



# HOUSE BILL No. 5231

October 10, 1995, Introduced by Reps. Bryant and Dalman and referred to the Committee on Education.

A bill to amend the title and sections 1, 3, 5, 6, 11, 501, 502, 503, 511, 512, 513, 627, 687, 690, 851, 941, 1131, 1147, 1148, 1175, 1177, 1217a, 1236, 1272a, 1277, 1278, 1279, 1279c, 1284, 1507, 1525, 1526, 1531, 1532, 1561, and 1602 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

sections 5, 501, 502, 503, and 627 as amended and sections 511, 512, and 513 as added by Act No. 416 of the Public Acts of 1994, section 6 as amended by Act No. 159 of the Public Acts of 1989, section 690 as amended by Act No. 5 of the Public Acts of 1985, section 941 as added by Act No. 154 of the Public Acts of 1984, section 1175 as amended by Act No. 389 of the Public Acts of 1984, section 1217a as added by Act No. 257 of the Public Acts of 1988, section 1236 as amended by Act No. 72 of the Public Acts of 1986, sections 1272a, 1278, 1284, 1507, and 1531 as amended and

sections 1279, 1279c, 1525, and 1526 as added by Act No. 335 of the Public Acts of 1993, section 1277 as amended by Act No. 339 of the Public Acts of 1993, and section 1532 as amended by Act No. 503 of the Public Acts of 1988, being sections 380.1, 380.3, 380.5, 380.6, 380.11, 380.501, 380.502, 380.503, 380.511, 380.512, 380.513, 380.627, 380.687, 380.690, 380.851, 380.941, 380.1131, 380.1147, 380.1148, 380.1175, 380.1177, 380.1217a, 380.1236, 380.1272a, 380.1277, 380.1278, 380.1279, 380.1279c, 380.1284, 380.1507, 380.1525, 380.1526, 380.1531, 380.1532, 380.1561, and 380.1602 of the Michigan Compiled Laws; to add sections 11a, 11b, 401a, 503a, 513a, 601a, 1147a, 1228, 1250, 1527, and 1621a; and to repeal acts and parts of acts.

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

1 Section 1. The title and sections 1, 3, 5, 6, 11, 501, 502,  
 2 503, 511, 512, 513, 627, 687, 690, 851, 941, 1131, 1147, 1148,  
 3 1175, 1177, 1217a, 1236, 1272a, 1277, 1278, 1279, 1279c, 1284,  
 4 1507, 1525, 1526, 1531, 1532, 1561, and 1602 of Act No. 451 of  
 5 the Public Acts of 1976, sections 5, 501, 502, 503, and 627 as  
 6 amended and sections 511, 512, and 513 as added by Act No. 416 of  
 7 the Public Acts of 1994, section 6 as amended by Act No. 159 of  
 8 the Public Acts of 1989, section 690 as amended by Act No. 5 of  
 9 the Public Acts of 1985, section 941 as added by Act No. 154 of  
 10 the Public Acts of 1984, section 1175 as amended by Act No. 389  
 11 of the Public Acts of 1984, section 1217a as added by Act No. 257  
 12 of the Public Acts of 1988, section 1236 as amended by Act No. 72  
 13 of the Public Acts of 1986, sections 1272a, 1278, 1284, 1507, and  
 14 1531 as amended and sections 1279, 1279c, 1525, and 1526 as added

1 by Act No. 335 of the Public Acts of 1993, section 1277 as  
 2 amended by Act No. 339 of the Public Acts of 1993, and  
 3 section 1532 as amended by Act No. 503 of the Public Acts of  
 4 1988, being sections 380.1, 380.3, 380.5, 380.6, 380.11, 380.501,  
 5 380.502, 380.503, 380.511, 380.512, 380.513, 380.627, 380.687,  
 6 380.690, 380.851, 380.941, 380.1131, 380.1147, 380.1148,  
 7 380.1175, 380.1177, 380.1217a, 380.1236, 380.1272a, 380.1277,  
 8 380.1278, 380.1279, 380.1279c, 380.1284, 380.1507, 380.1525,  
 9 380.1526, 380.1531, 380.1532, 380.1561, and 380.1602 of the  
 10 Michigan Compiled Laws, are amended and sections 11a, 11b, 401a,  
 11 503a, 513a, 601a, 1147a, 1228, 1250, 1527, and 1621a are added to  
 12 read as follows:

13 TITLE

14 An act to provide a system of public instruction and elemen-  
 15 tary and secondary schools; to revise, consolidate, and  
 16 ~~classify~~ CLARIFY the laws relating to elementary and secondary  
 17 education; to provide for the ~~classification,~~ organization,  
 18 regulation, and maintenance of schools, school districts, and  
 19 intermediate school districts; ~~to prescribe rights, powers,~~  
 20 ~~duties, and privileges of schools, school districts, and interme-~~  
 21 ~~diate school districts;~~ to provide for the regulation of school  
 22 teachers and CERTAIN OTHER school ~~administrators~~ EMPLOYEES; ~~to~~  
 23 ~~provide for school elections and to prescribe powers and duties~~  
 24 ~~with respect thereto;~~ to provide for the levy and collection of  
 25 taxes; to provide for the borrowing of money and issuance of  
 26 bonds and other evidences of indebtedness; ~~to establish a fund~~  
 27 ~~and provide for expenditures from that fund;~~ to provide for and

1 prescribe the powers and duties of certain state departments, the  
2 state board of education, and certain other boards and officials;  
3 ~~to provide for licensure of boarding schools,~~ to prescribe pen-  
4 alties; and to repeal ~~certain~~ acts and parts of acts.

5       Sec. 1. This act shall be known and may be cited as "the  
6 REVISED school code". ~~of 1976".~~

7       Sec. 3. (1) "Area" as used in the phrase "area  
8 vocational-technical education program" means the geographical  
9 territory, both within and without the boundaries of either a K  
10 to 12 school district or a community college district, ~~which~~  
11 THAT is designated by the state board as the service area for the  
12 operation of an area vocational-technical education program.

13       (2) "Area vocational-technical education program" means a  
14 program of organized, systematic instruction designed to prepare  
15 the following persons for useful employment in recognized  
16 occupations:

17       (a) Persons enrolled in high school.

18       (b) Persons who have completed or left high school and who  
19 are available for full-time study in preparation for entering the  
20 labor market.

21       (c) Persons who have entered the labor market and who need  
22 training or retraining to achieve stability or advancement in  
23 employment.

24       (3) "Board" or "school board" means the governing body of a  
25 local school district ~~or a local act school district~~ unless  
26 clearly otherwise stated.

1 ~~(4) "Boarding school" means a place accepting for board,~~  
2 ~~care, and instruction 5 or more children under 16 years of age.~~

3 (4) ~~(5)~~ "Constituent district" means a local school dis-  
4 trict ~~or special act school district~~ the territory of which is  
5 entirely within and is an integral part of an intermediate school  
6 district.

7 ~~(6) "District meeting" means an annual or special meeting~~  
8 ~~of school electors of a primary school district or of a fourth~~  
9 ~~class district under section 112.~~

10 Sec. 5. (1) "Local act school district" or "special act  
11 school district" means a district FORMERLY governed by a special  
12 or local act or chapter of a local act. "Local school district"  
13 and "local school district board" as used in article 3 include  
14 local act school district and a local act school district board.

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

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

23 (3) ~~(4)~~ "Nonpublic school" means a private, denomination-  
24 al, or parochial school.

25 (4) ~~(5)~~ "Outcomes" means measurable pupil academic skills  
26 and knowledge.

1           (5) ~~(6)~~ "Public school" means a public elementary or  
2 secondary school operated by a school district, local act school  
3 district, special act school district, intermediate school dis-  
4 trict, public school academy corporation, or by the department or  
5 state board. Public school also includes a laboratory school or  
6 other elementary or secondary school that is controlled and oper-  
7 ated by a state public university described in section 4, 5, or 6  
8 of article VIII of the state constitution of 1963.

9           (6) ~~(7)~~ "Pupil membership count day" of a school district  
10 means that term as defined in section 6 of the state school aid  
11 act of 1979, being section 388.1606 of the Michigan Compiled  
12 Laws.

13           ~~(8) "Pupil transportation vehicle" means any vehicle other~~  
14 ~~than a school bus used by a school district to transport pupils~~  
15 ~~to or from school or school related events.~~

16           ~~(9) "Rehabilitated school bus" means a bus that is at least~~  
17 ~~4 years old and has accumulated at least 100,000 miles, or is at~~  
18 ~~least 7 years old; and that has been thoroughly inspected and had~~  
19 ~~all systems repaired, replaced, or adjusted to meet the depart-~~  
20 ~~ment of state police inspection requirements including but not~~  
21 ~~limited to any of the following:~~

- 22           ~~(a) Engine overhaul of short block.~~  
23           ~~(b) New tires on the front axle.~~  
24           ~~(c) New recap tires on the rear axle.~~  
25           ~~(d) New brake linings and drums.~~  
26           ~~(e) New hydraulic brake lines.~~

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

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

3 ~~(h) New exhaust system.~~

4 (7) ~~(+0)~~ "Reorganized intermediate school district" means  
5 an intermediate school district formed by consolidation or annex-  
6 ation of 2 or more intermediate school districts under sections  
7 701 and 702.

8 (8) ~~(+1)~~ "Rule" means a rule promulgated pursuant to the  
9 administrative procedures act of 1969, Act No. 306 of the Public  
10 Acts of 1969, ~~as amended,~~ being sections 24.201 to 24.328 of  
11 the Michigan Compiled Laws, or a rule or regulation prescribed by  
12 the state board under section 15 of Act No. 287 of the Public  
13 Acts of 1964, being section 388.1015 of the Michigan Compiled  
14 Laws.

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

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

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

4       (1) ~~(2)~~ "School district" or "local school district" means  
5 ~~—~~ A GENERAL POWERS SCHOOL DISTRICT ORGANIZED UNDER THIS ACT,  
6 REGARDLESS OF PREVIOUS CLASSIFICATION, OR A SCHOOL DISTRICT OF  
7 THE FIRST CLASS.

8       ~~(a) A primary school district.~~

9       ~~(b) A school district of the fourth class.~~

10       ~~(c) A school district of the third class.~~

11       ~~(d) A school district of the second class.~~

12       ~~(e) A school district of the first class.~~

13       (2) ~~(3)~~ "School elector" means a person qualified as an  
14 elector under section 492 of the Michigan election law, Act  
15 No. 116 of the Public Acts of 1954, ~~as amended,~~ being section  
16 168.492 of the Michigan Compiled Laws, and resident of the school  
17 district, local act school district, or intermediate school dis-  
18 trict on or before the thirtieth day before the next ensuing  
19 annual or special school election.

20       (3) ~~(4)~~ "School month" means a 4-week period of 5 days  
21 each unless otherwise specified in the teacher's contract.

22       (4) ~~(5)~~ "Special education building and equipment" means a  
23 structure or portion of a structure or personal property accept-  
24 ed, leased, purchased, or otherwise acquired, prepared, or used  
25 for special education programs and services.

26       (5) ~~(6)~~ "Special education personnel" means persons  
27 engaged in and having professional responsibility for the



1 training, care, and education of handicapped persons in special  
2 education programs and services including, but not limited to,  
3 teachers, aides, social workers, diagnostic personnel, physical  
4 therapists, occupational therapists, audiologists, teachers of  
5 speech and language, instructional media-curriculum specialists,  
6 mobility specialists, teacher consultants, supervisors, and  
7 directors.

8       (6) ~~(7)~~ "Special education programs and services" means  
9 educational and training services designed for handicappers and  
10 operated by local school districts, local act school districts,  
11 intermediate school districts, the Michigan school for the blind,  
12 the Michigan school for the deaf, the department of mental  
13 health, the department of social services, or a combination  
14 thereof, and ancillary professional services for handicappers  
15 rendered by agencies approved by the state board. The programs  
16 shall include vocational training, but need not include academic  
17 programs of college or university level.

18       (7) ~~(8)~~ "State approved nonpublic school" means a nonpub-  
19 lic school that complies with Act No. 302 of the Public Acts of  
20 1921, ~~as amended,~~ being sections 388.551 to 388.558 of the  
21 Michigan Compiled Laws.

22       (8) ~~(9)~~ "State board" means the state board of education  
23 unless clearly otherwise stated.

24       (9) ~~(10)~~ "Department" means the department of education  
25 created and operating under sections 300 to 305 of the executive  
26 organization act of 1965, Act No. 380 of the Public Acts of 1965,  
27 being sections 16.400 to 16.405 of the Michigan Compiled Laws.

1       (10) ~~(11)~~ "State school aid" means allotments from the  
2 general appropriating act for the purpose of aiding in the sup-  
3 port of the public schools of the state.

4       (11) ~~(12)~~ "The state school aid act of 1979" means Act  
5 No. 94 of the Public Acts of 1979, being sections 388.1601 to  
6 388.1772 of the Michigan Compiled Laws.

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

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

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

17       Sec. 11. Each school district, except a ~~district governed~~  
18 ~~by a local act or chapter of a local act~~ SCHOOL DISTRICT OF THE  
19 FIRST CLASS, shall be organized and conducted as ~~—~~ A GENERAL  
20 POWERS SCHOOL DISTRICT REGARDLESS OF PREVIOUS CLASSIFICATION.

21       ~~(a) A primary school district.~~

22       ~~(b) A school district of the fourth class.~~

23       ~~(c) A school district of the third class.~~

24       ~~(d) A school district of the second class.~~

25       ~~(e) A school district of the first class.~~

26       SEC. 11A. (1) AS OF THE EFFECTIVE DATE OF THIS SECTION,  
27 EACH SCHOOL DISTRICT FORMERLY ORGANIZED AS A PRIMARY SCHOOL

1 DISTRICT OR AS A SCHOOL DISTRICT OF THE FOURTH CLASS, THIRD  
2 CLASS, OR SECOND CLASS AND EACH LOCAL ACT OR SPECIAL ACT SCHOOL  
3 DISTRICT SHALL BE CONSIDERED TO BE A GENERAL POWERS SCHOOL DIS-  
4 TRICT UNDER THIS SECTION.

5 (2) A GENERAL POWERS SCHOOL DISTRICT AND THE BOARD OF A GEN-  
6 ERAL POWERS SCHOOL DISTRICT, UNLESS PROHIBITED BY LAW, HAVE ALL  
7 OF THE POWERS NECESSARY TO PERFORM ALL OF THE FUNCTIONS OF THE  
8 SCHOOL DISTRICT, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOL-  
9 LOWING FUNCTIONS:

10 (A) EDUCATING PUPILS AND PROVIDING FOR THE SAFETY AND WEL-  
11 FARE OF PUPILS WHILE AT SCHOOL OR A SCHOOL SPONSORED ACTIVITY OR  
12 WHILE EN ROUTE USING SCHOOL DISTRICT TRANSPORTATION TO OR FROM  
13 SCHOOL OR A SCHOOL SPONSORED ACTIVITY.

14 (B) ACQUIRING, CONSTRUCTING, MAINTAINING, REPAIRING, OR REN-  
15 OVATING SCHOOL PROPERTY, FACILITIES, EQUIPMENT, TECHNOLOGY, OR  
16 FURNISHINGS.

17 (C) HIRING, CONTRACTING FOR, SCHEDULING, SUPERVISING, OR  
18 TERMINATING PERSONNEL TO CARRY OUT SCHOOL DISTRICT AND BOARD  
19 POWERS.

20 (D) EXPENDING, ACCOUNTING FOR, OR INVESTING SCHOOL DISTRICT  
21 MONEY, AND QUALIFYING FOR STATE SCHOOL AID.

22 (3) A GENERAL POWERS SCHOOL DISTRICT AND THE BOARD OF A GEN-  
23 ERAL POWERS SCHOOL DISTRICT HAVE THE DUTIES PRESCRIBED BY LAW ON  
24 AND AFTER THE EFFECTIVE DATE OF THIS SECTION.

