

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5141**

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 553a, 1231, 1233, 1233b, 1249, and 1531 (MCL  
380.553a, 380.1231, 380.1233, 380.1233b, 380.1249, and 380.1531),  
section 553a as amended by 2011 PA 277, section 1231 as amended by  
2016 PA 192, section 1233 as amended by 2017 PA 151, section 1233b  
as amended by 1995 PA 289, section 1249 as amended by 2016 PA 170,  
and section 1531 as amended by 2015 PA 159.

**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 A 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, **A 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. 1231. (1) Except as otherwise provided in subsection (5),  
15 the board of a school district shall hire and contract with  
16 qualified teachers. Contracts with teachers shall be in writing and  
17 signed on behalf of the school district by a majority of the board,  
18 by the president and secretary of the board, or by the  
19 superintendent of schools or an authorized representative of the  
20 board. The contracts shall specify the wages agreed upon.

21 (2) A teacher's contract shall be filed with the secretary of  
22 the board and a duplicate copy of the contract shall be furnished  
23 to the teacher.

24 (3) Except as otherwise provided under this act, a contract  
25 with a teacher is not valid unless the individual holds a valid  
26 teaching certificate **OR IS ENGAGED TO TEACH UNDER SECTION 1233B** at  
27 the time the contractual period begins or the individual is engaged

1 to teach in a community district under section 1233c. A contract  
 2 shall terminate if the certificate expires by limitation and is not  
 3 renewed immediately or if it is suspended or revoked by proper  
 4 legal authority.

5 (4) The board of a school district, after a teacher has been  
 6 employed at least 2 consecutive years by the board, may enter into  
 7 a continuing contract with a certificated teacher **OR A TEACHER**  
 8 **ENGAGED TO TEACH UNDER SECTION 1233B** or, for a community district,  
 9 with an individual engaged to teach in a community district under  
 10 section 1233c.

11 (5) The ~~school~~ board of a school district that is a community  
 12 district may employ or contract for, or both, qualified teachers  
 13 and other qualified instructional personnel at a public school that  
 14 formerly operated as an achievement school ~~, as defined in section~~  
 15 ~~3 of the state school aid act of 1979, MCL 388.1603,~~ as necessary  
 16 to carry out the purposes of the community district.

17 (6) As used in this section: ~~"teacher"~~

18 **(A) "ACHIEVEMENT SCHOOL" MEANS A PUBLIC SCHOOL FORMERLY WITHIN**  
 19 **THE EDUCATION ACHIEVEMENT SYSTEM THAT WAS OPERATED, MANAGED,**  
 20 **AUTHORIZED, ESTABLISHED, OR OVERSEEN BY THE ACHIEVEMENT AUTHORITY.**

21 **(B) "TEACHER"** does not include a substitute teacher.

22 Sec. 1233. (1) Except as otherwise provided by law, and  
 23 subject to ~~section~~ **SECTIONS 1233B AND** 1233c, the board of a school  
 24 district or ~~intermediate school board of an~~ intermediate school  
 25 district shall not permit a teacher who does not hold a valid  
 26 teaching certificate to teach in a grade or department of the  
 27 school.

1           (2) The board of a school district or ~~intermediate school~~  
2 ~~board of an~~ intermediate school district shall not allow an  
3 individual to serve in a counseling role in the school district or  
4 intermediate school district, as the role is defined by the  
5 superintendent of public instruction, unless the individual meets 1  
6 or more of the following:

7           (a) The individual holds a valid teaching certificate with a  
8 school counseling endorsement.

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

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

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

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

16           (C) Guidance information--vocational development theory,  
17 educational and occupational information.

18           (D) Counseling theory and practice--individual and group  
19 procedures, administration and coordination relationships,  
20 professional relationships, and ethics.

21           (E) Supervised experiences--laboratory, practicum, or  
22 internship.

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

25           (ii) Has successfully completed the department's guidance  
26 counselor examination.

27           (iii) Has been recommended by an approved school counselor

1 education program to provide services as a school counselor.

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

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

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

8 (3) Except for teachers **ENGAGED TO TEACH UNDER SECTION 1233B**  
9 **AND TEACHERS** engaged to teach in a community district under section  
10 1233c, the intermediate superintendent shall notify the  
11 superintendent of public instruction immediately of the names of  
12 noncertificated teachers teaching in violation of subsection (1)  
13 and the names of individuals serving in counseling roles in  
14 violation of subsection (2), the employing district, and the amount  
15 of time the noncertificated teachers or unqualified individuals  
16 were employed.

17 (4) A vocational teacher preparation institution shall utilize  
18 the employment experience of an annually authorized teacher for the  
19 purpose of waiving student teaching as a requirement for vocational  
20 certification if the annually authorized teacher is supervised by  
21 the teacher preparation institution.

22 (5) All vocational education teachers certified after June 1,  
23 1995 shall pass a competency test.

24 (6) The board of a school district or intermediate school  
25 district may employ an individual without a teaching certificate as  
26 a substitute teacher if the individual has at least 90 semester  
27 hours of college credit from a college or university.

1           (7) Beginning ~~2 years after the effective date of the~~  
2 ~~amendatory act that added this subsection,~~ **FEBRUARY 6, 2020**, the  
3 department shall not renew an individual's school counselor  
4 credential unless the department determines that, within the time  
5 period since the individual's school counselor credential was  
6 issued or last renewed, whichever is most recent, the individual  
7 has completed at least 25 hours of professional development  
8 approved by the department under subsection (9) covering counseling  
9 about the college preparation and selection process and at least 25  
10 hours of professional development approved by the department under  
11 subsection (9) covering career counseling. For the purposes of this  
12 subsection, career counseling includes, but is not limited to,  
13 exploration of military career options and the skilled trades as  
14 well as other careers and pathways that lead to industry  
15 credentials awarded in recognition of an individual's attainment of  
16 measurable technical or occupational skills necessary to obtain  
17 employment or advance within an occupation. The hours of  
18 professional development required under this subsection covering  
19 career counseling shall include at least 5 hours covering military  
20 career options. The hours of professional development required  
21 under this subsection are a part of and not in addition to  
22 professional development requirements under department rule.

