



# HOUSE BILL No. 5094

September 20, 1995, Introduced by Rep. Bryant and referred to the Committee on Education.

A bill to amend the title and sections 5, 71, 101, 171, 201, 301, 401, 501, 511, 601, 805, 851, 901, 941, 951, 1001, 1101, 1131, 1151, 1201, 1363, 1401, 1421, 1451, 1502, 1525, 1533, 1561, 1601, 1614, 1621, 1641, 1701, 1711, 1751, and 1804 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

sections 5 and 501 as amended and section 511 as added by Act No. 416 of the Public Acts of 1994, section 171 as added by Act No. 236 of the Public Acts of 1992, section 901 as amended by Act No. 140 of the Public Acts of 1992, section 941 as added by Act No. 154 of the Public Acts of 1984, section 951 as amended by Act No. 147 of the Public Acts of 1990, section 1451 as amended by Act No. 258 of the Public Acts of 1994, section 1502 as amended and section 1525 as added by Act No. 335 of the Public Acts of 1993, and section 1614 as added by Act No. 110 of the Public Acts

of 1983, being sections 380.5, 380.71, 380.101, 380.171, 380.201, 380.301, 380.401, 380.501, 380.511, 380.601, 380.805, 380.851, 380.901, 380.941, 380.951, 380.1001, 380.1101, 380.1131, 380.1151, 380.1201, 380.1363, 380.1401, 380.1421, 380.1451, 380.1502, 380.1525, 380.1533, 380.1561, 380.1601, 380.1614, 380.1621, 380.1641, 380.1701, 380.1711, 380.1751, and 380.1804 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. The title and sections 5, 71, 101, 171, 201,  
2 301, 401, 501, 511, 601, 805, 851, 901, 941, 951, 1001, 1101,  
3 1131, 1151, 1201, 1363, 1401, 1421, 1451, 1502, 1525, 1533, 1561,  
4 1601, 1614, 1621, 1641, 1701, 1711, 1751, and 1804 of Act No. 451  
5 of the Public Acts of 1976, sections 5 and 501 as amended and  
6 section 511 as added by Act No. 416 of the Public Acts of 1994,  
7 section 171 as added by Act No. 236 of the Public Acts of 1992,  
8 section 901 as amended by Act No. 140 of the Public Acts of 1992,  
9 section 941 as added by Act No. 154 of the Public Acts of 1984,  
10 section 951 as amended by Act No. 147 of the Public Acts of 1990,  
11 section 1451 as amended by Act No. 258 of the Public Acts of  
12 1994, section 1502 as amended and section 1525 as added by Act  
13 No. 335 of the Public Acts of 1993, and section 1614 as added by  
14 Act No. 110 of the Public Acts of 1983, being sections 380.5,  
15 380.71, 380.101, 380.171, 380.201, 380.301, 380.401, 380.501,  
16 380.511, 380.601, 380.805, 380.851, 380.901, 380.941, 380.951,  
17 380.1001, 380.1101, 380.1131, 380.1151, 380.1201, 380.1363,  
18 380.1401, 380.1421, 380.1451, 380.1502, 380.1525, 380.1533,  
19 380.1561, 380.1601, 380.1614, 380.1621, 380.1641, 380.1701,

1 380.1711, 380.1751, and 380.1804 of the Michigan Compiled Laws,  
2 are amended to read as follows:

3 TITLE

4 An act to provide a system of public instruction and elemen-  
5 tary and secondary schools; to revise, consolidate, and classify  
6 the laws relating to elementary and secondary education; to pro-  
7 vide for the classification, organization, regulation, and main-  
8 tenance of schools, school districts, and intermediate school  
9 districts; to prescribe rights, powers, duties, and privileges of  
10 schools, school districts, and intermediate school districts; to  
11 provide for the regulation of school teachers and CERTAIN OTHER  
12 school ~~administrators~~ EMPLOYEES; to provide for school elec-  
13 tions and to prescribe powers and duties with respect thereto; to  
14 provide for the levy and collection of taxes; to provide for the  
15 borrowing of money and issuance of bonds and other evidences of  
16 indebtedness; to establish a fund and provide for expenditures  
17 from that fund; to provide for and prescribe the powers and  
18 duties of certain state departments, the state board of educa-  
19 tion, and certain other boards and officials; to provide for  
20 licensure of boarding schools; to prescribe penalties; and to  
21 repeal ~~certain~~ acts and parts of acts.

22 Sec. 5. (1) "Local act school district" or "special act  
23 school district" means a district governed by a special or local  
24 act or chapter of a local act. "Local school district" and  
25 "local school district board" as used in article 3 include local  
26 act school district and a local act school district board.

1 (2) "Membership" means the number of full-time equivalent  
2 pupils in a public school as determined by the number of pupils  
3 registered for attendance plus pupils received by transfer and  
4 minus pupils lost as defined by rules promulgated by the state  
5 board.

6 ~~(3) "Modified school bus" means a school bus of any age  
7 with a factory installed fuel system that has been modified to  
8 operate on a fuel source other than gasoline or diesel fuel.~~

9 (3) ~~(4)~~ "Nonpublic school" means a private, denomination-  
10 al, or parochial school.

11 (4) ~~(5)~~ "Outcomes" means measurable pupil academic skills  
12 and knowledge.

13 (5) ~~(6)~~ "Public school" means a public elementary or sec-  
14 ondary school operated by a school district, local act school  
15 district, special act school district, intermediate school dis-  
16 trict, public school academy corporation, or by the department or  
17 state board. Public school also includes a laboratory school or  
18 other elementary or secondary school that is controlled and oper-  
19 ated by a state public university described in section 4, 5, or 6  
20 of article VIII of the state constitution of 1963.

