STATE BOARD OF EDUCATION
Act 287 of 1964

AN ACT to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts.

History: 1964, Act 287, Eff. Aug. 28, 1964.

The People of the State of Michigan enact:

388.1001 State board of education; succession to powers; right to records; property, hearings.

Sec. 1. The state board of education provided for in the constitution of 1908, hereinafter referred to as the "old board", shall continue to function until 12 noon on January 1, 1965, at which time it is abolished and the terms of its members shall expire. The old board shall then be succeeded by the state board of education provided for in article 8 of the constitution of 1963, hereinafter referred to as the "state board". As soon after that time as convenient for the state board all records, files, papers and property of the old board shall be delivered and transferred to the state board. A hearing or proceeding pending before the old board shall not abate but shall be continued and determined by the state board in accordance with the law governing such hearing or proceeding. Whenever in any law, including this act, reference is made to the state board of education, it is deemed to be made, except where otherwise specifically provided, to the old board prior to such hour and to the state board thereafter.

History: 1964, Act 287, Eff. Aug. 28, 1964.

388.1002 State board of education; nomination, election, vacancies, membership.

Sec. 2. Members of the state board shall be nominated and elected and vacancies in their offices shall be filled in accordance with the election laws of this state. The governor shall be ex officio a member of the state board, and the superintendent of public instruction appointed under the constitution of 1963 shall be its chairman, but neither of them shall have the right to vote.

History: 1964, Act 287, Eff. Aug. 28, 1964.

388.1003 State board of education; president; secretary; treasurer, bond.

Sec. 3. The state board of education shall elect a president, a secretary, a treasurer and such other officers as it deems necessary. The treasurer shall furnish a corporate surety bond in a sum determined by the board as adequate to cover the funds to be handled by him and conditioned upon the faithful discharge of his duties. The cost of the bond shall be paid by the state and the bond shall be filed in the office of the secretary of state.

History: 1964, Act 287, Eff. Aug. 28, 1964;—Am. 1965, Act 317, Imd. Eff. July 22, 1965.

388.1004 State board of education; quorum; transacting and conducting business; notice of meeting; service of process.

Sec. 4. A quorum of the state board of education shall consist of a majority of the board's members. An affirmative vote by the majority of the members serving on the board shall be required to transact business. The business which the board may perform shall be conducted in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. Process against the board shall be served on the chairperson or secretary.

History: 1964, Act 287, Eff. Aug. 28, 1964;—Am. 1977, Act 244, Imd. Eff. Dec. 6, 1977;—Am. 1979, Act 70, Imd. Eff. July 25, 1979.

388.1005 State board of education; compensation and expenses.

Sec. 5. The per diem compensation of members of the board and the schedule for reimbursement of expenses shall be established annually by the legislature.

History: 1964, Act 287, Eff. Aug. 28, 1964;—Am. 1965, Act 317, Imd. Eff. July 22, 1965;—Am. 1975, Act 57, Imd. Eff. May 20, 1975.

388.1006 State board of education; members, interest in publication of books prohibited.

Sec. 6. A member of the state board of education shall not act as the agent of any publisher of school books or school library books or be interested in the publication or sale of any such book as agent or otherwise.

History: 1964, Act 287, Eff. Aug. 28, 1964.

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388.1007 State board of education; body corporate; seal; ordinances, bylaws, regulations.

Sec. 7. The state board of education is a body corporate and may purchase, have, hold, possess, enjoy, grant, alien, invest, sell, and dispose of real and personal property of every kind; may sue and be sued, plead and be impleaded in all the courts in this state; may have, use, alter and renew a seal; and may make such ordinances, bylaws and regulations as it deems proper for the government and conduct of the board and for the transaction of its business and the operation of the state institutions under its control if they are not repugnant to the constitution or laws of this state or of the United States.

History: 1964, Act 287, Eff. Aug. 28, 1964.

388.1008 State board of education; gifts, grants; special funds.

Sec. 8. The state board of education may take by gift, grant from federal or other sources, devise, bequest, or in any other lawful manner, property, money, pledges or promises to pay money for the purpose of carrying on any of its powers and duties and may, with the approval of the legislature, use the same for the purposes for which they were donated. The board may place such moneys in a special fund to be spent under its direction for the purposes for which they were donated subject to the conditions of such gift, grant, devise or bequest.

History: 1964, Act 287, Eff. Aug. 28, 1964.

388.1008a Compliance with federal law; accepting and expending federal funds; rules; report; expenditure of state funds; compliance with fund accounting procedures.

Sec. 8a. (1) The state board of education may take any necessary action consistent with state law to comply with the provisions of Public Law 85-864 (1958), as amended, being 20 U.S.C. sections 401 et seq., and known as the "federal national defense education act of 1958", and to accept and expend federal funds available under that act for the extension and improvement of the state's educational program, as outlined in state plans approved by the United States commissioner of education.