23           (8) An individual may complete the professional development  
24 hours for the purposes of subsection (7) as part of the  
25 professional development provided by a school district,  
26 intermediate school district, public school academy, or nonpublic  
27 school under section 1527 if the content and curriculum of the

1 professional development provided under section 1527 are approved  
2 by the department under subsection (9).

3 (9) The department shall approve the professional development  
4 for the purposes of subsection (7). The department shall only  
5 approve a professional development program or course for the  
6 purposes of subsection (7) if the department determines that the  
7 content and curriculum for the professional development meet  
8 standards that are developed by the department in consultation with  
9 the department of talent and economic development and groups  
10 representing school counselors, college admissions professionals,  
11 financial aid officers, employers, and others as determined  
12 appropriate by the department. The department shall develop these  
13 standards by July 1, 2018 and shall facilitate the involvement in  
14 the development of the standards of the groups required under this  
15 subsection.

16 (10) The superintendent of public instruction shall promulgate  
17 or modify rules as necessary to implement subsections (7) to (9).

18 Sec. 1233b. (1) ~~Except~~ **SUBJECT TO SUBSECTION (2) AND EXCEPT** as  
19 provided in subsection (3), the board of a ~~local~~ **SCHOOL DISTRICT** or  
20 intermediate school district **OR THE BOARD OF DIRECTORS OF A PUBLIC**  
21 **SCHOOL ACADEMY** may engage a full-time or part-time noncertificated,  
22 nonendorsed teacher to teach a course in computer science, a  
23 foreign language, mathematics, biology, chemistry, engineering,  
24 physics, robotics, or in another subject area determined by the  
25 state board to be appropriate to be included under this section and  
26 so designated by the state board, or any combination of these  
27 subject areas, in grades 9 through 12, **OR IN AN INDUSTRIAL**



1 **TECHNOLOGY EDUCATION PROGRAM OR A CAREER AND TECHNICAL EDUCATION**  
 2 **PROGRAM.**

3 (2) Subject to ~~subsection (3),~~ **SUBSECTIONS (3) AND (6)**, a  
 4 noncertificated, nonendorsed teacher is qualified to teach pursuant  
 5 ~~to~~ **UNDER** this section if he or she meets ~~all~~ **AT LEAST 1** of the  
 6 following minimum requirements:

7 **(A) ALL OF THE FOLLOWING:**

8 **(i)** ~~(a)~~ Possesses an earned bachelor's degree from an  
 9 accredited postsecondary institution.

10 **(ii)** ~~(b)~~ Has a major or a graduate degree in the field of  
 11 specialization in which he or she will teach.

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

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

21 **(B) FOR TEACHING A COURSE IN AN INDUSTRIAL TECHNOLOGY**  
 22 **EDUCATION PROGRAM OR A CAREER AND TECHNICAL EDUCATION PROGRAM, IS**  
 23 **ENGAGED TO TEACH IN A SUBJECT MATTER OR FIELD IN WHICH THE TEACHER**  
 24 **HAS ACHIEVED EXPERTISE, AS DETERMINED BY THE BOARD OF A SCHOOL**  
 25 **DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A**  
 26 **PUBLIC SCHOOL ACADEMY, AND SATISFIES ALL OF THE FOLLOWING:**

27 **(i) HAS A HIGH SCHOOL DIPLOMA OR A HIGH SCHOOL EQUIVALENCY**

1 CERTIFICATE AS DEFINED IN SECTION 4 OF THE STATE SCHOOL AID ACT OF  
2 1979, MCL 388.1604.

3 (ii) FOR TEACHING IN A SUBJECT MATTER OR FIELD IN WHICH A  
4 PROFESSIONAL LICENSE OR CERTIFICATION IS REQUIRED, AT LEAST 1 OF  
5 THE FOLLOWING:

6 (A) HOLDS A PROFESSIONAL LICENSE OR CERTIFICATION IN THAT SAME  
7 SUBJECT MATTER OR FIELD.

8 (B) PREVIOUSLY HELD A PROFESSIONAL LICENSE OR CERTIFICATION IN  
9 THAT SAME SUBJECT MATTER OR FIELD THAT EXPIRED NO MORE THAN 2 YEARS  
10 BEFORE THE NONCERTIFICATED, NONENDORSED TEACHER'S INITIAL  
11 EMPLOYMENT UNDER THIS SECTION AND WAS IN GOOD STANDING IMMEDIATELY  
12 BEFORE THE LICENSE OR CERTIFICATION EXPIRED.

13 (iii) HAS AT LEAST 2 CUMULATIVE YEARS OF PROFESSIONAL  
14 EXPERIENCE IN THAT SAME SUBJECT MATTER OR FIELD IN THE IMMEDIATELY  
15 PRECEDING 10 YEARS.

16 (3) The requirements listed in subsection (2) for a teacher  
17 engaged to teach ~~pursuant to~~ **UNDER** this section shall be in  
18 addition to any other requirements established by the board of a  
19 ~~local~~ **SCHOOL DISTRICT** or intermediate school district **OR BOARD OF**  
20 **DIRECTORS OF A PUBLIC SCHOOL ACADEMY**, as applicable.

21 (4) Except as provided in subsection (5), the board of a ~~local~~  
22 **SCHOOL DISTRICT** or intermediate school district **OR BOARD OF**  
23 **DIRECTORS OF A PUBLIC SCHOOL ACADEMY** shall not engage a full-time  
24 or part-time noncertificated, nonendorsed teacher to teach a course  
25 described in subsection (1) if the district **OR PUBLIC SCHOOL**  
26 **ACADEMY** is able to engage a certificated, endorsed teacher.