25 (4) THE BOARD OF A GENERAL POWERS SCHOOL DISTRICT MAY ADOPT  
26 BYLAWS CONCERNING THE STRUCTURE OF THE BOARD. THESE BYLAWS MAY  
27 ESTABLISH OR CHANGE BOARD PROCEDURES, THE NUMBER OF BOARD

1 MEMBERS, TERMS OF OFFICE OF BOARD MEMBERS, THE NUMBER OF BOARD  
2 OFFICERS, TITLES AND DUTIES OF BOARD OFFICERS, AND ANY OTHER  
3 MATTER RELATED TO EFFECTIVE AND EFFICIENT FUNCTIONING OF THE  
4 BOARD.

5 SEC. 11B. NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE  
6 OF THIS SECTION, THE STATE BOARD SHALL PREPARE AND SUBMIT TO THE  
7 COMMITTEES OF THE LEGISLATURE WITH RESPONSIBILITY FOR EDUCATION  
8 LEGISLATION A REPORT THAT DOES ALL OF THE FOLLOWING:

9 (A) DETAILS THE MANDATES IMPOSED ON SCHOOL DISTRICTS, INTER-  
10 MEDIATE SCHOOL DISTRICTS, AND PUBLIC SCHOOL ACADEMIES, AND ON  
11 THEIR BOARDS, BY THIS ACT, THE STATE SCHOOL AID ACT OF 1979,  
12 OTHER STATE STATUTE, OR RULE.

13 (B) MAKES RECOMMENDATIONS ON MANDATES THAT SHOULD BE  
14 ELIMINATED.

15 (C) MAKES RECOMMENDATIONS ON MANDATES APPLYING TO SCHOOL  
16 DISTRICTS OR INTERMEDIATE SCHOOL DISTRICTS OR THEIR BOARDS THAT  
17 SHOULD BE MADE SUBJECT TO WAIVER BY THE STATE BOARD OR SUPERIN-  
18 TENDENT OF PUBLIC INSTRUCTION AND ON REQUIREMENTS FOR OBTAINING  
19 SUCH A WAIVER.

20 (D) MAKES RECOMMENDATIONS ON MANDATES APPLYING TO PUBLIC  
21 SCHOOL ACADEMIES OR THEIR BOARDS THAT SHOULD BE MADE SUBJECT TO  
22 WAIVER BY THE AUTHORIZING BODY AND ON REQUIREMENTS FOR OBTAINING  
23 SUCH A WAIVER.

24 SEC. 401A. (1) A FIRST CLASS SCHOOL DISTRICT AND THE BOARD  
25 OF A FIRST CLASS SCHOOL DISTRICT, UNLESS PROHIBITED BY LAW, HAVE  
26 ALL OF THE POWERS OF A GENERAL POWERS SCHOOL DISTRICT AND OF THE  
27 BOARD OF A GENERAL POWERS SCHOOL DISTRICT, RESPECTIVELY, AND HAVE

1 ALL ADDITIONAL POWERS GRANTED BY LAW TO A FIRST CLASS SCHOOL  
2 DISTRICT AND THE BOARD OF A FIRST CLASS SCHOOL DISTRICT.

3 (2) A FIRST CLASS SCHOOL DISTRICT AND THE BOARD OF A FIRST  
4 CLASS SCHOOL DISTRICT HAVE THE DUTIES PRESCRIBED BY LAW ON AND  
5 AFTER THE EFFECTIVE DATE OF THIS SECTION.

6 Sec. 501. (1) A public school academy is a public school  
7 under section 2 of article VIII of the state constitution of  
8 1963, is a school district for the purposes of section 11 of  
9 article IX of the state constitution of 1963, and is subject to  
10 the leadership and general supervision of the state board over  
11 all public education under section 3 of article VIII of the state  
12 constitution of 1963. A public school academy is a body corpo-  
13 rate and is a governmental agency. The powers granted to a  
14 public school academy under this part constitute the performance  
15 of essential public purposes and governmental functions of this  
16 state.

17 (2) As used in this part:

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

20 (i) The board of a school district THAT OPERATES GRADES  
21 K-12.

22 (ii) An intermediate school board.

23 (iii) The board of a community college.

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

25 (b) "Certificated teacher" means an individual who holds a  
26 valid teaching certificate issued by the state board under  
27 section 1531.

1 (c) "Community college" means a community college organized  
2 under the community college act of 1966, Act No. 331 of the  
3 Public Acts of 1966, being sections 389.1 to 389.195 of the  
4 Michigan Compiled Laws, or a federal tribally controlled commu-  
5 nity college that is recognized under the tribally controlled  
6 community college assistance act of 1978, Public Law 95-471, 92  
7 Stat. 1325, and is determined by the department to meet the  
8 requirements for accreditation by a recognized regional accredit-  
9 ing body.

10 (d) "Contract" means the executive act taken by an authoriz-  
11 ing body that evidences the authorization of a public school  
12 academy and that establishes, subject to the constitutional  
13 powers of the state board and applicable law, the written instru-  
14 ment executed by an authorizing body conferring certain rights,  
15 franchises, privileges, and obligations on a public school acade-  
16 my, as provided by this part, and confirming the status of a  
17 public school academy as a public school in this state.

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

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

24 Sec. 502. (1) A public school academy shall be organized  
25 and administered under the direction of a board of directors in  
26 accordance with this part and with bylaws adopted by the board of  
27 directors. A public school academy corporation shall be

1 organized under the nonprofit corporation act, Act No. 162 of the  
2 Public Acts of 1982, being sections 450.2101 to 450.3192 of the  
3 Michigan Compiled Laws, except that a public school academy cor-  
4 poration is not required to comply with sections 170 to 177 of  
5 Act No. 327 of the Public Acts of 1931, being sections 450.170 to  
6 450.177 of the Michigan Compiled Laws. To the extent disquali-  
7 fied under the state or federal constitution, a public school  
8 academy shall not be organized by a church or other religious  
9 organization and shall not have any organizational or contractual  
10 affiliation with or constitute a church or other religious  
11 organization.

12 (2) Any of the following may act as an authorizing body to  
13 issue a contract to organize and operate 1 or more public school  
14 academies under this part:

15 (a) The board of a school district THAT OPERATES GRADES  
16 K-12. However, the board of a school district shall not issue a  
17 contract for a public school academy to operate outside the  
18 school district's boundaries, and a public school academy autho-  
19 rized by the board of a school district shall not operate outside  
20 that school district's boundaries.

21 (b) An intermediate school board. However, the board of an  
22 intermediate school district shall not issue a contract for a  
23 public school academy to operate outside the intermediate school  
24 district's boundaries, and a public school academy authorized by  
25 the board of an intermediate school district shall not operate  
26 outside that intermediate school district's boundaries.

1 (c) The board of a community college. However, except as  
2 otherwise provided in this subdivision, ~~the board of a community~~  
3 ~~college shall not issue a contract for more than 1 public school~~  
4 ~~academy;~~ the board of a community college shall not issue a con-  
5 tract for a public school academy to operate in a school district  
6 organized as a school district of the first class, ~~and~~ a public  
7 school academy authorized by the board of a community college  
8 shall not operate in a school district organized as a school dis-  
9 trict of the first class, ~~and~~ the board of a community col-  
10 lege shall not issue a contract for a public school academy to  
11 operate outside the boundaries of the community college district,  
12 and a public school academy authorized by the board of a commu-  
13 nity college shall not operate outside the boundaries of the com-  
14 munity college district. ~~In addition to the power under this~~  
15 ~~subdivision to issue a contract for 1 public school academy to~~  
16 ~~operate within the boundaries of the community college district,~~  
17 ~~the~~ THE board of a community college also may issue a contract  
18 for not more than 1 public school academy to operate on the  
19 grounds of an active or closed federal military installation  
20 located outside the boundaries of the community college district,  
21 or may operate a public school academy itself on the grounds of  
22 such a federal military installation, if the federal military  
23 installation is not located within the boundaries of any commu-  
24 nity college district and the community college has previously  
25 offered courses on the grounds of the federal military installa-  
26 tion for at least 10 years.



1 (d) The governing board of a state public university.

2 (3) To obtain a contract to organize and operate 1 or more  
3 public school academies, 1 or more persons or an entity may apply  
4 to an authorizing body described in subsection (2). The applica-  
5 tion shall include at least all of the following:

6 (a) Identification of the applicant for the contract.

7 (b) Subject to the resolution adopted by the authorizing  
8 body under section 503(4), a list of the proposed members of the  
9 board of directors of the public school academy and a description  
10 of the qualifications and method for appointment or election of  
11 members of the board of directors.

12 (c) The proposed articles of incorporation, which shall  
13 include at least all of the following:

14 (i) The name of the proposed public school academy.

15 (ii) The purposes for the public school academy  
16 corporation. This language shall provide that the public school  
17 academy is incorporated pursuant to this part and that the public  
18 school academy corporation is a governmental entity.

19 (iii) The name of the authorizing body.

20 (iv) The proposed time when the articles of incorporation  
21 will be effective.

22 (v) Other matters considered expedient to be in the articles  
23 of incorporation.

24 (d) A copy of the proposed bylaws of the public school  
25 academy.

26 (e) Documentation meeting the application requirements of  
27 the authorizing body, including at least all of the following:

1 (i) The governance structure of the public school academy.

2 (ii) A copy of the educational goals of the public school  
3 academy and the curricula to be offered and methods of pupil  
4 assessment to be used by the public school academy. To the  
5 extent applicable, the progress of the pupils in the public  
6 school academy shall be assessed using at least a Michigan educa-  
7 tion assessment program (MEAP) test or an assessment instrument  
8 developed under section 1279 for a state-endorsed high school  
9 diploma. ~~, or 1 or more of the following nationally normed~~  
10 ~~tests: the California achievement test, the Stanford achievement~~  
11 ~~test, the Iowa test of basic skills, or the metropolitan achieve-~~  
12 ~~ment test.~~

13 (iii) The admission policy and criteria to be maintained by  
14 the public school academy. The admission policy and criteria  
15 shall comply with section 504.

16 (iv) The school calendar and school day schedule.

17 (v) The age or grade range of pupils to be enrolled.

18 (f) Descriptions of staff responsibilities and of the public  
19 school academy's governance structure.

20 (g) For an application to the board of a school district, an  
21 intermediate school board, or board of a community college, iden-  
22 tification of the local and intermediate school districts in  
23 which the public school academy will be located.

24 (h) An agreement that the public school academy will comply  
25 with the provisions of this part and, subject to the provisions  
26 of this part, with all other state law applicable to public

1 bodies and with federal law applicable to public bodies or school  
2 districts.

3 (i) For a public school academy authorized by a school dis-  
4 trict, an assurance that employees of the public school academy  
5 will be covered by the collective bargaining agreements that  
6 apply to other employees of the school district employed in simi-  
7 lar classifications in schools that are not public school  
8 academies.

9 (j) A description of and address for the proposed physical  
10 plant in which the public school academy will be located.

11 (4) A public school academy shall be presumed to be legally  
12 organized if it has exercised the franchises and privileges of a  
13 public school academy for at least 2 years.

14 Sec. 503. (1) An authorizing body is not required to issue  
15 a contract to any person or entity. Public school academy con-  
16 tracts shall be issued on a competitive basis taking into consid-  
17 eration the resources available for the proposed public school  
18 academy, the population to be served by the proposed public  
19 school academy, and the educational goals to be achieved by the  
20 proposed public school academy.

21 (2) If a person or entity applies to the board of a school  
22 district for a contract to organize and operate 1 or more public  
23 school academies within the boundaries of the school district and  
24 the board does not issue the contract, the person or entity may  
25 petition the board to place the question of issuing the contract  
26 on the ballot to be decided by the school electors of the school  
27 district. The petition shall contain all of the information

1 required to be in the contract application under section 502(3)  
2 and shall be signed by a number of school electors of the school  
3 district equal to at least 15% of the total number of school  
4 electors of that school district. The petition shall be filed  
5 with the secretary of the board. If the board receives a peti-  
6 tion meeting the requirements of this subsection, the board shall  
7 place the question of issuing the contract on the ballot at its  
8 next annual school election held at least 60 days after receiving  
9 the petition. If a majority of the school electors of the school  
10 district voting on the question vote to issue the contract, the  
11 board shall issue the contract.

12 (3) Within 10 days after issuing a contract for a public  
13 school academy, the board of the authorizing body shall submit to  
14 the state board a copy of the contract and of the application  
15 under section 502.

16 (4) An authorizing body shall adopt a resolution establish-  
17 ing the method of selection, length of term, and number of mem-  
18 bers of the board of directors of each public school academy  
19 subject to its jurisdiction.

20 (5) A contract issued to organize and administer a public  
21 school academy shall contain at least all of the following:

22 (a) The educational goals the public school academy is to  
23 achieve and the methods by which it will be held accountable.

24 ~~The~~ TO THE EXTENT APPLICABLE, THE pupil outcomes of a public  
25 school academy shall be assessed using AT LEAST a Michigan educa-  
26 tion assessment program (MEAP) test or an assessment instrument  
27 developed under section 1279 for a state-endorsed high school

1 diploma. ~~, or 1 or more of the following nationally normed~~  
2 ~~tests: the California achievement test, the Stanford achievement~~  
3 ~~test, the Iowa test of basic skills, or the metropolitan achieve-~~  
4 ~~ment test.~~

5 (b) A description of the method to be used to monitor the  
6 public school academy's compliance with applicable law and its  
7 performance in meeting its targeted educational outcomes.

8 (c) A description of the process for amending the contract  
9 during the term of the contract.

10 (d) All of the matters set forth in the application for the  
11 contract.

12 (e) For a public school academy authorized by a school dis-  
13 trict, an agreement that employees of the public school academy  
14 will be covered by the collective bargaining agreements that  
15 apply to employees of the school district employed in similar  
16 classifications in schools that are not public school academies.

17 (f) Procedures for revoking the contract and grounds for  
18 revoking the contract, including at least the grounds listed in  
19 section 507.

20 (g) A description of and address for the proposed physical  
21 plant in which the public school academy will be located.

22 (6) A public school academy shall comply with all applicable  
23 law, including all of the following:

24 (a) The open meetings act, Act No. 267 of the Public Acts of  
25 1976, being sections 15.261 to 15.275 of the Michigan Compiled  
26 Laws.

1 (b) The freedom of information act, Act No. 442 of the  
2 Public Acts of 1976, being sections 15.231 to 15.246 of the  
3 Michigan Compiled Laws.

4 (c) Act No. 336 of the Public Acts of 1947, being  
5 sections 423.201 to 423.217 of the Michigan Compiled Laws.

6 (d) Act No. 166 of the Public Acts of 1965, being  
7 sections 408.551 to 408.558 of the Michigan Compiled Laws.

8 (e) Sections 1267 and 1274.

9 (7) A public school academy and its incorporators, board  
10 members, officers, employees, and volunteers have governmental  
11 immunity as provided in section 7 of Act No. 170 of the Public  
12 Acts of 1964, being section 691.1407 of the Michigan Compiled  
13 Laws. An authorizing body and its board members, officers, and  
14 employees are immune from civil liability, both personally and  
15 professionally, for any acts or omissions in authorizing a public  
16 school academy if the authorizing body or the person acted or  
17 reasonably believed he or she acted within the authorizing body's  
18 or the person's scope of authority.

