

Act No. 111
Public Acts of 2023
Approved by the Governor
July 26, 2023
Filed with the Secretary of State
July 27, 2023
EFFECTIVE DATE: July 27, 2023

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators McCann, Polehanki, Geiss, Shink, McMorrow, Wojno, Cavanagh, Chang,
Cherry and Klinefelt

ENROLLED SENATE BILL No. 162

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1233 (MCL 380.1233), as amended by 2021 PA 149.

The People of the State of Michigan enact:

Sec. 1233. (1) Except as otherwise provided by law, and subject to sections 1233b and 1233c, the board of a school district or intermediate school district shall not permit a teacher who does not hold a valid teaching certificate to teach in a grade or department of the school.

(2) The board of a school district or intermediate school district shall not allow an individual to serve in a counseling role in the school district or intermediate school district, as the role is defined by the superintendent

of public instruction, unless the individual holds a valid school counselor credential. The superintendent of public instruction shall issue a school counselor license only to an individual who meets 1 or more of the following:

(a) The individual meets both of the following:

(i) Holds a master's degree awarded after completion of a school counselor education program that is approved by the superintendent of public instruction based on standards developed by the department in consultation with practicing school counselors, representatives from school counselor preparation programs, and state associations representing school counselors.

(ii) Has successfully completed the department's school counselor examination.

(b) Subject to subsection (15), the individual is an individual who holds a school counselor license from another state, country, or federally recognized Indian tribe, holds a master's degree awarded after completion of a school counselor education program, and meets either of the following:

(i) Has at least 3 years of successful experience serving in a school counseling role in another state or country or with a federally recognized Indian tribe.

(ii) Has successfully completed the department's school counselor examination.

(3) Except for teachers engaged to teach under section 1233b and teachers engaged to teach in a community district under section 1233c, the intermediate superintendent shall notify the superintendent of public instruction immediately of the names of noncertificated teachers teaching in violation of subsection (1) and the names of individuals serving in counseling roles in violation of subsection (2), the employing district, and the amount of time the noncertificated teachers or unqualified individuals were employed.

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

(5) Subject to subsection (10), the board of a school district or intermediate school district may employ an individual without a teaching certificate as a substitute teacher if either of the following requirements is met, if applicable:

(a) The individual has at least 60 semester hours of college credit or an associate degree from a college, university, or community college. The 60 semester hours do not need to be from the same college, university, or community college.

(b) For substitute teaching a course in an industrial technology education program or a career and technical education program, the individual is engaged to substitute teach in a subject matter or field in which the individual has achieved expertise, as determined by the board of a school district or intermediate school district and satisfies all of the following, if applicable:

(i) Has a high school diploma or a high school equivalency certificate as that term is defined in section 4 of the state school aid act of 1979, MCL 388.1604.

(ii) For substitute teaching in a subject matter or field in which a professional license or certification is required, at least 1 of the following:

(A) Holds a professional license or certification in that same subject matter or field.

(B) Previously held a professional license or certification in that same subject matter or field that expired not more than 2 years before the noncertificated substitute teacher's initial employment under this section and was in good standing immediately before the license or certification expired.

(iii) Has at least 2 cumulative years of professional experience in that same subject matter or field in the immediately preceding 10 years.

(6) The department shall not renew an individual's school counselor credential unless the department determines that, within the time period since the individual's school counselor credential was issued or last renewed, whichever is most recent, the individual has completed at least 25 hours of professional development approved by the department under subsection (8) covering counseling about the college preparation and selection process and at least 25 hours of professional development approved by the department under subsection (8) covering career counseling. For the purposes of this subsection, career counseling includes, but is not limited to, exploration of military career options and the skilled trades as well as other careers and pathways that lead to industry credentials awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to obtain employment or advance within an occupation. The hours of professional development required under this subsection covering career counseling must include at least 5 hours covering military career options. The hours of professional development required under this subsection are a part of and not in addition to professional development requirements under department rule.