27 (5) ~~if~~ **SUBJECT TO SUBSECTION (6), IF** the board of a ~~local~~

1 **SCHOOL DISTRICT** or intermediate school district **OR BOARD OF**  
 2 **DIRECTORS OF A PUBLIC SCHOOL ACADEMY** is able to engage a  
 3 certificated, endorsed teacher to teach a course described in  
 4 subsection (1), the ~~local or intermediate school board~~ **OR BOARD OF**  
 5 **DIRECTORS** may employ or continue to employ a noncertificated,  
 6 nonendorsed teacher to teach the course if ~~both of the following~~  
 7 ~~conditions are met:~~ **THE NONCERTIFICATED, NONENDORSED TEACHER MEETS**  
 8 **AT LEAST 1 OF THE FOLLOWING:**

9 **(A) BOTH OF THE FOLLOWING:**

10 **(i)** ~~(a)~~ The noncertificated, nonendorsed teacher is annually  
 11 and continually enrolled and completing credit in an approved  
 12 teacher preparation program leading to a provisional teaching  
 13 certificate.

14 **(ii)** ~~(b)~~ The noncertificated, nonendorsed teacher has a  
 15 planned program leading to teacher certification on file with the  
 16 employing school district or intermediate school district **OR PUBLIC**  
 17 **SCHOOL ACADEMY**, his or her teacher preparation institution, and the  
 18 department. ~~of education.~~

19 **(B) IS ENGAGED TO TEACH IN AN INDUSTRIAL TECHNOLOGY EDUCATION**  
 20 **PROGRAM OR A CAREER AND TECHNICAL EDUCATION PROGRAM AND MEETS THE**  
 21 **REQUIREMENTS UNDER SUBSECTION (2) (B) .**

22 **(6) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL**  
 23 **DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY MAY**  
 24 **EMPLOY A NONCERTIFICATED, NONENDORSED TEACHER WHO MEETS THE**  
 25 **REQUIREMENTS OF SUBSECTION (2) (B) TO TEACH IN AN INDUSTRIAL**  
 26 **TECHNOLOGY EDUCATION PROGRAM OR A CAREER AND TECHNICAL EDUCATION**  
 27 **PROGRAM FOR UP TO 10 YEARS. THE SUPERINTENDENT OF PUBLIC**

1 **INSTRUCTION MAY PERMIT THE BOARD OR BOARD OF DIRECTORS TO EMPLOY**  
2 **THE TEACHER FOR MORE THAN 10 YEARS.**

3 (7) ~~(6)~~—If the noncertificated, nonendorsed teacher completes  
4 3 years of successful classroom teaching, as determined by regular  
5 observation and review by school district, **INTERMEDIATE SCHOOL**  
6 **DISTRICT, OR PUBLIC SCHOOL ACADEMY PERSONNEL** and teacher  
7 preparation institution personnel, the department of ~~education~~ and  
8 a teacher preparation institution shall utilize the teaching  
9 experience of a noncertificated, nonendorsed teacher for the  
10 purpose of waiving student teaching as a condition for receiving a  
11 continued employment authorization in the school district,  
12 **INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY** and a  
13 provisional teaching certificate.

14 (8) **AN INDIVIDUAL ENGAGED TO TEACH UNDER THIS SECTION IS**  
15 **SUBJECT TO THE REQUIREMENTS OF SECTIONS 1526 AND 1527.**

16 Sec. 1249. (1) Subject to subsection (4), with the involvement  
17 of teachers and school administrators, the board of a school  
18 district or intermediate school district or board of directors of a  
19 public school academy shall adopt and implement for all teachers  
20 and school administrators a rigorous, transparent, and fair  
21 performance evaluation system that does all of the following:

22 (a) Evaluates the teacher's or school administrator's job  
23 performance at least annually while providing timely and  
24 constructive feedback.

25 (b) Establishes clear approaches to measuring student growth  
26 and provides teachers and school administrators with relevant data  
27 on student growth.

1           (c) Evaluates a teacher's or school administrator's job  
2 performance, using multiple rating categories that take into  
3 account student growth and assessment data. Student growth must be  
4 measured using multiple measures that may include student learning  
5 objectives, achievement of individualized education program goals,  
6 nationally normed or locally developed assessments that are aligned  
7 to state standards, research-based growth measures, or alternative  
8 assessments that are rigorous and comparable across schools within  
9 the school district, intermediate school district, or public school  
10 academy. If the performance evaluation system implemented by a  
11 school district, intermediate school district, or public school  
12 academy under this section does not already include the rating of  
13 teachers as highly effective, effective, minimally effective, and  
14 ineffective, then the school district, intermediate school  
15 district, or public school academy shall revise the performance  
16 evaluation system not later than September 19, 2011 to ensure that  
17 it rates teachers as highly effective, effective, minimally  
18 effective, or ineffective.

19           (d) Uses the evaluations, at a minimum, to inform decisions  
20 regarding all of the following:

21           (i) The effectiveness of teachers and school administrators,  
22 ensuring that they are given ample opportunities for improvement.

23           (ii) Promotion, retention, and development of teachers and  
24 school administrators, including providing relevant coaching,  
25 instruction support, or professional development.

26           (iii) Whether to grant tenure or full certification, or both,  
27 to teachers and school administrators using rigorous standards and

1 streamlined, transparent, and fair procedures.

2 (iv) Removing ineffective tenured and untenured teachers and  
3 school administrators after they have had ample opportunities to  
4 improve, and ensuring that these decisions are made using rigorous  
5 standards and streamlined, transparent, and fair procedures.