19 (8) A public school academy is exempt from all taxation on  
20 its earnings and property. Instruments of conveyance to or from  
21 a public school academy are exempt from all taxation including  
22 taxes imposed by Act No. 134 of the Public Acts of 1966, being  
23 sections 207.501 to 207.513 of the Michigan Compiled Laws. A  
24 public school academy may not levy ad valorem property taxes or  
25 any other tax for any purpose. HOWEVER, OPERATION OF 1 OR MORE  
26 PUBLIC SCHOOL ACADEMIES BY A SCHOOL DISTRICT DOES NOT AFFECT THE

1 ABILITY OF THE SCHOOL DISTRICT TO LEVY AD VALOREM PROPERTY TAXES  
2 OR ANY OTHER TAX.

3 (9) A public school academy may acquire by purchase, gift,  
4 devise, lease, sublease, installment purchase agreement, land  
5 contract, option, or by any other means, hold and own in its own  
6 name buildings and other property for school purposes, and inter-  
7 ests therein, and other real and personal property, including,  
8 but not limited to, interests in property subject to mortgages,  
9 security interests, or other liens, necessary or convenient to  
10 fulfill its purposes. For the purposes of condemnation, a public  
11 school academy may proceed under the uniform condemnation proce-  
12 dures act, Act No. 87 of the Public Acts of 1980, being sections  
13 213.51 to 213.77 of the Michigan Compiled Laws, excluding sec-  
14 tions 6 to 9 of that act, being sections 213.56 to 213.59 of the  
15 Michigan Compiled Laws, or other applicable statutes, but only  
16 with the express, written permission of the authorizing body in  
17 each instance of condemnation and only after just compensation  
18 has been determined and paid.

19 SEC. 503A. IF A SCHOOL DISTRICT APPLIES FOR AND OBTAINS A  
20 ~~CONTRACT TO OPERATE~~ 1 OR MORE PUBLIC SCHOOL ACADEMIES UNDER THIS  
21 PART, THE POWER OF THE SCHOOL DISTRICT TO LEVY TAXES FOR ANY PUR-  
22 POSE UNDER THIS ACT IS NOT AFFECTED BY THE OPERATION OF A PUBLIC  
23 SCHOOL ACADEMY BY THE SCHOOL DISTRICT. REVENUE FROM TAXES LEVIED  
24 BY A SCHOOL DISTRICT UNDER THIS ACT OR BONDS ISSUED BY A SCHOOL  
25 DISTRICT UNDER THIS ACT MAY BE USED TO SUPPORT THE OPERATION OR  
26 FACILITIES OF A PUBLIC SCHOOL ACADEMY OPERATED BY THE SCHOOL  
27 DISTRICT IN THE SAME MANNER AS THAT REVENUE MAY BE USED UNDER

1 THIS ACT BY SCHOOL DISTRICTS TO SUPPORT SCHOOL DISTRICT  
2 OPERATIONS AND FACILITIES.

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

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

11       (b) To stimulate innovative teaching methods.

12       (c) To create new professional opportunities for teachers in  
13 a new type of public school in which the school structure and  
14 educational program can be innovatively designed and managed by  
15 teachers at the school site level.

16       (d) To achieve school accountability for pupil educational  
17 outcomes by placing full responsibility for performance at the  
18 school site level.

19       (e) To provide parents and pupils with greater choices among  
20 public schools, both within and outside their existing school  
21 districts.

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

26       (2) A public school academy is a public school under section  
27 2 of article VIII of the state constitution of 1963, is a school



1 district for the purposes of section 11 of article IX of the  
2 state constitution of 1963, and is subject to the leadership and  
3 general supervision of the state board over all public education  
4 under section 3 of article VIII of the state constitution of  
5 1963. A public school academy is a body corporate and is a gov-  
6 ernmental agency. The powers granted to a public school academy  
7 under this part constitute the performance of essential public  
8 purposes and governmental functions of this state.

9 (3) As used in this part:

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

12 (i) The board of a school district that ~~is organized under~~  
13 ~~this act as a school district of the first class, second class,~~  
14 ~~or third class~~ OPERATES GRADES K-12.

15 (ii) An intermediate school board.

16 (iii) The board of a community college.

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

18 (b) "Certificated teacher" means an individual who holds a  
19 valid teaching certificate issued by the state board under  
20 ~~section 153+~~ THIS ACT.

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

1 requirements for accreditation by a recognized regional  
2 accrediting body.

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

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

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

17 Sec. 512. (1) Subject to the leadership and general super-  
18 vision of the state board over all public education, a public  
19 school academy shall be organized and administered under the  
20 **direction** of a board of directors in accordance with this part  
21 **and** with bylaws adopted by the board of directors. A public  
22 school academy corporation shall be organized as provided under  
23 section 512a. To the extent disqualified under the state or fed-  
24 eral constitution, a public school academy shall not be organized  
25 by a church or other religious organization and shall not have  
26 any organizational or contractual affiliation with or constitute  
27 a church or other religious organization.

1 (2) Any of the following may act as an authorizing body to  
2 issue a contract to organize and operate 1 or more public school  
3 academies under this part:

4 (a) The board of a school district that ~~is organized under~~  
5 ~~this act as a school district of the first class, second class,~~  
6 ~~or third class~~ OPERATES GRADES K-12. However, the board of a  
7 school district shall not issue a contract for a public school  
8 academy to operate outside the school district's boundaries, and  
9 a public school academy authorized by the board of a school dis-  
10 trict shall not operate outside that school district's  
11 boundaries.

12 (b) An intermediate school board. However, the board of an  
13 intermediate school district shall not issue a contract for a  
14 public school academy to operate outside the intermediate school  
15 district's boundaries, and a public school academy authorized by  
16 the board of an intermediate school district shall not operate  
17 outside that intermediate school district's boundaries.

18 (c) The board of a community college. However, except as  
19 otherwise provided in this subdivision, ~~the board of a community~~  
20 ~~college shall not issue a contract for more than 1 public school~~  
21 ~~academy;~~ the board of a community college shall not issue a con-  
22 tract for a public school academy to operate ~~—~~ in a school dis-  
23 trict organized as a school district of the first class, ~~and~~ a  
24 public school academy authorized by the board of a community col-  
25 lege shall not operate in a school district organized as a school  
26 district of the first class, ~~— and~~ the board of a community  
27 college shall not issue a contract for a public school academy to

1 operate outside the boundaries of the community college district,  
2 and a public school academy authorized by the board of a commu-  
3 nity college shall not operate outside the boundaries of the com-  
4 munity college district. The board of a community college also  
5 may issue a contract for not more than 1 public school academy to  
6 operate on the grounds of an active or closed federal military  
7 installation located outside the boundaries of the community col-  
8 lege district, or may operate a public school academy itself on  
9 the grounds of such a federal military installation, if the fed-  
10 eral military installation is not located within the boundaries  
11 of any community college district and the community college has  
12 previously offered courses on the grounds of the federal military  
13 installation for at least 10 years.

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

15 ~~However, the combined total number of contracts for public~~  
16 ~~school academies issued by all state public universities shall~~  
17 ~~not exceed 75.~~

18 (3) To obtain a contract to organize and operate 1 or more  
19 public school academies, 1 or more persons or an entity may apply  
20 to an authorizing body described in subsection (2). The applica-  
21 tion shall include at least all of the following:

22 (a) Identification of the applicant for the contract.

23 (b) Subject to the resolution adopted by the authorizing  
24 body under section 513(5), a list of the proposed members of the  
25 board of directors of the public school academy and a description  
26 of the qualifications and method for appointment or election of  
27 members of the board of directors.

1 (c) The proposed articles of incorporation, which shall meet  
2 the requirements of section 512a.

3 (d) A copy of the proposed bylaws of the public school  
4 academy.

5 (e) Documentation meeting the application requirements of  
6 the authorizing body, including at least all of the following:

7 (i) The governance structure of the public school academy.

8 (ii) A copy of the educational goals and programs of the  
9 public school academy and the curricula to be offered and methods  
10 of pupil assessment to be used by the public school academy. The  
11 educational goals and programs and the curricula to be offered  
12 shall fulfill at least 1 of the purposes described in section  
13 511(1). To the extent applicable, the progress of the pupils in  
14 the public school academy shall be assessed using at least a  
15 Michigan education assessment program (MEAP) test or an assess-  
16 ment instrument developed under section 1279 for a state-endorsed  
17 high school diploma. ~~, or 1 or more of the following nationally~~  
18 ~~normed tests: the California achievement test, the Stanford~~  
19 ~~achievement test, the Iowa test of basic skills, or the metropol-~~  
20 ~~itan achievement test.~~

21 (iii) The admission policy and criteria to be maintained by  
22 the public school academy. The admission policy and criteria  
23 shall comply with section 514.

24 (iv) The school calendar and school day schedule.

25 (v) The age or grade range of pupils to be enrolled.

26 (vi) Any other documentation required by the authorizing  
27 body or by state board rule.

1 (f) Descriptions of staff responsibilities and of the public  
2 school academy's governance structure.

3 (g) For an application to the board of a school district, an  
4 intermediate school board, or board of a community college, iden-  
5 tification of the local and intermediate school districts in  
6 which the public school academy will be located.

7 (h) An agreement that the public school academy will comply  
8 with the provisions of this part and, subject to the provisions  
9 of this part, with all other state law applicable to public  
10 bodies and with federal law applicable to public bodies or school  
11 districts.

12 (i) For a public school academy authorized by a school dis-  
13 trict, an assurance that employees of the public school academy  
14 will be covered by the collective bargaining agreements that  
15 apply to other employees of the school district employed in simi-  
16 lar classifications in schools that are not public school  
17 academies.

18 (j) A description of and address for the proposed physical  
19 plant in which the public school academy will be located.

20 Sec. 513. (1) An authorizing body is not required to issue  
21 a contract to any person or entity. Public school academy con-  
22 tracts shall be issued on a competitive basis taking into consid-  
23 eration the resources available for the proposed public school  
24 academy, the population to be served by the proposed public  
25 school academy, and the educational goals to be achieved by the  
26 proposed public school academy.

1 (2) If an authorizing body determines that an application  
2 submitted to it under section 512 meets the authorizing body's  
3 requirements and the requirements of applicable law, the autho-  
4 rizing body, by 1 or more resolutions, may approve the applica-  
5 tion, adopt articles of incorporation for the public school acad-  
6 emy, appoint the initial board of directors for the public school  
7 academy, and approve and authorize execution of the contract  
8 between the authorizing body and the public school academy. The  
9 affirmative vote of a majority of the members serving on the  
10 board of the authorizing body is required for adoption of a reso-  
11 lution described in this subsection.

12 (3) If a person or entity applies to the board of a school  
13 district for a contract to organize and operate 1 or more public  
14 school academies within the boundaries of the school district and  
15 the board does not issue the contract, the person or entity may  
16 petition the board to place the question of issuing the contract  
17 on the ballot to be decided by the school electors of the school  
18 district. The petition shall contain all of the information  
19 required to be in the contract application under section 512(3)  
20 and shall be signed by a number of school electors of the school  
21 district equal to at least 15% of the total number of school  
22 electors of that school district. The petition shall be filed  
23 with the secretary of the board. If the board receives a peti-  
24 tion meeting the requirements of this subsection, the board shall  
25 place the question of issuing the contract on the ballot at its  
26 next annual school election held at least 60 days after receiving  
27 the petition. If a majority of the school electors of the school

1 district voting on the question vote to issue the contract, the  
2 board shall issue the contract in the manner specified in subsec-  
3 tion (2).

4 (4) Within 10 days after issuing a contract for a public  
5 school academy, the board of the authorizing body shall submit to  
6 the state board a copy of the contract and of the application  
7 under section 512.

8 (5) Subject to section 512a, an authorizing body shall adopt  
9 a resolution establishing the method of selection, length of  
10 term, and number of members of the board of directors of each  
11 public school academy subject to its jurisdiction.

12 (6) A contract issued to organize and administer a public  
13 school academy shall contain at least all of the following:

14 (a) The educational goals the public school academy is to  
15 achieve and the methods by which it will be held accountable.

16 ~~The~~ TO THE EXTENT APPLICABLE, THE pupil outcomes of a public  
17 school academy shall be assessed using AT LEAST a Michigan educa-  
18 tion assessment program (MEAP) test or an assessment instrument  
19 developed under section 1279 for a state-endorsed high school  
20 diploma. ~~, or + or more of the following nationally normed~~  
21 ~~tests: the California achievement test, the Stanford achievement~~  
22 ~~test, the Iowa test of basic skills, or the metropolitan achieve-~~  
23 ~~ment test.~~

24 (b) A description of the method to be used to monitor the  
25 public school academy's compliance with applicable law and its  
26 performance in meeting its targeted educational outcomes.



1 (c) A description of the process for amending the contract  
2 during the term of the contract.

3 (d) All of the matters set forth in the application for the  
4 contract.

5 (e) For a public school academy authorized by a school dis-  
6 trict, an agreement that employees of the public school academy  
7 will be covered by the collective bargaining agreements that  
8 apply to employees of the school district employed in similar  
9 classifications in schools that are not public school academies.

10 (f) Procedures for revoking the contract and grounds for  
11 revoking the contract, including at least the grounds listed in  
12 section 517.

13 (g) A description of and address for the proposed physical  
14 plant in which the public school academy will be located.

15 (h) Requirements and procedures for financial audits.

16 (i) Types and amounts of insurance coverage.

17 (j) Legal remedies of the authorizing body and the state  
18 board, in addition to remedies under law, for substantial failure  
19 by the public school academy to meet its obligations under the  
20 contract.

21 (7) The term of a contract issued under this section shall  
22 not exceed 10 years, and a contract is subject to mandatory  
23 review at least every 7 years by the authorizing body to review  
24 whether the public school academy is in compliance with the con-  
25 tract and applicable law. A contract may be renewed for succeed-  
26 ing terms not to exceed 10 years, subject to mandatory review as  
27 described in this subsection.

1 (8) A public school academy shall comply with all of the  
2 following:

3 (a) The open meetings act, Act No. 267 of the Public Acts of  
4 1976, being sections 15.261 to 15.275 of the Michigan Compiled  
5 Laws.

6 (b) The freedom of information act, Act No. 442 of the  
7 Public Acts of 1976, being sections 15.231 to 15.246 of the  
8 Michigan Compiled Laws.

9 (c) Act No. 336 of the Public Acts of 1947, being  
10 sections 423.201 to 423.217 of the Michigan Compiled Laws.

11 (d) Act No. 166 of the Public Acts of 1965, being  
12 sections 408.551 to 408.558 of the Michigan Compiled Laws.

13 (e) Sections 1263(3), 1267, and 1274.

14 (f) Act No. 35 of the Public Acts of 1951, being sections  
15 124.1 to 124.13 of the Michigan Compiled Laws.

16 (g) Act No. 8 of the Public Acts of the Extra Session of  
17 1967, being sections 124.531 to 124.536 of the Michigan Compiled  
18 Laws.

19 (9) Subsection (8) does not exempt a public school academy  
20 from any law.

21 (10) A public school academy and its incorporators, board  
22 members, officers, employees, and volunteers have governmental  
23 immunity as provided in section 7 of Act No. 170 of the Public  
24 Acts of 1964, being section 691.1407 of the Michigan Compiled  
25 Laws. An authorizing body and its board members, officers, and  
26 employees are immune from civil liability, both personally and  
27 professionally, for any acts or omissions in authorizing a public

1 school academy if the authorizing body or the person acted or  
2 reasonably believed he or she acted within the authorizing body's  
3 or the person's scope of authority.

4 (11) A public school academy is exempt from all taxation on  
5 its earnings and property. Instruments of conveyance to or from  
6 a public school academy are exempt from all taxation including  
7 taxes imposed by Act No. 134 of the Public Acts of 1966, being  
8 sections 207.501 to 207.513 of the Michigan Compiled Laws. A  
9 public school academy may not levy ad valorem property taxes or  
10 any other tax for any purpose. HOWEVER, OPERATION OF 1 OR MORE  
11 PUBLIC SCHOOL ACADEMIES BY A SCHOOL DISTRICT DOES NOT AFFECT THE  
12 ABILITY OF THE SCHOOL DISTRICT TO LEVY AD VALOREM PROPERTY TAXES  
13 OR ANY OTHER TAX.

14 (12) A public school academy may acquire by purchase, gift,  
15 devise, lease, sublease, installment purchase agreement, land  
16 contract, option, or by any other means, hold and own in its own  
17 name buildings and other property for school purposes, and inter-  
18 ests therein, and other real and personal property, including,  
19 but not limited to, interests in property subject to mortgages,  
20 security interests, or other liens, necessary or convenient to  
21 fulfill its purposes. For the purposes of condemnation, a public  
22 school academy may proceed under the uniform condemnation proce-  
23 dures act, Act No. 87 of the Public Acts of 1980, being sections  
24 213.51 to 213.77 of the Michigan Compiled Laws, excluding sec-  
25 tions 6 to 9 of that act, being sections 213.56 to 213.59 of the  
26 Michigan Compiled Laws, or other applicable statutes, but only  
27 with the express, written permission of the authorizing body in

1 each instance of condemnation and only after just compensation  
2 has been determined and paid.