(7) An individual may complete the professional development hours for the purposes of subsection (6) as part of the professional development provided by a school district, intermediate school district, public school academy, or nonpublic school under section 1527 if the content and curriculum of the professional development provided under section 1527 are approved by the department under subsection (8).

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

(9) The superintendent of public instruction shall promulgate or modify rules as necessary to implement this section.

(10) Subject to subsection (12), beginning on December 27, 2021 through June 30, 2022, the board of a school district or intermediate school district may employ an individual without a certificate or permit who does not meet the requirements under subsection (5) as a substitute teacher if both of the following are met:

(a) Both of the following apply to the individual:

(i) The individual has a high school diploma or high school equivalency certificate as that term is defined in section 4 of the state school aid act of 1979, MCL 388.1604.

(ii) The individual is employed by or works at the school district or intermediate school district.

(b) The board ensures that both of the following are met, as applicable:

(i) If the individual's existing salary as an employee of or worker at the school district or intermediate school district is higher than the salary of a substitute teacher who is employed at or works at the school district or intermediate school district, the individual's salary for the individual's employment or work as a substitute teacher under this subsection must not be lower than the individual's existing salary.

(ii) If the individual's existing salary as an employee of or worker at the school district or intermediate school district is lower than the salary of a substitute teacher who is employed at or works at the school district or intermediate school district, the individual's salary for the individual's employment or work as a substitute teacher under this subsection must be in an amount that is equal to or greater than the salary of a substitute teacher who is employed at or works at the school district or intermediate school district.

(11) An individual who declines employment or assignment as a substitute teacher under subsection (10) must not be terminated from the individual's existing employment or assignment and must not be subject to retaliation solely for declining the employment or assignment under subsection (10).

(12) Notwithstanding any other provision of this act, sections 1230(2) and 1230a(2) do not apply to an individual employed under subsection (10). However, all other requirements under sections 1230 and 1230a apply to the employment of an individual under subsection (10).

(13) The superintendent of public instruction may issue a preliminary school counselor license to an individual enrolled in an approved school counselor preparation program if the individual meets both of the following:

(a) The individual has completed at least 30 semester hours in an approved school counselor preparation program.

(b) The individual has successfully completed the department's school counselor examination.

(14) Subject to subsection (15), if an individual holding a school counselor license from another state, country, or federally recognized Indian tribe applies for a Michigan school counselor license and meets all requirements for the Michigan school counselor license except for passage of the appropriate examinations described in subsection (2)(b), the superintendent of public instruction shall issue a nonrenewable temporary school counselor license, good for 1 year, to the individual. The superintendent of public instruction shall not issue a Michigan school counselor license to the individual after the expiration of the temporary school counselor license unless the individual completes the licensing requirements described in this section.

(15) The superintendent of public instruction shall deny a Michigan school counselor credential to an individual described in subsection (2)(b) or (14) for fraud, material misrepresentation, or concealment in the individual's application for a license or for a conviction for which an individual's state board approval may be suspended or revoked under section 1539b.

(16) Except as otherwise provided in this section, as used in this section:

(a) "Individual holding a school counselor license from another state, country, or federally recognized Indian tribe" or "individual who holds a school counselor license from another state, country, or federally recognized Indian tribe" means an individual with a valid school counselor credential or an individual who is eligible for a school counselor credential in the state or country or with the federally recognized Indian tribe in which or with which the individual holds the credential or is eligible for the credential.

(b) "School counselor credential" means, except as used in subdivision (a), 1 of the following:

(i) A school counselor endorsement on a valid Michigan teaching certificate.

(ii) A preliminary school counselor license as described in this section.

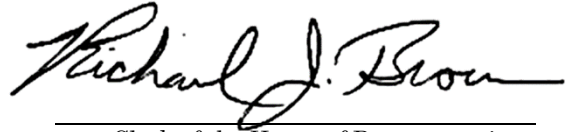
(iii) A temporary school counselor license as described in this section.

(iv) A school counselor license.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor