

# SENATE BILL No. 1338

September 19, 2000, Introduced by Senator BULLARD and referred to the Committee on Education.

A bill to establish the board of trustees of the Michigan school for the deaf; to prescribe its duties and the duties of certain other state officials; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Board of trustees" or "board" means the board of trust-  
3       ees of the Michigan school for the deaf as established under this  
4       act.

5       (b) "Division on deafness" means the division on deafness of  
6       the family independence agency or a successor agency.

7       (c) "State board" means the state board of education.

8       (d) "Superintendent" means the superintendent of the  
9       Michigan school for the deaf described in section 17.

1       Sec. 3. (1) Beginning 90 days after the effective date of  
2 this act, the Michigan school for the deaf shall be managed as  
3 provided under this act by the board of trustees created under  
4 this section.

5       (2) The board of trustees of the Michigan school for the  
6 deaf shall consist of all of the following:

7       (a) Subject to subsection (3), the following 7 voting mem-  
8 bers appointed by the governor with the advice and consent of the  
9 division on deafness:

10       (i) One member who is a hearing parent of a student at the  
11 Michigan school for the deaf.

12       (ii) One member who is a deaf parent of a student at the  
13 Michigan school for the deaf.

14       (iii) One member who is an officer or nominee of the  
15 Michigan deaf association.

16       (iv) One member who is a deaf professional.

17       (v) One member who is an alumnus of the Michigan school for  
18 the deaf.

19       (vi) Two members representing the general public.

20       (b) The following 3 nonvoting members:

21       (i) One Michigan school for the deaf high school junior or  
22 senior who has attended the Michigan school for the deaf for at  
23 least 4 years and who is elected by a majority vote of the stu-  
24 dents at the Michigan school for the deaf high school.

25       (ii) One teacher employed at the Michigan school for the  
26 deaf who has been employed as a teacher at the Michigan school  
27 for the deaf for at least 4 years and who is elected by a

1 majority vote of the teachers employed at the Michigan school for  
2 the deaf.

3       (iii) One residential care aide employed at the Michigan  
4 school for the deaf who has been employed as a residential care  
5 aide at the Michigan school for the deaf for at least 4 years and  
6 who is elected by a majority vote of the residential care aides  
7 employed at the Michigan school for the deaf.

8       (3) To be eligible to be appointed to the board of trustees  
9 under subsection (2)(a), a person must meet both of the  
10 following:

11       (a) Be a resident of this state and have continuously  
12 resided in this state for at least 10 years before the  
13 appointment.

14       (b) Be sufficiently skilled in sign language to be able to  
15 communicate directly with Michigan school for the deaf students  
16 without the use of an interpreter or other assistance.

17       (4) The governor shall appoint the initial members of the  
18 board of trustees within 60 days after the effective date of this  
19 act.

20       (5) Members of the board of trustees appointed under  
21 subsection (2)(a) shall serve for terms of 4 years or until a  
22 successor is appointed, whichever is later, except that of the  
23 members first appointed, 1 shall serve for 1 year, 2 shall serve  
24 for 2 years, and 2 shall serve for 3 years.

25       (6) A member of the board of trustees elected under subsec-  
26 tion (2)(b) shall serve for a term of 4 years or until a  
27 successor is elected, whichever is later, except that the member

1 of the board of trustees elected under subsection (2)(b)(i) shall  
2 serve for a term of 1 year or until a successor is elected,  
3 whichever is later.

4 (7) If a member of the board of trustees ceases to meet the  
5 requirements described in subsection (2) or (3), as applicable,  
6 during his or her term, a vacancy occurs in that office.

7 (8) If a vacancy occurs on the board of trustees, the  
8 vacancy shall be filled in the same manner as the original  
9 appointment.

10 (9) The governor may remove a member of the board of trust-  
11 ees appointed under subsection (2)(a) as provided under  
12 section 10 of article V of the state constitution of 1963.

13 Sec. 5. (1) During the first year of its existence, the  
14 board of trustees shall hold 2 regular meetings per month. After  
15 the first year, the board of trustees shall hold 1 regular meet-  
16 ing per month.

17 (2) Not later than 30 days after appointing the board of  
18 trustees, the governor shall schedule and call the initial meet-  
19 ing of the board of trustees. At the initial meeting, the board  
20 shall determine the schedule of the subsequent meetings. The  
21 schedule of meetings shall be available to each parent during  
22 annual registration, and posted at the Michigan school for the  
23 deaf website.

24 (3) The board of trustees shall post the agenda for each  
25 meeting at the Michigan school for the deaf website no later than  
26 7 days before the meeting. The board of trustees shall post the

1 minutes of each meeting at the Michigan school for the deaf  
2 website no later than 2 days after each meeting.

3       (4) A quorum at a regular meeting of the board of trustees  
4 consists of 4 voting members of the board. A majority of that  
5 quorum shall decide any questions that may come before the  
6 meeting. If at any meeting less than a quorum is present, the  
7 trustees present or a majority of them may adjourn the meeting to  
8 another time or place.

9       (5) The business that the board of trustees, or a committee  
10 of the board, may perform shall be conducted at a public meeting  
11 held in compliance with the open meetings act, 1976 PA 267,  
12 MCL 15.261 to 15.275.

13       (6) A writing prepared, owned, used, in the possession of,  
14 or retained by the board of trustees in the performance of an  
15 official function is subject to the freedom of information act,  
16 1976 PA 442, MCL 15.231 to 15.246.

17       (7) Members of the board of trustees shall serve without  
18 compensation. However, members of the board of trustees may be  
19 reimbursed for travel to and from board meetings and committee  
20 meetings and for their actual and necessary expenses incurred in  
21 the performance of their official duties as members of the board  
22 of trustees.

23       (8) The board of trustees of the Michigan school for the  
24 deaf shall do all of the following:

25       (a) Direct the affairs of the Michigan school for the deaf  
26 in accordance with this act and other applicable law. This

1 includes the coordination, control, and operation of the Michigan  
2 school for the deaf.

3 (b) Keep the state board fully informed as to the educa-  
4 tional programs and administrative policies of the Michigan  
5 school for the deaf.

6 (c) Adopt and follow bylaws and procedures for board func-  
7 tions, including, but not limited to, procedures for conducting  
8 board meetings and procedures for the election of nonvoting mem-  
9 bers under section 3(2)(b).

10 (d) Adopt and implement forms and instructions for use in  
11 the operation of the Michigan school for the deaf.

12 (e) Develop a corporate seal of the board of trustees.

13 (f) Carry out its other duties as prescribed by this act and  
14 other applicable law.

15 Sec. 7. (1) The officers of the board of trustees shall  
16 consist of a chairperson and a vice-chairperson, each of whom  
17 shall be elected from among the voting members of the board of  
18 trustees for a term of 1 year, unless sooner removed by the board  
19 of trustees, and each of whom shall hold office until his or her  
20 successor is elected and qualified. The board of trustees shall  
21 elect its officers at its first regular meeting after June 30 of  
22 each year. If any office becomes vacant during the year, the  
23 board of trustees shall elect a replacement for the unexpired  
24 term.

25 (2) The chairperson shall do all of the following:

26 (a) Preside at all meetings of the board of trustees.

1 (b) Execute all contracts as required on authority of and in  
2 the name of the board of trustees.

3 (c) Transmit the annual report of the superintendent to the  
4 governor and the state board.

5 (d) Appoint the members of, and serve as an ex officio  
6 voting member of, all committees of the board of trustees.

7 (e) Exercise other duties and powers as directed by the  
8 board of trustees.

9 (3) In the absence, disqualification, or disability of the  
10 chairperson, or at the direction of the chairperson, the  
11 vice-chairperson shall exercise a function of the chairperson.  
12 The vice-chairperson shall exercise other duties and powers  
13 assigned by the chairperson.

14 (4) The superintendent of the Michigan school for the deaf  
15 shall serve as executive secretary to the board of trustees. He  
16 or she shall have custody of and maintain all of the corporate  
17 records and the corporate seal, shall record the minutes of all  
18 meetings of the board of trustees, and shall send notices of all  
19 meetings to the members of the board and to the state board.

20 (5) An officer of the board of trustees may be removed from  
21 office for malfeasance in office or conduct prejudicial to the  
22 school's interest by a vote of not less than 2/3 of the voting  
23 membership of the board of trustees occurring at a regular or  
24 special meeting of the board. However, before an officer may be  
25 removed, the officer shall be given not less than 10 days' notice  
26 in writing of the charges to be preferred against him or her and

1 shall be given an opportunity to respond to the charges before  
2 the board.

