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## BILL ANALYSIS



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House Bill 5141 (Substitute H-5 as passed by the House)  
House Bill 5142 (as passed by the House)  
Sponsor: Representative Bronna Kahle (H.B. 5141)  
Representative Robert L. Kosowski (H.B. 5142)  
House Committee: Workforce and Talent Development  
Senate Committee: Economic Development and International Investment

Date Completed: 2-22-18

**CONTENT****House Bill 5141 (H-5) would amend the Revised School Code to do the following:**

- **Allow school districts to engage a noncertificated, nonendorsed teacher to teach in an industrial technology education program or a career and technical education program if that teacher met certain requirements.**
- **Allow these individuals to be employed for up to three years, and longer than three years if they met additional requirements.**
- **Include public school academies in provisions that allow school districts to hire noncertificated, nonendorsed teachers.**
- **Require noncertificated, nonendorsed teachers to meet professional development requirements that apply to teachers in their first three years of classroom teaching.**

**House Bill 5142 would amend the State School Aid Act to exclude individuals engaged as noncertificated, nonendorsed teachers under the School Code from a requirement that State aid be reduced for the employment of teachers who are not legally certificated or licensed.**

The bills are tie-barred to each other. Each bill would take effect 90 days after enactment.

**House Bill 5141 (H-5)**

Section 1233 of the Revised School Code allows the board of a local school district or intermediate school district (ISD) to engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course in computer science, a foreign language, mathematics, biology, chemistry, engineering, physics, or robotics, or in another subject area determined appropriate by the State Board of Education, or any combination of these subject areas, in high school. The bill would extend these provisions to the board of directors of a public school academy (PSA).

In addition to the subjects listed above, the bill would allow the board of a school district or ISD or the board of directors of a PSA to engage a full-time or part-time noncertificated, nonendorsed teacher to teach in an industrial technology education (ITE) program or a career and technical education (CTE) program.

The Code provides that a noncertificated, nonendorsed teacher is qualified to teach if he or she meets all of the following minimum requirements:

- Possesses an earned bachelor's degree from an accredited postsecondary institution.
- Has a major or a graduate degree in the field of specialization in which he or she will teach.
- If the teacher desires to teach for more than one year, has passed both a basic skills examination and a subject area examination, if a subject area examination exists, in the field of specialization in which he or she will teach.
- Except for individuals engaged to teach a foreign language, has, in the five-year period immediately preceding the date of hire, at least two years of occupational experience in the field of specialization in which he or she will teach.

The bill would provide alternative requirements for a noncertificated, nonendorsed teacher to teach an ITE program or a CTE program, who was engaged to teach in a subject matter or field in which the teacher had achieved expertise, as determined by the board of a school district or ISD or board of directors of a PSA.

Specifically, a noncertificated, nonendorsed teacher would have to possess a high school diploma or a high school equivalency certificate and have at least three consecutive years of professional experience in the same subject matter or field.

For teaching in a subject matter or field in which a professional license or certification was required, a noncertificated, nonendorsed teacher would be required to meet at least one of the following:

- Hold a professional license or certification in that subject matter or field.
- Have previously held a professional license or certification in the same subject matter or field that expired no more than two years before the noncertificated, nonendorsed teacher's initial employment and have been in good standing immediately before the license or certification expired.
- Have attained journeyworker status by completing a joint apprentice and training committee program registered with the U.S. Department of Labor Office of Apprenticeship.

A noncertificated, nonendorsed teacher also would be required to complete at least six hours of training that was provided by the school district, ISD, or PSA in which he or she intended to teach before beginning teaching, and six or more additional hours of training within his or her first two months of teaching. The training would have to include at least all of the following:

- Recurring feedback sessions that included discussions on the development and implementation of concrete plans to improve an individual's teaching skills in order to increase pupil learning.
- Working with veteran teachers to improve an individual's teaching skills in order to increase pupil learning.
- Intensive instruction on lesson planning.
- A study of the fundamentals of teaching and the practice of teaching techniques.

Currently, if the board of a school district or ISD is able to engage a certificated, endorsed teacher to teach a course, the board or board of directors may employ or continue to employ a noncertificated, nonendorsed teacher only if that teacher meets both of the following:

- Is annually and continually enrolled and completing credit in an approved teacher preparation program leading to a provisional teaching certificate.

- Has a planned program leading to teacher certification on file with the employing school district or ISD, his or her teacher preparation institution, and the Department of Education.

Under the bill, if the board of a school district or ISD or board of directors of a PSA were able to engage a certificated, endorsed teacher to teach a course, the board or board of directors could employ or continue to employ a noncertificated, nonendorsed teacher only if he or she either met the current requirements or were engaged to teach in an ITE program or a CTE program and met the proposed requirements.

Under the bill, if a noncertificated, nonendorsed teacher met the requirements to teach in an ITE program or a CTE program, the board of a school district or ISD or board of directors of a PSA would employ him or her to teach in an ITE or CTE program for up to three years. The board or board of directors could employ the teacher for more than three years if the teacher, in his or her first three years of employment, were rated as effective or highly effective for each year and were engaged in professional development that met the requirements for intensive professional development and included instruction on at least all of the following:

- Current research, trends, and best practices in education.
- Lesson design, assessment, and grading.
- Classroom management and maintaining a safe classroom.
- Instructional strategies and delivery.
- Compliance and legal issues for educators.
- Developmentally appropriate practice and child development.
- Differentiated instruction and diverse learners.

Under the bill, if a noncertificated, nonendorsed teacher fulfilled these requirements, the Superintendent of Public Instruction would be required to issue to the teacher a document that indicated that the noncertificated, nonendorsed teacher had fulfilled the requirements.

In addition, the bill specifies that an individual engaged to teach under Section 1233b would be subject to the requirements of Sections 1526 and 1527 (which prescribe professional development requirements for teachers in their first three years of classroom teaching).

### **House Bill 5142**

The State School Aid Act requires the Department of Education to deduct from a district's or ISD's State aid allocation the amount paid to educators not legally certificated or licensed for the period of noncertificated, unlicensed, or illegal employment.

Under the bill, this would not apply to the employment of educators not legally certificated, licensed, or engaged to teach under Section 1233b of the School Code.

MCL 380.553a et al.

Legislative Analyst: Nathan Leaman

### **FISCAL IMPACT**

The bills would have an indeterminate impact on the Department of Education and local schools.

State: The Department of Education likely would see some increased administrative costs related to developing a process to track noncertificated, nonendorsed teachers in CTE and industrial technology programs who met the requirements prescribed in the bill that would allow those teachers to continue teaching more than three years. The Department likely would

see increased certification fee revenue related to additional noncertificated, nonendorsed teachers in CTE and industrial technology programs. Additional revenue could be used to offset increased administrative costs. It is currently unknown how many additional noncertificated, nonendorsed teachers would join CTE and industrial technology programs as a result of these bills.

Local: The potential fiscal impact on local school employers is indeterminate. On one hand, broadening the list of noncertificated teachers allowed to teach in schools to include CTE and industrial technology programs likely would increase the pool of potential employees, which reduce salary costs compared to the costs of hiring certificated teachers. On the other hand, local school employers would need to provide recurring feedback sessions, veteran teachers to work as mentors, intensive instruction on lesson planning, and a study of teaching fundamentals and teaching techniques to employees hired under the bill, which could increase costs.

Fiscal Analyst: Cory Savino

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.