

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, 6, 504, 514, 605, 701, 1296, 1311, 1321, 1701, 1701a, 1711, 1723, 1724, 1751, 1756, 1757, and 1761 (MCL 380.4, 380.5, 380.6, 380.504, 380.514, 380.605, 380.701, 380.1296, 380.1311, 380.1321, 380.1701, 380.1701a, 380.1711, 380.1723, 380.1724, 380.1751, 380.1756, 380.1757, and 380.1761), section 5 as amended by 1995 PA 289, sections 504 and 1701a as amended and section 514 as added by 1994 PA 416, section 605 as amended by 1985 PA 86, section 1311 as amended by 1995 PA 250, section 1321 as amended by 1990 PA 163, and section 1724 as amended by 1994 PA 258.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Educational media center" means a program
2 operated by an intermediate school district and approved by the

1 state board, which provides services to local school districts or
2 constituent districts under section 671.

3 ~~(2) "Handicapped person" shall be defined by rules promul-~~
4 ~~gated by the state board. Handicaps include, but are not limited~~
5 ~~to, mental, physical, emotional, behavioral, sensory, and speech~~
6 ~~handicaps.~~

7 (2) ~~(3)~~ "Intermediate school board" means the board of an
8 intermediate school district.

9 (3) ~~(4)~~ "Intermediate school district" means a corporate
10 body established under part 7.

11 (4) ~~(5)~~ "Intermediate school district election" means an
12 election called by an intermediate school board and held on the
13 date of the annual school elections of constituent districts or
14 on a date determined by the intermediate school board under sec-
15 tions 661 and 662.

16 (5) ~~(6)~~ "Intermediate school elector" means a person who
17 is a school elector of a constituent district and who is regis-
18 tered in the city or township in which the person resides.

19 (6) ~~(7)~~ "Intermediate superintendent" means the superin-
20 tendent of an intermediate school district.

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

26 (2) "Membership" means the number of full-time equivalent
27 pupils in a public school as determined by the number of pupils

1 registered for attendance plus pupils received by transfer and
2 minus pupils lost as defined by rules promulgated by the state
3 board.

4 (3) "Nonpublic school" means a private, denominational, or
5 parochial school.

6 (4) "Objectives" means measurable pupil academic skills and
7 knowledge.

8 (5) "PERSON WITH DISABILITIES" SHALL BE DEFINED BY RULES
9 PROMULGATED BY THE STATE BOARD. DISABILITY INCLUDES BUT IS NOT
10 LIMITED TO MENTAL, PHYSICAL, EMOTIONAL, BEHAVIORAL, SENSORY, AND
11 SPEECH DISABILITIES.

12 (6) ~~-(5)-~~ "Public school" means a public elementary or sec-
13 ondary educational entity or agency that is established under
14 this act, has as its primary mission the teaching and learning of
15 academic and vocational-technical skills and knowledge, and is
16 operated by a school district, local act school district, special
17 act school district, intermediate school district, public school
18 academy corporation, or by the department or state board. Public
19 school also includes a laboratory school or other elementary or
20 secondary school that is controlled and operated by a state
21 public university described in section 4, 5, or 6 of article VIII
22 of the state constitution of 1963.

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

1 (8) ~~(7)~~ "Reorganized intermediate school district" means
2 an intermediate school district formed by consolidation or
3 annexation of 2 or more intermediate school districts under sec-
4 tions 701 and 702.

5 (9) ~~(8)~~ "Rule" means a rule promulgated pursuant to the
6 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
7 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
8 ~~Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328.

9 Sec. 6. (1) "School district" or "local school district"
10 means a general powers school district organized under this act,
11 regardless of previous classification, or a school district of
12 the first class.

13 (2) "School elector" means a person qualified as an elector
14 under section 492 of the Michigan election law, ~~Act No. 116 of~~
15 ~~the Public Acts of 1954, being section 168.492 of the Michigan~~
16 ~~Compiled Laws~~ 1954 PA 116, MCL 168.492, registered as provided
17 in part 12, and resident of the school district, local act school
18 district, or intermediate school district on or before the thir-
19 tieth day before the next ensuing annual or special school
20 election.

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

23 (4) "Special education building and equipment" means a
24 structure or portion of a structure or personal property accept-
25 ed, leased, purchased, or otherwise acquired, prepared, or used
26 for special education programs and services.

1 (5) "Special education personnel" means persons engaged in
2 and having professional responsibility for the training, care,
3 and education of ~~handicapped~~ persons WITH DISABILITIES in spe-
4 cial education programs and services including, but not limited
5 to, teachers, aides, school social workers, diagnostic personnel,
6 physical therapists, occupational therapists, audiologists,
7 teachers of speech and language, instructional media-curriculum
8 specialists, mobility specialists, teacher consultants, supervi-
9 sors, and directors.

10 (6) "Special education programs and services" means educa-
11 tional and training services designed for ~~handicappers~~ PERSONS
12 WITH DISABILITIES and operated by local school districts, local
13 act school districts, intermediate school districts, the Michigan
14 school for the blind, the Michigan school for the deaf, the
15 department of mental health, the department of social services,
16 or a combination thereof, and ancillary professional services for
17 ~~handicappers~~ PERSONS WITH DISABILITIES rendered by agencies
18 approved by the state board. The programs shall include voca-
19 tional training, but need not include academic programs of col-
20 lege or university level.

21 (7) "State approved nonpublic school" means a nonpublic
22 school that complies with ~~Act No. 302 of the Public Acts of~~
23 ~~1921, being sections 388.551 to 388.558 of the Michigan Compiled~~
24 ~~Laws~~ 1921 PA 302, MCL 388.551 TO 388.558.

25 (8) "State board" means the state board of education unless
26 clearly otherwise stated.

1 (9) "Department" means the department of education created
2 and operating under sections 300 to 305 of the executive
3 organization act of 1965, ~~Act No. 380 of the Public Acts of~~
4 ~~1965, being sections 16.400 to 16.405 of the Michigan Compiled~~
5 ~~Laws~~ 1965 PA 380, MCL 16.400 TO 16.405.

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

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

13 Sec. 504. (1) A public school academy may be located in all
14 or part of an existing public school building. A public school
15 academy shall not operate at a site other than the single site
16 requested for the configuration of grades that will use the site,
17 as specified in the application required under section 502 and in
18 the contract.

19 (2) A public school academy shall not charge tuition and
20 shall not discriminate in its pupil admissions policies or prac-
21 tices on the basis of intellectual or athletic ability, measures
22 of achievement or aptitude, status as a ~~handicapped~~ person WITH
23 DISABILITIES, or any other basis that would be illegal if used by
24 a school district. However, a public school academy may limit
25 admission to pupils who are within a particular range of age or
26 grade level or on any other basis that would be legal if used by
27 a school district.

1 (3) Except for a foreign exchange student who is not a
2 United States citizen, a public school academy shall not enroll a
3 pupil who is not a resident of this state. Enrollment in the
4 public school academy may be open to all individuals who reside
5 in this state who meet the admission policy and shall be open to
6 all pupils who reside within the geographic boundaries, if any,
7 of the authorizing body as described in section 502(2)(a) to (c)
8 who meet the admission policy, except that admission to a public
9 school academy authorized by the board of a community college to
10 operate, or operated by the board of a community college, on the
11 grounds of a federal military installation, as described in sec-
12 tion 502(2)(c), shall be open to all pupils who reside in the
13 county in which the federal military installation is located.
14 For a public school academy authorized by a state public univer-
15 sity, enrollment shall be open to all pupils who reside in this
16 state who meet the admission policy. If there are more applica-
17 tions to enroll in the public school academy than there are
18 spaces available, pupils shall be selected to attend using a
19 random selection process. However, a public school academy may
20 give enrollment priority to a sibling of a pupil enrolled in the
21 public school academy. A public school academy shall allow any
22 pupil who was enrolled in the public school academy in the imme-
23 diately preceding school year to enroll in the public school
24 academy in the appropriate grade unless the appropriate grade is
25 not offered at that public school academy.

26 (4) A public school academy may include any grade up to
27 grade 12 or any configuration of those grades, including

1 kindergarten and early childhood education, as specified in its
2 contract. If specified in its contract, a public school academy
3 may also operate an adult basic education program, adult high
4 school completion program, or general education development test-
5 ing preparation program. The authorizing body may approve amend-
6 ment of a contract with respect to ages of pupils or grades
7 offered.

8 Sec. 514. (1) A public school academy may be located in all
9 or part of an existing public school building. A public school
10 academy shall not operate at a site other than the single site
11 requested for the configuration of grades that will use the site,
12 as specified in the application required under section 512 and in
13 the contract.

14 (2) A public school academy shall not charge tuition and
15 shall not discriminate in its pupil admissions policies or prac-
16 tices on the basis of intellectual or athletic ability, measures
17 of achievement or aptitude, status as a ~~handicapped~~ person WITH
18 DISABILITIES, or any other basis that would be illegal if used by
19 a school district. However, a public school academy may limit
20 admission to pupils who are within a particular range of age or
21 grade level or on any other basis that would be legal if used by
22 a school district.

23 (3) Except for a foreign exchange student who is not a
24 United States citizen, a public school academy shall not enroll a
25 pupil who is not a resident of this state. Enrollment in the
26 public school academy may be open to all individuals who reside
27 in this state who meet the admission policy and shall be open to

1 all pupils who reside within the geographic boundaries, if any,
2 of the authorizing body as described in section 512(2)(a) to (c)
3 who meet the admission policy, except that admission to a public
4 school academy authorized by the board of a community college to
5 operate, or operated by the board of a community college, on the
6 grounds of a federal military installation, as described in sec-
7 tion 512(2)(c), shall be open to all pupils who reside in the
8 county in which the federal military installation is located.
9 For a public school academy authorized by a state public univer-
10 sity, enrollment shall be open to all pupils who reside in this
11 state who meet the admission policy. If there are more applica-
12 tions to enroll in the public school academy than there are
13 spaces available, pupils shall be selected to attend using a
14 random selection process. However, a public school academy may
15 give enrollment priority to a sibling of a pupil enrolled in the
16 public school academy. A public school academy shall allow any
17 pupil who was enrolled in the public school academy in the imme-
18 diately preceding school year to enroll in the public school
19 academy in the appropriate grade unless the appropriate grade is
20 not offered at that public school academy.

21 (4) A public school academy shall comply with all state and
22 federal law applicable to public schools concerning church-state
23 issues.

24 (5) A public school academy may include any grade up to
25 grade 12 or any configuration of those grades, including kinder-
26 garten and early childhood education, as specified in its
27 contract. If specified in its contract, a public school academy

1 may also operate an adult basic education program, adult high
2 school completion program, or general education development test-
3 ing preparation program. The authorizing body may approve amend-
4 ment of a contract with respect to ages of pupils or grades
5 offered.

6 (6) The educational goals and programs of, and curricula
7 offered by, a public school academy shall be designed to fulfill
8 at least 1 of the purposes of section 511(1).

9 Sec. 605. (1) If constituent districts of more than 1
10 intermediate school district are reorganized into a single school
11 district, the reorganized school district shall be constituent to
12 the intermediate school district designated by the board of the
13 reorganized school district. If a decision is not reached within
14 30 days after the effective date of the reorganization of the
15 constituent districts, the determination shall be made by the
16 state board.

17 (2) A constituent district, by resolution of its board, may
18 transfer and become constituent to another contiguous intermedi-
19 ate school district if approval is given by each intermediate
20 school board affected. The intermediate school board shall take
21 final action within 60 days after receiving a resolution. If an
22 intermediate school district from which a constituent district
23 wishes to transfer has fewer than 4,000 constituent district
24 pupils and fails to take action or denies a transfer, the inac-
25 tion or decision may be appealed to the state board using the
26 procedures described in section 971 of this act. If the
27 intermediate school district to which transfer is proposed has

1 adopted by referendum a program for financing special education
2 programs for ~~handicapped~~ persons WITH DISABILITIES, or has
3 bonded indebtedness outstanding for special education building
4 facilities, the registered school electors of the constituent
5 district to be transferred shall vote on the acceptance of those
6 sections and the assumption of the district's pro rata share of
7 bonded indebtedness outstanding for special education facilities
8 for ~~handicapped~~ persons WITH DISABILITIES.

9 (3) If the intermediate school district to which transfer is
10 proposed has established an area vocational-technical education
11 program by referendum, or has bonded indebtedness outstanding for
12 area vocational-technical education facilities, the registered
13 school electors of the district to be transferred shall vote on
14 the acceptance of those sections and the assumption of the
15 district's pro rata share of bonded indebtedness outstanding for
16 area vocational-technical education facilities.

17 (4) The transfer is effective only if the applicable issues
18 relating to special education programs, area vocational-technical
19 education programs, and bonded indebtedness for special education
20 and area vocational-technical facilities are approved at an elec-
21 tion in the constituent district proposing transfer at which all
22 applicable issues are submitted and receive favorable
23 majorities.

24 (5) The territory of a constituent district of an intermedi-
25 ate school district having bonded indebtedness for special educa-
26 tion facilities or area vocational-technical education facilities
27 which is transferred to another intermediate school district

1 shall remain as a part of the intermediate school district from
2 which transferred for the purpose of levying debt retirement
3 taxes for the bonded indebtedness until the bonds are redeemed or
4 sufficient funds are available in the debt retirement funds for
5 that purpose. The transferred constituent district shall be a
6 constituent district of the intermediate school district to which
7 transferred for all other purposes.

8 Sec. 701. (1) Two or more adjoining intermediate school
9 districts may combine to form a single intermediate school dis-
10 trict when the reorganization is approved by a majority of the
11 electors of each intermediate school district voting on the ques-
12 tion in the annual elections of the constituent districts.

13 (2) The question of combining intermediate school districts
14 may be submitted by a resolution of the intermediate school
15 boards meeting in joint session.

16 (3) The question shall be submitted when petitions signed by
17 a number of school electors of each intermediate school district
18 equal to not less than 5% of the number of pupil memberships on
19 the latest pupil membership count day of the combined constituent
20 districts of the intermediate school district are filed with the
21 secretary of 1 of the intermediate school boards. Within 30 days
22 after receiving sufficient petitions, the secretary shall apply
23 for approval to the state board. The secretary shall cause the
24 question to be submitted at the next annual school election after
25 the state board approves the merger.

1 (4) The ballots shall be furnished by each intermediate
2 school board for its constituent districts and shall be in
3 substantially the following form:

4

5 "Shall the following intermediate school districts be orga-
6 nized as a single intermediate school district?

7 (List names of intermediate school districts)

8 Yes ()

9 No ()"

10 (5) If the consolidation is approved by a majority of the
11 school electors voting on the question in each of the participat-
12 ing intermediate school districts, the reorganization shall
13 become effective in the combined intermediate school districts 30
14 days after the annual election at which the question is
15 submitted. The reorganized intermediate school district shall be
16 a single intermediate school district subject to this part.

17 (6) The members of the intermediate school boards of the
18 original intermediate school districts shall act as an interim
19 board until a board of the combined intermediate school district
20 is elected. The interim board shall possess all the powers and
21 duties of an intermediate school board under this part. The
22 person chosen by the interim intermediate school board as inter-
23 mediate superintendent shall serve only until a successor is
24 chosen by the elected intermediate school board. The secretary
25 of the intermediate school board having the largest number of
26 pupils in membership in its combined constituent districts at the
27 time of reorganization shall call a meeting of the members of the

1 interim intermediate school board for the purpose of organization
2 within 15 days after the effective date of the reorganization.
3 The secretary of the interim intermediate school board shall pro-
4 vide for the election of a board of the reorganized intermediate
5 school district under section 617. At the first election there
6 shall be elected 3 members of a board for 6 years, 2 for 4 years,
7 and 2 for 2 years. Their successors shall be elected biennially
8 on the first Monday of June for terms of 6 years. The time from
9 the date of election to the next July 1 shall be considered 1
10 year.

11 (7) The reorganized intermediate school district shall oper-
12 ate as a single intermediate school district from the effective
13 date of the reorganization. Within 10 days after the reorganiza-
14 tion, all accounts of the reorganized intermediate school dis-
15 tricts shall be audited in the manner established by the interim
16 intermediate school board. The contracts of the intermediate
17 superintendents in force on the effective date of reorganization
18 shall continue in effect to time of their termination except as
19 to position as intermediate superintendents.

20 (8) If, prior to reorganization of the intermediate school
21 districts each of the combining intermediate school districts
22 adopted special education programs by referendum pursuant to part
23 30 and approved the same annual property tax rates for the educa-
24 tion of ~~handicapped~~ persons WITH DISABILITIES, the special edu-
25 cation programs and the annual property tax rates shall continue
26 in effect in the reorganized intermediate school district.

1 Sec. 1296. The board of a school district that provides
2 auxiliary services specified in this section to its resident
3 pupils in the elementary and secondary grades shall provide the
4 same auxiliary services on an equal basis to pupils in the ele-
5 mentary and secondary grades at nonpublic schools. The board may
6 use state school aid to pay for the auxiliary services. The aux-
7 iliary services shall include health and nursing services and
8 examinations; street crossing guards services; national defense
9 education act testing services; teacher of speech and language
10 services; school social work services; school psychological serv-
11 ices; teacher consultant services for ~~handicapped~~ pupils WITH
12 DISABILITIES and other ancillary services for ~~the handicapped~~
13 PERSONS WITH DISABILITIES; remedial reading; and other services
14 determined by the legislature. Auxiliary services shall be pro-
15 vided under rules promulgated by the state board.

16 Sec. 1311. (1) Subject to subsection (2), the school board,
17 or the school district superintendent, a school building princi-
18 pal, or another school district official if designated by the
19 school board, may authorize or order the suspension or expulsion
20 from school of a pupil guilty of gross misdemeanor or persistent
21 disobedience if, in the judgment of the school board or its des-
22 ignee, as applicable, the interest of the school is served by the
23 authorization or order. If there is reasonable cause to believe
24 that the pupil is ~~handicapped~~ A PERSON WITH DISABILITIES, and
25 the school district has not evaluated the pupil in accordance
26 with rules of the state board to determine if the student is
27 ~~handicapped~~ A PERSON WITH DISABILITIES, the pupil shall be

1 evaluated immediately by the intermediate school district of
2 which the school district is constituent in accordance with sec-
3 tion 1711.

4 (2) If a pupil possesses in a weapon free school zone a
5 weapon that constitutes a dangerous weapon, commits arson in a
6 school building or on school grounds, or commits criminal sexual
7 conduct in a school building or on school grounds, the school
8 board, or the designee of the school board as described in sub-
9 section (1) on behalf of the school board, shall expel the pupil
10 from the school district permanently, subject to possible rein-
11 statement under subsection (5). However, a school board is not
12 required to expel a pupil for possessing a weapon if the pupil
13 establishes in a clear and convincing manner at least 1 of the
14 following:

15 (a) The object or instrument possessed by the pupil was not
16 possessed by the pupil for use as a weapon, or for direct or
17 indirect delivery to another person for use as a weapon.

18 (b) The weapon was not knowingly possessed by the pupil.

19 (c) The pupil did not know or have reason to know that the
20 object or instrument possessed by the pupil constituted a danger-
21 ous weapon.

22 (d) The weapon was possessed by the pupil at the suggestion,
23 request, or direction of, or with the express permission of,
24 school or police authorities.

25 (3) If an individual is expelled pursuant to subsection (2),
26 the expelling school district shall enter on the individual's
27 permanent record that he or she has been expelled pursuant to

1 subsection (2). Except if a school district operates or
2 participates cooperatively in an alternative education program
3 appropriate for individuals expelled pursuant to subsection (2)
4 and in its discretion admits the individual to that program, an
5 individual expelled pursuant to subsection (2) is expelled from
6 all public schools in this state and the officials of a school
7 district shall not allow the individual to enroll in the school
8 district unless the individual has been reinstated under subsec-
9 tion (5). Except as otherwise provided by law, a program oper-
10 ated for individuals expelled pursuant to subsection (2) shall
11 ensure that those individuals are physically separated at all
12 times during the school day from the general pupil population.
13 If an individual expelled from a school district pursuant to sub-
14 section (2) is not placed in an alternative education program,
15 the school district may provide, or may arrange for the interme-
16 diate school district to provide, appropriate instructional serv-
17 ices to the individual at home. The type of services provided
18 shall be similar to those provided to homebound or hospitalized
19 pupils under section 109 of the state school aid act of 1979,
20 ~~being section 388.1709 of the Michigan Compiled Laws~~ MCL
21 388.1709, and the services may be contracted for in the same
22 manner as under that section. This subsection does not require a
23 school district to expend more money for providing services for a
24 pupil expelled pursuant to subsection (2) than the amount of the
25 foundation allowance the school district receives for the pupil
26 under section 20 of the state school aid act of 1979, ~~being~~
27 ~~section 388.1620 of the Michigan Compiled Laws~~ MCL 388.1620.

1 (4) If a school board expels an individual pursuant to
2 subsection (2), the school board shall ensure that, within 3 days
3 after the expulsion, an official of the school district refers
4 the individual to the appropriate county department of social
5 services or county community mental health agency and notifies
6 the individual's parent or legal guardian or, if the individual
7 is at least age 18 or is an emancipated minor, notifies the indi-
8 vidual of the referral.

9 (5) The parent or legal guardian of an individual expelled
10 pursuant to subsection (2) or, if the individual is at least age
11 18 or is an emancipated minor, the individual may petition the
12 expelling school board for reinstatement of the individual to
13 public education in the school district. If the expelling school
14 board denies a petition for reinstatement, the parent or legal
15 guardian or, if the individual is at least age 18 or is an eman-
16 cipated minor, the individual may petition another school board
17 for reinstatement of the individual in that other school
18 district. All of the following apply to reinstatement under this
19 subsection:

20 (a) For an individual who was enrolled in grade 5 or below
21 at the time of the expulsion and who has been expelled for pos-
22 sessed a firearm or threatening another person with a dangerous
23 weapon, the parent or legal guardian or, if the individual is at
24 least age 18 or is an emancipated minor, the individual may ini-
25 tiate a petition for reinstatement at any time after the expira-
26 tion of 60 school days after the date of expulsion. For an
27 individual who was enrolled in grade 5 or below at the time of

1 the expulsion and who has been expelled pursuant to
2 subsection (2) for a reason other than possessing a firearm or
3 threatening another person with a dangerous weapon, the parent or
4 legal guardian or, if the individual is at least age 18 or is an
5 emancipated minor, the individual may initiate a petition for
6 reinstatement at any time. For an individual who was in grade 6
7 or above at the time of expulsion, the parent or legal guardian
8 or, if the individual is at least age 18 or is an emancipated
9 minor, the individual may initiate a petition for reinstatement
10 at any time after the expiration of 150 school days after the
11 date of expulsion.

12 (b) An individual who was in grade 5 or below at the time of
13 the expulsion and who has been expelled for possessing a firearm
14 or threatening another person with a dangerous weapon shall not
15 be reinstated before the expiration of 90 school days after the
16 date of expulsion. An individual who was in grade 5 or below at
17 the time of the expulsion and who has been expelled pursuant to
18 subsection (2) for a reason other than possessing a firearm or
19 threatening another person with a dangerous weapon shall not be
20 reinstated before the expiration of 10 school days after the date
21 of the expulsion. An individual who was in grade 6 or above at
22 the time of the expulsion shall not be reinstated before the
23 expiration of 180 school days after the date of expulsion.

24 (c) It is the responsibility of the parent or legal guardian
25 or, if the individual is at least age 18 or is an emancipated
26 minor, of the individual to prepare and submit the petition. A
27 school board is not required to provide any assistance in

1 preparing the petition. Upon request by a parent or legal
2 guardian or, if the individual is at least age 18 or is an eman-
3 cipated minor, by the individual, a school board shall make
4 available a form for a petition.

5 (d) Not later than 10 school days after receiving a petition
6 for reinstatement under this subsection, a school board shall
7 appoint a committee to review the petition and any supporting
8 information submitted by the parent or legal guardian or, if the
9 individual is at least age 18 or is an emancipated minor, by the
10 individual. The committee shall consist of 2 school board mem-
11 bers, 1 school administrator, 1 teacher, and 1 parent of a pupil
12 in the school district. During this time the superintendent of
13 the school district may prepare and submit for consideration by
14 the committee information concerning the circumstances of the
15 expulsion and any factors mitigating for or against
16 reinstatement.

17 (e) Not later than 10 school days after all members are
18 appointed, the committee described in subdivision (d) shall
19 review the petition and any supporting information and informa-
20 tion provided by the school district and shall submit a recommen-
21 dation to the school board on the issue of reinstatement. The
22 recommendation shall be for unconditional reinstatement, for con-
23 ditional reinstatement, or against reinstatement, and shall be
24 accompanied by an explanation of the reasons for the recommenda-
25 tion and of any recommended conditions for reinstatement. The
26 recommendation shall be based on consideration of all of the
27 following factors:

1 (i) The extent to which reinstatement of the individual
2 would create a risk of harm to pupils or school personnel.

3 (ii) The extent to which reinstatement of the individual
4 would create a risk of school district or individual liability
5 for the school board or school district personnel.

6 (iii) The age and maturity of the individual.

7 (iv) The individual's school record before the incident that
8 caused the expulsion.

9 (v) The individual's attitude concerning the incident that
10 caused the expulsion.

11 (vi) The individual's behavior since the expulsion and the
12 prospects for remediation of the individual.

13 (vii) If the petition was filed by a parent or legal guardi-
14 an, the degree of cooperation and support that has been provided
15 by the parent or legal guardian and that can be expected if the
16 individual is reinstated, including, but not limited to, recep-
17 tiveness toward possible conditions placed on the reinstatement.

18 (f) Not later than the next regularly scheduled board meet-
19 ing after receiving the recommendation of the committee under
20 subdivision (e), a school board shall make a decision to uncondi-
21 tionally reinstate the individual, conditionally reinstate the
22 individual, or deny reinstatement of the individual. The deci-
23 sion of the school board is final.

24 (g) A school board may require an individual and, if the
25 petition was filed by a parent or legal guardian, his or her
26 parent or legal guardian to agree in writing to specific
27 conditions before reinstating the individual in a conditional

1 reinstatement. The conditions may include, but are not limited
2 to, agreement to a behavior contract, which may involve the indi-
3 vidual, parent or legal guardian, and an outside agency; partici-
4 pation in or completion of an anger management program or other
5 appropriate counseling; periodic progress reviews; and specified
6 immediate consequences for failure to abide by a condition. A
7 parent or legal guardian or, if the individual is at least age 18
8 or is an emancipated minor, the individual may include proposed
9 conditions in a petition for reinstatement submitted under this
10 subsection.

11 (6) A school board or school administrator that complies
12 with subsection (2) is not liable for damages for expelling a
13 pupil pursuant to subsection (2), and the authorizing body of a
14 public school academy established under part 6a or part 6b is not
15 liable for damages for expulsion of a pupil by the public school
16 academy pursuant to subsection (2).

17 (7) The department shall develop and distribute to all
18 school districts a form for a petition to be used under subsec-
19 tion (5).

20 (8) Subsections (2) to (7) do not diminish the due process
21 rights under federal law of a pupil who has been determined to be
22 eligible for special education programs and services.

23 (9) If a pupil expelled from a public school district pursu-
24 ant to subsection (2) is enrolled by a public school sponsored
25 alternative education program or a public school academy during
26 the period of expulsion, the public school academy or the
27 alternative education program shall immediately become eligible

1 for the prorated share of either the public academy foundation
2 allowance or the expelling school district's foundation allow-
3 ance, whichever is higher.

4 (10) As used in this section:

5 (a) "Arson" means a felony violation of chapter X of the
6 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
7 ~~being sections 750.71 to 750.80 of the Michigan Compiled Laws~~
8 1931 PA 328, MCL 750.71 TO 750.80.

9 (b) "Criminal sexual conduct" means a violation of
10 section 520b, 520c, 520d, 520e, or 520g of ~~Act No. 328 of the~~
11 ~~Public Acts of 1931, being sections 750.520b, 750.520c, 750.520d,~~
12 ~~750.520e, and 750.520g of the Michigan Compiled Laws~~ THE
13 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C,
14 750.520D, 750.520E, AND 750.520G.

15 (c) "Dangerous weapon" means that term as defined in
16 section 1313.

17 (d) "Firearm" means that term as defined in ~~the federal~~
18 ~~gun-free schools act of 1994, Public Law 103-227, 20 U.S.C. 3351-~~
19 SECTION 921 OF TITLE 18 OF THE UNITED STATES CODE, 18
20 U.S.C. 921.

21 (e) "School board" means a school board, intermediate school
22 board, or the board of directors of a public school academy
23 established under part 6a or 6b.

24 (f) "School district" means a school district, a local act
25 school district, an intermediate school district, or a public
26 school academy established under part 6a or 6b.

1 (g) "Weapon free school zone" means that term as defined in
2 section 237a of the Michigan penal code, ~~Act No. 328 of the~~
3 ~~Public Acts of 1931, being section 750.237a of the Michigan~~
4 ~~Compiled Laws~~ 1931 PA 328, MCL 750.237A.

5 Sec. 1321. (1) Subject to the balance of this section, the
6 board of a school district providing transportation for its resi-
7 dent pupils, other than ~~handicapped~~ pupils WITH DISABILITIES
8 transported under article 3 or other pupils who cannot safely
9 walk to school, shall provide transportation for each resident
10 public or nonpublic school pupil if all of the following require-
11 ments are met:

12 (a) The school district provides transportation for the ele-
13 mentary school level, middle or junior high school level, or high
14 school level, as defined by the local school board, in which the
15 pupil is enrolled.

16 (b) The pupil is a person for whom the school district is
17 eligible to receive state school aid for transportation.

18 (c) The pupil is attending either the public or the nearest
19 state approved nonpublic school in the school district to which
20 the pupil is eligible to be admitted.

21 (2) Transportation provided under subsection (1) shall be
22 without charge to the resident pupil, the parent, guardian, or
23 person standing in loco parentis to the pupil.

24 (3) A school district is not required to transport or pay
25 for transportation of a resident pupil living within 1-1/2 miles,
26 by the nearest traveled route, to the public or state approved
27 nonpublic school in which the pupil is enrolled. A school

1 district is not required to transport or pay for the
2 transportation of a resident pupil attending a nonpublic school
3 who lives in an area less than 1-1/2 miles from a public school
4 in which public school pupils are not transported, except that
5 the school district is required to transport or pay for the
6 transportation of the resident pupil from the public school
7 within the area to the nonpublic school the pupil attends.

8 (4) A school district is not required to transport or pay
9 for the transportation of resident pupils to state approved non-
10 public schools located outside the district unless the school
11 district transports some of its resident pupils, other than
12 ~~handicapped~~ pupils WITH DISABILITIES under article 3, to public
13 schools located outside the district, in which case the school
14 district shall transport or pay for the transportation of resi-
15 dent pupils attending a state approved nonpublic school at least
16 to the distance of the public schools located outside the dis-
17 trict to which the district transports resident pupils and in the
18 same general direction.

19 Sec. 1701. The state board shall:

20 (a) Develop, establish, and continually evaluate and modify
21 in cooperation with intermediate school boards, a state plan for
22 special education which shall provide for the delivery of special
23 education programs and services designed to develop the maximum
24 potential of every ~~handicapped~~ person WITH DISABILITIES. The
25 plan shall coordinate all special education programs and
26 services.

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

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

6 Sec. 1701a. For the purposes of ensuring that a
7 ~~handicapped~~ person WITH DISABILITIES enrolled in a public
8 school academy created under part 6a or 6b is provided with spe-
9 cial education programs and services, the public school academy
10 is considered to be a local school district under this article.

11 Sec. 1711. (1) The intermediate school board shall:

12 (a) Develop, establish, and continually evaluate and modify
13 in cooperation with its constituent districts, a plan for special
14 education which shall provide for the delivery of special educa-
15 tion programs and services designed to develop the maximum poten-
16 tial of each ~~handicapped~~ person WITH DISABILITIES of whom the
17 intermediate school board is required to maintain a record under
18 subdivision (f). The plan shall coordinate the special education
19 programs and services operated or contracted for by the constitu-
20 ent districts and shall be submitted to the state board for its
21 approval.

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

1 (c) Employ or engage special education personnel in
2 accordance with the intermediate school district plan, and
3 appoint a director of special education meeting the qualifica-
4 tions and requirements of the rules promulgated by the state
5 board.