3       SEC. 513A. IF A SCHOOL DISTRICT APPLIES FOR AND OBTAINS A  
4 CONTRACT TO OPERATE 1 OR MORE PUBLIC SCHOOL ACADEMIES UNDER THIS  
5 PART, THE POWER OF THE SCHOOL DISTRICT TO LEVY TAXES FOR ANY PUR-  
6 POSE UNDER THIS ACT IS NOT AFFECTED BY THE OPERATION OF A PUBLIC  
7 SCHOOL ACADEMY BY THE SCHOOL DISTRICT. REVENUE FROM TAXES LEVIED  
8 BY A SCHOOL DISTRICT UNDER THIS ACT OR BONDS ISSUED BY A SCHOOL  
9 DISTRICT UNDER THIS ACT MAY BE USED TO SUPPORT THE OPERATION OR  
10 FACILITIES OF A PUBLIC SCHOOL ACADEMY OPERATED BY THE SCHOOL DIS-  
11 TRICT IN THE SAME MANNER AS THAT REVENUE MAY BE USED UNDER THIS  
12 ACT BY SCHOOL DISTRICTS TO SUPPORT SCHOOL DISTRICT OPERATIONS AND  
13 FACILITIES.

14       SEC. 601A. (1) AN INTERMEDIATE SCHOOL DISTRICT AND AN  
15 INTERMEDIATE SCHOOL BOARD, UNLESS PROHIBITED BY LAW, HAVE ALL OF  
16 THE POWERS NECESSARY TO PERFORM ALL OF THE FUNCTIONS OF THE  
17 INTERMEDIATE SCHOOL DISTRICT, INCLUDING, BUT NOT LIMITED TO, ALL  
18 OF THE FOLLOWING FUNCTIONS:

19       (A) EDUCATING PUPILS AND PROVIDING FOR THE SAFETY AND WEL-  
20 FARE OF PUPILS WHILE AT SCHOOL OR A SCHOOL SPONSORED ACTIVITY OR  
21 WHILE EN ROUTE USING SCHOOL DISTRICT TRANSPORTATION TO OR FROM  
22 SCHOOL OR A SCHOOL SPONSORED ACTIVITY.

23       (B) ACQUIRING, CONSTRUCTING, MAINTAINING, REPAIRING, OR REN-  
24 OVATING INTERMEDIATE SCHOOL DISTRICT PROPERTY, FACILITIES, EQUIP-  
25 MENT, TECHNOLOGY, OR FURNISHINGS.

1 (C) HIRING, CONTRACTING FOR, SCHEDULING, SUPERVISING, OR  
2 TERMINATING PERSONNEL TO CARRY OUT INTERMEDIATE SCHOOL DISTRICT  
3 AND INTERMEDIATE SCHOOL BOARD POWERS.

4 (D) EXPENDING, ACCOUNTING FOR, OR INVESTING INTERMEDIATE  
5 SCHOOL DISTRICT MONEY, AND QUALIFYING FOR STATE SCHOOL AID.

6 (2) AN INTERMEDIATE SCHOOL DISTRICT AND AN INTERMEDIATE  
7 SCHOOL BOARD HAVE THE DUTIES PRESCRIBED BY LAW ON AND AFTER THE  
8 EFFECTIVE DATE OF THIS SECTION.

9 Sec. 627. (1) An intermediate school board shall do all of  
10 the following:

11 (a) Upon request of the board of a constituent district,  
12 furnish services on a management, consultant, or supervisory  
13 basis to the district. The intermediate school board may charge  
14 a constituent district for the costs of services furnished under  
15 this subdivision.

16 (b) Upon request of the board of a constituent district,  
17 direct, supervise, and conduct cooperative educational programs  
18 on behalf of the district. The intermediate school board may  
19 utilize available funds not otherwise obligated by law and accept  
20 contributions from other sources for the purpose of financing the  
21 programs. The funds shall be deposited with the treasurer in a  
22 cooperative education fund and shall be disbursed as the interme-  
23 diate school board directs. The intermediate school board may  
24 employ personnel and take other action necessary to direct,  
25 supervise, and conduct cooperative educational programs.

26 (c) Conduct cooperative programs mutually agreed upon by 2  
27 or more intermediate school boards.

1 (d) Conduct cooperative programs mutually agreed upon with 1  
2 or more public school academies.

3 (2) An intermediate school board may conduct or participate  
4 in cooperative programs for information technology systems which  
5 may include, but are not limited to, equipment for storage,  
6 retrieval, processing, and transmission of voice, data, or video  
7 communications; contract with public schools or other educational  
8 institutions, government agencies, public broadcasting stations  
9 or systems, or information technology service providers in con-  
10 ducting the programs; and acquire and install the equipment,  
11 software, and training necessary for the programs in the manner  
12 and at the places the intermediate school board considers  
13 appropriate.

14 (3) Upon request of the board of a constituent school dis-  
15 trict or public school academy located within the intermediate  
16 school district, an intermediate school board may provide, either  
17 solely or as part of a consortium of intermediate school dis-  
18 tricts, comprehensive school improvement support services to the  
19 district or public school academy. These services may include,  
20 but are not limited to, all of the following:

21 (a) The development of a core curriculum.

22 (b) The evaluation of a core curriculum.

23 (c) The preparation of 1 or more school improvement plans.

24 (d) The dissemination of information concerning 1 or more  
25 school improvement plans.

26 (e) The preparation of an annual educational report.

1 (f) Professional development.

2 (g) Educational research.

3 (h) The compilation of instructional objectives, instruc-  
4 tional resources, pupil demographics, and pupil academic  
5 achievement.

6 (i) Assistance in obtaining school accreditation.

7 (j) The provision of general technical assistance.

8 (4) TO THE EXTENT ALLOWED BY LAW, AN INTERMEDIATE SCHOOL  
9 BOARD SHALL OFFER AT LEAST ALL OF THE FOLLOWING SERVICES TO CON-  
10 STITUENT DISTRICTS AND TO PUBLIC SCHOOL ACADEMIES LOCATED WITHIN  
11 THE INTERMEDIATE SCHOOL DISTRICT:

12 (A) DATA PROCESSING.

13 (B) PAYROLL.

14 (C) CLASS SCHEDULING.

15 (D) DISTANCE LEARNING COORDINATION AND DELIVERY.

16 (E) OTHER BUSINESS SERVICES THAT CAN BE ACCOMPLISHED MORE  
17 COST-EFFECTIVELY BY AN INTERMEDIATE SCHOOL DISTRICT.

18 (F) TRANSPORTATION SERVICES.

19 Sec. 687. (1) An intermediate school board in which an area  
20 vocational-technical education program is established, by a  
21 majority vote of the intermediate school electors voting on the  
22 question at an annual or at a special election called for that  
23 purpose, may borrow money and issue bonds of the intermediate  
24 school district subject to THE MUNICIPAL FINANCE ACT, Act No. 202  
25 of the Public Acts of 1943, ~~as amended,~~ BEING SECTIONS 131.1 TO  
26 139.3 OF THE MICHIGAN COMPILED LAWS, to defray all or part of the  
27 cost of purchasing, erecting, completing, remodeling, improving,

1 furnishing, refurnishing, equipping, or reequipping area  
2 vocational-technical buildings and other facilities, or parts  
3 thereof or additions thereto; acquiring, preparing, developing,  
4 or improving sites, or parts thereof or additions thereto, for  
5 area vocational-technical buildings and other facilities; refund-  
6 ing all or part of existing bonded indebtedness; or accomplishing  
7 a combination of the foregoing purposes. An intermediate school  
8 district shall not issue bonds under this part for an amount  
9 greater than 1.5% of the total assessed valuation of the interme-  
10 diate school district, nor shall the bonded indebtedness of an  
11 intermediate school district extend beyond a period of 30 years  
12 for money borrowed.

13 (2) Refunding bonds or the refunding part of a bond issue  
14 shall not be deemed to be within the 1.5% limitation but shall be  
15 deemed to be authorized in addition thereto. A bond qualified  
16 under section 16 of article ~~9~~ IX of the state constitution of  
17 1963 and implementing legislation shall not be included for pur-  
18 poses of calculating the foregoing 1.5% limitation.

19 (3) An intermediate school board may submit a proposal to  
20 **issue bonds** of the intermediate school district, authorized under  
21 **this section**, to the intermediate school electors at the same  
22 election at which the intermediate school electors vote on the  
23 establishment of an area vocational-technical education program.  
24 If these questions are presented to the school electors at the  
25 same election, the board shall include the bond proposal in the  
26 60-day notice given the boards of constituent districts. The  
27 establishment of an area vocational-technical education program



1 shall become effective if approved by a majority of the  
 2 intermediate school electors voting on the question. The author-  
 3 ity to issue bonds is effective only if a majority of the inter-  
 4 mediate school electors approve both the establishment of the  
 5 area vocational-technical education program and the issuance of  
 6 bonds.

7 (4) The ballot used in submitting the question of borrowing  
 8 money and issuing bonds under this section shall be in substan-  
 9 tially the following form:

10 "Shall \_\_\_\_\_ (here state the legal name of the interme-  
 11 diate school district designating the name of a district of not  
 12 less than 18,000 pupils or first ~~or second~~ class school dis-  
 13 trict ~~which~~ THAT has elected not to come under this act as far  
 14 as an area vocational-technical education program is concerned)  
 15 state of Michigan, borrow the sum of not to exceed \$ \_\_\_\_\_  
 16 and issue its bonds therefor, for the purpose of \_\_\_\_\_?"

17 Yes ( )

18 No ( )".

19 Sec. 690. (1) A school district of not less than 18,000  
 20 pupils, a first ~~or second~~ class school district, or a school  
 21 district offering or making available to its pupils a comprehen-  
 22 sive vocational education program approved by the state board,  
 23 may elect not to come under an area vocational-technical educa-  
 24 tion program ~~as defined in section 3(2)~~ by resolution adopted  
 25 by its board not later than 30 days after receipt of notice that  
 26 the question of establishing the area vocational-technical

1 education program will be submitted to the school electors of the  
2 district.

3       (2) A school district electing not to come under the area  
4 vocational-technical education program may thereafter elect to  
5 come under the program if at a special or annual election a  
6 majority of the registered school electors voting approve the  
7 operation of the area vocational-technical education program and  
8 the annual tax rate for that purpose in effect in the other con-  
9 stituent districts of the intermediate school district.

10       (3) Except as provided in this subsection, in an intermedi-  
11 ate school district where the school electors have voted upon and  
12 failed to approve the ballot question set forth in section 681, a  
13 combination of 2 or more contiguous constituent districts, by  
14 resolution of their boards, may elect to establish an area  
15 vocational-technical education program, if approved by resolution  
16 of the intermediate district board and designated by the state  
17 board. The requirement of contiguity of constituent districts  
18 does not apply if 1 or more of the districts that constitute the  
19 basis of contiguity declare their intent, by board resolution,  
20 not to be part of the proposed area vocational-technical educa-  
21 tion program. At any time within 6 months after the enactment of  
22 the resolution establishing the program in a local school dis-  
23 trict, school electors equal in number to not less than 5% of the  
24 votes cast in the most recent school election may petition their  
25 local school district board to submit the resolution to the elec-  
26 torate, in a form and manner to be prescribed by the state board,  
27 and the district's participation in the program shall be

1 terminated if not approved by a majority of the school electors  
2 voting on the question.

3       (4) Area vocational-technical education programs established  
4 pursuant to this section shall receive any appropriate state  
5 funding or any federal funding allocated by the state board on  
6 exactly the same basis as area vocational-technical education  
7 programs and centers established by intermediate school  
8 districts. Constituent districts establishing an approved area  
9 vocational-technical education program pursuant to this section  
10 may designate, by board resolution, specific amounts of either  
11 authorized operating millage or operating millage being requested  
12 from the school electors to be utilized solely for the area  
13 vocational-technical education program, in a manner to be pre-  
14 scribed by the state board, and the specified amount of millage  
15 shall be regarded as area vocational-technical education millage  
16 rather than local school district operating millage in all compu-  
17 tations made by the state board to determine state aid. The rev-  
18 enue obtained from the millage designated, together with appro-  
19 priate state and federal funds, may be expended for the same pur-  
20 poses specified for intermediate district programs in sections  
21 684 and 685, including contracts with the intermediate school  
22 district, another local school district, or a community college  
23 for area vocational-technical education programs, facilities, and  
24 services. When constituent districts establish area  
25 vocational-technical education programs pursuant to this section,  
26 buildings, sites, and equipment may be jointly acquired, owned,  
27 or leased.

1 (5) A contiguous school district desiring to become part of  
2 an area vocational-technical education program established pursu-  
3 ant to this section may do so with the approval of each partici-  
4 pating school district, the intermediate school district, and the  
5 state board. Constituent districts operating an approved area  
6 vocational-technical education program pursuant to this section  
7 may subsequently elect not to participate, or may thereafter  
8 elect to participate, in an intermediate school district  
9 vocational-technical education program in exactly the same manner  
10 prescribed in this section for school districts of not less than  
11 18,000 pupils, a first ~~or second~~ class school district, or a  
12 school district offering or making available to its pupils a com-  
13 prehensive vocational education program approved by the state  
14 board.

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

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. 1131. Each school district is subject to and ~~shall~~  
 22 ~~be~~ governed by THIS article ~~2~~ except as to those matters which  
 23 are specifically or by necessary implication provided for ~~in the~~  
 24 ~~particular part of article 1 relative to the class or kind of~~  
 25 ~~school district to which the district properly belongs, by a spe-~~  
 26 ~~cial or local act governing a school district~~ A FIRST CLASS  
 27 SCHOOL DISTRICT UNDER PART 6, and by articles 3 and 4. A SCHOOL

1 district ~~governed~~ CREATED by a local act or chapter of a local  
2 act ~~shall be~~ IS subject to ~~part 17 and article 3~~ THIS ACT.

3 An intermediate school district ~~shall be~~ IS governed by the  
4 provisions of article 2 ~~which~~ THAT relate specifically to  
5 intermediate school districts and by articles 3 and 4.

6       Sec. 1147. (1) A ~~person, resident of a school district not~~  
7 ~~maintaining a kindergarten and~~ CHILD WHO IS at least 5 years of  
8 age on the first day of enrollment of the school year ~~, shall~~  
9 ~~have~~ HAS a right to attend PUBLIC school in ~~the district~~ THIS  
10 STATE.

11       (2) ~~In a school district where~~ IF provision is made for  
12 kindergarten work AT A PUBLIC SCHOOL, a child ~~, resident of the~~  
13 ~~district,~~ is entitled to enroll in the kindergarten if the child  
14 is at least 5 years of age on December 1 of the school year of  
15 enrollment. ~~In a~~ IF THE PUBLIC school ~~district which~~ has  
16 semiannual promotions, a child ~~, resident of the district,~~ is  
17 entitled to enroll in kindergarten for the second semester if the  
18 child is at least 5 years of age on March 1 of the year of  
19 enrollment.

20       SEC. 1147A. (1) A SCHOOL-AGE CHILD RESIDING IN THIS STATE  
21 MAY ATTEND ANY PUBLIC SCHOOL IN THIS STATE OFFERING THE APPROPRI-  
22 ATE GRADE LEVEL FOR THE CHILD IN THE INTERMEDIATE SCHOOL DISTRICT  
23 IN WHICH THE SCHOOL-AGE CHILD RESIDES. THE BOARD OF A SCHOOL  
24 DISTRICT SHALL NOT INTERFERE WITH THE RIGHT UNDER THIS SECTION OF  
25 A SCHOOL-AGE CHILD RESIDING WITHIN ITS TERRITORY TO ATTEND SCHOOL  
26 OUTSIDE THE SCHOOL DISTRICT BOUNDARIES OR TO CHANGE HIS OR HER  
27 SCHOOL OF ENROLLMENT DURING THE SCHOOL YEAR.