6 (2) The board of a school district or intermediate school  
7 district or board of directors of a public school academy shall  
8 ensure that the performance evaluation system for teachers meets  
9 all of the following:

10 (a) The performance evaluation system shall include at least  
11 an annual year-end evaluation for all teachers. Beginning with the  
12 2015-2016 school year, an annual year-end evaluation shall meet all  
13 of the following:

14 (i) For the 2015-2016, 2016-2017, and 2017-2018 school years,  
15 25% of the annual year-end evaluation shall be based on student  
16 growth and assessment data. Beginning with the 2018-2019 school  
17 year, 40% of the annual year-end evaluation shall be based on  
18 student growth and assessment data.

19 (ii) Beginning with the 2018-2019 school year, for core  
20 content areas in grades and subjects in which state assessments are  
21 administered, 50% of student growth must be measured using the  
22 state assessments, and the portion of student growth not measured  
23 using state assessments must be measured using multiple research-  
24 based growth measures or alternative assessments that are rigorous  
25 and comparable across schools within the school district,  
26 intermediate school district, or public school academy. Student  
27 growth also may be measured by student learning objectives or

1 nationally normed or locally adopted assessments that are aligned  
2 to state standards, or based on achievement of individualized  
3 education program goals.

4 (iii) Beginning with the 2016-2017 school year, the portion of  
5 a teacher's annual year-end evaluation that is not based on student  
6 growth and assessment data, as described under subparagraph (i),  
7 shall be based primarily on a teacher's performance as measured by  
8 the evaluation tool developed or adopted by the school district,  
9 intermediate school district, or public school academy under  
10 subdivision (f).

11 (iv) The portion of a teacher's evaluation that is not  
12 measured using student growth and assessment data, as described  
13 under subparagraph (i), or using the evaluation tool developed or  
14 adopted by the school district, intermediate school district, or  
15 public school academy, as described under subparagraph (iii), shall  
16 incorporate criteria enumerated in section 1248(1)(b)(i) to (iii)  
17 that are not otherwise evaluated under subparagraph (i) or (iii).

18 (b) If there are student growth and assessment data available  
19 for a teacher for at least 3 school years, the annual year-end  
20 evaluation shall be based on the student growth and assessment data  
21 for the most recent 3-consecutive-school-year period. If there are  
22 not student growth and assessment data available for a teacher for  
23 at least 3 school years, the annual year-end evaluation shall be  
24 based on all student growth and assessment data that are available  
25 for the teacher.

26 (c) The annual year-end evaluation shall include specific  
27 performance goals that will assist in improving effectiveness for

1 the next school year and are developed by the school administrator  
2 or his or her designee conducting the evaluation, in consultation  
3 with the teacher, and any recommended training identified by the  
4 school administrator or designee, in consultation with the teacher,  
5 that would assist the teacher in meeting these goals. For a teacher  
6 described in subdivision (d), the school administrator or designee  
7 shall develop, in consultation with the teacher, an individualized  
8 development plan that includes these goals and training and is  
9 designed to assist the teacher to improve his or her effectiveness.

10 (d) The performance evaluation system shall include a midyear  
11 progress report for a teacher who is in the first year of the  
12 probationary period prescribed by section 1 of article II of 1937  
13 (Ex Sess) PA 4, MCL 38.81, or who received a rating of minimally  
14 effective or ineffective in his or her most recent annual year-end  
15 evaluation. The midyear progress report shall be used as a  
16 supplemental tool to gauge a teacher's improvement from the  
17 preceding school year and to assist a teacher to improve. All of  
18 the following apply to the midyear progress report:

19 (i) The midyear progress report shall be based at least in  
20 part on student achievement.

21 (ii) The midyear progress report shall be aligned with the  
22 teacher's individualized development plan under subdivision (c).

23 (iii) The midyear progress report shall include specific  
24 performance goals for the remainder of the school year that are  
25 developed by the school administrator conducting the annual year-  
26 end evaluation or his or her designee and any recommended training  
27 identified by the school administrator or designee that would



1 assist the teacher in meeting these goals. At the midyear progress  
2 report, the school administrator or designee shall develop, in  
3 consultation with the teacher, a written improvement plan that  
4 includes these goals and training and is designed to assist the  
5 teacher to improve his or her rating.

6 (iv) The midyear progress report shall not take the place of  
7 an annual year-end evaluation.

8 (e) The performance evaluation system shall include classroom  
9 observations to assist in the performance evaluations. All of the  
10 following apply to these classroom observations:

11 (i) A classroom observation shall include a review of the  
12 teacher's lesson plan and the state curriculum standard being used  
13 in the lesson and a review of pupil engagement in the lesson.

14 (ii) A classroom observation does not have to be for an entire  
15 class period.

16 (iii) Unless a teacher has received a rating of effective or  
17 highly effective on his or her 2 most recent annual year-end  
18 evaluations, there shall be at least 2 classroom observations of  
19 the teacher each school year. Beginning with the 2016-2017 school  
20 year, at least 1 observation must be unscheduled.

21 (iv) Beginning with the 2016-2017 school year, the school  
22 administrator responsible for the teacher's performance evaluation  
23 shall conduct at least 1 of the observations. Other observations  
24 may be conducted by other observers who are trained in the use of  
25 the evaluation tool that is used under subdivision (f). These other  
26 observers may be teacher leaders.

27 (v) Beginning with the 2016-2017 school year, a school

1 district, intermediate school district, or public school academy  
2 shall ensure that, within 30 days after each observation, the  
3 teacher is provided with feedback from the observation.