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

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

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

25 (g) Have the authority to place in appropriate special edu-
26 cation programs or services a ~~handicapped~~ person WITH
27 DISABILITIES for whom a constituent district is required to

1 provide special education programs or services under section
2 1751.

3 (h) Investigate special education programs and services
4 operated or contracted for by the intermediate school board or
5 constituent district boards and report in writing failures to
6 comply with the provisions of a contract, statute, or rule gov-
7 erning the special education programs and services or with the
8 intermediate school district plan, to the local school district
9 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 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 WITH DISABILITIES provide compe-
24 tence to judge same and who in good faith believes that a person
25 under 26 years of age examined by the professional is or may be
26 ~~handicapped~~ DISABLED, and immediately evaluate the person
27 pursuant to rules promulgated by the state board. A person

1 making or filing this report or a local school district board
2 shall not incur liability to a person by reason of filing the
3 report or seeking the evaluation, unless lack of good faith is
4 proven.

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

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

10 Sec. 1723. The ballot submitting the question of the adop-
11 tion of sections 1722 to 1729 to the school electors of an inter-
12 mediate school district shall be substantially in the following
13 form:

14 "Shall the _____ (legal name of the intermediate school
15 district), state of Michigan, come under sections 1722 to 1729 of
16 the REVISED school code, ~~of 1976,~~ which are designed to encour-
17 age the education of ~~handicapped~~ persons WITH DISABILITIES, if
18 the annual property tax levied for administration is limited to
19 _____ mills?

20

21 Yes ()

22 No ()".

23 Sec. 1724. Subject to section 1724a, an intermediate school
24 board operating under sections 1722 to 1729 may direct that the
25 question of increasing the millage limit on the annual property
26 tax levied for special education be submitted to the school
27 electors of the intermediate school district. The election shall

1 be called and held in the manner provided in sections 661 and
2 662. The ballot shall be substantially in the following form:

3 "Shall the _____ mill limitation on the
4 annual property tax previously approved by the electors of the
5 _____, state of
6 (legal name of the intermediate school district)
7 Michigan, for the education of ~~handicapped~~ persons WITH
8 DISABILITIES be increased by _____ mills?

9

10 Yes ()

11 No ()".

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

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

21 (b) Contract with its intermediate school board, another
22 intermediate school board, another local school district board,
23 an adjacent school district board in a bordering state, the
24 Michigan school for the blind, the Michigan school for the deaf,
25 the department of mental health, the ~~department of social~~
26 ~~services~~ FAMILY INDEPENDENCE AGENCY, or any combination thereof,
27 for delivery of the special education programs or services, or

1 with an agency approved by the state board for delivery of an
2 ancillary professional special education service. The intermedi-
3 ate school district of which the local school district is con-
4 stituent shall be a party to each contract even if the intermedi-
5 ate school district does not participate in the delivery of the
6 program or services.

7 (2) A local school district contract for the provision of a
8 special education program or service shall provide specifically
9 for:

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

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

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

19 (d) Other matters which the parties deem appropriate.

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

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

1 (5) This section shall be construed to allow operation of
2 programs by departments of state government without local school
3 district contribution.

4 Sec. 1756. The board of a local school district shall pro-
5 vide by contract or agreement for the transportation of a
6 ~~handicapped~~ person WITH DISABILITIES who would otherwise be
7 unable to participate in an appropriate special education program
8 or service operated or contracted for by the local school dis-
9 trict under section 1751, except for a ~~handicapped~~ person WITH
10 DISABILITIES in residence at facilities operated by the depart-
11 ment of mental health or the ~~department of social services~~
12 FAMILY INDEPENDENCE AGENCY. The board of a school district may
13 provide for weekend transportation of a ~~handicapped~~ person WITH
14 DISABILITIES in residence at the Michigan school for the blind
15 and the Michigan school for the deaf.

16 Sec. 1757. The board of a local school district shall pro-
17 vide by contract or otherwise for the room and board of a
18 ~~handicapped~~ person WITH DISABILITIES who would otherwise be
19 unable to participate in an appropriate special education program
20 or service operated or contracted for by the local school dis-
21 trict board pursuant to section 1751, except those operated by
22 the Michigan school for the blind, the Michigan school for the
23 deaf, the department of mental health, or the ~~department of~~
24 ~~social services~~ FAMILY INDEPENDENCE AGENCY.

25 Sec. 1761. The board of a local school district shall not
26 solicit nor seek reimbursement from a ~~handicapped~~ person WITH
27 DISABILITIES or person otherwise liable for the care of the

1 ~~handicapped~~ person WITH DISABILITIES for cost of a special
2 education program or service attributable to the expense for room
3 and board. The board of a local school district shall have the
4 right to reimbursement for room and board in an amount which may
5 be paid reasonably by the person in accordance with rules promul-
6 gated by the state board.