1 (2) THE BOARD OF A SCHOOL DISTRICT SHALL PROVIDE AN OPEN  
2 ENROLLMENT OPPORTUNITY IN EACH SCHOOL AND GRADE FOR NONRESIDENT  
3 SCHOOL-AGE CHILDREN.

4 (3) EXCEPT AS PROVIDED IN THIS SUBSECTION AND  
5 SUBSECTIONS (5) AND (6), IF THE NUMBER OF CHILDREN SEEKING TO  
6 ENROLL IN A SCHOOL OR GRADE EXCEEDS THE OPEN ENROLLMENT AVAIL-  
7 ABILITY IN THE SCHOOL OR GRADE, THE BOARD OF THE SCHOOL DISTRICT  
8 SHALL ENSURE THAT CHILDREN ARE SELECTED ON A RANDOM BASIS FOR  
9 ENROLLMENT IN THE SCHOOL OR GRADE. HOWEVER, ENROLLMENT PRIORITY  
10 SHALL BE GIVEN TO A SIBLING OF A PUPIL ENROLLED IN THE SCHOOL OR  
11 SCHOOL DISTRICT.

12 (4) EXCEPT AS PROVIDED IN SUBSECTIONS (5) AND (6), THE BOARD  
13 OF A SCHOOL DISTRICT SHALL ALLOW ANY PUPIL WHO WAS ENROLLED IN  
14 THE SCHOOL DISTRICT UNDER OPEN ENROLLMENT UNDER THIS SECTION IN  
15 THE IMMEDIATELY PRECEDING SCHOOL YEAR TO ENROLL IN THE SCHOOL  
16 DISTRICT IN THE APPROPRIATE GRADE AND, UNLESS THE APPROPRIATE  
17 GRADE IS NOT OFFERED AT THAT SCHOOL, IN THE SAME SCHOOL AS HE OR  
18 SHE ATTENDED IN THE IMMEDIATELY PRECEDING SCHOOL YEAR.

19 (5) IF THE PARENT OR LEGAL GUARDIAN OF A NONRESIDENT  
20 SCHOOL-AGE CHILD INTENDS TO ENROLL THE CHILD IN A SCHOOL DISTRICT  
21 FOR A SCHOOL YEAR UNDER OPEN ENROLLMENT UNDER THIS SECTION, THE  
22 PARENT OR LEGAL GUARDIAN SHALL NOTIFY THE SCHOOL DISTRICT OF THAT  
23 INTENTION, AND OF THE SCHOOL AND GRADE IN WHICH THE PARENT OR  
24 LEGAL GUARDIAN WANTS THE CHILD ENROLLED, BY APRIL 30 OF THE IMME-  
25 DIATELY PRECEDING SCHOOL YEAR, OR BY A LATER DATE IF ESTABLISHED  
26 BY SCHOOL DISTRICT POLICY. A SCHOOL DISTRICT MAY REFUSE TO  
27 ENROLL A NONRESIDENT SCHOOL-AGE CHILD FOR WHOM THIS NOTIFICATION

1 IS NOT RECEIVED. NOT LATER THAN JUNE 30 OF EACH YEAR, OR EARLIER  
2 IF ESTABLISHED BY SCHOOL DISTRICT POLICY, A SCHOOL DISTRICT SHALL  
3 NOTIFY THE PARENT OR LEGAL GUARDIAN OF EACH NONRESIDENT  
4 SCHOOL-AGE CHILD FOR WHOM THE SCHOOL DISTRICT HAS RECEIVED A  
5 TIMELY NOTIFICATION UNDER THIS SECTION OF WHETHER OR NOT THE  
6 CHILD MAY ENROLL IN THE SCHOOL DISTRICT IN THE SCHOOL AND GRADE  
7 INDICATED AND, IF THE CHILD IS NOT ALLOWED TO ENROLL IN THE  
8 SCHOOL AND GRADE INDICATED, THE REASON FOR THE REFUSAL.

9 (6) A SCHOOL DISTRICT MAY REFUSE TO ENROLL A NONRESIDENT  
10 SCHOOL-AGE CHILD WHO HAS BEEN EXPELLED FROM ANOTHER SCHOOL DIS-  
11 TRICT OR PUBLIC SCHOOL OR WHO HAS HAD DOCUMENTED BEHAVIORAL PROB-  
12 LEMS WHILE ENROLLED IN ANOTHER SCHOOL DISTRICT OR PUBLIC SCHOOL.

13 (7) AS USED IN THIS SECTION, "SCHOOL-AGE CHILD" MEANS A  
14 CHILD WHO IS AT LEAST 6 YEARS OF AGE ON DECEMBER 1 OF THE PARTIC-  
15 ULAR SCHOOL YEAR AND WHO IS NOT OLDER THAN 18 YEARS OF AGE AS OF  
16 THE FIRST DAY OF THE PARTICULAR SCHOOL YEAR OR, FOR AN INDIVIDUAL  
17 WHO QUALIFIES FOR SPECIAL EDUCATION PROGRAMS AND SERVICES, WHO IS  
18 NOT OLDER THAN 26 YEARS OF AGE. FOR PURPOSES OF ENROLLING IN  
19 KINDERGARTEN, A CHILD WHO IS AT LEAST 5 YEARS OF AGE ON  
20 DECEMBER 1 OF THE PARTICULAR SCHOOL YEAR IS A SCHOOL-AGE CHILD.

21 Sec. 1148. Except as provided in section 1711, a child  
22 placed under the order or direction of a court or child placing  
23 agency in a licensed home, or a child whose parents or legal  
24 guardians are unable to provide a home for the child and who is  
25 placed in a licensed home or ~~in a~~ OTHER home ~~of relatives~~ in  
26 the school district, ~~for the purpose of securing a suitable home~~  
27 ~~for the child and not for an educational purpose,~~ shall be



1 considered a resident for education purposes of the school  
2 district where the home in which the child is living is located.  
3 The child shall be admitted to the school in the district.

4       Sec. 1175. (1) ~~The following days, namely:~~ January 1, New  
5 Year's ~~Day~~ DAY; the last Monday of May, Memorial or Decoration  
6 day; July 4; the first Monday in September, Labor day; the fourth  
7 Thursday of November, Thanksgiving day, and December 25,  
8 Christmas day, shall be public holidays in the public schools of  
9 this state. If ~~a legally designated public holiday~~ 1 OF THESE  
10 DAYS falls on Sunday, the Monday following shall be a public hol-  
11 iday in the public schools. A school session shall not be held  
12 on the ~~days~~ PUBLIC HOLIDAYS described in this subsection in a  
13 public school in this state. The salary of a school officer or a  
14 teacher shall not be affected by reason of the dismissal of  
15 school on the days described in this subsection.

16       (2) On ~~the following days, namely:~~ the third Monday in  
17 January in conjunction with the federal holiday, Martin Luther  
18 King, Jr. ~~Day~~ DAY; February 12, Lincoln's birthday; the third  
19 Monday of February, Washington's birthday; September 17, the date  
20 of the adoption of the federal constitution; the second Monday in  
21 October, Columbus day; ~~October 21, Carleton's birthday, October~~  
22 ~~27, Roosevelt's birthday,~~ and November 11, Veteran's day, a  
23 school officer or teacher shall have each school under the  
24 officer's or teacher's control observe the ~~days described in~~  
25 ~~this section~~ DAY by a proper and appropriate commemorative  
26 exercise. A commemorative exercise may include or involve the  
27 assignment of schoolwork to teach the significance of the days

1 described in this subsection, which shall not be considered as  
2 legal holidays for schools.

3       Sec. 1177. (1) A child enrolling in a public or nonpublic  
4 school in this state for the first time shall submit 1 of the  
5 following:

6       (a) A statement signed by a physician that the child has  
7 been tested for and immunized or protected against diseases spec-  
8 ified by the director of public health.

9       (b) A statement signed by a parent or guardian to the effect  
10 that the child has not been immunized because of religious con-  
11 victions or other objection to immunization.

12       (c) A request signed by a parent or guardian that the local  
13 health department give the needed protective injections.

14       (2) In addition, the parent or guardian of each enrolling  
15 child shall submit a statement signed by a district, county, or  
16 city health department director stating that the child has  
17 ~~passed~~ BEEN ADMINISTERED the department of public health pre-  
18 school vision screening test, or signed by a licensed medical or  
19 osteopathic physician, or a licensed optometrist stating that the  
20 child's eyes have been examined during the preschool years after  
21 age 3 and before initial entrance. A vision test is not required  
22 if there is a statement signed by a parent or guardian to the  
23 effect that the child cannot be submitted to the test because of  
24 religious convictions.

25       (3) The director of public health shall appoint an advisory  
26 board consisting of equal numbers of ophthalmologists and

1 optometrists. The board shall advise and assist the director of  
2 public health with vision programs.

3 (4) Before November 1 of each year, the administrator of  
4 each school shall provide the director of public health with the  
5 immunization status as well as a vision report of each entering  
6 child. This information shall be transmitted through the  
7 approved local full-time health department wherever the same  
8 exists and shall be on forms provided by the director of public  
9 health or otherwise reported in a manner approved by the director  
10 of public health.

11 (5) The department of public health shall promulgate rules,  
12 including the diseases specified under subsection (1)(a), for the  
13 implementation of this section.

14 Sec. 1217a. ~~For travel within the boundaries of its dis-~~  
15 ~~trict, a~~ THE board of a school district or intermediate school  
16 district shall not expend funds received by the district from any  
17 source for the purchase, rental, or lease of cars for board mem-  
18 bers ~~or~~ FOR TRAVEL WITHIN THE BOUNDARIES OF ITS DISTRICT; for  
19 chauffeurs for board members; OR FOR PROVIDING CREDIT CARDS FOR  
20 BOARD MEMBERS.

21 SEC. 1228. THE BOARD OF A SCHOOL DISTRICT MAY ENTER INTO AN  
22 AGREEMENT WITH A PUBLIC SCHOOL ACADEMY TO PROVIDE SERVICES TO THE  
23 PUBLIC SCHOOL ACADEMY OR TO PUPILS OF THE PUBLIC SCHOOL ACADEMY.  
24 THE SERVICES MAY BE PROVIDED ON A COOPERATIVE BASIS. A SCHOOL  
25 DISTRICT MAY CHARGE THE PUBLIC SCHOOL ACADEMY FOR SERVICES  
26 DESCRIBED IN THIS SECTION.

1       Sec. 1236. (1) ~~A~~ IF A teacher IS employed as a substitute  
2 teacher with an assignment to 1 specific teaching position, THEN  
3 after 60 days of service IN THAT ASSIGNMENT THE TEACHER shall be  
4 granted for the duration of that assignment leave time and other  
5 privileges granted to regular teachers by the school district,  
6 including a salary not less than the minimum salary on the cur-  
7 rent salary schedule for that district.

8       (2) A teacher employed as a substitute teacher for ~~+20~~ 150  
9 days or more during a legal school year of not less than 180  
10 days, or employed as a substitute teacher for ~~+50~~ 180 days or  
11 more by an intermediate school district that operates any program  
12 for 220 days or more as required by administrative rule, shall be  
13 given during the balance of the school year or during the next  
14 succeeding legal school year only ~~—~~ the first opportunity to  
15 accept or reject a contract for which the substitute teacher is  
16 certified, after all other teachers of the school district are  
17 reemployed in conformance with the terms of a master contract of  
18 an authorized bargaining unit and the employer.

19       (3) As used in this section, "day" means the working day of  
20 the regular, full-time teacher for whom the substitute teacher  
21 substitutes. A quarter-day, half-day, or other fractional day of  
22 substitute service shall be counted only as that fraction.  
23 However, a fraction of a day that is acknowledged by the school  
24 district and paid as a full day shall be counted as a full day  
25 for purposes of this section.

26       SEC. 1250. A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
27 DISTRICT MAY IMPLEMENT AND MAINTAIN A SYSTEM OF COMPENSATION FOR

1 ITS EMPLOYEES THAT IS BASED ON THE JOB PERFORMANCE,  
2 ACCOMPLISHMENTS, CONTRIBUTIONS, AND MERIT OF INDIVIDUAL  
3 EMPLOYEES. A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT MAY  
4 USE SUBJECTIVE METHODS OF EVALUATING EMPLOYEES FOR THE PURPOSES  
5 OF THAT SYSTEM OF COMPENSATION.

6 Sec. 1272a. (1) The board of a K to 12 school district  
7 shall, and the board of ~~a primary~~ ANOTHER school district ~~or a~~  
8 ~~fourth class school district that does not operate a K to 12~~  
9 ~~program~~ may, establish and operate a program under which lunch  
10 is made available to all full-time pupils enrolled and in regular  
11 daily attendance at each public school of the school district.

12 (2) The board of a K to 12 school district shall establish  
13 and operate a program under which breakfast is made available to  
14 all full-time pupils enrolled and in regular daily attendance at  
15 each public school of the school district unless no more than 20%  
16 of the lunches served the immediately preceding year were free or  
17 reduced price lunches provided pursuant to section 1272b(c) and,  
18 after a public hearing on the issue, which shall be held annually  
19 with notice to parents and pupils, the board decides not to oper-  
20 ate such a program and publishes a public justification report  
21 explaining its decision. The board of ~~a primary~~ ANOTHER school  
22 district ~~or a fourth class school district that does not operate~~  
23 ~~all of grades K to 12~~ may establish and operate a school break-  
24 fast program.

25 (3) To the extent permitted by federal law, the department  
26 shall encourage innovative cost effective models of breakfast  
27 distribution designed to maximize pupil participation.

1       Sec. 1277. ~~(+)~~ Considering criteria established by the  
2 state board, in addition to the requirements specified in section  
3 1280 for accreditation under that section, if the board of a  
4 school district wants all of the schools of the school district  
5 to be accredited under section 1280, the board shall adopt and  
6 implement and, shall submit not later than September 1 each year,  
7 the department a copy of a 3- to 5-year school improvement plan  
8 and continuing school improvement process for each school within  
9 the school district. The school improvement plans shall include,  
10 but are not limited to, a mission statement, goals based on stu-  
11 dent academic outcomes for all students, curriculum alignment  
12 corresponding with those goals, evaluation processes, staff  
13 development, development and utilization of community resources  
14 and volunteers, the role of adult and community education,  
15 libraries and community colleges in the learning community, and  
16 building level decision making. School board members, school  
17 building administrators, teachers and other school employees,  
18 pupils, parents of pupils attending that school, and other resi-  
19 dents of the school district shall participate in the planning,  
20 ~~development~~, implementation, and evaluation of the district's  
21 ~~school~~ improvement plans. Upon request of the board of a school  
22 district, the department and the intermediate school district  
23 shall assist the school district in the development and implemen-  
24 tation of district school improvement plans. Educational organi-  
25 zations may also provide assistance for these purposes. School  
26 improvement plans described in this section shall be updated  
27 annually by each school and by the board of the school district.