4 (f) For the purposes of conducting annual year-end evaluations  
5 under the performance evaluation system, by the beginning of the  
6 2016-2017 school year, the school district, intermediate school  
7 district, or public school academy shall adopt and implement 1 or  
8 more of the evaluation tools for teachers that are included on the  
9 list under subsection (5). However, if a school district,  
10 intermediate school district, or public school academy has 1 or  
11 more local evaluation tools for teachers or modifications of an  
12 evaluation tool on the list under subsection (5), and the school  
13 district, intermediate school district, or public school academy  
14 complies with subsection (3), the school district, intermediate  
15 school district, or public school academy may conduct annual year-  
16 end evaluations for teachers using 1 or more local evaluation tools  
17 or modifications. The evaluation tools shall be used consistently  
18 among the schools operated by a school district, intermediate  
19 school district, or public school academy so that all similarly  
20 situated teachers are evaluated using the same evaluation tool.

21 (g) The performance evaluation system shall assign an  
22 effectiveness rating to each teacher of highly effective,  
23 effective, minimally effective, or ineffective, based on his or her  
24 score on the annual year-end evaluation described in this  
25 subsection.

26 (h) As part of the performance evaluation system, and in  
27 addition to the requirements of section 1526, a school district,

1 intermediate school district, or public school academy is  
2 encouraged to assign a mentor or coach to each teacher who is  
3 described in subdivision (d).

4 (i) The performance evaluation system may allow for exemption  
5 of student growth data for a particular pupil for a school year  
6 upon the recommendation of the school administrator conducting the  
7 annual year-end evaluation or his or her designee and approval of  
8 the school district superintendent or his or her designee,  
9 intermediate superintendent or his or her designee, or chief  
10 administrator of the public school academy, as applicable.

11 (j) The performance evaluation system shall provide that, if a  
12 teacher is rated as ineffective on 3 consecutive annual year-end  
13 evaluations, the school district, public school academy, or  
14 intermediate school district shall dismiss the teacher from his or  
15 her employment. This subdivision does not affect the ability of a  
16 school district, intermediate school district, or public school  
17 academy to dismiss a teacher from his or her employment regardless  
18 of whether the teacher is rated as ineffective on 3 consecutive  
19 annual year-end evaluations.

20 (k) The performance evaluation system shall provide that, if a  
21 teacher is rated as highly effective on 3 consecutive annual year-  
22 end evaluations, the school district, intermediate school district,  
23 or public school academy may choose to conduct a year-end  
24 evaluation biennially instead of annually. However, if a teacher is  
25 not rated as highly effective on 1 of these biennial year-end  
26 evaluations, the teacher shall again be provided with annual year-  
27 end evaluations.

1           (l) The performance evaluation system shall provide that, if a  
2 teacher who is not in a probationary period prescribed by section 1  
3 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated as  
4 ineffective on an annual year-end evaluation, the teacher may  
5 request a review of the evaluation and the rating by the school  
6 district superintendent, intermediate superintendent, or chief  
7 administrator of the public school academy, as applicable. The  
8 request for a review must be submitted in writing within 20 days  
9 after the teacher is informed of the rating. Upon receipt of the  
10 request, the school district superintendent, intermediate  
11 superintendent, or chief administrator of the public school  
12 academy, as applicable, shall review the evaluation and rating and  
13 may make any modifications as appropriate based on his or her  
14 review. However, the performance evaluation system shall not allow  
15 for a review as described in this subdivision more than twice in a  
16 3-school-year period.

17           (m) Beginning with the 2016-2017 school year, the school  
18 district, intermediate school district, or public school academy  
19 shall provide training to teachers on the evaluation tool or tools  
20 used by the school district, intermediate school district, or  
21 public school academy in its performance evaluation system and on  
22 how each evaluation tool is used. This training may be provided by  
23 a school district, intermediate school district, or public school  
24 academy, or by a consortium consisting of 2 or more of these.

25           (n) Beginning with the 2016-2017 school year, a school  
26 district, intermediate school district, or public school academy  
27 shall ensure that training is provided to all evaluators and

1 observers. The training shall be provided by an individual who has  
2 expertise in the evaluation tool or tools used by the school  
3 district, intermediate school district, or public school academy,  
4 which may include either a consultant on that evaluation tool or  
5 framework or an individual who has been trained to train others in  
6 the use of the evaluation tool or tools. This subdivision does not  
7 prohibit a school district, intermediate school district, public  
8 school academy, or consortium consisting of 2 or more of these,  
9 from providing the training in the use of the evaluation tool or  
10 tools if the trainer has expertise in the evaluation tool or tools.

11 (3) Beginning with the 2016-2017 school year, a school  
12 district, intermediate school district, or public school academy  
13 shall post on its public website all of the following information  
14 about the evaluation tool or tools it uses for its performance  
15 evaluation system for teachers:

16 (a) The research base for the evaluation framework,  
17 instrument, and process or, if the school district, intermediate  
18 school district, or public school academy adapts or modifies an  
19 evaluation tool from the list under subsection (5), the research  
20 base for the listed evaluation tool and an assurance that the  
21 adaptations or modifications do not compromise the validity of that  
22 research base.

23 (b) The identity and qualifications of the author or authors  
24 or, if the school district, intermediate school district, or public  
25 school academy adapts or modifies an evaluation tool from the list  
26 under subsection (5), the identity and qualifications of a person  
27 with expertise in teacher evaluations who has reviewed the adapted

1 or modified evaluation tool.

2 (c) Either evidence of reliability, validity, and efficacy or  
3 a plan for developing that evidence or, if the school district,  
4 intermediate school district, or public school academy adapts or  
5 modifies an evaluation tool from the list under subsection (5), an  
6 assurance that the adaptations or modifications do not compromise  
7 the reliability, validity, or efficacy of the evaluation tool or  
8 the evaluation process.

9 (d) The evaluation frameworks and rubrics with detailed  
10 descriptors for each performance level on key summative indicators.

