

Educator Certification Regulations and REP Reporting Update

DISTRICT DATA

1. Is there any type of waiver to that based on school district size?

Certification requirements are in law. Law does not allow for waivers. The State Superintendent can waive RULES, but not law. Within the authority of Michigan Compiled Law (MCL) 380.1281 the State Superintendent of Public Instruction may waive any section or subsection of Administrative Rules. Executive Order 1996-12 moved the authority granted in this law from the State Board to the State Superintendent of Public Instruction.

2. So, if a teacher is K-8 (self-contained) and teaching remotely pursuant to Section 5 O A of the Pupil Accounting Manual, does that teacher need endorsements for ELA, Math, SS and Science?

We need more clarification on what is being taught and the setting in which it is being taught. Is it a self-contained remote classroom? If so, the "Elementary Education K-5 All Subjects; K-8 Self-Contained" endorsement is appropriate for grades K-8.

3. Was the 75% of schools surveyed [in the MDE audit], traditional k-12 districts or cyber farm schools?

All schools; they did a random sample to our knowledge. The audit report can be viewed here:
<https://audgen.michigan.gov/wp-content/uploads/2020/08/r313022416-0088.pdf>

4. Why do they [Michigan Virtual] have this exclusive carve out and they don't provide enough courses or quality?

Section 388.1621f was passed by the Michigan legislature and allows districts, intermediate districts, community colleges, and the Michigan Virtual University (MVU) the opportunity to publish courses in a statewide catalog of virtual courses for consumption by pupils located throughout Michigan.

5. Reporting personnel - does this include ancillary services such as speech, social work, etc if provided by an outside agency?

Yes, support services are included in the required population.

PLACEMENT & HIRING

6. Does MDE have a legal basis for its interpretation of "appropriately placed"? Can you share that with us?

We do have the AG's determination re: appropriate placement.

7. You referenced an Attorney General's opinion. What opinion number is that?

It was actually an OAG finding. That document is located here:

<https://audgen.michigan.gov/wp-content/uploads/2020/08/r313022416-0088.pdf>

8. So for Middle School Electives the teacher can just hold grade level certification. Is this correct?

Any course that is being used to *meet a curriculum requirement* must be staffed by a Michigan certified teacher with the appropriate grade level and content area endorsement (math, science, English, etc.). If the course is in an area for which Michigan does not offer an endorsement, the district may assign any teacher to the course who holds an endorsement at the grade level and the content

knowledge and skills to teach the course. Additionally, a 6-8 self-contained class can be taught by an individual who holds the K-5 All Subjects; K-8 All Subjects Self-Contained Classrooms (ZG) endorsement.

9. I recently applied for full year for an art position and was told this was a core subject. This surprised me, can you explain further? (Related question: which arts is considered core?)

For the purpose of permits, the following have been designated as core subject areas by MDE: Art, Civics & Government, Economics, English, Foreign Languages, Geography, History, Language Arts, Mathematics, Music, Reading, Sciences. See [About Michigan Substitute Permits](#). Arts include visual arts and music; dance and theater are excluded.

10. In terms of teachers for elective courses only required to be grade level certified, not subject area --- is that for virtual only or for seated as well?

For membership purposes, the change to Section 6(8) for 2021-22 was a global change and applies to both traditional and virtual courses.

11. So, no salary deduction or membership penalty next year if teachers are only grade-level certified for electives?

For 2021-22:

- **There is a salary deduction if the teacher does not hold a valid Michigan certificate with the grade level and endorsement appropriate to the content they are teaching OR a permit with the appropriate grade level and endorsement is issued for the 2021-22 school year.**
- **There is a membership penalty if the teacher does not have a valid Michigan certificate or permit with the appropriate grade level.**

For 2022-23

- **There will be both a membership penalty and salary deduction if the teacher is misplaced for the grade level OR endorsement.**

12. Can you go over the process auditors would need to take if there is a grade level mismatch?

MDE is working through the future requirements for auditing. Information and training will be provided in advance of the 2022-23 academic year.

PERMITS

13. Do retired teachers who have a valid teacher certificate need a daily substitute permit to sub in a grade level not covered by their certification?

Retired or not, a teacher with a VALID Michigan teaching certificate may be assigned up to 90-consecutive calendar days outside the subject(s) and grade levels indicate on their certificate without need of a permit. This is in accordance with Teacher Certification Code, Administrative Rule 390.1143. Direct hire law adds a caveat to this where a permit IS required regardless of the certificate.

14. Does the teacher of record holding a Full-Year Basic permit need to be directly hired?

Permits are held by the employing LEA and not by individuals. That said, directly hiring or contracting is addressed in MCL 380.1231: (1) Except as otherwise provided in subsections (5) and (6), the board of a school district shall hire and contract with qualified teachers. So, if working under a permit, the individual is not required to be directly hired.

MCL 380.1231 requires districts (not PSAs or ISDs) to directly hire teachers. "Teacher" does not

include a substitute teacher. MCL 388.1621f provides a way to maintain compliance with law for virtual instruction if the district/vendor qualifies as a provider. 3rd party vendors (e.g., Edgenuity, Edmentum, Pearson) do not qualify as a “provider” under 21f. Therefore, although the 3rd party vendor employs Michigan certified teachers, the LEA must either directly hire the teacher or obtain a permit. Current guidance to districts from MDE, for schools contracting with the 3rd party vendors, is to put the teachers on a Full-Year Basic Permit because MCL 380.1231 does not apply to substitute teachers.