21 (6) ~~(7)~~ "Pupil membership count day" of a school district  
22 means that term as defined in section 6 of the state school aid  
23 act of 1979, being section 388.1606 of the Michigan Compiled  
24 Laws.

25 ~~(8) "Pupil transportation vehicle" means any vehicle other  
26 than a school bus used by a school district to transport pupils  
27 to or from school or school-related events.~~

1       ~~(9) "Rehabilitated school bus" means a bus that is at least~~  
2 ~~4 years old and has accumulated at least 100,000 miles, or is at~~  
3 ~~least 7 years old; and that has been thoroughly inspected and had~~  
4 ~~all systems repaired, replaced, or adjusted to meet the depart-~~  
5 ~~ment of state police inspection requirements including but not~~  
6 ~~limited to any of the following:~~

7       ~~(a) Engine overhaul of short block.~~

8       ~~(b) New tires on the front axle.~~

9       ~~(c) New recap tires on the rear axle.~~

10      ~~(d) New brake linings and drums.~~

11      ~~(e) New hydraulic brake lines.~~

12      ~~(f) Front and rear springs.~~

13      ~~(g) New paint in the interior.~~

14      ~~(h) New exhaust system.~~

15      (7) ~~(10)~~ "Reorganized intermediate school district" means  
16 an intermediate school district formed by consolidation or annex-  
17 ation of 2 or more intermediate school districts under sections  
18 701 and 702.

19      (8) ~~(11)~~ "Rule" means a rule promulgated pursuant to the  
20 administrative procedures act of 1969, Act No. 306 of the Public  
21 Acts of 1969, ~~as amended,~~ being sections 24.201 to 24.328 of  
22 the Michigan Compiled Laws, or a rule or regulation prescribed by  
23 the state board under section 15 of Act No. 287 of the Public  
24 Acts of 1964, being section 388.1015 of the Michigan Compiled  
25 Laws.

26      Sec. 71. A school district organized as a primary district  
27 ~~shall be~~ IS governed by this part, by the provisions of article

1 2 ~~which~~ THAT are not inconsistent with this part, and by  
2 articles 3 and 4.

3 Sec. 101. A school district organized as a school district  
4 of the fourth class ~~shall be~~ IS governed by this part, by the  
5 provisions of article 2 ~~which~~ THAT are not inconsistent with  
6 this part, and by articles 3 and 4.

7 Sec. 171. (1) A joint high school district ~~shall be~~ IS  
8 governed by this part and by the provisions of articles 2, 3, and  
9 4 that are not inconsistent with this part.

10 (2) As used in this part:

11 (a) "Additional participating school district" means a  
12 school district that becomes a participating school district  
13 after the formation of the joint high school district, as pro-  
14 vided in section 183.

15 (b) "Fourth class school district" means a school district  
16 organized as a school district of the fourth class under part 3.

17 (c) "High school" means a school operating grades 9 to 12 or  
18 10 to 12.

19 (d) "Opening date" means the date a joint high school is  
20 scheduled to begin operating.

21 (e) "Participating school district" means a school district  
22 that is 1 of the fourth class school districts that participates  
23 in formation or administration of a joint high school district  
24 under this part.

25 (f) "Probationary teacher" means a teacher who is in a pro-  
26 bationary period under Act No. 4 of the Public Acts of the Extra

1 Session of 1937, being sections 38.71 to 38.191 of the Michigan  
2 Compiled Laws.

3 (g) "Tenured teacher" means a teacher on continuing tenure  
4 under Act No. 4 of the Public Acts of the Extra Session of 1937.

5 Sec. 201. A school district organized as a school district  
6 of the third class ~~shall be~~ IS governed by this part, by the  
7 provisions of article 2 ~~which~~ THAT are not inconsistent with  
8 this part, and by articles 3 and 4.

9 Sec. 301. A school district organized as a school district  
10 of the second class ~~shall be~~ IS governed by this part, by the  
11 provisions of article 2 ~~which~~ THAT are not inconsistent with  
12 this part, and by articles 3 and 4.

13 Sec. 401. (1) A school district organized as a school dis-  
14 trict of the first class ~~shall be~~ IS governed by this part, by  
15 the provisions of article 2 ~~which~~ THAT are not inconsistent  
16 with this part, and by articles 3 and 4.

17 (2) A school district governed by this part shall be known  
18 as the "school district of the city of \_\_\_\_\_," and shall be  
19 under the jurisdiction of the first class school district board.

20 (3) The first class school district board shall be a body  
21 corporate under the name and title of "the board of education of  
22 the school district of the city of \_\_\_\_\_" and under that  
23 name may sue and be sued.

24 Sec. 501. (1) A public school academy is a public school  
25 under section 2 of article VIII of the state constitution of  
26 1963, is a school district for the purposes of section 11 of  
27 article IX of the state constitution of 1963, and is subject to

1 the leadership and general supervision of the state board over  
2 all public education under section 3 of article VIII of the state  
3 constitution of 1963. A public school academy is a body corpo-  
4 rate and is a governmental agency. The powers granted to a  
5 public school academy under this part constitute the performance  
6 of essential public purposes and governmental functions of this  
7 state.

8 (2) As used in this part:

9 (a) "Authorizing body" means any of the following that  
10 issues a contract as provided in this part:

11 (i) The board of a school district.

12 (ii) An intermediate school board.

13 (iii) The board of a community college.

14 (iv) The governing board of a state public university.

15 (b) "Certificated teacher" means an individual who holds a  
16 valid teaching certificate issued by the state board under  
17 ~~section 1531~~ THIS ACT.