11 (e) A description of the processes for conducting classroom  
12 observations, collecting evidence, conducting evaluation  
13 conferences, developing performance ratings, and developing  
14 performance improvement plans.

15 (f) A description of the plan for providing evaluators and  
16 observers with training.

17 (4) If a collective bargaining agreement was in effect for  
18 teachers or school administrators of a school district, public  
19 school academy, or intermediate school district as of July 19,  
20 2011, if that same collective bargaining agreement is still in  
21 effect as of November 5, 2015, and if that collective bargaining  
22 agreement prevents compliance with subsection (1), then subsection  
23 (1) does not apply to that school district, public school academy,  
24 or intermediate school district until after the expiration of that  
25 collective bargaining agreement.

26 (5) The department shall establish and maintain a list of  
27 teacher evaluation tools that have demonstrated evidence of

1 efficacy and that may be used for the purposes of this section.  
2 That list initially shall include at least the evaluation models  
3 recommended in the final recommendations released by the Michigan  
4 council on educator effectiveness in July 2013. The list shall  
5 include a statement indicating that school districts, intermediate  
6 school districts, and public school academies are not limited to  
7 only using the evaluation tools that are included on the list. A  
8 school district, intermediate school district, or public school  
9 academy is not required to use an evaluation tool for teacher  
10 evaluations that is the same as it uses for school administrator  
11 evaluations or that has the same author or authors as the  
12 evaluation tool it uses for school administrator evaluations. The  
13 department shall promulgate rules establishing standards and  
14 procedures for adding an evaluation tool to or removing an  
15 evaluation tool from the list. These rules shall include a process  
16 for a school district, intermediate school district, or public  
17 school academy to submit its own evaluation tool for review for  
18 placement on the list.

19 (6) The training required under subsection (2) shall be paid  
20 for from the funds available in the educator evaluation reserve  
21 fund created under section 95a of the state school aid act, MCL  
22 388.1695a.

23 (7) This section does not affect the operation or  
24 applicability of section 1248.

25 (8) As used in this section, "teacher" means an individual who  
26 has a valid Michigan teaching certificate or authorization **OR WHO**  
27 **IS ENGAGED TO TEACH UNDER SECTION 1233B**; who is employed, or

1 contracted for, by a school district, intermediate school district,  
2 or public school academy; and who is assigned by the school  
3 district, intermediate school district, or public school academy to  
4 deliver direct instruction to pupils in any of grades K to 12 as a  
5 teacher of record.

6 Sec. 1531. (1) Except as provided in this act, the  
7 superintendent of public instruction shall determine the  
8 requirements for and issue all licenses and certificates for  
9 teachers, including preprimary teachers, and the requirements for  
10 an endorsement of teachers as qualified counselors and an  
11 endorsement of teachers for teaching a foreign language in an  
12 elementary grade in the public schools of the state.

13 (2) Except as otherwise provided in this act, the  
14 superintendent of public instruction shall only issue a teaching  
15 certificate to ~~a person~~ **AN INDIVIDUAL** who has passed appropriate  
16 examinations as follows:

17 (a) For a secondary level teaching certificate, has passed  
18 ~~both the basic skills examination and the~~ appropriate available  
19 subject area examination for each subject area in which he or she  
20 applies to be certified.

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

26 (3) Except as otherwise provided in this act, the  
27 superintendent of public instruction shall issue a Michigan



1 teaching certificate to a ~~person~~ **AN INDIVIDUAL** holding a  
2 certificate from another state or a teaching degree from an out-of-  
3 state teacher preparation institution who applies for a Michigan  
4 teaching certificate only if the ~~person~~ **INDIVIDUAL** passes  
5 appropriate examinations as follows:

6 (a) For a secondary level teaching certificate, pass ~~both the~~  
7 ~~basic skills examination and the~~ appropriate available subject area  
8 examination for each subject area in which he or she applies to be  
9 certified. The superintendent of public instruction may accept  
10 passage of an equivalent examination approved by the superintendent  
11 of public instruction to meet ~~1 or both of these requirements.~~ **THIS**  
12 **REQUIREMENT.**

13 (b) For an elementary level teaching certificate, pass, ~~the~~  
14 ~~basic skills examination and,~~ if it is available, the elementary  
15 certification examination, and pass the appropriate available  
16 subject area examination for each subject area, if any, in which he  
17 or she applies to be certified. The superintendent of public  
18 instruction may accept passage of an equivalent examination  
19 approved by the superintendent of public instruction to meet 1 or  
20 ~~more~~ **BOTH** of these requirements.

21 (4) Except as otherwise provided in this act, the  
22 superintendent of public instruction shall only issue a teaching  
23 certificate to a ~~person~~ **AN INDIVIDUAL** who has met the elementary or  
24 secondary, as applicable, reading credit requirements established  
25 under superintendent of public instruction rule. If a ~~person~~ **AN**  
26 **INDIVIDUAL** holds a teaching certificate, then beginning July 1,  
27 2009, notwithstanding any rule to the contrary, the superintendent

1 of public instruction shall not advance the ~~person's~~**INDIVIDUAL'S**  
2 certification to professional certification unless the ~~person~~  
3 **INDIVIDUAL** has successfully completed at least a 3-credit course of  
4 study with appropriate field experiences in the diagnosis and  
5 remediation of reading disabilities and differentiated instruction.  
6 To meet this requirement, the course of study should include the  
7 following elements, as determined by the department to be  
8 appropriate for the ~~person's~~**INDIVIDUAL'S** certification level and  
9 endorsements: interest inventories, English language learning  
10 screening, visual and auditory discrimination tools, language  
11 expression and processing screening, phonemics, phonics,  
12 vocabulary, fluency, comprehension, spelling and writing assessment  
13 tools, and instructional strategies. ~~A person~~**AN INDIVIDUAL** may  
14 complete the course of study either as part of his or her teacher  
15 preparation program or during the first 6 years of his or her  
16 employment in classroom teaching.

