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Senate Bill 161 (as enacted)
Sponsor: Senator Erika Geiss
Senate Committee: Education
House Committee: Education

PUBLIC ACT 110 of 2023

Date Completed: 8-22-23

RATIONALE

According to testimony, Michigan schools struggle to retain teachers. The instability caused by the COVID-19 pandemic, the controversy surrounding curriculum, and low pay, among other factors, have contributed to many experienced, credentialed teachers leaving the profession. Some people believe that this teacher shortage has led to a teaching workforce comprised of inexperienced, less credentialed teachers that are overburdened and struggling to serve students. Accordingly, it was suggested that Michigan encourage entering and advancing in the teaching field, especially for experienced and credentialed teachers.

CONTENT

The bill amended the Revised School Code to do the following:

- **Require teachers employed on or after August 1, 2023, to complete as part of a professional development requirement a course in first aid and cardiopulmonary resuscitation (CPR), unless the teacher could not because of physical limitations.**
- **Modify certain requirements related to a teacher's passage of an examination before being issued a teaching certificate.**
- **Require an individual to complete at least three years of successful experience in an appropriate assignment as specified by the bill before being issued an initial or advanced professional teaching certificate.**
- **Allow an individual to demonstrate that he or she has been rated effective, instead of only highly effective, on his or her annual year-end evaluation for three out of five most recent school years to fulfill a requirement for the issuance of an advanced certificate.**
- **If an individual holds a teaching certificate from another state, country, or Federally recognized Indian tribe, require the Superintendent of Public Instruction (SPI) to issue to that individual a Michigan professional education teaching certificate and applicable endorsements comparable to those an individual held in that other location, without requiring the individual to pass the applicable subject area examination.**
- **Modify specified requirements for the formulation of subject area examinations.**

The bill took effect July 27, 2023.

CPR Certification

Under the Code, a teacher must receive intensive professional development induction into teaching during his or her first three years of employment. During the three-year period, the professional development must consist of at least 15 days of professional development, the experiencing of effective practices in university-linkers professional development schools, and

regional seminars by master teachers and other mentors. Under the bill, this requirement is subject to the provision described below.

Except as otherwise provided, for teachers employed in classroom teaching on or after August 1, 2023, except for individuals who have physical limitations that make it impracticable for the individual to complete the course and instruction and obtain the required certification, the 15 days of professional development described above must include a course approved by the Department of Education in first aid and CPR 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 must be completed within the first year of the three-year period. This requirement does not apply to an individual who has successfully completed a course and instruction and held the valid certification.

The bill specifies that an individual who has completed the course and instruction and obtained the certification described above and who performed first aid, CPR, 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.

The Code previously prohibited the SPI from issuing an initial teaching certificate to a person unless the person presented evidence satisfactory that he or she met one of the following:

- Had successfully completed a course approved by the Department in first aid and CPR, including a test demonstration on a mannequin, and had successfully completed instruction approved by the Department in foreign body airway obstruction management, and held valid certification in these topics issued by the American Red Cross, the American Heart Association, or a comparable organization or institution approved by the Department.
- Had physical limitations that made it impracticable for the person to complete the instruction and obtain the required certification.

Under the bill, the provision described above does not apply after July 31, 2023.

SPI Responsibilities

The Code requires the SPI to determine the requirements for and issue all licenses and certificates, including for preprimary teachers and teachers as qualified counselors, and an endorsement of teachers for teaching a foreign language in an elementary grade in public schools. Previously, the SPI could only issue a teaching certificate to an individual who had passed the following appropriate examinations:

- For a secondary level teaching certificate, the appropriate available subject area examination for each subject area in which he or she applied to be certified.
- For an elementary level teaching certificate, the elementary certification examination and the appropriate available subject area examination for each subject area, if any, in which he or she applied to be certified.

The bill deleted the list of appropriate examinations, and instead, specified that the SPI must determine the requirements for and issue all licenses, certificates, and endorsements for teachers, including preprimary teachers and teachers as counselors, in the State's public schools.

The Code also required the SPI to 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 provided in the list described above. The bill deleted this provision.

The bill allows the SPI to accept passage of an equivalent examination approved by the SPI for an individual holding a teaching certificate from another state, country, or Federally recognized tribe.

Previously, under the Code, if an individual held a teaching certificate, the SPI could not advance the individual's certification to professional certification unless the individual had successfully completed at least a three-credit course of study with appropriate field experiences in the diagnosis and remediation of reading disabilities and differentiated instruction. The Code allowed an individual to complete the course of study as part of his or her teacher preparation program or during the first six years of his or her employment. Under the bill, the individual may only complete the course of study as part of his or her preparation program.