(2) The state board of education may take any necessary action consistent with state law to comply with the provisions of Public Law 89-329 (1965), as amended, being 20 U.S.C. sections 1001 et seq., and known as the "higher education act of 1965" to strengthen the educational resources of Michigan colleges and universities and to provide financial assistance for students in post-secondary and higher education through a program of administration, research, and consultation. The state board of education may accept and expend federal funds available under such provisions and promulgate rules necessary for the conduct of this program. The state board of education shall submit to the legislature on or before April 1 of each year a report of projects conducted during the preceding year under the federal higher education act of 1965, as amended.

(3) This shall not be construed as authorization to expend nor to incur any obligation to expend any state funds in excess of any amount which may be appropriated by the legislature for programs under subsections (1) and (2). Any funds appropriated shall be paid out of the state treasury in accordance with any fund accounting procedures necessary to assure proper distribution of and accounting for federal funds paid to the state for these programs.

History: Add. 1965, Act 413, Imd. Eff. Dec. 17, 1965;—Am. 1976, Act 374, Eff. Jan. 13, 1977.

Administrative rules: R 390.1001 et seq. of the Michigan Administrative Code.

388.1008b Acceptance of gifts, grants, devises, and bequests for students who are blind; special fund; report.

Sec. 8b. The superintendent of public instruction may take by gift, grant from federal or other sources, devise, bequest, or in any other lawful manner, property, money, pledges, or promises to pay money for the benefit of students who are blind. Notwithstanding the provisions of section 8, the state treasurer shall transmit to the superintendent of public instruction all of this money that is held in the state treasury. The superintendent of public instruction shall place this money and grants in a special fund to be spent as authorized by the superintendent of public instruction for the purposes for which they were donated subject to the conditions of the gift, grant, devise, or bequest without further approval of the legislature unless additional costs to the state will be involved in the spending of these funds. The superintendent of public instruction shall submit a report of all funds received and expended under this section to the senate and house committees on appropriations.

History: Add. 1971, Act 199, Imd. Eff. Dec. 27, 1971;—Am. 2016, Act 536, Eff. Apr. 9, 2017.

388.1009 State board of education; supervision of public education; planning and coordinating body; research.

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Sec. 9. The state board of education has leadership and general supervision of all public education, including adult education and instructional programs of the state institutions, except as to institutions of higher education granting baccalaureate degrees. The board serves as the general planning and coordinating body for all public education, including higher education. The board may conduct research studies relating to general school problems of the public schools of this state.

History: 1964, Act 287, Eff. Aug. 28, 1964.

388.1009a Special education advisory committee; creation; appointment and terms of members; ex officio members; chairperson; expenses; duty.

Sec. 9a. The special education advisory committee is created in the department of education and shall consist of not less than 9 and not more than 33 members appointed by the state board of education for terms of 3 years. The person within the department directly responsible for special education programs and other persons as appointed by the committee to represent other departments, agencies, and 4-year colleges and universities, upon consultation with those departments, agencies, and colleges and universities, shall be ex officio members of the committee. Each year the committee shall elect a chairperson and other officers as it considers necessary. Members of the committee may be reimbursed, to the extent provided by the state board, for expenses incurred in performing their functions. The committee shall act as an adviser to the state board of education in the field of special education.

History: Add. 1966, Act 154, Imd. Eff. July 1, 1966;—Am. 1983, Act 240, Imd. Eff. Dec. 1, 1983;—Am. 2005, Act 137, Imd. Eff. Sept. 29, 2005.

388.1010 Additional powers and duties.

Sec. 10. The state board of education shall have the following powers and duties:

(a) Jurisdiction and control of the Michigan school for the deaf at Flint, the Michigan school for the blind at Lansing, and the Michigan rehabilitation institute for veterans and disabled adults at Pine lake, including power to make rules for the schools necessary to enforce discipline, preserve health, and provide for proper physical, intellectual, and moral training of their pupils.

(b) Regulation of school bus transportation, review of the annexation or attachment of nonoperating school districts to operating school districts, and the hearing of appeals from decisions on alterations of boundaries of school districts as may be provided by law. The board may appoint a hearing officer to hear the appeals from decisions on alterations of boundaries of school districts who shall prepare a written report for consideration of the board. A copy of the written report shall be furnished to the designated appellant and appellee, who within 20 days may file written objections to the report with the state board of education for its consideration. After considering the report of the hearing officer and any objections filed by interested parties, the board may determine the appeal or order a hearing by it of the appeal from the decision on alterations of boundaries of school districts.

(c) Inspection of educational corporations as may be provided by law.