17 (5) Not later than January 11, 2002, the superintendent of  
18 public instruction, in cooperation with appropriate curriculum  
19 specialists and teacher educators, shall revise existing reading  
20 standards to recognize reading disorders and to enable teachers to  
21 make referrals for instruction and support for pupils with reading  
22 disorders.

23 (6) Subject to subsection (8), if ~~a person~~**AN INDIVIDUAL**  
24 holding a teaching certificate from another state applies to the  
25 superintendent of public instruction for a Michigan teaching  
26 certificate and meets the requirements of this subsection, the  
27 superintendent of public instruction shall issue to the ~~person~~

1 **INDIVIDUAL** a Michigan professional education teaching certificate  
2 and applicable endorsements comparable to those the ~~person~~  
3 **INDIVIDUAL** holds in the other state, without requiring the ~~person~~  
4 **INDIVIDUAL** to pass a ~~basic skills examination or the~~ applicable  
5 subject area examination otherwise required under subsection (2) or  
6 (3). To be eligible to receive a Michigan professional education  
7 teaching certificate under this subsection, a ~~person~~ **AN INDIVIDUAL**  
8 shall provide evidence satisfactory to the department that he or  
9 she meets all of the following requirements:

10 (a) Has taught successfully for at least 3 years in a position  
11 for which the ~~person's~~ **INDIVIDUAL'S** teaching certification from the  
12 other state was valid.

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

19 (c) Has met the elementary or secondary, as applicable,  
20 reading credit requirement established under superintendent of  
21 public instruction rule.

22 (7) A ~~person~~ **AN INDIVIDUAL** who receives a teaching certificate  
23 and endorsement or endorsements under subsection (6) is eligible to  
24 receive 1 or more additional endorsements comparable to  
25 endorsements the ~~person~~ **INDIVIDUAL** holds in another state only if  
26 the ~~person~~ **INDIVIDUAL** passes the appropriate subject area  
27 examinations required under subsection (2) or (3).

1           (8) The superintendent of public instruction shall deny a  
2 Michigan teaching certificate to ~~a person~~ **AN INDIVIDUAL** described  
3 in subsection (6) for fraud, material misrepresentation, or  
4 concealment in the ~~person's~~ **INDIVIDUAL'S** application for a  
5 certificate or for a conviction for which ~~a person's~~ **AN**  
6 **INDIVIDUAL'S** teaching certificate may be revoked under section  
7 1535a.

8           (9) The department, based upon criteria recommended ~~pursuant~~  
9 ~~to~~ **UNDER** subsection (11), shall provide to approved teacher  
10 education institutions ~~guidelines and criteria approved by the~~  
11 ~~superintendent of public instruction for use in the development or~~  
12 ~~selection of a basic skills examination and approved guidelines and~~  
13 criteria for use in the development or selection of subject area  
14 examinations.

15           (10) For the purposes of this section, the superintendent of  
16 public instruction, based upon criteria recommended ~~pursuant to~~  
17 **UNDER** subsection (11), shall develop, select, or develop and select  
18 1 or more ~~basic skills examinations and~~ subject area examinations.  
19 In addition, the superintendent of public instruction, based upon  
20 criteria recommended ~~pursuant to~~ **UNDER** subsection (11), shall  
21 approve an elementary certification examination and a reading  
22 subject area examination. If the department develops for use under  
23 this subsection an examination that had previously been contracted  
24 for using a competitive bid process, then the department shall not  
25 expend on the development of that examination an amount that  
26 exceeds the amount that the department expended on procurement of  
27 the most recent competitively-bid version of that examination.

1           (11) The superintendent of public instruction shall appoint an  
2 11-member teacher examination advisory committee ~~comprised~~**COMPOSED**  
3 of representatives of approved teacher education institutions and  
4 Michigan education organizations and associations. Not more than  
5 1/2 of the members comprising this committee shall be certified  
6 teachers. This committee shall recommend ~~criteria to be used by the~~  
7 ~~superintendent of public instruction in the development, selection,~~  
8 ~~or development and selection of 1 or more basic skills~~  
9 ~~examinations, and criteria to be used by the superintendent of~~  
10 public instruction in the development, selection, or development  
11 and selection of subject area examinations. In addition, the  
12 committee shall recommend guidelines for the use and administration  
13 of those examinations. ~~The basic skills examinations referred to in~~  
14 ~~this subsection may be developed by the superintendent of public~~  
15 ~~instruction or selected by the superintendent of public instruction~~  
16 ~~from commercially or university developed examinations. In~~  
17 ~~addition, an approved teacher education institution, pursuant to~~  
18 ~~guidelines and criteria described in subsection (9), may develop an~~  
19 ~~examination at its own expense for approval by the superintendent~~  
20 ~~of public instruction. An approved teacher education institution~~  
21 ~~that develops its own examination is liable for any litigation that~~  
22 ~~results from the use of its examination.~~

23           (12) The superintendent of public instruction shall appoint a  
24 7-member standing technical advisory council ~~comprised~~**COMPOSED** of  
25 ~~persons~~**INDIVIDUALS** who are experts in measurement and assessment.  
26 This council shall advise the superintendent of public instruction  
27 and the teacher examination committee on the validity, reliability,

1 and other technical standards of the examinations that will be used  
2 or are being used and of the administration and use of those  
3 examinations.

4 (13) Not later than November 30 of each year, the  
5 superintendent of public instruction shall submit in writing a  
6 report on the development or selection and use of ~~the basic skills~~  
7 ~~examination,~~ the elementary certification examination, ~~and the~~  
8 subject area examinations to the house and senate education  
9 committees. The report shall also contain a financial statement  
10 regarding revenue received from the assessment of fees levied  
11 ~~pursuant to~~ **UNDER** subsection (15) and the amount of and any  
12 purposes for which that revenue was expended.