18 (c) "Community college" means a community college organized  
19 under the community college act of 1966, Act No. 331 of the  
20 Public Acts of 1966, being sections 389.1 to 389.195 of the  
21 Michigan Compiled Laws, or a federal tribally controlled commu-  
22 nity college that is recognized under the tribally controlled  
23 community college assistance act of 1978, Public Law 95-471, 92  
24 Stat. 1325, and is determined by the department to meet the  
25 requirements for accreditation by a recognized regional accredit-  
26 ing body.

1 (d) "Contract" means the executive act taken by an  
2 authorizing body that evidences the authorization of a public  
3 school academy and that establishes, subject to the constitu-  
4 tional powers of the state board and applicable law, the written  
5 instrument executed by an authorizing body conferring certain  
6 rights, franchises, privileges, and obligations on a public  
7 school academy, as provided by this part, and confirming the  
8 status of a public school academy as a public school in this  
9 state.

10 (e) "Entity" means a partnership, nonprofit or business cor-  
11 poration, labor organization, or any other association, corpora-  
12 tion, trust, or other legal entity.

13 (f) "State public university" means a university described  
14 in section 4, 5, or 6 of article VIII of the state constitution  
15 of 1963.

16 Sec. 511. (1) To improve the public elementary and second-  
17 ary schools of this state, public school academies may be estab-  
18 lished within this state's system of public schools, as provided  
19 under this part, as an effective means of achieving the following  
20 purposes:

21 (a) To improve pupil achievement for all pupils, including,  
22 but not limited to, educationally disadvantaged pupils, by  
23 improving the learning environment.

24 (b) To stimulate innovative teaching methods.

25 (c) To create new professional opportunities for teachers in  
26 a new type of public school in which the school structure and

1 educational program can be innovatively designed and managed by  
2 teachers at the school site level.

3 (d) To achieve school accountability for pupil educational  
4 outcomes by placing full responsibility for performance at the  
5 school site level.

6 (e) To provide parents and pupils with greater choices among  
7 public schools, both within and outside their existing school  
8 districts.

9 (f) To determine whether state educational funds can be more  
10 effectively, efficiently, and equitably utilized by allocating  
11 funds on a per pupil basis directly to the school rather than  
12 through school district administration.

13 (2) A public school academy is a public school under section  
14 2 of article VIII of the state constitution of 1963, is a school  
15 district for the purposes of section 11 of article IX of the  
16 state constitution of 1963, and is subject to the leadership and  
17 general supervision of the state board over all public education  
18 under section 3 of article VIII of the state constitution of  
19 1963. A public school academy is a body corporate and is a gov-  
20 ernmental agency. The powers granted to a public school academy  
21 under this part constitute the performance of essential public  
22 purposes and governmental functions of this state.

23 (3) As used in this part:

24 (a) "Authorizing body" means any of the following that  
25 issues a contract as provided in this part:

1 (i) The board of a school district that is organized under  
2 this act as a school district of the first class, second class,  
3 or third class.

4 (ii) An intermediate school board.

5 (iii) The board of a community college.

6 (iv) The governing board of a state public university.

7 (b) "Certificated teacher" means an individual who holds a  
8 valid teaching certificate issued by the state board under  
9 ~~section 1531~~ THIS ACT.

10 (c) "Community college" means a community college organized  
11 under the community college act of 1966, Act No. 331 of the  
12 Public Acts of 1966, being sections 389.1 to 389.195 of the  
13 Michigan Compiled Laws, or a federal tribally controlled commu-  
14 nity college that is recognized under the tribally controlled  
15 community college assistance act of 1978, Public Law 95-471, 92  
16 Stat. 1325, and is determined by the department to meet the  
17 requirements for accreditation by a recognized regional accredit-  
18 ing body.

19 (d) "Contract" means the executive act taken by an authoriz-  
20 ing body that evidences the authorization of a public school  
21 academy and that establishes, subject to the constitutional  
22 powers of the state board and applicable law, the written instru-  
23 ment executed by an authorizing body conferring certain rights,  
24 franchises, privileges, and obligations on a public school acade-  
25 my, as provided by this part, and confirming the status of a  
26 public school academy as a public school in this state.

1 (e) "Entity" means a partnership, nonprofit or business  
2 corporation, labor organization, or any other association,  
3 corporation, trust, or other legal entity.

4 (f) "State public university" means a university described  
5 in section 4, 5, or 6 of article VIII of the state constitution  
6 of 1963.

7 Sec. 601. An intermediate school district ~~shall be~~ IS  
8 governed by this part and by those provisions of articles 2, 3,  
9 and 4 ~~which~~ THAT relate specifically to intermediate school  
10 districts, intermediate school boards, and intermediate  
11 superintendents.

12 Sec. 805. The board of a school district at the time of  
13 reclassification shall continue to be the board for the school  
14 district until the SCHOOL DISTRICT'S next annual election. After  
15 the SCHOOL DISTRICT'S first annual election following reclassifi-  
16 cation, the board of the school district shall be composed of the  
17 requisite number of members whose terms of office expire as  
18 required by this act.

19 Sec. 851. Two or more school districts, except districts of  
20 the first and second class, in which the total combined pupil  
21 membership is 75 or more, may consolidate to form a single school  
22 district. The consolidated district formed BY THE CONSOLIDATION  
23 shall be a school district of the fourth class or third class,  
24 depending upon the classification to which its pupil membership  
25 entitles it under parts ~~2,~~ 3 ~~—~~ and 4.

26 Sec. 901. (1) A school district shall be annexed to another  
27 school district if the board of the annexing school district

1 adopts a resolution approving the annexation and a majority of  
2 the school electors of the district to be annexed approve the  
3 annexation. The resolution may specify an effective date for the  
4 annexation. The vote on the question shall be by ballot. Before  
5 the election is held, the board of the annexing school district  
6 shall obtain the approval of the state board of the proposed  
7 annexation. The election shall be held within 120 days after  
8 passage of the resolution by the board of the annexing school  
9 district.

10 (2) Within 10 days after the election, the secretary of the  
11 board of ~~the~~ EACH school district in which the election was  
12 held shall file a certified statement of the vote for annexation  
13 with the secretary of the board of the annexing school district.

14 (3) Within 15 days after the effective date of the annexa-  
15 tion, the officers of the board of the annexed school district  
16 shall account to the board of the annexing school district for  
17 funds and property of the district. Property and money belonging  
18 to the annexed school district ~~shall be~~ BECOMES the property of  
19 the annexing school district. Outstanding indebtedness of the  
20 annexed school district ~~shall become~~ BECOMES the liability of  
21 the annexing school district. Upon receipt of the funds and  
22 property by the board of the annexing school district, the offi-  
23 cers of the annexed school district ~~shall be~~ ARE released from  
24 liability for the funds and property and their offices ARE  
25 terminated.

26 (4) The annexation is effective on the date of the  
27 annexation election or the date specified in the board resolution

1 as the effective date of the annexation, whichever is later,  
2 except that if an election is required in the annexing school  
3 district under section 904, the annexation is effective on the  
4 date of the official canvass in the annexing school district or  
5 the date specified in the board resolution as the effective date  
6 of the annexation, whichever is later.

7 (5) Except as provided in this section, the annexation of 2  
8 or more school districts may be by concurrent proceedings.  
9 Elections in the annexed school districts may be held on the same  
10 or different days.

11 (6) If the annexing school district and 1 or more of the  
12 school districts to be annexed have bonded ~~indebtedness~~ DEBT  
13 that is to be mutually assumed at the time of annexation under  
14 section 907, the annexation of each district having bonded debt  
15 shall be by separate proceedings that shall not be concurrent  
16 with the proceedings for annexation of another school district.

17 (7) If a school district to be annexed has bonded debt that  
18 is to be assumed by an annexing school district, annexation of  
19 the district shall be by separate proceedings that shall not be  
20 concurrent with proceedings by which another school district is  
21 annexed.

22 Sec. 941. A school district shall be divided by annexation  
23 of a part of its area consisting of not less than 50% of its  
24 assessed value to another school district and the transfer of the  
25 remaining area of the school district to 1 or more school dis-  
26 tricts contiguous to the dividing school district if the boards  
27 of the school district to be divided, the annexing school

1 district, and the school district or districts to which territory  
2 will be transferred each adopt a resolution approving the annexa-  
3 tion and transfer and, except as provided in this section, a  
4 majority of the school electors of the school district to be  
5 divided approve the annexation and transfer at a regular or spe-  
6 cial election to be called by the board of the dividing school  
7 district. The vote on the question shall be by ballot. Before  
8 the election is held, the boards of the school district to be  
9 divided and the annexing school district shall obtain the  
10 approval of the state superintendent of public instruction pursu-  
11 ant to section 944. The election shall be held not more than 180  
12 days after the last date of passage of a resolution by the board  
13 of either the dividing school district or the annexing school  
14 district. ~~Effective January 1, 1986~~ HOWEVER, a school district  
15 shall not be divided by annexation and transfer unless a majority  
16 of the school electors of each school district ~~which~~ THAT  
17 receives 25% or more of the ~~state equalized~~ TAXABLE value of  
18 the school district being annexed and transferred approve the  
19 annexation and transfer at a regular or special election to be  
20 called by the board of the appropriate school district.

21 Sec. 951. (1) An intermediate school board may detach ter-  
22 ritory from 1 school district and attach the territory to another  
23 school district ~~if~~ IN ANY OF THE FOLLOWING CIRCUMSTANCES:

24 (A) IF requested to do so by resolution of the board of a  
25 school district whose boundaries would be changed by the action.  
26 ~~subject~~

1 (B) SUBJECT to subsection ~~(2)~~ (3), by resolution of the  
2 board of a condominium association acting pursuant to a petition  
3 signed by not less than 2/3 of the co-owners of the condominium  
4 association who reside on the land to be transferred. ~~, or if~~

5 (C) IF petitioned by not less than 2/3 of the persons who  
6 own and reside on the land to be transferred.

7 (2) The intermediate school board shall take final action  
8 within 60 days after the receipt of the resolution or petition.  
9 The territory to be detached shall be contiguous to the school  
10 district to which it is attached. If the latest ~~assessed~~  
11 ~~valuation~~ TAXABLE VALUE of the territory to be detached is more  
12 than 10% of the latest ~~assessed valuation~~ TAXABLE VALUE of the  
13 entire school district from which the territory is to be  
14 detached, the action of the intermediate school board shall not  
15 be effective unless approved by an affirmative vote of a majority  
16 of the school electors of the school district from which the ter-  
17 ritory is to be detached.

18 (3) ~~(2)~~ The board of a condominium association may request  
19 that an intermediate school board detach territory from 1 school  
20 district and attach the territory to another school district as  
21 described in ~~subsection (1)~~ THIS SECTION only if the board of  
22 the condominium association represents the co-owners of a condo-  
23 minium project that is completed and not less than 75% of the  
24 units are sold and occupied.

25 Sec. 1001. (1) The secretary of state ~~shall be~~ IS the  
26 chief election officer of the state for elections held under this

1 act and ~~shall have~~ HAS supervisory control over school election  
2 officials in the performance of their duties under this act.

3 (2) The secretary of a school district, a local act school  
4 district, or an intermediate school district ~~shall be~~ IS the  
5 chief election officer of the respective district with authority  
6 to delegate election duties to a member of the district's admin-  
7 istrative staff.

8 Sec. 1101. (1) A school elector ~~in~~ OF a school district  
9 is eligible to election or appointment to office in that school  
10 district.