3       Sec. 9. The board of trustees may promulgate rules pursuant  
4 to the administrative procedures act of 1969, 1969 PA 306,  
5 MCL 24.201 to 24.328.

6       Sec. 11. A voting member of the board of trustees or an  
7 employee of the Michigan school for the deaf is subject to 1968  
8 PA 317, MCL 15.321 to 15.330.

9       Sec. 13. (1) The board of trustees shall establish  
10 committees. Except for the executive committee, at the discre-  
11 tion of the committee chair, an individual who is not a board  
12 member may be invited to serve as a member of any committee. The  
13 committees and their duties shall be as provided in this  
14 section.

15       (2) The executive committee shall do all of the following:

16       (a) Act for the board of trustees on all matters delegated  
17 to it by the board.

18       (b) Review and be familiar with all policies of the board  
19 and react to all matters relating to policy that require action  
20 by the board.

21       (c) Advise and counsel the superintendent.

22       (d) Be advised of and stay familiar with all matters of  
23 major business pending before the board.

24       (e) Participate in interim conferences and other activities  
25 considered necessary for conducting the business of the board.

26       (f) Study and periodically review relations with the state  
27 board and other state agencies.



1 (g) Review and stay fully apprised of proposed legislation  
2 directly or indirectly affecting the Michigan school for the  
3 deaf.

4 (h) Stay fully informed concerning matters of legal action  
5 in which the board may be involved.

6 (i) Develop and take appropriate steps for selection of a  
7 new superintendent when a vacancy occurs.

8 (j) Review and stay aware of procedures followed for select-  
9 ing key personnel employed at the Michigan school for the deaf.

10 (k) At its discretion, hire an independent auditor.

11 (3) The budget and finance committee shall do all of the  
12 following:

13 (a) Review and stay fully familiar with all proposed legis-  
14 lative and operating budgets under the supervision of the board.

15 (b) Review all justifications presented for proposed budget  
16 expansions.

17 (c) Study and stay familiar with audits of the Michigan  
18 school for the deaf by the state auditor and follow corrective  
19 measures taken to improve fiscal practices and procedures at the  
20 Michigan school for the deaf.

21 (d) Periodically review scholarships and out-of-state aids.

22 (e) Stay fully informed concerning support services as to  
23 services rendered, financial position, and the need for the sup-  
24 port services in the Michigan school for the deaf and review pro-  
25 posals for more effective operations of these support  
26 activities.

1 (f) Stay fully informed regarding all trust funds, grants,  
2 gifts, and financial benefits accruing to the board and the  
3 Michigan school for the deaf, and study possible ways for improv-  
4 ing investments of funds.

5 (g) Review and stay fully familiar with all requests for  
6 purchase of operating capital outlay items considered essential  
7 for the efficient operation of the instructional and other pro-  
8 grams at the Michigan school for the deaf.

9 (h) Monitor budgetary changes and approaches recommended by  
10 the administration.

11 (4) The buildings, grounds, and capital outlay committee  
12 shall do all of the following:

13 (a) Review and stay fully familiar with all major plans for  
14 construction at the Michigan school for the deaf under the  
15 authority of the board.

16 (b) Review and stay familiar with all proposals for land and  
17 building purchases, rentals, and sales under the authority of the  
18 board.

19 (c) Monitor advance campus planning and the need for capital  
20 outlay projections.

21 (d) Review and stay familiar with enrollment trends and  
22 other studies having an impact upon decisions concerning capital  
23 outlay needs of the Michigan school for the deaf.

24 (e) Review and recommend priorities of capital outlay  
25 projects.

26 (f) Review and recommend requests made of the legislature.

1 (g) Monitor the use and function of each building at the  
2 Michigan school for the deaf.

3 (5) The program and curriculum committee shall do all of the  
4 following:

5 (a) Monitor the program objectives of the Michigan school  
6 for the deaf and recommend any changes that might be necessary or  
7 desirable.

8 (b) Review and be familiar with the role and function of  
9 each department of the Michigan school for the deaf and recommend  
10 any changes that might be necessary or desirable.

11 (c) Consider and make recommendations concerning proposals  
12 for new programs at the Michigan school for the deaf.

13 (d) Prevent unnecessary duplication of programs.

14 (e) Review admissions policies and recommend proposed  
15 changes in admission requirements.