(d) The appointment of the members of the state board for public community and junior colleges, as provided by law.

History: 1964, Act 287, Eff. Aug. 28, 1964;—Am. 1965, Act 382, Imd. Eff. Aug. 18, 1965;—Am. 1969, Act 229, Eff. July 1, 1971;—Am. 1976, Act 374, Eff. Jan. 13, 1977.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

Administrative rules: R 390.1101 et seq. and R 390.1301 et seq. of the Michigan Administrative Code.

388.1011 State board of education; report to legislature; financial requirements of all public education.

Sec. 11. The state board of education shall report to the legislature at each regular session as to its operations and recommendations including an itemized statement of its receipts and expenditures for its preceding fiscal year, and advise as to the financial requirements of all public education, including higher education.

History: 1964, Act 287, Eff. Aug. 28, 1964.

388.1012 Superintendent of public instruction; continuance in office.

Sec. 12. The superintendent of public instruction elected under the 1908 constitution shall serve as superintendent of public instruction until June 30, 1965.

History: 1964, Act 287, Eff. Aug. 28, 1964.

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388.1013 Superintendent of public instruction; appointment; removal; term.

Sec. 13. The state board by the affirmative vote of a majority of its members shall appoint and may remove a superintendent of public instruction and determine the term of office.

History: 1964, Act 287, Eff. Aug. 28, 1964;—Am. 1976, Act 374, Eff. Jan. 13, 1977.

388.1014 Superintendent of public instruction; references in other laws.

Sec. 14. After June 30, 1965, a reference in any law to the powers and duties of the superintendent of public instruction is deemed to be made to the state board unless the law names the superintendent as a member of another governmental agency or provides for an appeal to the state board of education from a decision of the superintendent, in which cases the reference is deemed to be made to the superintendent of public instruction appointed under the 1963 constitution. Such superintendent of public instruction shall be responsible for the execution of the policies of the state board. The state board may delegate any of its functions to him. He shall be the principal executive and administrative officer of the state department of education.

History: 1964, Act 287, Eff. Aug. 28, 1964.

Administrative rules: R 340.1 et seq.; R 340.81 et seq.; R 340.201 et seq.; R 340.271 et seq.; R 340.471 et seq.; R 389.1 et seq.; and R 390.1051 et seq. of the Michigan Administrative Code.

388.1014a Records of grades attained by students at former educational institutions; central depository; availability to public of records and other writings; custody of records; transcripts.

Sec. 14a. (1) The trustees or officers of a college or other institution of learning, whether incorporated or not, upon going out of existence or ceasing to function as an educational institution, shall turn over the records of all grades attained by its students to the state board of education. The office of the superintendent of public instruction shall be the central depository for these records.

(2) The records and any other writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(3) The superintendent of public instruction shall have the supervision, care, custody, and control of these records, and shall, when requested, prepare transcripts necessary for a former student. The transcripts shall be certified by the superintendent of public instruction and shall be considered and accepted as evidence for all purposes, the same as the original record.

History: Add. 1976, Act 374, Eff. Jan. 13, 1977;—Am. 1977, Act 244, Imd. Eff. Dec. 6, 1977.

388.1015 State board of education; rules and regulations.

Sec. 15. The state board of education shall prescribe rules and regulations that it deems necessary to carry out the provisions of this act, in accordance with Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

History: 1964, Act 287, Eff. Aug. 28, 1964.

Administrative rules: R 340.81 et seq.; R 340.181 et seq.; R 340.201 et seq.; R 340.481 et seq.; R 388.261 et seq.; R 388.701 et seq.; R 390.561 et seq.; R 390.1001 et seq.; R 390.1101 et seq.; R 390.1301 et seq.; R 395.376; and R 397.1 et seq. of the Michigan Administrative Code.

388.1016 Saving clause.

Sec. 16. All contracts and obligations of the old board shall continue and have the same effect under the state board as they had under the old board, except as otherwise provided by law.

History: 1964, Act 287, Eff. Aug. 28, 1964.

388.1017 Repeal.

Sec. 17. Act No. 194 of the Public Acts of 1889, as amended, being sections 390.401 to 390.421 of the Compiled Laws of 1948, Act No. 202 of the Public Acts of 1903, as amended, being section 390.431 of the Compiled Laws of 1948, Act No. 8 of the Public Acts of 1927, being section 15.81 of the Compiled Laws of 1948, sections 2 to 8 of Act No. 116 of the Public Acts of 1893, being sections 393.52 to 393.58 of the Compiled Laws of 1948, and sections 2 and 3 of Act No. 123 of the Public Acts of 1893, being sections 393.102 and 393.103 of the Compiled Laws of 1948, are repealed.

History: 1964, Act 287, Eff. Aug. 28, 1964.

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