11 (2) The term of office of each member of a board of educa-  
12 tion shall commence on July 1 and ~~shall~~ continue until a suc-  
13 cessor is elected and qualified or until a vacancy occurs under  
14 section 1103.

15 Sec. 1131. Each school district is subject to and ~~shall~~  
16 ~~be~~ IS governed by article 2 except as to those matters ~~which~~  
17 THAT are specifically or by necessary implication provided for in  
18 the particular part of article 1 relative to the class or kind of  
19 school district to which the SCHOOL district properly belongs, by  
20 a special or local act governing ~~a~~ THE school district, and by  
21 articles 3 and 4. A SCHOOL district governed by a local act or  
22 chapter of a local act ~~shall be~~ IS subject to part 17 and arti-  
23 cle 3. An intermediate school district ~~shall be~~ IS governed by  
24 the provisions of article 2 ~~which~~ THAT relate specifically to  
25 intermediate school districts and by articles 3 and 4.

26 Sec. 1151. (1) ~~English~~ EXCEPT AS OTHERWISE PROVIDED IN  
27 SUBSECTION (2), ENGLISH shall be the basic language of

1 instruction in the public and nonpublic schools of this state and  
2 in state institutions.

3 (2) Subsection (1) ~~shall~~ DOES not ~~be construed as~~  
4 ~~applying~~ APPLY to:

5 (a) Religious instruction in a nonpublic school given in a  
6 foreign language in addition to the regular course of study.

7 (b) A course of instruction in a foreign language in which  
8 the pupil acquires sufficient proficiency to be conversant in the  
9 foreign language.

10 (c) Bilingual instruction ~~, as defined in section 1152,~~  
11 ~~which~~ THAT will assist children of limited English-speaking  
12 ability to achieve reasonable efficiency in the English  
13 language.

14 Sec. 1201. (1) The business ~~which~~ the board of a school  
15 district is authorized to perform shall be conducted at a public  
16 meeting of the board held in compliance with THE OPEN MEETINGS  
17 ACT, Act No. 267 of the Public Acts of 1976, being sections  
18 15.261 to 15.275 of the Michigan Compiled Laws. An act of the  
19 board ~~shall~~ IS not ~~be~~ valid unless voted at a meeting by a  
20 majority vote of the members elected to and serving on the board  
21 and a proper record IS made of the vote.

22 (2) The board may hold closed sessions only as authorized by  
23 section 8 of Act No. 267 of the Public Acts of 1976, BEING  
24 SECTION 15.268 OF THE MICHIGAN COMPILED LAWS.

25 (3) A meeting at which all members are present, with or  
26 without proper notice to members of the board, and for which  
27 proper notice is given to the public pursuant to subsection (4),

1 shall be considered a legal meeting for the transaction of  
2 business.

3 (4) Public notice of the time, date, and place of the meet-  
4 ing shall be given in the manner required by Act No. 267 of the  
5 Public Acts of 1976.

6 (5) The minutes of each board meeting shall be signed by the  
7 secretary. In the absence of the secretary, the president shall  
8 appoint a temporary secretary who shall sign the minutes of the  
9 meeting. The vice-president shall act in the absence of the  
10 president.

11 Sec. 1363. (1) ~~School districts shall be~~ IN BORROWING  
12 MONEY AND ISSUING BONDS OR NOTES, A SCHOOL DISTRICT IS governed  
13 by THE MUNICIPAL FINANCE ACT, Act No. 202 of the Public Acts of  
14 1943, ~~as amended~~ BEING SECTIONS 131.1 TO 139.3 OF THE MICHIGAN  
15 COMPILED LAWS.

16 (2) Money raised by taxes or otherwise received by a school  
17 district for the purpose of paying and discharging the principal  
18 and interest of the indebtedness shall be handled under Act No.  
19 202 of the Public Acts of 1943. ~~, as amended.~~

20 Sec. 1401. (1) The board of a school district may admit  
21 nonresident pupils to the schools of the district. The board  
22 shall determine the rates of tuition of the nonresident pupils  
23 and shall collect the tuition.

24 (2) Tuition for grades K to 6 shall not exceed 25% more than  
25 the operation cost per capita for the number of pupils in member-  
26 ship in grades K to 12.

1 (3) Tuition for grades 7 to 12 shall not exceed 12-1/2% more  
2 than 115% of the operation cost per capita for the number of  
3 pupils in membership in grades K to 12.

4 (4) In a school district not maintaining grades above the  
5 eighth grade, the tuition shall not exceed 25% more than the  
6 operation cost per capita for the number of pupils in membership  
7 in grades K to 8.

8 (5) ~~The~~ IN CALCULATING RATES OF TUITION, THE operation  
9 costs and membership figures of the preceding fiscal year shall  
10 be used. The per capita cost used shall not include ~~moneys~~  
11 MONEY expended for school sites, school building construction,  
12 equipment, payment of bonds, or other purposes not properly  
13 included in operation costs as determined by the state board.

14 Sec. 1421. As used in this part, "textbook" means a book  
15 ~~which~~ THAT is selected and approved by the board of a school  
16 district and ~~which~~ THAT contains a presentation of principles  
17 of a subject, or ~~which~~ THAT is a literary work relevant to the  
18 study of a subject required for the use of ~~classroom~~ pupils IN  
19 THE CLASSROOM.

20 Sec. 1451. (1) A school district, other than a primary  
21 school district, by a majority vote of the school electors at an  
22 annual or special election, may establish a public library.

23 (2) ~~The~~ SUBJECT TO SUBSECTION (5), THE school electors of  
24 a school district in which a library is established may vote a  
25 district tax for the support of the public library at an annual  
26 or special election of the district. ~~The~~ SUBJECT TO

1 SUBSECTION (5), THE board of the school district may vote a tax  
2 for the maintenance and support of the public library.

