribe~~
5 ~~or another means considered suitable by the department. The~~
6 ~~memorandum of agreement shall include requirements for renewal or~~
7 ~~continuing approval of the noncertificated teacher as established~~
8 ~~by the Native American tribe, the board of the school district, or~~
9 ~~the board of directors of the public school academy in~~
10 ~~collaboration with the department.~~

11 (2) Credits earned by a pupil in a Native American tribal
12 language taught by a noncertificated teacher pursuant to this
13 section may be applied by the Native American tribe, school
14 district, or public school academy for any purpose to the same
15 extent as if taught by a certificated teacher, including, but not
16 limited to, credit toward completion of the credit requirements
17 under section 1278a concerning a language other than English.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.

20 Enacting section 2. This amendatory act does not take effect
21 unless Senate Bill No. ____ or House Bill No. 4395 (request no.
22 01883'15 a) of the 98th Legislature is enacted into law.