

Act No. 159
Public Acts of 1989
Approved by the Governor
July 27, 1989
Filed with the Secretary of State
July 31, 1989

STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989

Introduced by Senators Schwarz and DeGrow

ENROLLED SENATE BILL No. 40

AN ACT to amend sections 6 and 1333 of Act No. 451 of the Public Acts of 1976, entitled as amended "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and classify the laws relating to elementary and secondary education; to provide for the classification, organization, regulation, and maintenance of schools, school districts, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, and intermediate school districts; 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 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 certain acts and parts of acts," section 6 as amended by Act No. 215 of the Public Acts of 1982 and section 1333 as amended by Act No. 306 of the Public Acts of 1982, being sections 380.6 and 380.1333 of the Michigan Compiled Laws; and to add sections 1204a and 1204b.

The People of the State of Michigan enact:

Section 1. Sections 6 and 1333 of Act No. 451 of the Public Acts of 1976, section 6 as amended by Act No. 215 of the Public Acts of 1982 and section 1333 as amended by Act No. 306 of the Public Acts of 1982, being sections 380.6 and 380.1333 of the Michigan Compiled Laws, are amended and sections 1204a and 1204b are added to read as follows:

Sec. 6. (1) "School bus" means a motor vehicle, other than a station wagon or passenger van, with a manufacturer's rated seating capacity of 17 or more pupils used for the transportation of school pupils to and from school which either is owned by a school district or, if privately owned, is transporting school pupils under a contract with a local school district, a local act school district, or an intermediate school district. As used in this subsection:

(a) "Passenger van" means a motor vehicle designed to carry not more than 16 passengers, built on a truck chassis, and registered and titled by the secretary of state as a station wagon.

(b) "Station wagon" means a motor vehicle designed to carry not more than 10 passengers and built on a passenger vehicle chassis.

(2) "School district" or "local school district" means:

(a) A primary school district.

(b) A school district of the fourth class.

(c) A school district of the third class.

(d) A school district of the second class.

(e) A school district of the first class.

(3) "School elector" means a person qualified as an elector under section 492 of the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being section 168.492 of the Michigan Compiled Laws, and resident of the school district, local act school district, or intermediate school district on or before the thirtieth day before the next ensuing annual or special school election.

(4) "School month" means a 4-week period of 5 days each unless otherwise specified in the teacher's contract.

(5) "Special education building and equipment" means a structure or portion of a structure or personal property accepted, leased, purchased, or otherwise acquired, prepared, or used for special education programs and services.

(6) "Special education personnel" means persons engaged in and having professional responsibility for the training, care, and education of handicapped persons in special education programs and services including, but not limited to, teachers, aides, social workers, diagnostic personnel, physical therapists, occupational therapists, audiologists, teachers of speech and language, instructional media-curriculum specialists, mobility specialists, teacher consultants, supervisors, and directors.

(7) "Special education programs and services" means educational and training services designed for handicappers and operated by local school districts, local act school districts, intermediate school districts, the Michigan school for the blind, the Michigan school for the deaf, the department of mental health, the department of social services, or a combination thereof, and ancillary professional services for handicappers rendered by agencies approved by the state board. The programs shall include vocational training, but need not include academic programs of college or university level.

(8) "State approved nonpublic school" means a nonpublic school that complies with Act No. 302 of the Public Acts of 1921, as amended, being sections 388.551 to 388.558 of the Michigan Compiled Laws.

(9) "State board" means the state board of education unless clearly otherwise stated.

(10) "Department" means the department of education created and operating under sections 300 to 305 of the executive organization act of 1965, Act No. 380 of the Public Acts of 1965, being sections 16.400 to 16.405 of the Michigan Compiled Laws.

(11) "State school aid" means allotments from the general appropriating act for the purpose of aiding in the support of the public schools of the state.

(12) "The state school aid act of 1979" means Act No. 94 of the Public Acts of 1979, being sections 388.1601 to 388.1772 of the Michigan Compiled Laws.

(13) "Type I school bus" means a school bus with a gross vehicle weight rating of more than 10,000 pounds.

(14) "Type II school bus" means a school bus with a gross vehicle rating of 10,000 pounds or less.

(15) "Type I premium school bus" means a school bus with a passenger capacity of more than 66 pupils and any other school bus purchased by a district at a cost for the vehicle, excluding interest and special equipment, that exceeds by more than 15% the average cost of a school bus meeting state minimum specifications of the same capacity purchased during the same year.

Sec. 1204a. (1) The board of a school district shall prepare, publicly announce, and make available to the state board and the public an annual educational report. The annual educational report shall include, but not be limited to, all of the following information for each public school in the school district:

(a) The accreditation status of each school within the school district, the process by which pupils are assigned to particular schools; and a description of each specialized school.

(b) If the school district has a school improvement plan, the status of the 3- to 5-year school improvement plan as described in section 1277 for each school within the school district.

(c) If the school district has a core curriculum as described in section 1278, a copy of the core curriculum and a description of its implementation.