3 (3) A tax authorized or voted under this part shall be  
4 levied and collected in the same manner as other school district  
5 taxes are levied and collected.

6 (4) The millage allowed under this section may be levied  
7 without a vote of the school electors of the school district  
8 until the millage authorization expires. The rate of a tax  
9 authorized or voted under this section shall not exceed the  
10 number of mills levied by the school district under this section  
11 in 1993 that were not included in the operating millage reported  
12 by the school district to the department as of April 1, 1993 or  
13 the number of mills levied by the school district under this sec-  
14 tion in 1993 that the school district does not want considered as  
15 operating millage reported by the school district as of April 1,  
16 1994, whichever is greater.

17 (5) The board of a school district shall not hold an elec-  
18 tion to levy mills under this section, OR VOTE ITSELF TO LEVY  
19 MILLS UNDER THIS SECTION, after December 31, 1993.

20 Sec. 1502. (1) Health and physical education for pupils of  
21 both sexes shall be established and provided in all public  
22 schools of this state. Subject to subsection (2), each pupil  
23 attending public school in this state who is physically fit and  
24 capable of doing so shall take ~~the course in~~ physical  
25 education.

26 (2) A school district may credit a pupil's participation in  
27 extracurricular athletics or other extracurricular activities

1 involving physical activity as meeting the physical education  
2 requirement for the pupil under subsection (1).

3       Sec. 1525. (1) Funds appropriated by the legislature to  
4 support professional development and education shall be allocated  
5 substantially as follows:

6       (a) Twenty percent to the department.

7       (b) Fifteen percent to intermediate school districts on an  
8 equal amount per pupil basis based on the memberships of constit-  
9 uent districts.

10       (c) Sixty-five percent to school districts on an equal  
11 amount per pupil basis.

12       (2) The funds described in subsection (1) may be used for  
13 the following:

14       (a) Professional development programs for administrators and  
15 teachers. These programs shall emphasize the improvement of  
16 teaching and pupils' learning of academic core curricular out-  
17 comes, as measured by Michigan educational assessment program and  
18 other criterion - reference assessments; collaborative decision  
19 making; site-based management; the process of school improvement;  
20 instructional leadership; and the use of data and assessment  
21 instruments to improve teaching and learning for all pupils.

22       (b) A biennial education policy leadership institute. The  
23 state board shall organize and convene a biennial education  
24 policy leadership institute for the governor, the lieutenant gov-  
25 ernor, the state board, the state superintendent, the legisla-  
26 ture, and the presidents of the state board approved teacher  
27 education institutions, and the staff of each as may be

1 considered appropriate, to examine the most current public  
2 education policy issues and initiatives and the appropriate role  
3 of policy leaders.

4 (c) A statewide academy for school leadership established by  
5 the state board.

6 (d) Community leadership development. The state board, in  
7 conjunction with intermediate school districts, shall conduct a  
8 leadership development training program in each school district  
9 for members of the community.

10 (e) Promotion of high educational standards. The state  
11 board, in collaboration with the business community and educa-  
12 tors, shall coordinate and assist in the promotion of a statewide  
13 public education and information program concerning the need to  
14 achieve world class educational standards in the public schools  
15 of this state.

16 (f) Sabbatical leaves. School districts shall provide sab-  
17 batical leaves for up to 1 academic year for selected master  
18 teachers who aid in professional development.

19 (G) ANY OTHER PURPOSE AUTHORIZED IN THE APPROPRIATION FOR  
20 PROFESSIONAL DEVELOPMENT IN THE STATE SCHOOL AID ACT OF 1979.

21 (3) In order to receive professional development funding  
22 described in subsection (1), each school district and intermedi-  
23 ate school district shall prepare and submit to the state board  
24 for approval an annual professional development plan.

25 (4) The state board may disapprove for state funding pro-  
26 posed professional development that the state board finds to be 1  
27 or more of the following:

1 (a) Not in furtherance of core academic curriculum needs.

2 (b) Not constituting serious, informed innovation.

3 (c) Of generally inferior overall quality or depth regard-  
4 less of who sponsors or conducts the education or training.

5 (d) Not complying with the requirements of section 1526.

6 Sec. 1533. A certificate qualifying a person to teach in  
7 the public schools of this state shall not be granted to a person  
8 who is not at least 18 years of age. A TEACHING certificate  
9 granted in contravention of this section is void.

10 Sec. 1561. (1) Except as OTHERWISE provided in ~~subsections~~  
11 ~~(2) and (3)~~ THIS SECTION, every parent, guardian, or other  
12 person in this state having control and charge of a child from  
13 the age of 6 to the child's sixteenth birthday ~~—~~ shall send  
14 that child to ~~the~~ A public ~~schools~~ SCHOOL during the entire  
15 school year. The child's attendance shall be continuous and con-  
16 secutive for the school year fixed by the school district in  
17 which the child is enrolled. In a school district ~~which~~ THAT  
18 maintains school during the entire calendar year and in which the  
19 school year is divided into quarters, a child ~~shall~~ IS not ~~be~~  
20 ~~compelled~~ REQUIRED to attend the public school more than 3 quar-  
21 ters in 1 calendar year, but a child shall not be absent for 2 OR  
22 MORE consecutive quarters.

23 (2) A child becoming 6 years of age before December 1 shall  
24 be enrolled on the first school day of the school year in which  
25 the child's sixth birthday occurs. A child becoming 6 years of  
26 age on or after December 1 shall be enrolled on the first school

1 day of the school year following the school year in which the  
2 child's sixth birthday occurs.

