THE REVISED SCHOOL CODE
Act 451 of 1976

AN ACT to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1988, Act 339, Imd. Eff. Oct. 18, 1988;—Am. 1990, Act 161, Imd. Eff. July 2, 1990;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

Constitutionality: The Michigan School Reform Act does not violate federal and state constitutional protections, Moore v. Detroit School Reform Board, USCOA docket No. 00-2334 (2002).

Compiler's note: Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8, 2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

In order to determine whether SB 393 had become law, as requested, the attorney general examined whether SB 393 was recalled by concurrent action of the house of representatives and the senate within the 14-day period afforded the governor for vetoing a bill under the last sentence of Const 1963, art 4, § 33: "SB 393 was presented to the Governor on September 8, 2003, at 5:00 p.m. The 14-day period afforded for consideration, measured in hours and minutes, therefore expired on September 22, 2003 at 5:00 p.m. While the Senate had acted to recall the bill within that 14-day period (on September 18, 2003), the House did not. Its action concurring in the request to recall SB 393 was not taken until September 23, 2003. In the absence of concurrent action by both houses of the Legislature within the 14-day period, SB 393 was not effectively recalled and 'further legislative action thereon' was not authorized." The attorney general declared that "in the absence of a return of the bill with objections, SB 393 therefore became law by operation of the last sentence of art 4, § 33." OAG, 2003, No. 7139 (October 2, 2003).

Popular name: Act 451

The People of the State of Michigan enact:

ARTICLE 1

PART 1
GENERAL PROVISIONS

380.1 Short title.

Sec. 1. This act shall be known and may be cited as "the revised school code".

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Former law: The School Code of 1955, deriving from Act 269 of 1955 and formerly compiled as §§340.1 to 340.984, was repealed by Act 451 of 1976 and Act 454 of 1976. Certain sections of the School Code of 1955 had been previously repealed by the following acts: Act 45 of 1959; Act 112 of 1959; Act 271 of 1959; Act 190 of 1962; Act 92 of 1963; Act 59 of 1964; Act 270 of 1964; Act 28 of 1965; Act 31 of 1966; Act 317 of 1968; Act 320 of 1968; Act 19 of 1969; Act 170 of 1969; Act 7 of 1971; Act 198 of 1971; Act 2 of 1972; Act 254 of 1972; and Act 166 of 1975.

The School Code of 1927, deriving from Act 319 of 1927 and formerly compiled as §§341.1 to 386.12, was repealed by Act 269 of 1955.

Popular name: Act 451

380.2 Meanings of words and phrases.

Sec. 2. For the purposes of this act, the words and phrases defined in sections 3 to 7 shall have the meanings

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respectively ascribed to them in those sections.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.3 Definitions; A to C.

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

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

(a) Persons enrolled in high school.

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

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

(3) "Board" or "school board" means the governing body of a local school district or a local act school district unless clearly otherwise stated. Except in part 5a or part 6, for a school district organized as a first class school district, if the question under section 410 is approved in the school district, then beginning on the next January 1 occurring at least 1 year after the question under section 410 is presented to the school electors in the school district, "board" or "school board" means the chief executive officer of the first class school district.

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

(5) "Constituent district" means a local school district or special act school district the territory of which is entirely within and is an integral part of an intermediate school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

******** 380.4 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.4.amended ********

380.4 Definitions; E to I.

Sec. 4. (1) "Educational media center" means a program operated by an intermediate school district and approved by the state board, which provides services to local school districts or constituent districts under section 671.

(2) "Handicapped person" shall be defined by rules promulgated by the state board. Handicaps include, but are not limited to, mental, physical, emotional, behavioral, sensory, and speech handicaps.

(3) "Intermediate school board" means the board of an intermediate school district.

(4) "Intermediate school district" means a corporate body established under part 7.

(5) "Intermediate school district election" means an election called by an intermediate school board and held on the date of the annual school elections of constituent districts or on a date determined by the intermediate school board under sections 661 and 662.

(6) "Intermediate school elector" means a person who is a school elector of a constituent district and who is registered in the city or township in which the person resides.

(7) "Intermediate superintendent" means the superintendent of an intermediate school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 340.1702 of the Michigan Administrative Code.

******** 380.4.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.4.amended Definitions; E to I.

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Sec. 4. (1) "Educational media center" means a program operated by an intermediate school district and approved by the state board that provides services to local school districts or constituent districts under section 671.