(d) A report for each school of aggregate student achievement based upon the results of any locally-administered student competency tests, statewide assessment tests, or nationally normed achievement tests that were given to pupils attending school in the school district.

(e) For the year in which the report is filed and the previous school year, the number and percentage of pupils, identified by age, grade level, ethnicity, gender, and whether they receive special education services, who were suspended from any school in the school district for a total accumulation of not less than 3 days during the school year, the length of time of each suspension for each pupil, the reason for each suspension, and whether the suspension affected the pupil's academic standing through the loss of credit or lowered grades.

(f) For the year in which the report is filed and the previous school year, the number and percentage of pupils 18 years of age or less, identified by age, grade level, ethnicity, gender, and whether they receive special education services, who were expelled from any school in the school district, the length of time of each expulsion, whether the expulsion was permanent or less than permanent, and whether the opportunity for alternative education was made available to the pupil.

(g) For the previous school year, the number and percentage of school dropouts, as defined by the state board, in the school district, and identified by age, grade level, ethnicity, and gender, and any process for identifying and serving at risk pupils and dropouts.

(h) For the year in which the report is filed and the previous school year, the number of pupils, identified at the elementary, middle, and secondary school levels, who are enrolled in school in the school district, as of the official count day and 2 other days, no count being made within 6 weeks of another.

(i) The number and percentage of households with pupils enrolled in the school district that participate in parent-teacher conferences for pupils at the elementary, middle, and secondary school level, as appropriate.

(j) The number and percentage of adults in the school district, both parents and adults without children, who serve as volunteers in school classrooms, libraries, and lunchrooms and on playgrounds or in other ways.

(2) Within 90 days after the effective date of the amendatory act that adds this section, the state board shall prepare and make available to school districts suggestions for accumulating the information listed in subsection (1), a model educational report for school districts to consider in the implementation of this section, and a form for reporting pupil suspensions and expulsions which assures that a pupil is not counted more than once for each suspension or expulsion and assures an accurate count of the total number of suspensions and expulsions in a school district. For purposes of subsection (1)(e) and (f), a school district shall use the form developed by the state board or a form adopted by the school district and approved by the state board.

Sec. 1204b. If the board of a school district acts under section 1204a, the school board shall provide that each school in the school district distribute to the public at an open meeting an annual education report for that school, and the report shall be made available to the general public. The report shall include, but not be limited to, all of the following information:

(a) The aggregate student achievement based upon the results of any locally administered student competency tests, statewide assessment tests, or nationally normed achievement tests that were given to pupils attending the school.

(b) The number of pupils in each grade and the number of pupils working at, below, and above grade level in core curriculum subjects in each grade.

(c) A copy of the core curriculum adopted by the school district and the school and a description of its implementation, including the progress made in each grade in covering core curriculum subjects.

(d) If applicable, for the previous year, the number and percentage of school dropouts, as defined by the state board, in the school district, and identified by grade level.

(e) A comparison with the previous school year of all reported categories described in this section.

Sec. 1333. (1) Pursuant to an agreement made under subsection (4), the board of a school district may permit the use of a school bus, which is not otherwise being used for school purposes, by an organization or group for purposes of transporting senior citizens or retired or disabled persons, or by a nonprofit organization for purposes of transporting its members, to or from an activity, event, or outing, if the board determines that suitable or economically feasible public or private transportation is not available for this purpose. Mileage, insurance, and other costs may be paid by the group or organization or may be waived by the board of the school district.

(2) The board of a school district may permit the use of a school bus for the purposes of transporting persons other than pupils to school-sponsored events. The board may collect a fee for transporting persons other than pupils to or from school-sponsored events to cover expenses for the trips involved. Insurance to indemnify the school district, its officers, or employees against liability for damages arising out of the use of school buses shall be obtained before persons other than pupils are transported and fees charged. The pupils of the district should be given first priority for any transportation furnished by the board.

(3) The board of a school district shall not purchase additional school buses for the sole purpose of implementing this section.

(4) A local unit of government, including a city, county, village, or township, may enter into an agreement with a board of a school district within its area for the use of school buses to transport senior citizens or retired or disabled persons or members of a nonprofit organization, subject to the same terms and conditions provided in subsection (1).

(5) As used in this section, "nonprofit organization" means any 1 of the following:

(a) A corporation organized under the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws.

(b) A corporation to which the nonprofit corporation act applies as provided in sections 121 and 123 of Act No. 162 of the Public Acts of 1982, being sections 450.2121 and 450.2123 of the Michigan Compiled Laws.

(c) A group, society, organization, or association organized to carry out any lawful purpose not involving pecuniary profit or gain for its officers, trustees, or members.

(6) The state board shall promulgate rules to implement this section.

Section 2. This amendatory act shall take effect upon the expiration of 30 days after the date of its enactment.

Section 3. This amendatory act shall not take effect unless House Bill No. 4009 of the 85th Legislature is enacted into law.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved.....

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Governor.