

HOUSE BILL No. 4086

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

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
(MCL 388.1601 to 388.1772) by adding section 105a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 105A. (1) IF THE BOARD OF A DISTRICT RECEIVES A
2 REQUEST FOR THE BOARD'S APPROVAL FOR A RESIDENT PUPIL TO ATTEND
3 AND BE COUNTED IN MEMBERSHIP IN ANOTHER DISTRICT, THE BOARD, IN
4 MAKING ITS DECISION ON THE REQUEST, SHALL CONSIDER THE WELFARE OF
5 THE PUPIL, INCLUDING BUT NOT LIMITED TO, THE LENGTH OF THE
6 PUPIL'S COMMUTE TO AND FROM SCHOOL ON A SCHOOL BUS OR OTHERWISE.
7 IF A BOARD DENIES A REQUEST DESCRIBED IN THIS SUBSECTION, THE
8 PUPIL OR THE PUPIL'S PARENT OR LEGAL GUARDIAN MAY APPEAL THE
9 DENIAL TO THE INTERMEDIATE BOARD, OR JOINT INTERMEDIATE BOARD
10 UNDER SUBSECTION (4), WITHIN 10 DAYS AFTER THE DENIAL.

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

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

1 IN MEMBERSHIP. THE DECISION OF THE STATE BOARD ON AN APPEAL IS
2 FINAL.

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