15. If a basic sub permit is pulled and we need that person to now have a full-year basic, do we need to pull a new permit with another fee or is there a conversion from basic to full-year basic?

Only one fee per year is required regardless of how many permits are applied for. The district will however need to submit an application on MOECS for each permit that is being applied for. Transitioning or converting to the Full-Year Basic Permit from a Daily Substitute Permit requires new application in MOECS.

16. I may be misunderstanding. How likely is it that a permit would actually be useful, as far as, how likely is it someone has 30 credits and/or passed the MTTC and not already be HQ?

OEE issued over 2000 Full-Year Basic Permits over the course of the 2020-2021 academic year. This permit is used extensively for individuals who are either not certified at all or do not hold the appropriate endorsement for their placement. The term “Highly Qualified” (or HQ) has no bearing with regards to certification in Michigan since the reauthorization in 2015.

17. If a district has pulled a Full-Year Basic Substitute Permit for NON MI Virtual or GenNet online (virtual) teachers of record in a CORE subject area, do we need 1) background checks on file 2) to assign a mentor teacher 3) to complete evaluation to determine effectiveness OR have these requires been waived by MDE?

While not currently required by law, MDE strongly advises that all virtual/online teachers are fingerprinted under Michigan’s School Employee Index to ensure that districts and MDE receive criminal background history and future notifications of criminal activity. MDE is seeking a legislative amendment to require Michigan fingerprinting of virtual/online teachers.

If the permit has been pulled to address a certification issue (not for direct hire law), the mentor assignment is required and vital for support, retention, and ultimately student success.

The evaluation requirement is a part of the renewal process and not initial application. Regular evaluation of programming AND the teacher should be a part of the normal district processes. Evaluation of the 3rd party vendor teacher may be done by the vendor and language requiring it should be a part of the vendor contract.

18. So just so I understand, if we use Edgenuity and we have a certified teacher at grade and subject level as the TOR/mentor with these students we should be okay without a permit for the Edgenuity teacher, correct? We are just using the course information as virtual with all students butt in seat.

If third party vendor software is being used but the district is staffing the classroom with its own teacher, then a permit is not required. A permit is only required when the Michigan certified teacher of record is being provided by a third-party vendor that is not covered under 21f.

19. Does a Daily Substitute Permit and Extension of the Daily Substitute Permit [allow] for a substitute to be the teacher of record for up to 180 calendar days?

While an individual employed under a Daily Substitute Permit can be identified as the Teacher of Record, the purpose and intent of the Daily is NOT as a staffing plan. The Extension of the Daily

Substitute Permit is only granted in emergency situations and schools requesting extension should be able to provide evidence they are working to support the individual's [transition](#) to a longer-term solution.

20. If we fill a year-long leave of absence with a certified 3rd party sub, do we also need a permit?

If the individual is not directly hired, a Full-Year Basic Permit is required to meet MCL 380.1231 requirement. LEAs (excluding PSAs or ISDs) must directly hire teachers. "Teacher" does not include a substitute teacher. MCL 388.1621f provides a way to maintain compliance with law for virtual instruction if the district/vendor qualifies as a provider. 3rd party vendors (e.g., Edgenuity, Edmentum, Pearson) do not qualify as a "provider" under 21f. Therefore, although a 3rd party vendor may employ Michigan certified teachers, the LEA must either directly hire the teacher or obtain a permit. Current guidance to districts from MDE, for schools contracting with the 3rd party vendors, is to put the teachers on a Full-Year Basic Permit because MCL 380.1231 does not apply to substitute teachers.

21. Is there a report available to print a list of the sub permits that have been approved for our district? District users can gain access to run a report of the permit applications submitted for their district. The report shows the statuses of the applications, for example, hold, denied, approved, pending payment. Look for Reports in the left navigation menu and click on Permits. Fill in the search criteria and click View Report.

Curriculum

22. This definition of core/elective is different than what's outlined in the PAM for essential vs. non-essential courses allowed for shared time. Is it correct that these are two separate things?

That's correct. Core curriculum as defined in the MMC is distinct from what the courts decided was "nonessential" in Snyder v Charlotte.

23. Once a long-term substitute teacher permit has been applied for, how long does it take to be approved?

The wait time for a Full-Year Basic Substitute (FYB) Permit application depends on the subject area(s) being applied for. Core areas on a FYB require a passing MTTC test score, a major, or 30 credits in the content area being applied for. If passing test scores are already reported or if the FYB is for a non-core area, the application will automatically approved. Applications requiring documentation will be evaluated within one week of the documentation being received and uploaded.

Professional Practice

24. For the background check is an ICHAT acceptable or do they need a full fingerprint verification?

Guidance to support fingerprinting for virtual teachers can be found here:

https://www.identogo.com/uploads/general/NonResidentCardScanInstructionsMichigan_Dual-Options_20210310.pdf

Also note that a [remote notary or e-notary process](#) can be used for signatures as deemed necessary.

25. If using Edgenuity for virtual teachers, do individual districts need to fingerprint these people?

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