Initial Professional Teaching Certificate

The Code prohibits the SPI from issuing an initial professional teaching certificate to an individual unless the individual presents satisfactory evidence demonstrating that he or she meets certain requirements, such as successfully completing at least three years of teaching. Under the bill, the individual also must present evidence satisfactorily demonstrating that, since issuance of the individual's most recent teaching certificate, the individual has completed at least three years of successful experience in an appropriate assignment, as determined by the SPI, including experience as a teacher leader, a teacher of children from birth through pre-K, a teacher of adult education, or a provider of K to 12 instruction in an assignment that does not require an annual performance evaluation under the Code.

Advanced Professional Education Certificate

Previously, the Code prohibited the SPI from issuing an advanced professional teaching certificate to an individual unless the individual presented evidence satisfactorily demonstrating that he or she met certain requirements, such as being rated highly effective on his or her annual year-end evaluation for three out of five most recent school years. Now, an individual may demonstrate that he or she had been rated highly effective *or effective* on his or her annual year-end evaluation for three out of five most recent school years to fulfill this requirement.

In addition, the individual must present evidence satisfactorily demonstrating that, since the issuance of the individual's most recent teaching certificate, the individual has completed at least three years of successful experience in an appropriate assignment, as determined by the SPI, including experience as a teacher leader, a teacher of children from birth through pre-K, a teacher of adult education, or a provider of K to 12 instruction in an assignment that does not require an annual performance evaluation under the Code.

Certificate Reciprocity

Currently, under the Code, if an individual holding a teaching certificate from another state, country, or Federally recognized Indian tribe applies to the SPI for a Michigan teaching certificate and meets the requirements of the Code, the SPI must issue to the individual a Michigan professional education teaching certificate and applicable endorsements comparable

to those the individual holds in the other state, without requiring the individual to pass the applicable subject area examination. In addition, the individual holding a teaching certificate may be issued a Michigan certificate without completing the reading credit requirement established under SPI rule.

Previously, the Code required an individual holding a teaching certificate as described above to provide evidence satisfactory to the Department that he or she met all the following requirements:

- He or she had taught successfully for at least three years in a position for which the individual's teaching certification from the other state was valid.
- He or she has earned at least 18 semester credit hours in a planned course of study at an institution of higher education approved by the SPI or had earned a master's or doctoral degree approved by the SPI.

Instead, under the bill, an individual holding a teaching certificate as described above must provide evidence satisfactory to the Department that he or she has taught successfully for at least three years in a position for which the individual's teaching certification from the other state, country, or Federally recognized Indian tribe was valid.

Subject to denial for fraud or material misrepresentation, the bill specifies that 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 the following:

- The individual taught successfully for at least three years in a position for which the individual's teaching certification from the other state, country, or Federally recognized Indian tribe was valid.
- The individual meets the elementary or secondary reading credit requirement established under SPI rule.

Previously, the Code specified that an individual who received a teaching certificate and endorsement or endorsements as described above was eligible to receive one or more additional endorsements comparable to endorsements the individual held in another state only if the individual passed the appropriate subject area examinations. Instead, under the bill and subject to denial for fraud or material misrepresentation, if an individual holding a teaching certificate from another state, country, or Federally recognized Indian tribe applies to the SPI for an additional endorsement on a valid Michigan teaching certificate and meets the requirements, the SPI must 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. To be eligible to receive an additional endorsement, an individual must provide evidence satisfactory to the Department that he or she taught successfully for at least three years in a position for which the individual's teaching endorsement from the other state, country, or Federally recognized Indian tribe was valid.

Previously, the Code required the SPI to issue a nonrenewable temporary teaching certificate to an individual that held a teaching certificate from another state and applied for a Michigan certificate while meeting all requirements for the certificate except passage of the appropriate examination. Under the bill, this provision also applies to an individual holding a certificate from another country or Federally recognized Indian tribe. The bill also allows the SPI to issue the nonrenewable certificate if the individual has not passed the reading credit requirement.

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

"Subject area examination" previously meant an examination related to a specific area of certification, which examination has been developed or selected by the SPI for the purpose of demonstrating the applicant's knowledge and understanding of the subject matter and determining whether an applicant is eligible for a Michigan teaching certificate. Under the bill, the term means an examination related to an endorsement area for the purpose of demonstrating the applicant's knowledge and understanding of the subject matter and determining whether an applicant is eligible for a Michigan teaching certificate or endorsement.

Formation of Subject Area Examinations

Previously, the Department, based upon certain criteria, had to provide to approved teacher education institutions approved guidelines and criteria for use in the development or selection of subject area examinations. The bill deleted this requirement.