13 (14) The ~~basic skills examination,~~ the elementary  
14 certification examination, ~~and the~~ subject area examinations  
15 required by this section may be taken at different times during an  
16 approved teacher preparation program, but ~~the basic skills~~  
17 ~~examination must be passed before a person is enrolled for student~~  
18 ~~teaching and~~ the elementary certification examination and the  
19 subject area examinations, as applicable, must be passed before a  
20 ~~person~~ **AN INDIVIDUAL** is recommended for certification.

21 (15) The department, or if approved by the superintendent of  
22 public instruction, a private testing service, may assess fees for  
23 taking the ~~basic skills examination,~~ elementary certification  
24 examination, ~~and the~~ subject area examinations. The fees, which  
25 shall be set by the superintendent of public instruction, shall not  
26 exceed the actual cost of the examination and of administering the  
27 examination. Fees received by the department shall be expended

1 solely for administrative expenses that it incurs in implementing  
2 this section. If the superintendent of public instruction increases  
3 a fee charged for an examination under this subsection, at least 1  
4 year before implementing the fee increase, the department shall  
5 notify each approved teacher education institution of the amount of  
6 the fee increase. An approved teacher education institution shall  
7 notify each of its affected students of the timing and amount of  
8 such a fee increase.

9 (16) If ~~a person~~ **AN INDIVIDUAL** holding a teaching certificate  
10 from another state applies for a Michigan teaching certificate and  
11 meets all requirements for the Michigan teaching certificate except  
12 passage of the appropriate examinations under subsection (3), the  
13 superintendent of public instruction shall issue a nonrenewable  
14 temporary teaching certificate, good for 1 year, to the ~~person~~.  
15 **INDIVIDUAL**. The superintendent of public instruction shall not  
16 issue a Michigan teaching certificate to the ~~person~~ **INDIVIDUAL**  
17 after expiration of the temporary teaching certificate unless the  
18 ~~person~~ **INDIVIDUAL** passes appropriate examinations as described in  
19 subsection (3).

20 (17) As used in this section:

21 ~~— (a) "Basic skills examination" means an examination developed~~  
22 ~~or selected by the superintendent of public instruction or~~  
23 ~~developed pursuant to subsection (11) by an approved teacher~~  
24 ~~education institution for the purpose of demonstrating the~~  
25 ~~applicant's knowledge and understanding of basic language and~~  
26 ~~mathematical skills and other skills necessary for the certificate~~  
27 ~~sought, and for determining whether or not an applicant is eligible~~

1 ~~for a provisional Michigan teaching certificate.~~

2       **(A)** ~~(b)~~—"Elementary certification examination" means a  
3 comprehensive examination for elementary certification that has  
4 been developed or selected by the superintendent of public  
5 instruction for demonstrating the applicant's knowledge and  
6 understanding of the core subjects normally taught in elementary  
7 classrooms and for determining whether or not an applicant is  
8 eligible for an elementary level teaching certificate.

9       **(B)** ~~(c)~~—"Subject area examination" means an examination  
10 related to a specific area of certification, which examination has  
11 been developed or selected by the superintendent of public  
12 instruction for the purpose of demonstrating the applicant's  
13 knowledge and understanding of the subject matter and determining  
14 whether or not an applicant is eligible for a Michigan teaching  
15 certificate.

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

18       (19) Notwithstanding any rule to the contrary, the  
19 superintendent of public instruction shall continue to issue state  
20 elementary or secondary continuing education certificates pursuant  
21 ~~to~~ **UNDER** R 390.1132(1) of the Michigan ~~administrative code~~  
22 **ADMINISTRATIVE CODE** to ~~persons~~ **INDIVIDUALS** who completed the  
23 requirements of that rule by December 31, 1992 and who apply for  
24 that certificate not later than March 15, 1994. If the  
25 superintendent of public instruction has issued a state elementary  
26 or secondary professional education certificate to ~~a person~~ **AN**  
27 **INDIVIDUAL** described in this section, the superintendent of public



1 instruction shall consider the ~~person~~**INDIVIDUAL** to have a state  
2 elementary or secondary, as applicable, continuing education  
3 certificate.

4           **(20) NOT LATER THAN JANUARY 1, 2019, THE SUPERINTENDENT OF**  
5 **PUBLIC INSTRUCTION, IN CONSULTATION WITH THE DEPARTMENT OF TALENT**  
6 **AND ECONOMIC DEVELOPMENT AND GROUPS OR INDIVIDUALS REPRESENTING**  
7 **EMPLOYERS, ECONOMIC DEVELOPMENT AGENCIES, TRADE UNIONS, SECONDARY**  
8 **SCHOOL PRINCIPALS, MIDDLE AND ELEMENTARY SCHOOL PRINCIPALS,**  
9 **TEACHERS, SCHOOL DISTRICT AND INTERMEDIATE SCHOOL DISTRICT**  
10 **SUPERINTENDENTS, AND OTHERS AS DETERMINED APPROPRIATE BY THE**  
11 **DEPARTMENT, SHALL PROMULGATE RULES TO ALLOW AN INDIVIDUAL TO USE**  
12 **TIME SPENT ENGAGING WITH LOCAL EMPLOYERS OR TECHNICAL CENTERS**  
13 **TOWARD THE RENEWAL OF A TEACHING CERTIFICATE IN THE SAME MANNER AS**  
14 **STATE CONTINUING EDUCATION OR PROFESSIONAL DEVELOPMENT.**

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

17           Enacting section 2. This amendatory act does not take effect  
18 unless House Bill No. 5142 of the 99th Legislature is enacted into  
19 law.