16 (f) Oversee the development and any subsequent revisions of  
17 any curriculum to be used at the Michigan school for the deaf  
18 according to the following guidelines:

19 (i) All curriculum and supplementary materials must align  
20 with best practices.

21 (ii) All curriculum and supplementary materials must align  
22 with current methodology, supported by empirical research.

23 (iii) The curriculum shall be aligned to provide students  
24 with the opportunity to achieve a state endorsed high school  
25 diploma.

26 (g) Monitor research activities and the relation of research  
27 to instruction at the Michigan school for the deaf.

1 (6) The public relations committee shall do all of the  
2 following:

3 (a) Create and oversee the implementation of a policy of  
4 full communication with and among parents and staff.

5 (b) Delegate the responsibility for creation and maintenance  
6 of a monthly newsletter for parents and staff. This newsletter  
7 shall also be posted at the Michigan school for the deaf  
8 website.

9 (c) Delegate and have final approval of the creation of an  
10 official Michigan school for the deaf student handbook and an  
11 official Michigan school for the deaf policy and procedure  
12 handbook. These handbooks shall be posted at the Michigan school  
13 for the deaf website.

14 (d) Develop a marketing program for contacting parents of  
15 deaf students to inform them about the opportunities at, programs  
16 available at, and admission procedures for the Michigan school  
17 for the deaf.

18 (e) At the discretion of the committee and with the approval  
19 of the board, hire a marketing firm.

20 Sec. 15. The board of trustees shall establish a school  
21 advisory council to serve in an advisory capacity to the Michigan  
22 school for the deaf superintendent and principals, assist in  
23 development of the educational program, and assist in preparation  
24 and evaluation of the school improvement plan and 5-year strate-  
25 gic plan. Membership of the council shall include representa-  
26 tives from every segment of the Michigan school for the deaf,  
27 including, but not limited to, parents, students, residential

1 care aides, maintenance workers, other aides, health center  
2 personnel, faculty, related services personnel, ancillary serv-  
3 ices personnel, interpreters, and administrative support. The  
4 council shall meet at least once per month and report to the  
5 board of trustees monthly.

6       Sec. 17. (1) The chief administrative officer of the  
7 Michigan school for the deaf shall be a superintendent appointed  
8 by the board, through whom the board exercises its control over  
9 the Michigan school for the deaf.

10       (2) The superintendent must meet all of the following:

11       (a) Have a valid teaching certificate with an endorsement as  
12 a teacher of the hearing impaired, pursuant to the requirements  
13 of article 3 of the revised school code, 1976 PA 451,  
14 MCL 380.1701 to 380.1766, and special education rules promulgated  
15 under that act.

16       (b) Meet the requirements for a school administrator under  
17 section 1246 of the revised school code, 1976 PA 451,  
18 MCL 380.1246.

19       (c) Be fluent in sign language as demonstrated by a rating  
20 of superior plus on the sign communication proficiency  
21 interview.

22       (3) The superintendent is responsible for the organization  
23 and management of all Michigan school for the deaf programs and  
24 its operation. As superintendent, he or she shall do all of the  
25 following:

1 (a) Operate the Michigan school for the deaf in conformity  
2 with the policies and rules of the board and be responsible for  
3 the efficient operation of the Michigan school for the deaf.

4 (b) Hire, terminate, or nonreappoint all academic personnel  
5 and direct the hiring, termination, or nonrenewal of all nonaca-  
6 demic personnel by predetermined, specific standards designed to  
7 upgrade the quality of instruction and services, consistent with  
8 board of trustees policies and rules.

9 (c) Organize a staff, delegating responsibility and author-  
10 ity clearly.

11 (d) Carry out a positive pupil relations program.

12 (e) Communicate, and supervise communications, with  
13 parents.

14 (f) Make reports to the board and submit to the board chair-  
15 person copies of communications with state officials relating to  
16 the Michigan school for the deaf.

17 (g) Supervise the preparation of the budget.

18 (h) Approve travel requests for Michigan school for the deaf  
19 personnel in accordance with policies and rules adopted by the  
20 board.

21 (i) Supervise and evaluate all personnel or delegate that  
22 responsibility to staff.

23 (j) Carry out other duties as assigned by the board of  
24 trustees.

25 Sec. 19. 1893 PA 116, MCL 393.51 to 393.69, is repealed  
26 effective 90 days after the effective date of this act.