3 (3) A child ~~shall~~ IS not ~~be~~ required to attend ~~the~~ A  
4 public ~~schools~~ SCHOOL in ANY OF the following cases:

5 (a) ~~A child who~~ THE CHILD is attending regularly and is  
6 being taught in a state approved nonpublic school, which teaches  
7 subjects comparable to those taught in the public schools to  
8 children of corresponding age and grade, as determined by the  
9 course of study for the public schools of the district within  
10 which the nonpublic school is located.

11 (b) ~~A child who~~ THE CHILD is regularly employed as a page  
12 or messenger in either house of the legislature during the period  
13 of the employment.

14 (c) ~~A child under~~ THE CHILD IS LESS THAN 9 years of age  
15 ~~who~~ AND does not reside within 2-1/2 miles by the nearest trav-  
16 eled road of a public school. If transportation is furnished for  
17 pupils in the school district of the child's residence, this  
18 ~~exemption~~ SUBDIVISION does not apply.

19 (d) ~~A~~ THE child ~~from the age of 12 to the child's four-~~  
20 ~~teenth birthday while~~ IS AGE 13 OR 14 AND IS in attendance at  
21 confirmation classes conducted for a period of ~~not to exceed~~ 5  
22 months ~~in either of those years~~ OR LESS.

23 (e) ~~A child who~~ THE CHILD is regularly enrolled in ~~the~~ A  
24 public ~~schools~~ SCHOOL while in attendance at religious instruc-  
25 tion classes for not more than 2 class hours per week, off public  
26 school property during public school hours, upon written request

1 of the parent, guardian, or person in loco parentis under rules  
2 promulgated by the state board.

3 (F) THE CHILD HAS GRADUATED FROM HIGH SCHOOL OR HAS FUL-  
4 FILLED ALL REQUIREMENTS FOR HIGH SCHOOL GRADUATION.

5 Sec. 1601. As used in this part, "community college"  
6 includes a junior college established ~~prior to~~ BEFORE June 14,  
7 1955.

8 Sec. 1614. (1) Except as provided by subsection (2), the  
9 action by a school district or intermediate school district  
10 ~~pursuant to~~ UNDER section 1613 of adopting a resolution ~~which~~  
11 THAT determines to impose a summer property tax levy shall repre-  
12 sent a request of each city and township in which the school dis-  
13 trict or intermediate school district is located to collect its  
14 summer property tax levy, but shall be effective to impose the  
15 summer property tax levy only upon property, taxable by the  
16 school district or intermediate school district, ~~which~~ THAT is  
17 located in either of the following:

18 (a) The city or township that collects the levy.

19 (b) A city or township in which the county, school district,  
20 or intermediate school district collects the levy.

21 (2) If an intermediate school district adopts a resolution  
22 pursuant to section 1613 ~~which~~ THAT determines to impose a  
23 summer property tax levy, that intermediate school district may  
24 restrict the areas in which the levy is imposed and collected to  
25 those areas in which a school district or city is concurrently  
26 imposing a summer property tax levy.

1       Sec. 1621. If a site for a school, agricultural site,  
2 athletic field, or playground is designated, determined,  
3 established, or enlarged in the manner provided by law and the  
4 board of the school district is unable to agree with the owner of  
5 the site upon the compensation to be paid for the site or its  
6 enlargement, or if the board, by reason of imperfection in the  
7 title of the site is unable to procure a perfect, unencumbered  
8 title in fee simple to the site, the board ~~shall~~ MAY authorize  
9 1 or more of its members to apply to the circuit judge of the  
10 county for a jury to ascertain and determine the just compensa-  
11 tion to be made for the real estate required by the school dis-  
12 trict for the site. The written application shall describe the  
13 real estate required by the board or by the school district as  
14 accurately as is required ~~in~~ FOR a conveyance of THE real  
15 estate. If the board has designated, selected, or established in  
16 a manner provided by law a school site, the selection, designa-  
17 tion, or establishment ~~shall be~~ IS prima facie evidence to the  
18 jury of the necessity to use the site established.

19       Sec. 1641. Service of process in an action or proceeding  
20 against a school district or an intermediate school district may  
21 be made upon the president, secretary, or treasurer of the ~~board~~  
22 ~~of the~~ school ~~district~~ BOARD or the intermediate school  
23 board.

24       Sec. 1701. The state board shall DO ALL OF THE FOLLOWING  
25 WITH RESPECT TO SPECIAL EDUCATION PROGRAMS AND SERVICES:

26       (a) Develop, establish, and continually evaluate and modify  
27 in cooperation with intermediate school boards ~~—~~ a state plan

1 for special education ~~which~~ THAT shall provide for the delivery  
2 of special education programs and services designed to develop  
3 the maximum potential of every handicapped person. The plan  
4 shall coordinate all special education programs and services.

5 (b) Require each intermediate school board to submit a plan  
6 pursuant to section 1711, in accordance with the state plan, to  
7 be approved by the state board.

8 (c) Promulgate rules setting forth the requirements of the  
9 plans and procedures for submitting them.

10 Sec. 1711. (1) The intermediate school board shall DO ALL  
11 OF THE FOLLOWING WITH RESPECT TO SPECIAL EDUCATION PROGRAMS AND  
12 SERVICES:

13 (a) Develop, establish, and continually evaluate and modify  
14 in cooperation with its constituent districts ~~—~~ a plan for spe-  
15 cial education ~~which~~ THAT shall provide for the delivery of  
16 special education programs and services designed to develop the  
17 maximum potential of each handicapped person of whom the interme-  
18 diate school board is required to maintain a record under subdi-  
19 vision (f). The plan shall coordinate the special education pro-  
20 grams and services operated or contracted for by the constituent  
21 districts and shall be submitted to the state board for its  
22 approval.

