PRIVATE, DENOMINATIONAL, AND PAROCHIAL SCHOOLS

Act 302 of 1921

AN ACT to provide for the supervision of private, denominational and parochial schools; to provide the manner of securing funds in payment of the expense of such supervision; to provide the qualifications of the teachers in such schools; and to provide for the endorsement of the provisions hereof.

History: 1921, Act 302, Eff. Aug. 18, 1921

The People of the State of Michigan enact:

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388.551 Private, denominational, and parochial schools; supervision by superintendent of public instruction; assistants; compensation; removal; intent of act.

Sec. 1.

The superintendent of public instruction has supervision of all the private, denominational, and parochial schools of this state in such matters and manner as provided in this act. The superintendent of public instruction shall employ assistants and employees as may be necessary to comply with the provisions of this act. The number of assistants and employees is subject to the approval of the state administrative board. The salaries and expenses shall be paid by the state treasurer from the fund designated in this act at the time and in the manner as other state officers and employees are paid. The superintendent of public instruction may remove any appointee under this act at any time that the superintendent of public instruction considers advisable. It is the intent of this act that the sanitary conditions of the schools subject to this act, the courses of study in those schools, and the qualifications of the teachers in those schools shall be of the same standard as provided by the general school laws of this state.

History: 1921, Act 302, Eff. Aug. 18, 1921 ;-- CL 1929, 8151 ;-- CL 1948, 388.551 ;-- Am. 2002, Act 701, Imd. Eff. Dec. 30, 2002
Constitutionality: Requiring all teachers in the state to be certified is not unconstitutional. Sheridan Road Baptist Church v Department of Education, 426 Mich 462; 396 NW2d 373 (1986).

388.552 Private, denominational or parochial schools; definition.

Sec. 2.

A private, denominational or parochial school within the meaning of this act shall be any school other than a public school giving instruction to children below the age of 16 years, in the first 8 grades as provided for the public schools of the state, such school not being under the exclusive supervision and control of the officials having charge of the public schools of the state.

History: 1921, Act 302, Eff. Aug. 18, 1921 ;-- CL 1929, 8152 ;-- CL 1948, 388.552

388.553 Private, denominational and parochial schools; teachers, qualifications, examinations.

Sec. 3.

No person shall teach or give instruction in any of the regular or elementary grade studies in any private, denominational or parochial school within this state who does not hold a certificate such as would qualify him or her to teach in like grades of the public schools of the state: Provided, however, That any person who shall have

taught in any elementary school or schools of the standard specified in this act for a period of 10 years or more preceding the passage of this act, shall, upon filing proof of service with the superintendent of public instruction, be entitled to a certificate by said superintendent of public instruction in such form as he shall prescribe, to teach in any of the said schools within the state: Provided further, That teaching in such schools shall be equivalent to teaching in the public schools for all purposes in obtaining a certificate: Provided further, That the teachers affected by this act may take any examination as now provided by law and that the superintendent of public instruction may direct such other examinations at such time and place as he may see fit. In all such examinations 2 sets of questions shall be prepared in subjects ordinarily written on Saturday, 1 of which sets shall be available for use on Wednesday by applicants who observe Saturday as their Sabbath: Provided further, That any certificate issued under or by virtue of this act shall be valid in any county in this state for the purpose of teaching in the schools operated under this act: Provided further, That any person holding a certificate issued by the authorities of any recognized or accredited normal school, college or university of this or other state shall be entitled to certification as now provided by law: Provided, however, That teachers employed in such private, denominational or parochial schools when this act takes effect shall have until September first, 1925, to obtain a legal certificate as herein provided.

History: 1921, Act 302, Eff. Aug. 18, 1921 ;-- CL 1929, 8153 ;-- CL 1948, 388.553
Constitutionality: Michigan Supreme Court held that the "teacher certification requirement [for home schools] is an unconstitutional violation of the Free Exercise Clause of the First Amendment as applied to families whose religious convictions prohibit the use of certified instructors." People v DeJonge, 442 Mich 266; 501 NW2d 127 (1993).