1 ~~(2) Not later than April 1, 1994, the state board shall~~  
2 ~~revise its existing criteria for school improvement plans to~~  
3 ~~ensure that school improvement plans include at least all of the~~  
4 ~~following additional matters:~~

5 ~~(a) Identification of the adult roles for which graduates~~  
6 ~~need to be prepared.~~

7 ~~(b) Identification of the education and skills that are~~  
8 ~~needed to allow graduates to fulfill those adult roles.~~

9 ~~(c) A determination of whether or not the existing school~~  
10 ~~curriculum is providing pupils with the education and skills~~  
11 ~~needed to fulfill those adult roles.~~

12 ~~(d) Identification of changes that must be made in order to~~  
13 ~~provide graduates with the necessary education and skills and~~  
14 ~~specific recommendations for implementing those changes.~~

15 ~~(e) Development of alternative measures of assessment that~~  
16 ~~will provide authentic assessment of pupils' achievements,~~  
17 ~~skills, and competencies.~~

18 ~~(f) Methods for effective use of technology as a way of~~  
19 ~~improving learning and delivery of services and for integration~~  
20 ~~of evolving technology in the curriculum.~~

21 ~~(g) Ways to make available in as many fields as practicable~~  
22 ~~opportunities for structured on the job learning, such as appren-~~  
23 ~~ticeships and internships, combined with classroom instruction.~~

24 ~~(3) Not later than September 1, 1994, each intermediate~~  
25 ~~school board shall adopt and implement and, not later than~~  
26 ~~September 1 each year, shall submit to the department a copy of a~~  
27 ~~3 to 5 year intermediate school district school improvement plan~~

~~1 and continuing school improvement process for the intermediate  
2 school district. Constituent and intermediate school board mem-  
3 bers, school building administrators, teachers and other school  
4 employees, pupils, parents of pupils, and other residents of the  
5 intermediate school district shall participate in the planning,  
6 development, implementation, and evaluation of the intermediate  
7 school district's school improvement plan. Upon request of the  
8 intermediate school board, the department shall assist the inter-  
9 mediate school district in the development and implementation of  
10 an intermediate school district school improvement plan. An  
11 intermediate school district school improvement plan described in  
12 this section shall be updated annually by the intermediate school  
13 board. An intermediate school district school improvement plan  
14 shall include at least all of the following:~~

~~15 (a) A plan for addressing classroom needs and improvements  
16 throughout the territory of the intermediate school district  
17 without regard to school district boundaries.~~

~~18 (b) Assurance that all pupils have reasonable access to all  
19 programs offered by the intermediate school district, including,  
20 but not limited to, transportation if necessary.~~

~~21 (c) A plan for delivery of effective and relevant profes-  
22 sional development for teachers within the intermediate school  
23 district that will lead to improved teaching and learning.~~

~~24 (d) Methods to assist school districts in integrating  
25 applied academics and career and employability skills into all  
26 curricular areas.~~



1 ~~(e) Ways to make available in as many fields as practicable~~  
2 ~~opportunities for structured on the job learning, such as~~  
3 ~~apprenticeships and internships, combined with classroom~~  
4 ~~instruction.~~

5 ~~(f) Coordination of services and service delivery with other~~  
6 ~~existing state and local human services agencies.~~

7 ~~(g) Long range cost containment measures, including addi-~~  
8 ~~tional services that might be provided at reduced costs by the~~  
9 ~~intermediate school district or through cooperative programs, and~~  
10 ~~cost reduction programs such as interdistrict cooperation in spe-~~  
11 ~~cial education and other programs and services.~~

12 ~~(h) To the extent that it would improve school effective-~~  
13 ~~ness, specific recommendations on consolidation or enhanced~~  
14 ~~interdistrict cooperation, or both, along with possible sources~~  
15 ~~of revenue.~~

16 ~~(i) Identification of the role of the intermediate school~~  
17 ~~district in providing services or assistance to local school~~  
18 ~~districts.~~

19 ~~(4) The school improvement plans of a school district shall~~  
20 ~~be maintained on file with the intermediate school district to~~  
21 ~~which the school district is constituent.~~

22 ~~(5) The state board shall annually review a random sampling~~  
23 ~~of school improvement plans. Based on its review, the state~~  
24 ~~board shall annually submit a report on school improvement activ-~~  
25 ~~ities planned and accomplished by each of the school districts~~  
26 ~~and intermediate school districts that were part of the sampling~~

1 ~~to the senate and house committees that have the responsibility~~  
2 ~~for education legislation.~~

3       Sec. 1278. (1) ~~Subject to subsection (12), in~~ IN addition  
4 to the requirements for accreditation under section 1280 speci-  
5 fied in that section, if the board of a school district wants all  
6 of the schools of the school district to be accredited under  
7 section 1280, the board shall make available to all pupils  
8 attending public school in the district a core academic curricu-  
9 lum in compliance with subsection (3) in each of the curricular  
10 areas specified in the state board recommended model core aca-  
11 demic curriculum developed under subsection (2). The state board  
12 model core academic curriculum shall encompass academic and cog-  
13 nitive instruction only. For purposes of this ~~subsection~~  
14 SECTION, the state board model core academic curriculum shall not  
15 include attitudes, beliefs, or value systems that are not essen-  
16 tial in the legal, economic, and social structure of our society  
17 and to the personal and social responsibility of citizens of our  
18 society.

19       (2) A recommended model core academic curriculum shall be  
20 developed by the state board and distributed to each school dis-  
21 trict in the state. The recommended MODEL core academic curricu-  
22 lum shall set forth desired learning objectives in math, science,  
23 reading, history, geography, economics, American government, and  
24 writing for all children at each stage of schooling and be based  
25 upon the "Michigan K-12 program standards of quality" to ensure  
26 that high academic standards, academic skills, and academic  
27 subject matters are built into the instructional goals of all

1 SCHOOL districts for all children. The state board also shall  
2 ensure that the Michigan educational assessment program and the  
3 high school proficiency exam, or any other statewide benchmark  
4 test, ~~is~~ ARE testing only for proficiency in basic academic  
5 skills and academic subject matter and are not used to measure  
6 pupils' values or attitudes.

7 (3) ~~Subject to subsection (12), the~~ THE board of each  
8 school district, considering the academic curricular outcomes  
9 defined and recommended pursuant to subsection (2), shall do both  
10 of the following:

11 (a) Establish a core academic curriculum for its pupils at  
12 the elementary, middle, and secondary school levels. The core  
13 academic curriculum shall define academic outcomes to be achieved  
14 by all pupils and SHALL be based upon the school district's edu-  
15 cational mission, long-range ~~student~~ PUPIL goals, and ~~student~~  
16 PUPIL performance objectives. The core academic curriculum may  
17 vary from the model core academic curriculum recommended by the  
18 state board pursuant to subsection (2).

19 (b) After consulting with teachers and school building  
20 administrators, determine the aligned instructional program for  
21 delivering the core academic curriculum and identify the courses  
22 and programs in which the core academic curriculum will be  
23 taught.

24 (4) Consistent with its core academic curriculum for early  
25 elementary school, the board of a school district shall consider  
26 adopting early elementary school program initiatives establishing  
27 nongraded, continuous progress programs for grades 1 through 4,

1 utilizing individualized planning, maintaining comprehensive  
2 portfolios and narrative reports of learning progress for all  
3 pupils, and emphasizing collegiality and collaboration among  
4 teachers, parents, and ~~students~~ PUPILS, all over multiple year  
5 periods.

6 (5) The board may supplement the core academic curriculum by  
7 providing instruction through additional classes and programs.

8 (6) For all pupils, the subjects or courses, and the deliv-  
9 ery of those including special assistance, that constitute the  
10 curriculum the pupils engage in shall assure the pupils have a  
11 realistic opportunity to learn all subjects and courses required  
12 by the district's core academic curriculum in order to give all  
13 pupils a good and fair opportunity to attain a state-endorsed  
14 diploma. A subject or course required by the core academic cur-  
15 riculum pursuant to subsection (3) shall be provided to all  
16 pupils in the school district by a school district, a consortium  
17 of school districts, or a consortium of 1 or more school dis-  
18 tricts and 1 or more intermediate school districts.

19 (7) To the extent practicable, the state board may adopt or  
20 develop academic outcome-based high standards for knowledge and  
21 life skills, and A RECOMMENDED core academic curriculum, for spe-  
22 cial education pupils for whom it may not be realistic or desir-  
23 able to expect achievement of novice level or initial mastery of  
24 the state board recommended model core academic curriculum out-  
25 comes or of a high school diploma.

26 (8) The state board shall make available to all nonpublic  
27 schools in this state, as a resource for their consideration, the

1 model core academic curriculum developed for public schools  
2 pursuant to subsection (2) for the purpose of assisting the gov-  
3 erning body of a nonpublic school in developing its own core aca-  
4 demic curriculum.

5 (9) Excluding special education pupils, pupils having a  
6 learning disability, and pupils with extenuating circumstances as  
7 determined by school officials, a pupil who does not score satis-  
8 factorily on the 4th or 7th grade Michigan educational assessment  
9 program reading test shall be provided special assistance reason-  
10 ably expected to enable the pupil to bring his or her reading  
11 skills to grade level within 12 months.

12 (10) Any course that would have been considered a nonessen-  
13 tial elective course under Snyder v Charlotte Schools SCHOOL  
14 DIST, 421 Mich 517 (1984) on ~~the effective date of the amenda-~~  
15 ~~tory act that added this section~~ APRIL 13, 1990 shall continue  
16 to be offered to resident pupils of nonpublic schools on a shared  
17 time basis.

18 ~~(11) Not later than September 1, 1994, the state board~~  
19 ~~shall develop and submit for public hearing under the administra-~~  
20 ~~tive procedures act of 1969, Act No. 306 of the Public Acts of~~  
21 ~~1969, being sections 24.201 to 24.328 of the Michigan Compiled~~  
22 ~~Laws, proposed rules establishing a required core academic cur-~~  
23 ~~riculum for all school districts. The proposed rules may exempt~~  
24 ~~pupils described in subsection (7) and require that the standards~~  
25 ~~described in subsection (7) be implemented. Not later than~~  
26 ~~January 1, 1996, the state board shall submit the proposed rules~~  
27 ~~to the joint committee on administrative rules.~~

1 ~~(12) Beginning in the 1997-98 school year, the board of a~~  
2 ~~school district shall provide to each pupil the core academic~~  
3 ~~curriculum required under the state board rules described in~~  
4 ~~subsection (11).~~

5 Sec. 1279. (1) The board of a school district OR PUBLIC  
6 SCHOOL ACADEMY shall award a state-endorsed high school diploma  
7 to an eligible HIGH SCHOOL graduate as provided in this section.  
8 For a pupil scheduled to graduate FROM HIGH SCHOOL in 1994, 1995,  
9 or 1996 to be eligible for a state endorsement in 1 or more of  
10 the subject areas of communication arts, mathematics, or science,  
11 the pupil must achieve at least 1 of the following:

12 (a) A passing score on locally-adopted and state-approved  
13 basic proficiency tests measuring proficiency in 1 or more of the  
14 subject areas specified in this subsection.

15 (b) If the pupil is eligible to take the general education  
16 development (G.E.D.) test, a passing score in 1 or more of the  
17 subject areas specified in this subsection and tested in the  
18 G.E.D. test.

19 (c) For a state endorsement in communications arts, at least  
20 category 2 on the reading portion of the Michigan educational  
21 assessment program (MEAP) grade 10 test; for a state endorsement  
22 in mathematics, at least 50% of the objectives on the mathematics  
23 portion of the MEAP grade 10 test; and, for a state endorsement  
24 in science, at least 50% of the objectives on the science portion  
25 of the MEAP grade 11 test.

26 (2) Beginning with pupils scheduled to graduate FROM HIGH  
27 SCHOOL in 1997, if a pupil achieves the academic outcomes

1 required by the state board, as measured by an assessment  
2 instrument developed under subsection (8), for a state-endorsed  
3 high school diploma in 1 or more of the subject areas of communi-  
4 cations skills, mathematics, science, and, beginning with pupils  
5 scheduled to graduate in 1999, social studies, the pupil's school  
6 district OR PUBLIC SCHOOL ACADEMY shall award a state endorsement  
7 on the pupil's diploma in each of the subject areas in which the  
8 pupil demonstrated the required proficiency. A school district  
9 OR PUBLIC SCHOOL ACADEMY shall not award a state endorsement to a  
10 pupil unless the pupil meets the applicable requirements for the  
11 endorsement, as described in this subsection. A school district  
12 OR PUBLIC SCHOOL ACADEMY may award a high school diploma to a  
13 pupil who successfully completes local SCHOOL district OR PUBLIC  
14 SCHOOL ACADEMY requirements established in accordance with state  
15 law for high school graduation, regardless of whether the pupil  
16 is eligible for any state endorsement.

17 (3) A school district that offers a pupil the opportunity to  
18 pass a basic proficiency test described in subsection (1)(a) as 1  
19 means to obtain a state-endorsed diploma in 1994, 1995, or 1996  
20 may submit the school district's own basic proficiency test to  
21 the department for approval to be used by the district to assess  
22 proficiency.

23 (4) A pupil who does not achieve at least 1 of the require-  
24 ments listed in subsection (1) or the requirements of  
25 subsection (2), as applicable, may be reevaluated each school  
26 year until the pupil achieves an applicable requirement for a  
27 state-endorsed diploma. In addition, the board of the school

1 district OR PUBLIC SCHOOL ACADEMY in which the pupil is enrolled  
2 shall provide that there be at least 1 meeting attended by at  
3 least the pupil and a member of the school district's OR PUBLIC  
4 SCHOOL ACADEMY'S staff or a local or intermediate SCHOOL district  
5 consultant who is proficient in the measurement and evaluation of  
6 pupils. The school district OR PUBLIC SCHOOL ACADEMY may provide  
7 the meeting as a group meeting for pupils in similar  
8 circumstances. If the pupil is a minor, the school district OR  
9 PUBLIC SCHOOL ACADEMY shall invite and encourage the pupil's  
10 parent, legal guardian, or person in loco parentis to attend the  
11 meeting and shall mail a notice of the meeting to the pupil's  
12 parent, legal guardian, or person in loco parentis. The purpose  
13 of this meeting and any subsequent meeting under this subsection  
14 shall be to determine an educational program for the pupil  
15 designed to have the pupil reach proficiency in each subject or  
16 skill area in which he or she was assessed by the testing as not  
17 proficient. In addition, a school district OR PUBLIC SCHOOL  
18 ACADEMY may provide for subsequent meetings with the pupil con-  
19 ducted by a high school counselor or teacher designated by the  
20 pupil's high school principal, and shall invite and encourage the  
21 pupil's parent, legal guardian, or person in loco parentis to  
22 attend the subsequent meetings. The school ~~board~~ DISTRICT OR  
23 PUBLIC SCHOOL ACADEMY shall provide special programs for the  
24 pupil or develop a program using the educational programs regu-  
25 larly provided by the district unless the board OF THE SCHOOL  
26 DISTRICT OR PUBLIC SCHOOL ACADEMY decides otherwise and publishes  
27 and explains its decision in a public justification report. A



1 pupil may be reevaluated at any time the school district OR  
2 PUBLIC SCHOOL ACADEMY administers an applicable assessment  
3 instrument.

4 (5) For a state-endorsed diploma, a pupil must achieve at  
5 least 1 of the requirements listed in subsection (1) or the  
6 requirements of subsection (2), as applicable, in addition to any  
7 other requirements established by law or by the board of the  
8 school district OR PUBLIC SCHOOL ACADEMY for a high school  
9 diploma. If the board of a school district OR PUBLIC SCHOOL  
10 ACADEMY determines that a pupil qualifies for a state-endorsed  
11 diploma, the board shall indicate on the pupil's high school  
12 diploma and transcript that the pupil achieved the proficiency  
13 necessary for receipt of a state-endorsed diploma.

14 (6) An individual may repeat any of the tests or assessment  
15 instruments specified in subsection (1) or subsection (2), as  
16 applicable, at any time the school district OR PUBLIC SCHOOL  
17 ACADEMY regularly offers the test or assessment or, for the MEAP  
18 tests described in subsection (1)(c), during the month of April  
19 or first 2 weeks of May, and, upon achieving at least 1 of the  
20 requirements listed in subsection (1) or the requirements of  
21 subsection (2), as applicable, and completing all other applica-  
22 ble requirements for a high school diploma, shall be awarded a  
23 state-endorsed diploma.

24 (7) A school district OR PUBLIC SCHOOL ACADEMY shall provide  
25 accommodations to a pupil with disabilities for the proficiency  
26 testing or assessment required under this section, as provided  
27 under section 504 of title V of the rehabilitation act of 1973,

1 Public Law 93-112, 29 U.S.C. 794; subtitle A of title II of the  
2 Americans with disabilities act of 1990, Public Law 101-336, 42  
3 U.S.C. 12131 to 12134; and the implementing regulations for those  
4 statutes. A special education pupil scheduled to graduate in  
5 1994, 1995, or 1996 who has passed an alternative form of assess-  
6 ment permitted under section 104a of the state school aid act of  
7 1979, being section 388.1604a of the Michigan Compiled Laws, as  
8 that section was in effect for the 1992-93 state fiscal year,  
9 shall receive the applicable endorsement under this section.