(2) "Handicapped person" shall be defined by rules promulgated by the state board. Handicaps include, but are not limited to, mental, physical, emotional, behavioral, sensory, and speech handicaps.

(3) "Intermediate school board" means the board of an intermediate school district.

(4) "Intermediate school district" means a corporate body established under part 7.

(5) "Intermediate school district election" means an election called by an intermediate school board and held on the date of the regular school elections of constituent districts or on a date determined by the intermediate school board under section 642b of the Michigan election law, MCL 168.642b.

(6) "Intermediate school elector" means a person who is a school elector of a constituent district and who is registered in the city or township in which the person resides.

(7) "Intermediate superintendent" means the superintendent of an intermediate school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

Administrative rules: R 340.1702 of the Michigan Administrative Code.

******** 380.5 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.5.amended ********

380.5 Definitions; L to R.

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

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

(3) "Nonpublic school" means a private, denominational, or parochial school.

(4) "Objectives" means measurable pupil academic skills and knowledge.

(5) "Public school" means a public elementary or secondary educational entity or agency that is established under this act, has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, strict discipline academy corporation, urban high school academy corporation, or by the department or state board. Public school also includes a laboratory school or other elementary or secondary school that is controlled and operated by a state public university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

(6) "Public school academy" means a public school academy established under part 6a and, except as used in part 6a, also includes an urban high school academy established under part 6c and a strict discipline academy established under sections 1311b to 1311*l*.

(7) "Pupil membership count day" of a school district means that term as defined in section 6 of the state school aid act of 1979, MCL 388.1606.

(8) "Reorganized intermediate school district" means an intermediate school district formed by consolidation or annexation of 2 or more intermediate school districts under sections 701 and 702.

(9) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 215, Imd. Eff. July 8, 1982;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1999, Act 23, Imd. Eff. May 12, 1999;—Am. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

Compiler's note: Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8, 2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

In order to determine whether SB 393 had become law, as requested, the attorney general examined whether SB 393 was recalled by concurrent action of the house of representatives and the senate within the 14-day period afforded the governor for vetoing a bill under the last sentence of Const 1963, art 4, § 33: "SB 393 was presented to the Governor on September 8, 2003, at 5:00 p.m. The 14-day period afforded for

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consideration, measured in hours and minutes, therefore expired on September 22, 2003 at 5:00 p.m. While the Senate had acted to recall the bill within that 14-day period (on September 18, 2003), the House did not. Its action concurring in the request to recall SB 393 was not taken until September 23, 2003. In the absence of concurrent action by both houses of the Legislature within the 14-day period, SB 393 was not effectively recalled and 'further legislative action thereon' was not authorized." The attorney general declared that "in the absence of a return of the bill with objections, SB 393 therefore became law by operation of the last sentence of art 4, § 33." OAG, 2003, No. 7139 (October 2, 2003).

Popular name: Act 451

Administrative rules: R 340.1 et seq. of the Michigan Administrative Code.

******** 380.5.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.5.amended Definitions; L to R.

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

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

(3) "Michigan election law" means the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(4) "Nonpublic school" means a private, denominational, or parochial school.

(5) "Objectives" means measurable pupil academic skills and knowledge.

(6) "Public school" means a public elementary or secondary educational entity or agency that is established under this act, has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, strict discipline academy corporation, urban high school academy corporation, or by the department or state board. Public school also includes a laboratory school or other elementary or secondary school that is controlled and operated by a state public university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

(7) "Public school academy" means a public school academy established under part 6a and, except as used in part 6a, also includes an urban high school academy established under part 6c and a strict discipline academy established under sections 1311b to 1311*l*.

(8) "Pupil membership count day" of a school district means that term as defined in section 6 of the state school aid act of 1979, MCL 388.1606.

(9) "Regular school election" or "regular election" means the election held in a school district, local act school district, or intermediate school district to elect a school board member in the regular course of the terms of that office and held on the school district's regular election date as determined under section 642b of the Michigan election law, MCL 168.642b.

(10) "Reorganized intermediate school district" means an intermediate school district formed by consolidation or annexation of 2 or more intermediate school districts under sections 701 and 702.