23 (b) Contract for the delivery of a special education program  
24 or service, in accordance with the intermediate school district  
25 plan in compliance with section 1701. Under the contract the  
26 intermediate school board may operate special education programs

1 or services and furnish transportation services and room and  
2 board.

3 (c) Employ or engage special education personnel in accord-  
4 ance with the intermediate school district plan, and appoint a  
5 director of special education meeting the qualifications and  
6 requirements of the rules promulgated by the state board.

7 (d) Accept and use available funds or contributions from  
8 governmental or private sources for the purpose of providing spe-  
9 cial education programs and services consistent with this  
10 article.

11 (e) Lease, purchase, or otherwise acquire vehicles, sites,  
12 buildings, or portions thereof, and equip them for its special  
13 education staff, programs, and services.

14 (f) Maintain a record of each handicapped person under 26  
15 years of age, who is a resident of 1 of its constituent districts  
16 and who has not completed a normal course of study and graduated  
17 from high school, and the special education programs or services  
18 in which the handicapped person is participating on the fourth  
19 Friday after Labor day and Friday before Memorial day. The sole  
20 basis for determining the local school district in which a handi-  
21 capped person is a resident ~~shall be~~ IS the rules promulgated  
22 by the state board, notwithstanding the provisions of section  
23 1148. The records shall be maintained in accordance with rules  
24 promulgated by the state board.

25 (g) ~~Have the authority to place~~ PLACE, AS NECESSARY, in  
26 appropriate special education programs or services a handicapped

1 person for whom a constituent district is required to provide  
2 special education programs or services under section 1751.

3 (h) Investigate special education programs and services  
4 operated or contracted for by the intermediate school board or  
5 constituent SCHOOL district boards and report in writing failures  
6 to comply with the provisions of a contract, statute, or rule  
7 governing the special education programs and services or with the  
8 intermediate school district plan ~~to~~ to the local school dis-  
9 trict board and to the state board.

10 (i) Operate the special education programs or services or  
11 contract for the delivery of special education programs or serv-  
12 ices by local school district boards, in accordance with section  
13 1702, as if a local school district under section 1751. The con-  
14 tract shall provide for items stated in section 1751 and shall be  
15 approved by the state board. The intermediate school board shall  
16 contract for the transportation, or room and board, or both, ~~or~~  
17 OF persons participating in the program or service as if a local  
18 school district board under sections 1756 and 1757.

19 (j) Receive the report of a parent or guardian or, with the  
20 consent of a parent or guardian, receive the report of a licensed  
21 physician, registered nurse, social worker, or school or other  
22 appropriate professional personnel whose training and relation-  
23 ship to handicapped persons provide competence to judge same and  
24 who in good faith believes that a person under 26 years of age  
25 examined by the professional is or may be handicapped, and imme-  
26 diately evaluate the person pursuant to rules promulgated by the  
27 state board. A person making or filing this report or a local

1 school district board ~~shall not incur liability~~ IS NOT LIABLE  
2 to a person by reason of filing the report or seeking the evalu-  
3 ation, unless lack of good faith is proven.

4 (k) Evaluate pupils in accordance with section 1311.

5 (2) The intermediate school board may expend up to 10% of  
6 the annual budget, but not to exceed \$12,500.00, for special edu-  
7 cation programs approved by the intermediate school board without  
8 having to secure the approval of the state board.

9 Sec. 1751. (1) The board of a local school district shall  
10 provide special education programs and services designed to  
11 develop the maximum potential of each handicapped person in its  
12 district on record under section 1711 for whom an appropriate  
13 educational or training program can be provided in accordance  
14 with the intermediate school district special education plan, in  
15 either of the following ways or a combination ~~thereof~~ OF THEM:

16 (a) Operate the special education program or service.

17 (b) Contract with its intermediate school board, another  
18 intermediate school board, another local school district board,  
19 an adjacent school district board in a bordering state, the  
20 Michigan school for the blind, the Michigan school for the deaf,  
21 the department of mental health, the department of social serv-  
22 ices, or any combination thereof, for delivery of the special  
23 education programs or services, or with an agency approved by the  
24 state board for delivery of an ancillary professional special  
25 education service. The intermediate school district of which the  
26 local school district is constituent shall be a party to each

1 contract even if the intermediate school district does not  
2 participate in the delivery of the program or services.

3 (2) A local school district contract for the provision of a  
4 special education program or service shall provide specifically  
5 for:

6 (a) Special education buildings, equipment, and personnel  
7 necessary for the operation of the subject program or service.

8 (b) Transportation or room and board, or both, for persons  
9 participating in the programs or services as required under sec-  
10 tions 1756 and 1757.

11 (c) The contribution to be made by the sending local school  
12 district if the program or service is to be operated by another  
13 party to the contract. The contribution shall be in accordance  
14 with rules promulgated by the state board.

15 (d) Other matters ~~which~~ the parties ~~deem~~ CONSIDER  
16 appropriate.

17 (3) Each program or service operated or contracted for by a  
18 local school district shall be in accordance with the intermedi-  
19 ate school district's plan established pursuant to section 1711.

20 (4) A local school district may provide additional special  
21 education programs and services not included in, or required by,  
22 the intermediate school district plan.

23 (5) This section ~~shall be construed to allow~~ ALLOWS opera-  
24 tion of programs by departments of state government without local  
25 school district contribution.

26 Sec. 1804. A school official or member of a school board or  
27 intermediate school board or other person who neglects or refuses

1 to do or perform an act required by this act OR RULES PROMULGATED  
2 UNDER THIS ACT, or who violates or knowingly permits or consents  
3 to a violation of this act OR RULES PROMULGATED UNDER THIS ACT,  
4 is guilty of a misdemeanor punishable by a fine OF not more than  
5 \$500.00 ~~—~~ or imprisonment for not more than 3 months, or both.