10 (8) ~~Not later than July 31, 1993, for~~ FOR the purposes of  
11 this section, the state board shall develop or select and approve  
12 assessment instruments to determine pupil proficiency in communi-  
13 cations skills, mathematics, SOCIAL STUDIES, and science. ~~and~~  
14 ~~not later than July 31, 1995 shall develop or select and approve~~  
15 ~~assessment instruments to determine pupil proficiency in social~~  
16 ~~studies.~~ The assessment instruments shall be based on the state  
17 board model core academic curriculum outcomes.

18 (9) ~~Not later than July 31, 1995, the~~ THE state board  
19 shall develop or select and approve assessment instruments for  
20 the purpose of awarding state endorsements of advanced mastery in  
21 specified subject areas.

22 (10) The state board shall establish a novice level score  
23 for each state-endorsed diploma assessment developed or selected  
24 and approved under subsection (8). If a graduate achieves a  
25 novice level score in a subject area on an assessment, the tran-  
26 script shall include a notation to that effect but shall not be  
27 considered to be a state-endorsed diploma for that subject area.

1 (11) All assessment instruments developed or selected and  
2 approved by the state under any statute or rule for a purpose  
3 related to K to 12 education shall be outcomes-based and consis-  
4 tent with the state board model core academic curriculum.

5 (12) ~~Beginning in 1995, upon~~ UPON payment of a reasonable  
6 fee any person may take the state-endorsed diploma test and, upon  
7 achieving the initial mastery level in a subject area, have his  
8 or her high school diploma state-endorsed for that subject area.

9 Sec. 1279c. The state board, ~~and~~ the board of each school  
10 district, AND EACH PUBLIC SCHOOL ACADEMY shall ensure that the  
11 Michigan educational assessment program (MEAP) tests are not used  
12 to measure pupils' values or attitudes.

13 Sec. 1284. (1) The board of a school district shall deter-  
14 mine the length of the school term. However, if the board does  
15 not want the school district's state school aid payments to be  
16 withheld as described in section 101 of the state school aid act  
17 of 1979, being section 388.1701 of the Michigan Compiled Laws,  
18 the board shall ensure that the minimum number of days of pupil  
19 instruction in a school year is 180 ~~and~~ THROUGH THE 1999-2000  
20 SCHOOL YEAR AND IS 185 IN THE 2000-2001 SCHOOL YEAR, 190 IN THE  
21 2001-2002 SCHOOL YEAR, AND 195 IN THE 2002-2003 SCHOOL YEAR AND  
22 EACH SUCCEEDING SCHOOL YEAR, AND SHALL ENSURE that the minimum  
23 number of hours of pupil instruction in a school year is 900 for  
24 the 1994-95 school year, 990 for the 1995-96 and 1996-97 school  
25 years, 1,035 for the 1997-98 and 1998-99 school years, ~~and~~  
26 1,080 for the 1999-2000 school year, 1,110 FOR THE 2000-2001

1 SCHOOL YEAR, 1,140 FOR THE 2001-2002 SCHOOL YEAR, AND 1,170 FOR  
2 THE 2002-2003 SCHOOL YEAR and each succeeding school year.

3 (2) Not later than August 1, the board of each district  
4 shall certify to the state board the number of days AND HOURS of  
5 pupil instruction in the previous school year.

6 (3) Days lost because of strikes or teachers' conferences  
7 shall not be counted as days of pupil instruction. ~~Beginning in~~  
8 ~~the 1994-95 school year, it is the intent of the legislature that~~  
9 ~~the board of each school district shall consider extending the~~  
10 ~~number of days of pupil instruction in a school year by 2 days~~  
11 ~~each school year so that by the 2009-2010 school year the number~~  
12 ~~of days of pupil instruction is at least 210.~~ TIME WHEN PUPILS  
13 ARE AT RECESS SHALL NOT BE COUNTED TOWARD HOURS OF PUPIL  
14 INSTRUCTION.

15 (4) ~~(2)~~ The state board shall promulgate rules for the  
16 implementation of this section.

17 Sec. 1507. ~~(1) The board of a school district may engage~~  
18 ~~qualified instructors and provide facilities and equipment for~~  
19 ~~instruction in sex education, including family planning, human~~  
20 ~~sexuality, and the emotional, physical, psychological, hygienic,~~  
21 ~~economic, and social aspects of family life. Instruction may~~  
22 ~~also include the subjects of reproductive health and the recogni-~~  
23 ~~tion, prevention, and treatment of sexually transmitted disease.~~  
24 ~~Subject to subsection (6), the instruction described in this sub-~~  
25 ~~section shall include the teaching of abstinence from sex as a~~  
26 ~~responsible method of preventing unwanted pregnancy and sexually~~

1 ~~transmitted disease and as a positive lifestyle for unmarried~~  
2 ~~young people.~~

3 ~~(2) The class described in subsection (1) shall be elective~~  
4 ~~and not a requirement for graduation.~~

5 ~~(3) A pupil shall not be enrolled in a class in which the~~  
6 ~~subjects of family planning or reproductive health are discussed~~  
7 ~~unless the pupil's parent or guardian is notified in advance of~~  
8 ~~the course and the content of the course, is given a prior oppor-~~  
9 ~~tunity to review the materials to be used in the course, and is~~  
10 ~~notified in advance of his or her right to have the pupil excused~~  
11 ~~from the class. The state board shall determine the form and~~  
12 ~~content of the notice required in this subsection.~~

13 ~~(4) Upon the written request of a pupil or the pupil's~~  
14 ~~parent or legal guardian, a pupil shall be excused, without pen-~~  
15 ~~alty or loss of academic credit, from attending the class~~  
16 ~~described in subsection (1).~~

17 ~~(5) A school district that provides a class as permitted by~~  
18 ~~subsection (1) shall offer the instruction by teachers qualified~~  
19 ~~to teach health education. A school district shall not offer~~  
20 ~~this instruction unless an advisory board is established by the~~  
21 ~~district board to periodically review the materials and methods~~  
22 ~~of instruction used, and to make recommendations to the district~~  
23 ~~regarding changes in the materials or methods. The advisory~~  
24 ~~board shall consist of parents having children attending the~~  
25 ~~district's schools, pupils in the district's schools, educators,~~  
26 ~~local clergy, and community health professionals.~~

1 ~~(6) Before adopting any revisions in the materials or~~  
2 ~~methods used in instruction under this section, including, but~~  
3 ~~not limited to, revisions to provide for the teaching of absti-~~  
4 ~~nence from sex as a method of preventing unwanted pregnancy and~~  
5 ~~sexually transmitted disease, the board of a school district~~  
6 ~~shall hold at least 2 public hearings on the proposed revisions.~~  
7 ~~The hearings shall be held at least 1 week apart and public~~  
8 ~~notice of the hearings shall be given in the manner required~~  
9 ~~under section 1201 for board meetings. A public hearing held~~  
10 ~~pursuant to this section may be held in conjunction with a public~~  
11 ~~hearing held pursuant to section 1169.~~

12 (1) ~~(7)~~ A person shall not dispense or otherwise distrib-  
13 ute in a public school a family planning drug or device.

14 (2) ~~(8)~~ As used in this section, ~~and section 1508,~~  
15 "family planning" means the use of a range of methods of fertil-  
16 ity regulation to help individuals or couples avoid unwanted  
17 pregnancies; bring about wanted births; regulate the intervals  
18 between pregnancies; ~~and~~ OR plan the time at which births occur  
19 in relation to the age of parents. ~~It may include the study of~~  
20 ~~fetology. It may include marital and genetic information.~~  
21 ~~Clinical abortion shall not be considered a method of family~~  
22 ~~planning, nor shall abortion be taught as a method of reproduc-~~  
23 ~~tive health.~~

24 ~~(9) As used in this section:~~

25 ~~(a) "Class" means an instructional period of limited dura-~~  
26 ~~tion, not to exceed 2 hours, within a course of instruction.~~

1        ~~(b) "Course" means a series of classes linked by a common~~  
2 ~~subject matter.~~

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. 1526. For the first 3 years of his or her employment  
7 in classroom teaching, a teacher shall be assigned by the school  
8 in which he or she teaches to 1 or more master teachers, or col-  
9 lege professors or retired master teachers, who shall act as a  
10 mentor or mentors to the teacher. During the 3-year period, the  
11 teacher shall also receive intensive professional development  
12 induction into teaching, based on a professional development plan  
13 that is consistent with the requirements of section 3a of article  
14 II of Act No. 4 of the Public Acts of the Extra Session of 1937,  
15 being section 38.83a of the Michigan Compiled Laws, including  
16 classroom management and instructional delivery. ~~The~~ DURING  
17 THE 3-YEAR PERIOD, THE intensive professional development induc-  
18 tion into teaching shall consist of at least 15 days of profes-  
19 sional development, the experiencing of effective practices in  
20 university-linked professional development schools, and regional  
21 seminars conducted by master teachers and other mentors.

22 SEC. 1527. BEGINNING IN THE 2000-2001 SCHOOL YEAR, THE  
23 BOARD OF EACH SCHOOL DISTRICT SHALL PROVIDE AT LEAST 5 DAYS OF  
24 TEACHER PROFESSIONAL DEVELOPMENT EACH SCHOOL YEAR FOR EACH  
25 TEACHER. PROFESSIONAL DEVELOPMENT DAYS PROVIDED UNDER THIS SEC-  
26 TION SHALL NOT BE COUNTED TOWARD THE PROFESSIONAL DEVELOPMENT  
27 REQUIRED UNDER SECTION 1526.

1       Sec. 1531. (1) Except as provided in this section, the  
2 state board shall determine the requirements for and issue all  
3 licenses and certificates for teachers, including preprimary  
4 teachers, and the requirements for an endorsement of teachers as  
5 qualified counselors and an endorsement of teachers for teaching  
6 a foreign language in an elementary grade in the public schools  
7 of the state.

8       (2) ~~Beginning July 1, 1992 and subject to subsection (12),~~  
9 ~~the~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE state  
10 board shall only issue a teaching certificate to a person who has  
11 passed appropriate examinations as follows:

12       (a) For a secondary level teaching certificate, has passed  
13 both the basic skills examination and the appropriate available  
14 subject area examination for each subject area in which he or she  
15 applies to be certified.

16       (b) For an elementary level teaching certificate, has passed  
17 the basic skills examination and, if it is available, the elemen-  
18 tary certification examination, and has passed the appropriate  
19 available subject area examination for each subject area, if any,  
20 in which he or she applies to be certified.

21       (3) ~~Beginning July 1, 1992,~~ EXCEPT AS OTHERWISE PROVIDED  
22 IN SUBSECTION (4), THE STATE BOARD SHALL ISSUE A MICHIGAN TEACH-  
23 ING CERTIFICATE TO a person holding a certificate from another  
24 state or a teaching degree from an out-of-state teacher prepara-  
25 tion institution who applies for a Michigan teaching certificate  
26 ~~shall be required to pass~~ ONLY IF THE PERSON PASSES appropriate  
27 examinations as follows:

1 (a) For a secondary level teaching certificate, pass both  
2 the basic skills examination and the appropriate available  
3 subject area examination for each subject area in which he or she  
4 applies to be certified. The state board may accept passage of  
5 an equivalent examination approved by the state board to meet 1  
6 or both of these requirements.

7 (b) For an elementary level teaching certificate, pass the  
8 basic skills examination and, if it is available, the elementary  
9 certification examination, and pass the appropriate available  
10 subject area examination for each subject area, if any, in which  
11 he or she applies to be certified. The state board may accept  
12 passage of an equivalent examination approved by the state board  
13 to meet 1 or more of these requirements.

14 (4) SUBJECT TO SUBSECTION (6), IF A PERSON HOLDING A TEACH-  
15 ING CERTIFICATE FROM ANOTHER STATE APPLIES TO THE STATE BOARD FOR  
16 A MICHIGAN TEACHING CERTIFICATE AND MEETS THE REQUIREMENTS OF  
17 THIS SUBSECTION, THE STATE BOARD SHALL ISSUE TO THE PERSON A  
18 MICHIGAN PROFESSIONAL EDUCATION TEACHING CERTIFICATE AND APPLICA-  
19 BLE ENDORSEMENTS COMPARABLE TO THOSE THE PERSON HOLDS IN THE  
20 OTHER STATE, WITHOUT REQUIRING THE PERSON TO PASS A BASIC SKILLS  
21 EXAMINATION OR THE APPLICABLE SUBJECT AREA EXAMINATION OTHERWISE  
22 REQUIRED UNDER SUBSECTION (2) OR (3). TO BE ELIGIBLE TO RECEIVE  
23 A MICHIGAN PROFESSIONAL EDUCATION TEACHING CERTIFICATE UNDER THIS  
24 SUBSECTION, A PERSON SHALL PROVIDE EVIDENCE SATISFACTORY TO THE  
25 DEPARTMENT THAT HE OR SHE MEETS ALL OF THE FOLLOWING  
26 REQUIREMENTS:

1 (A) HAS TAUGHT SUCCESSFULLY FOR AT LEAST 3 YEARS IN A  
2 POSITION FOR WHICH THE PERSON'S TEACHING CERTIFICATION FROM THE  
3 OTHER STATE WAS VALID.

4 (B) HAS EARNED, AFTER HIS OR HER INITIAL CERTIFICATION IN  
5 ANOTHER STATE, AT LEAST 18 SEMESTER CREDIT HOURS IN A PLANNED  
6 COURSE OF STUDY AT A STATE BOARD APPROVED INSTITUTION OF HIGHER  
7 EDUCATION OR HAS EARNED, AT ANY TIME, A STATE BOARD APPROVED  
8 MASTER'S OR DOCTORAL DEGREE.

9 (C) HAS MET THE ELEMENTARY OR SECONDARY, AS APPLICABLE,  
10 READING CREDIT REQUIREMENT ESTABLISHED UNDER STATE BOARD RULE.

11 (5) A PERSON WHO RECEIVES A TEACHING CERTIFICATE AND  
12 ENDORSEMENT OR ENDORSEMENTS UNDER SUBSECTION (4) IS ELIGIBLE TO  
13 RECEIVE 1 OR MORE ADDITIONAL ENDORSEMENTS COMPARABLE TO ENDORSE-  
14 MENTS THE PERSON HOLDS IN ANOTHER STATE ONLY IF THE PERSON PASSES  
15 THE APPROPRIATE SUBJECT AREA EXAMINATIONS REQUIRED UNDER  
16 SUBSECTION (2) OR (3).

17 (6) THE STATE BOARD MAY DENY A MICHIGAN TEACHING CERTIFICATE  
18 TO A PERSON DESCRIBED IN SUBSECTION (4) FOR FRAUD, MATERIAL MIS-  
19 REPRESENTATION, OR CONCEALMENT IN THE PERSON'S APPLICATION FOR A  
20 CERTIFICATE OR FOR A CONVICTION OF THE PERSON AS AN ADULT OF AN  
21 ACT OF IMMORAL CONDUCT CONTRIBUTING TO THE DELINQUENCY OF A CHILD  
22 OR A FELONY RELATED REASONABLY AND ADVERSELY TO THE ABILITY OF  
23 THE PERSON TO SERVE IN AN ELEMENTARY OR SECONDARY SCHOOL.

24 (7) ~~(4) Not later than June 1, 1988, the~~ THE department,  
25 based upon criteria recommended pursuant to subsection ~~(6)~~ (9),  
26 shall provide to state board approved teacher education  
27 institutions state board approved guidelines and criteria for use

1 in the development or selection of a basic skills examination ~~,~~  
2 and ~~not later than June 1, 1989,~~ approved guidelines and cri-  
3 teria for use in the development or selection of subject area  
4 examinations.

