SENATE BILL NO. 861

February 08, 2022, Introduced by Senator MCBROOM and referred to the Committee on Education and Career Readiness.

A bill to amend 1976 PA 451, entitled "The revised school code,"
by amending sections 1526, 1531, and 1531d (MCL 380.1526, 380.1531, and 380.1531d), section 1526 as amended by 1995 PA 289, section 1531 as amended by 2018 PA 235, and section 1531d as added by 2003 PA 18.

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 shall 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 shall 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 Act No. 4 of the Public Acts of the Extra Session of 1937,
being section 38.83a of the Michigan Compiled Laws, 1937 (Ex Sess)
PA 4, MCL 38.83a, including classroom management and instructional
delivery. During Subject to subsection (2), during the 3-year
period, the intensive professional development induction into
teaching shall 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,
extcept 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 the course and instruction and holds the valid
certification described in section 1531d(1)(a) on or before July

(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.

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

Sec. 1531. (1) Except as otherwise provided in this act, the
superintendent of public instruction shall determine the
requirements for and issue all licenses, and certificates, and
endorsements for teachers, including preprimary teachers— and the
requirements for an endorsement of teachers as qualified
counselors, and an endorsement of teachers for teaching a foreign
language in an elementary grade in the public schools of the 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. as follows:

(a) For a secondary level teaching certificate, has passed the
appropriate available subject area examination for each subject area in which he or she applies to be certified.

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

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

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

(b) For an elementary level teaching certificate, pass, if it is available, the elementary certification examination, and pass the appropriate available subject area examination for each subject area, if any, in which he or she applies to be certified. The superintendent of public instruction may accept passage of an equivalent examination approved by the superintendent of public instruction to meet 1 or both of these requirements. This requirement for an individual holding a teaching certificate from another state, country, or federally recognized Indian tribe.
(3) (4) 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, then beginning July 1, 2009, 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 either as part of his or her teacher preparation program. or during the first 6 years of his or her employment in classroom teaching.

(4) (5) Not later than January 11, 2002, the superintendent of public instruction, in cooperation with appropriate curriculum specialists and teacher educators, shall revise Any revisions to existing reading standards to recognize must include the recognition of reading disorders and to enable teachers to make referrals for instruction and support for pupils with reading disorders.
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 professional education teaching certificate and applicable 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 applicable subject area examination or otherwise required under subsection (2) or (3), 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 professional education teaching certificate under this subsection, an individual shall provide evidence satisfactory to the department that he or she meets all of the following requirements:

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

(6) (e) Has met the 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) An individual who receives a teaching certificate and endorsement or endorsements under subsection (6) is eligible to receive 1 or more additional endorsements comparable to endorsements the individual holds in another state only if the individual passes the appropriate subject area examinations required under subsection (2) or (3). 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 may 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) The department, based upon criteria recommended under subsection (11), shall provide to approved teacher education institutions approved guidelines and criteria for use in the development or selection of subject area examinations.

(10) For the purposes of this section, the superintendent of public instruction, based upon criteria recommended under subsection (11), 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 under subsection (11), by the committee described in this subsection, shall approve an elementary certification examination and a reading subject area examination. 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.

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

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

(10) (13) 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 elementary certification examination and the subject area examinations to the house and senate education committees. The report must also contain a financial statement regarding revenue received from the
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assessment of fees levied under subsection (15)-(12) and the amount
2 of and any purposes for which that revenue was expended.

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

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

(13) (16) If an individual holding a teaching certificate from
21 another state, country, or federally recognized Indian tribe
22 applies for a Michigan teaching certificate and meets all
23 requirements for the Michigan teaching certificate except passage
24 of the appropriate available examinations under subsection (3)-(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) (17) As used in this section:

(a) "Elementary certification examination" means a comprehensive examination for elementary certification that has been developed or selected by the superintendent of public instruction for demonstrating the applicant's knowledge and understanding of the core subjects normally taught in elementary classrooms and for determining whether or not an applicant is eligible for an elementary level teaching certificate. "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 a specific area of certification, which examination has been developed or selected by the superintendent of public instruction 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.

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

(16) Not later than January 1, 2019, the superintendent of public instruction, in consultation with the department of talent and economic development—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) Beginning July 1, 2004, theSubject to
subsection (4), 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 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 and wanton misconduct.

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

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