

HOUSE BILL No. 4089

January 28, 1997, Introduced by Rep. McBryde and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1147a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1147A. (1) IF THE BOARD OF A SCHOOL DISTRICT RECEIVES
2 A REQUEST FOR THE BOARD'S APPROVAL FOR A RESIDENT PUPIL TO ATTEND
3 AND BE COUNTED IN MEMBERSHIP IN ANOTHER SCHOOL DISTRICT, THE
4 BOARD, IN MAKING ITS DECISION ON THE REQUEST, SHALL CONSIDER THE
5 WELFARE OF THE PUPIL, INCLUDING BUT NOT LIMITED TO, THE LENGTH OF
6 THE PUPIL'S COMMUTE TO AND FROM SCHOOL ON A SCHOOL BUS OR
7 OTHERWISE. IF A BOARD DENIES A REQUEST DESCRIBED IN THIS SUBSEC-
8 TION, THE PUPIL OR THE PUPIL'S PARENT OR LEGAL GUARDIAN MAY
9 APPEAL THE DENIAL TO THE INTERMEDIATE SCHOOL BOARD, OR JOINT
10 INTERMEDIATE SCHOOL BOARD UNDER SUBSECTION (4), WITHIN 10 DAYS
11 AFTER THE DENIAL.

1 (2) IF AN INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE
2 SCHOOL BOARD RECEIVES AN APPEAL FROM A DENIAL UNDER SUBSECTION
3 (1), THE INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL
4 BOARD MAY UPHOLD OR OVERTURN THE DENIAL. IN MAKING ITS DECISION,
5 THE INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL BOARD
6 SHALL CONSIDER THE WELFARE OF THE PUPIL, INCLUDING, BUT NOT
7 LIMITED TO, THE LENGTH OF THE PUPIL'S COMMUTE TO AND FROM SCHOOL
8 ON A SCHOOL BUS OR OTHERWISE. IF THE INTERMEDIATE SCHOOL BOARD
9 OR JOINT INTERMEDIATE SCHOOL BOARD OVERTURNS THE DENIAL, THE NON-
10 RESIDENT SCHOOL DISTRICT SHALL BE CONSIDERED TO HAVE THE APPROVAL
11 OF THE BOARD OF THE RESIDENT SCHOOL DISTRICT TO ENROLL AND COUNT
12 THE PUPIL IN MEMBERSHIP. IF THE INTERMEDIATE SCHOOL BOARD OR
13 JOINT INTERMEDIATE SCHOOL BOARD DENIES THE APPEAL, THE PUPIL OR
14 THE PUPIL'S PARENT OR LEGAL GUARDIAN MAY APPEAL THE DENIAL TO THE
15 STATE BOARD WITHIN 10 DAYS AFTER THE DENIAL. IF THE INTERMEDIATE
16 SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL BOARD DOES NOT CONSIDER
17 THE APPEAL WITHIN 30 DAYS AFTER RECEIVING THE APPEAL, THE APPEAL
18 MAY BE MADE TO THE STATE BOARD WITHIN 10 DAYS AFTER THE EXPIRA-
19 TION OF THAT 30-DAY PERIOD.

20 (3) IF THE STATE BOARD RECEIVES AN APPEAL FROM A DENIAL
21 UNDER SUBSECTION (2), OR FROM INACTION OF THE INTERMEDIATE SCHOOL
22 BOARD OR JOINT INTERMEDIATE SCHOOL BOARD, THE STATE BOARD MAY
23 UPHOLD OR OVERTURN THE DENIAL. IN MAKING ITS DECISION, THE STATE
24 BOARD SHALL CONSIDER THE WELFARE OF THE PUPIL, INCLUDING, BUT NOT
25 LIMITED TO, THE LENGTH OF THE PUPIL'S COMMUTE TO AND FROM SCHOOL
26 ON A SCHOOL BUS OR OTHERWISE. IF THE STATE BOARD OVERTURNS THE
27 DENIAL, THE NONRESIDENT SCHOOL DISTRICT SHALL BE CONSIDERED TO

1 HAVE THE APPROVAL OF THE BOARD OF THE RESIDENT SCHOOL DISTRICT TO
2 ENROLL AND COUNT THE PUPIL IN MEMBERSHIP. THE DECISION OF THE
3 STATE BOARD ON AN APPEAL IS FINAL.

4 (4) IF THE SCHOOL DISTRICT IN WHICH THE PUPIL RESIDES AND
5 THE SCHOOL DISTRICT THE PUPIL SEEKS TO ATTEND ARE IN DIFFERENT
6 INTERMEDIATE SCHOOL DISTRICTS, THE INTERMEDIATE SCHOOL BOARDS OF
7 BOTH INTERMEDIATE SCHOOL DISTRICTS SHALL MEET JOINTLY AS A SINGLE
8 JOINT INTERMEDIATE SCHOOL BOARD TO ACT UPON AN APPEAL UNDER SUB-
9 SECTION (2). THE APPEAL MAY BE FILED WITH EITHER OF THE INTERME-
10 DIATE SCHOOL BOARDS. THE 2 INTERMEDIATE SUPERINTENDENTS SHALL
11 CALL THE JOINT MEETING. ACTION ON THE APPEAL SHALL BE TAKEN ONLY
12 AT A MEETING ATTENDED BY AT LEAST A QUORUM OF EACH OF THE INTER-
13 MEDIATE SCHOOL BOARDS. THE INTERMEDIATE SCHOOL BOARDS MEETING
14 JOINTLY SHALL ELECT 1 OF THEIR MEMBERS TO ACT AS CHAIRPERSON AND
15 ANOTHER TO ACT AS SECRETARY AT THE JOINT MEETING.