5 (8) ~~(5)~~ For the purposes of this section, ~~not later than~~  
6 ~~January 1, 1989,~~ the state board, based upon criteria recom-  
7 mended pursuant to subsection ~~(6)~~ (9), shall develop, select,  
8 or develop and select 1 or more basic skills examinations ~~,~~ and  
9 ~~not later than January 1, 1990,~~ subject area examinations. In  
10 addition, the state board, based upon criteria recommended pursu-  
11 ant to subsection ~~(6)~~ (9), shall approve an elementary certifi-  
12 cation examination ~~not later than October 1, 1992~~ and a reading  
13 subject area examination. ~~not later than October 1, 1993.~~

14 (9) ~~(6)~~ ~~Not later than January 18, 1987, the~~ THE state  
15 board shall appoint an 11-member teacher examination advisory  
16 committee comprised of representatives of approved teacher educa-  
17 tion institutions and Michigan education organizations and  
18 associations. Not more than 1/2 of the members comprising this  
19 committee shall be certified teachers. ~~Not later than January~~  
20 ~~1, 1988, this~~ THIS committee shall recommend criteria to be used  
21 by the state board in the development, selection, or development  
22 and selection of 1 or more basic skills examinations, and ~~not~~  
23 ~~later than January 1, 1989,~~ criteria to be used by the state  
24 board in the development, selection, or development and selection  
25 of subject area examinations. In addition, by those dates, the  
26 committee shall recommend guidelines for the use and  
27 administration of those examinations. The basic skills

1 examinations referred to in this subsection may be developed by  
 2 the state board or selected by the state board from commercially  
 3 or university developed examinations. In addition, an approved  
 4 teacher education institution, pursuant to guidelines and cri-  
 5 teria described in subsection ~~(4)~~ (7), may develop an examina-  
 6 tion at its own expense for approval by the state board. An  
 7 approved teacher education institution that develops its own  
 8 examination is liable for any litigation that results from the  
 9 use of its examination.

10 (10) ~~(7) Not later than January 18, 1987, the~~ THE state  
 11 board shall appoint a 7-member standing technical advisory coun-  
 12 cil comprised of persons who are experts in measurement and  
 13 assessment. This council shall advise the state board and the  
 14 teacher examination committee on the validity, reliability, and  
 15 other technical standards of the examinations that will be used  
 16 or are being used and of the administration and use of those  
 17 examinations.

18 (11) ~~(8) Not later than November 30, 1992 and~~ OF each  
 19 year, ~~thereafter,~~ the state board shall submit in writing a  
 20 report on the development or selection and use of the basic  
 21 skills examination, the elementary certification examination, and  
 22 the subject area examinations to the house and senate education  
 23 committees. The report shall also contain a financial statement  
 24 regarding revenue received from the assessment of fees levied  
 25 pursuant to subsection ~~(10)~~ (13) and the amount of and any pur-  
 26 poses for which that revenue was expended.

1       (12) ~~(9)~~ The basic skills examination, the elementary  
2 certification examination, and the subject area examinations  
3 required by this section may be taken at different times during  
4 an approved teacher preparation program, but ~~, subject to sub-~~  
5 ~~section (11),~~ the basic skills examination must be passed before  
6 a person is enrolled for student teaching and the elementary cer-  
7 tification examination and the subject area examinations, as  
8 applicable, must be passed before a person is recommended for  
9 certification.

10       (13) ~~(10)~~ The department, or if approved by the state  
11 board, a private testing service, may assess fees for taking the  
12 basic skills examination, elementary certification examination,  
13 and the subject area examinations. The fees, which shall be set  
14 by the state board, shall not exceed \$50.00 for a basic skills  
15 examination or \$75.00 for an elementary certification examination  
16 or a subject area examination. However, if a subject area exami-  
17 nation for vocational education includes a performance examina-  
18 tion, an additional fee may be assessed for taking the per-  
19 formance examination, not to exceed the actual cost of adminis-  
20 tering the performance examination. Fees received by the depart-  
21 ment shall be expended solely for administrative expenses that it  
22 incurs in implementing ~~subsections (2) to (15)~~ THIS SECTION.

23       ~~(11) For persons who took an examination administered under~~  
24 ~~this section in February 1992 or April 1992, the department shall~~  
25 ~~make available not later than June 30, 1992 the results of the~~  
26 ~~examination indicating both the person's score on the examination~~  
27 ~~and whether the person has passed or failed the examination. If~~

1 ~~a person failed a basic skills examination administered in~~  
2 ~~February 1992 or 1 or more subject area examinations administered~~  
3 ~~in April 1992, the department shall allow the person to retake~~  
4 ~~the failed examination once without charge to the person.~~  
5 ~~Subsequent reexaminations shall be subject to the fees described~~  
6 ~~in subsection (10). A person who failed a basic skills examina-~~  
7 ~~tion administered in February 1992 or April 1992 may be enrolled~~  
8 ~~for student teaching before passing the basic skills examination~~  
9 ~~but must pass the basic skills examination before he or she may~~  
10 ~~be recommended for certification.~~

11 ~~(12) Until September 1, 1993, a person holding a teaching~~  
12 ~~certificate that was in effect on January 1, 1992 who applies for~~  
13 ~~an elementary level teaching certificate or for certification in~~  
14 ~~a subject area, and who meets the other applicable requirements,~~  
15 ~~is not required to pass the elementary certification examination~~  
16 ~~or appropriate subject area examination, as applicable, in order~~  
17 ~~to receive the elementary level teaching certificate or to be~~  
18 ~~certified in the subject area.~~

19 (14) BEGINNING JANUARY 1, 1996, THE STATE BOARD SHALL ISSUE  
20 A TEACHING CERTIFICATE AUTHORIZING THE PERSON TO TEACH IN GRADES  
21 9 TO 12 ONLY AND THE APPROPRIATE SUBJECT AREA ENDORSEMENT TO A  
22 PERSON, WITHOUT REQUIRING THE PERSON TO MEET ANY OTHER REQUIRE-  
23 MENTS, IF THE PERSON DEMONSTRATES THAT HE OR SHE MEETS ALL OF THE  
24 FOLLOWING REQUIREMENTS:

25 (A) HAS AT LEAST A BACHELOR'S DEGREE FROM A STATE BOARD  
26 APPROVED COLLEGE OR UNIVERSITY.



1 (B) HAS PASSED BOTH THE BASIC SKILLS EXAMINATION AND THE  
2 APPROPRIATE AVAILABLE SUBJECT AREA EXAMINATION FOR EACH SUBJECT  
3 AREA IN WHICH THE PERSON APPLIES TO BE CERTIFIED.

4 (C) HAS AT LEAST 5 YEARS OF OCCUPATIONAL EXPERIENCE DIRECTLY  
5 RELATED TO EACH SUBJECT AREA IN WHICH THE PERSON APPLIES TO  
6 TEACH. FOR THE PURPOSES OF THIS SUBDIVISION, EXPERIENCE IN THE  
7 UNITED STATES MILITARY IS CONSIDERED TO BE OCCUPATIONAL  
8 EXPERIENCE.

9 (D) PAYS ALL FEES NORMALLY CHARGED TO OTHER APPLICANTS FOR  
10 THE SAME CERTIFICATION OR ENDORSEMENT.

11 (15) FOR THE PURPOSES OF CERTIFICATION UNDER  
12 SUBSECTION (14), THE STATE BOARD SHALL MAKE ARRANGEMENTS TO PRO-  
13 VIDE REASONABLE OPPORTUNITIES FOR PERSONS TO TAKE THE BASIC  
14 SKILLS EXAMINATION AND SUBJECT AREA EXAMINATIONS.

15 (16) ~~(13)~~ As used in this section:

16 (a) "Basic skills examination" means an examination devel-  
17 oped or selected by the state board or developed pursuant to sub-  
18 section ~~(6)~~ (9) by an approved teacher education institution  
19 for the purpose of demonstrating the applicant's knowledge and  
20 understanding of basic language and mathematical skills and other  
21 skills necessary for the certificate sought, and for determining  
22 whether or not an applicant is eligible for a provisional  
23 Michigan teaching certificate. ~~Not later than June 30, 1987,~~  
24 ~~the department shall advise the state board and the legislature~~  
25 ~~whether or not the department recommends that the basic skills~~  
26 ~~examination include an examination of a person's knowledge and~~

1 ~~understanding of 1 or more of the following: brain function,~~  
2 ~~learning styles, and learning processes.~~

3 (b) "Elementary certification examination" means a compre-  
4 hensive examination for elementary certification that has been  
5 developed or selected by the state board for demonstrating the  
6 applicant's knowledge and understanding of the core subjects nor-  
7 mally taught in elementary classrooms and for determining whether  
8 or not an applicant is eligible for an elementary level teaching  
9 certificate.

10 (c) "Subject area examination" means an examination related  
11 to a specific area of certification, which examination has been  
12 developed or selected by the state board for the purpose of  
13 demonstrating the applicant's knowledge and understanding of the  
14 subject matter and determining whether or not an applicant is  
15 eligible for a Michigan teaching certificate.

16 ~~(14) The state board shall certify as qualified the super-~~  
17 ~~visors required in section 1506. The state board shall certify~~  
18 ~~teachers as qualified to teach the class described in section~~  
19 ~~1507(1), based upon the recommendation of a teacher training~~  
20 ~~institution, upon an evaluation of the teacher's educational~~  
21 ~~qualifications and experience, and upon any additional require-~~  
22 ~~ments the state board considers necessary.~~

23 (17) ~~(15)~~ The state board shall promulgate rules for the  
24 implementation of this section.

25 (18) ~~(16)~~ Notwithstanding any rule promulgated by the  
26 state board to the contrary, the state board shall continue to  
27 issue state elementary or secondary continuing education

1 certificates pursuant to R 390.1132(1) of the Michigan  
2 administrative code to persons who completed the requirements of  
3 that rule by December 31, 1992 and who apply for that certificate  
4 not later than March 15, 1994. If the state board has issued a  
5 state elementary or secondary professional education certificate  
6 to a person described in this section, the state board shall con-  
7 sider the person to have a state elementary or secondary, as  
8 applicable, continuing education certificate.

9       Sec. 1532. (1) Before a teaching certificate is valid in  
10 this state, the holder shall record the certificate in the office  
11 of the intermediate superintendent or of the superintendent of  
12 schools of ~~a~~ THE school district ~~of the first, second, or~~  
13 ~~third class~~ in which the holder expects to teach.

14       (2) Before a teaching certificate is valid in this state,  
15 the holder shall make and subscribe the following oath or  
16 affirmation:

17       "I do solemnly swear (or affirm) that I will support the  
18 constitution of the United States of America and the constitution  
19 of the state of Michigan and that I will faithfully discharge the  
20 duties of the office of teacher according to the best of my  
21 ability".

22       (3) The oath set forth in subsection (2) shall be signed by  
23 the holder of the teaching certificate, notarized, and attached  
24 to or superimposed on the teaching certificate.

25       (4) Except as provided in ~~subsection (5)~~ THIS ACT, the  
26 teaching certificate shall not be nullified except by the state

1 board and for a cause that would have initially justified the  
2 withholding of the certificate.

3 (5) Upon the request of a teacher and for good cause, the  
4 state board may nullify that teacher's teaching certificate, 1 or  
5 more endorsements on the teaching certificate, or a grade level  
6 certification included in the teaching certificate if the grade  
7 level certification has not been used for 10 or more years. The  
8 state board shall not reinstate a teaching certificate, endorse-  
9 ment on a teaching certificate, or a grade level certification  
10 that has been nullified pursuant to this subsection. The state  
11 board shall promulgate rules for the implementation of this  
12 subsection.

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

26 (2) A child becoming 6 years of age before December 1 shall  
27 be enrolled on the first school day of the school year in which

1 the child's sixth birthday occurs. A child becoming 6 years of  
2 age on or after December 1 shall be enrolled on the first school  
3 day of the school year following the school year in which the  
4 child's sixth birthday occurs.

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

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

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

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

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

25 (e) ~~A child who~~ THE CHILD is regularly enrolled in ~~the~~ A  
26 public ~~schools~~ SCHOOL while in attendance at religious  
27 instruction classes for not more than 2 class hours per week, off

1 public school property during public school hours, upon written  
 2 request of the parent, guardian, or person in loco parentis under  
 3 rules promulgated by the state board.

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

6 Sec. 1602. The board of a first ~~, second, or third~~ class  
 7 school district ~~, local act district,~~ or other school district  
 8 having a population of more than 10,000, after having secured the  
 9 approval of the state board, may establish collegiate and noncol-  
 10 legiate courses of study. ~~which~~ THESE collegiate courses,  
 11 except in school districts of the first class, shall not embrace  
 12 more than 2 years of collegiate work. The courses, collectively  
 13 ~~—~~ AND exclusive of the regular K to 12 grades, shall be known  
 14 and designated as the community college of the district school  
 15 system.

16 SEC. 1621A. A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DIS-  
 17 TRICT HAS THE POWER OF EMINENT DOMAIN FOR ACQUIRING SITES FOR  
 18 SCHOOLS, ATHLETIC FIELDS, OR PLAYGROUNDS AND SHALL EXERCISE THAT  
 19 POWER ACCORDING TO THE UNIFORM CONDEMNATION PROCEDURES ACT, ACT  
 20 NO. 87 OF THE PUBLIC ACTS OF 1980, BEING SECTIONS 213.51 TO  
 21 213.77 OF THE MICHIGAN COMPILED LAWS.

22 Section 2. The following sections and parts of Act No. 451  
 23 of the Public Acts of 1976 are repealed:

24	<u>PART</u>	<u>SECTION NUMBERS</u>	<u>MICHIGAN COMPILED LAWS NUMBERS</u>
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25

26

12

380.12

1		13	380.13
2	2	71 to 87	380.71 to 380.87
3	3	101 to 155	380.101 to 380.155
4	3A	171 to 187	380.171 to 380.187
5	4	201 to 260	380.201 to 380.260
6	5	301 to 362	380.301 to 380.362
7	8	805 to 812	380.805 to 380.812
8	12	1001 to 1071	380.1001 to 380.1071
9	14	1101 to 1106	380.1101 to 380.1106
10		1131 to 1141	380.1131 to 380.1141
11		1147b	380.1147b
12		1149	380.1149
13		1150	380.1150
14		1152 to 1158	380.1152 to 380.1158
15		1167	380.1167
16		1168	380.1168
17		1171 to 1174a	380.1171 to 380.1174a
18		1176	380.1176
19		1186	380.1186
20		1201 to 1204	380.1201 to 380.1204
21		1205	380.1205
22		1210	380.1210
23		1215	380.1215
24		1216	380.1216
25		1218 to 1226	380.1218 to 380.1226
26		1232 to 1233a	380.1232 to 380.1233a

1		1235		380.1235
2		1246 to 1266		380.1246 to 380.1266
3		1268 to 1270		380.1268 to 380.1270
4		1274a to 1276		380.1274a to 380.1276
5		1277a		380.1277a
6		1278a		380.1278a
7		1278b		380.1278b
8		1279a		380.1279a
9		1279b		380.1279b
10		1279d		380.1279d
11		1279e		380.1279e
12		1282		380.1282
13		1283		380.1283
14		1284a to 1287		380.1284a to 380.1287
15		1289		380.1289
16		1291		380.1291
17		1293		380.1293
18		1300		380.1300
19		1302		380.1302
20		1303		380.1303
21		1321 to 1346		380.1321 to 380.1346
22		1348		380.1348
23		1349		380.1349
24	18	1401 to 1416		380.1401 to 380.1416
25		1431		380.1431
26		1437		380.1437



1	20	1451 to 1452	380.1451 to 380.1452
2		1501	380.1501
3		1503	380.1503
4		1508 to 1522	380.1508 to 380.1522
5		1536	380.1536
6		1536a	380.1536a
7	23	1541	380.1541
8		1576	380.1576
9		1621	380.1621
10		1622 to 1634	380.1622 to 380.1634
11		1703	380.1703
12		1742	380.1742
13		1743	380.1743
14		1766	380.1766