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388.554 Violation of act; hearing, closing of school, compulsory attendance.

Sec. 4.

In event of any violation of this act the superintendent of public instruction shall serve the person, persons, corporation, association or other agencies who operate, maintain and conduct a private, denominational or parochial school within the meaning of this act with a notice, time and place of hearing, such hearing to take place within 15 days after the date of said notice and at a place located in or conveniently near the county where such violation took place, accompanied by a copy of the complaint stating the substance of said violation: Provided, That no person shall be called to attend any such hearing on any day observed by him as the Sabbath. If at such hearing the superintendent of public instruction shall find that the violation complained of has been established he shall then serve said person, persons, corporation, association or other agencies with an order to comply with the requirements of this act found to have been violated within a reasonable time not to exceed 60 days from the date of such order: Provided, That in the event that such order refers to sanitary conditions that the said person, persons, corporation, association or other agencies shall have 6 months in which to remedy the defect. If the order of the superintendent of public instruction as specified in said notice shall not have been obeyed within the time specified herein said superintendent of public instruction may close said school and prohibit the said person, persons, corporation, association or other agencies operating or maintaining such private, denominational or parochial school from maintaining said school or from exercising any of the functions hereunder until said order of the superintendent of public instruction has been complied with. The children attending a private, denominational or parochial school refusing to comply with the requirements hereof after proceedings herein set forth shall be compelled to attend the public schools or approved private, denominational or parochial school under the provisions of the compulsory education act, the same being Act No. 200 of the Public Acts of 1905, as amended. And it shall be the duty of the person or persons having charge of the enforcement of the said compulsory education act, upon notice from the superintendent of public instruction that said private, denominational or parochial school has not complied with the provisions hereof, to compel the attendance of the children of said school or schools at the public schools or approved private, denominational or parochial school.

History: 1921, Act 302, Eff. Aug. 18, 1921 ;-- CL 1929, 8154 ;-- CL 1948, 388.554
Compiler's Notes: Act 200 of 1905, referred to in this section, was repealed by Act 319 of 1927.

388.555 School investigation and examination; failure to permit, cause for suspension.

Sec. 5.

The superintendent of public instruction by himself, his assistants, or any duly authorized agent, shall have authority at any time to investigate and examine into the conditions of any school operating under this act as to the matters hereinbefore set forth and it shall be the duty of such school to admit such superintendent, his assistants or authorized agents and to submit for examination its sanitary condition, the records of enrollment of pupils, its courses of studies as set forth in section 1 of this act and the qualifications of its teachers. Any refusal to comply with provisions herein on the part of such school or teacher shall be considered sufficient cause to suspend the operation of said school after proceedings taken as stated in section 4 of this act.

History: 1921, Act 302, Eff. Aug. 18, 1921 ;-- CL 1929, 8155 ;-- CL 1948, 388.555

388.557 Construction of act.

Sec. 7.

Nothing in this act contained shall be construed so as to permit any parochial, denominational, or private school to participate in the distribution of the primary school fund.

History: 1921, Act 302, Eff. Aug. 18, 1921 ;-- CL 1929, 8157 ;-- CL 1948, 388.557

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388.558 Schools for handicapped children; standards of instruction.

Sec. 8.

Any private, denominational or parochial school which maintains classes for the instruction of children below the age of 16 years who are physically or mentally handicapped or who are socially maladjusted shall be required to meet the standards prescribed for instruction of handicapped children in the public schools under the provisions of section 2 of chapter 19 of part 2 of Act No. 319 of the Public Acts of 1927, as amended, in addition to standards required of private, denominational and parochial schools under sections 1 and 3 of this act.

History: Add. 1943, Act 140, Eff. July 30, 1943 ;-- CL 1948, 388.558
Compiler's Notes: Act 319 of 1927, referred to in this section, was repealed by Act 269 of 1955.