The Code specifies that if the Department develops for use an examination that had previously been contracted for using a competitive bid process, then the Department must not spend on the development of that examination an amount that exceeds the amount that the Department spent on procurement of the most recent competitively-bid version of that examination. The bill requires the competitive bid process to address validity, reliability, and other technical standards of the examinations and of the appropriate administration and use of those examinations.

The Code also required the SPI to appoint a seven-member standing technical advisory council composed of individuals who were experts in measurement and assessment. This council was required to advise the SPI and the teacher examination committee on the validity, reliability, and other technical standards of the examinations that were used and of the administration and use of those examinations. The bill deleted this requirement.

MCL 380.1526 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Extending reciprocity to teachers from another state, country, or from a Federally recognized Indian tribe will help reduce the teacher shortage within Michigan. According to a report by Michigan State University's Education Policy Innovation Collaborative (EPIC), from the 2012-2013 school year to the 2016-2017 school year, more Michigan teachers exited the profession than entered it.¹ Though in recent years the rates of teachers entering and exiting the profession stabilized, the percentage of teachers who were in their first year of teaching reached an all-time high, as did the percentage of teachers who were new to their current district.² During that same year, teacher mobility rose, with 2,368 teachers transferring within district and 3,561 transferring outside of their district.³

¹ Kilbride, et al., "Michigan Teacher Shortage Study: Comprehensive Report", p. 39, Jan. 2023.

² *Id.* pp. 40-41.

³ *Id.* p. 40.

The teacher shortage is not a problem unique to Michigan. Many states, seeking to capitalize on teacher mobility, have begun offering reciprocal credentials to attract teachers to their state. With the availability of experienced teachers declining, Michigan should also adopt a reciprocal credential system to attract teachers from other states, countries, and from Federally recognized Indian tribes. According to testimony before the Senate Committee on Education, embracing reciprocity also could encourage teachers travelling with their spouses to Michigan for work to reenter the teaching field. Introducing a system of reciprocal credentials will help stem the shortage of experienced, credentialed teachers in Michigan.

Supporting Argument

The bill amended the process of in-state teacher entrance and advancement, addressing the teacher shortage without sacrificing Michigan's high academic standards. Specific measures, such as allowing an individual to demonstrate that he or she has been rated highly effective or *effective* on his or her annual evaluation for three out of the five most recent school years, instead of only highly effective, will make it easier for teachers to receive an advanced professional teaching certificate, which certain school districts and intermediate school districts may reward. This, in turn, could increase rates of teacher retention by offering teachers an opportunity for advancement and potentially attract new teachers to join the field, reducing the shortage.

Supporting Argument

Easing the process of in-state and out-of-state teachers entering the field may help rural and urban school districts, where the teacher shortage is acute. According to testimony before the Senate Committee on Education, school districts in the Upper Peninsula struggle to find qualified teachers, a problem likely to worsen as more qualified, experienced teachers retire. Expanding the reciprocal credential system will aid these areas. For example, the Upper Peninsula may benefit from attracting teachers from Wisconsin. Thus, the bill's provisions may help alleviate the teacher shortage in areas that need it most.

Opposing Argument

Removing the provision requiring the SPI to implement rules allowing an individual to use time spent engaging with local employers or technical centers toward the renewal of a professional teaching certificate will be harmful to teachers. According to testimony before the Senate Committee of the Whole, teachers who participate in a vocational education program or technical program gain valuable skills and workplace experience that cannot be taught in a purely academic program. These programs should be valued as a professional development source and count toward professional teaching certificate renewal.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill will have an indeterminate fiscal impact on the Department of Education and on local intermediate school districts, school districts, and public school academies. The Department will experience one-time and ongoing costs to update the teacher license requirements, certify out-of-state teachers, and select subtests for pre-k to grade 3 or grade 3 to grade 6. The costs will include one-time information technology costs to update the teacher certification system and staff to update the new teacher certification requirements and select subtests. The Department already has begun to update the certification system so the one-time costs will be minimal and within current appropriation. The Department will need additional ongoing staff and administrative support to review the teaching experience of teachers from out-of-state instead of requiring a passed subject area examination. Ongoing costs will be minimal and likely supported with current appropriation.

The bill will have an indeterminate fiscal impact on local intermediate school districts, school districts, and public school academies. Schools likely will be able to hire additional teachers from out-of-state to reduce the need for long-term substitute teachers. It is unknown how schools will benefit in the State because each school has different needs and situations. The fiscal impact resulting from the bill's CPR requirement will be minimal because the initial teacher certification already requires first aid and CPR training. The bill will ensure that schools provide the first aid and CPR professional development for teachers who currently do not hold a valid certification. The number of teachers who do not hold this certification currently is minimal.

Fiscal Analyst: Cory Savino, PhD

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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.