(11) "Rule" means a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 215, Imd. Eff. July 8, 1982;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1999, Act 23, Imd. Eff. May 12, 1999;—Am. 2003, Act 179, Imd. Eff. Oct. 3, 2003;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Compiler's note: Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8, 2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

In order to determine whether SB 393 had become law, as requested, the attorney general examined whether SB 393 was recalled by concurrent action of the house of representatives and the senate within the 14-day period afforded the governor for vetoing a bill under the last sentence of Const 1963, art 4, § 33: "SB 393 was presented to the Governor on September 8, 2003, at 5:00 p.m. The 14-day period afforded for consideration, measured in hours and minutes, therefore expired on September 22, 2003 at 5:00 p.m. While the Senate had acted to recall the bill within that 14-day period (on September 18, 2003), the House did not. Its action concurring in the request to recall SB 393 was not taken until September 23, 2003. In the absence of concurrent action by both houses of the Legislature within the 14-day period, SB 393 was not effectively recalled and 'further legislative action thereon' was not authorized." The attorney general declared that "in the absence of a return of the bill with

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objections, SB 393 therefore became law by operation of the last sentence of art 4, § 33." OAG, 2003, No. 7139 (October 2, 2003).

Popular name: Act 451

Administrative rules: R 340.1 et seq. of the Michigan Administrative Code.

******** 380.6 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.6.amended ********

380.6 Definitions; S, T.

Sec. 6. (1) "School district" or "local school district" means a general powers school district organized under this act, regardless of previous classification, or a school district of the first class.

(2) "School elector" means a person qualified as an elector under section 492 of the Michigan election law, Act No. 116 of the Public Acts of 1954, being section 168.492 of the Michigan Compiled Laws, registered as provided in part 12, and resident of the school district, local act school district, or intermediate school district on or before the thirtieth day before the next ensuing annual or special school election.

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

(4) "Special education building and equipment" means a structure or portion of a structure or personal property accepted, leased, purchased, or otherwise acquired, prepared, or used for special education programs and services.

(5) "Special education personnel" means persons engaged in and having professional responsibility for the training, care, and education of handicapped persons in special education programs and services including, but not limited to, teachers, aides, school social workers, diagnostic personnel, physical therapists, occupational therapists, audiologists, teachers of speech and language, instructional media-curriculum specialists, mobility specialists, teacher consultants, supervisors, and directors.

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

(7) "State approved nonpublic school" means a nonpublic school that complies with Act No. 302 of the Public Acts of 1921, being sections 388.551 to 388.558 of the Michigan Compiled Laws.

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

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

(10) "State school aid" means allotments from the general appropriating act for the purpose of aiding in the support of the public schools of the state.

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

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1981, Act 87, Imd. Eff. July 2, 1981;—Am. 1982, Act 215, Imd. Eff. July 8, 1982;—Am. 1989, Act 159, Eff. Mar. 13, 1990;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

******** 380.6.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.6.amended Definitions; S, T; "department" defined.

Sec. 6. (1) "School district" or "local school district" means a general powers school district organized under this act, regardless of previous classification, or a school district of the first class.

(2) "School district filing official" means the school district election coordinator as defined in section 4 of the Michigan election law, MCL 168.4, or an authorized agent of the school district election coordinator.

(3) "School elector" means a person qualified as an elector under section 492 of the Michigan election law, MCL 168.492, and resident of the school district, local act school district, or intermediate school district on or before the thirtieth day before the next ensuing regular or special school election.

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

(5) "Special education building and equipment" means a structure or portion of a structure or personal property accepted, leased, purchased, or otherwise acquired, prepared, or used for special education programs and services.

(6) "Special education personnel" means persons engaged in and having professional responsibility for the training, care, and education of handicapped persons in special education programs and services including, but not limited to, teachers, aides, school social workers, diagnostic personnel, physical therapists, occupational therapists, audiologists, teachers of speech and language, instructional media-curriculum specialists, mobility specialists, teacher consultants, supervisors, and directors.

(7) "Special education programs and services" means educational and training services designed for handicappers and operated by local school districts, local act school districts, intermediate school districts, the Michigan school for the deaf and blind, the department of community health, the family independence agency, or a combination of these, and ancillary professional services for handicappers rendered by agencies approved by the state board. The programs shall include vocational training, but need not include academic programs of college or university level.

(8) "Special school election" or "special election" means a school district election to fill a vacancy on the school board or submit a ballot question to the school electors that is held on a regular election date established under section 641 of the Michigan election law, MCL 168.641.

(9) "State approved nonpublic school" means a nonpublic school that complies with 1921 PA 302, MCL 388.551 to 388.558.

(10) "State board" means the state board of education unless clearly otherwise stated.

(11) "Department" means the department of education created and operating under sections 300 to 305 of the executive organization act of 1965, 1965 PA 380, MCL 16.400 to 16.405.

(12) "State school aid" means allotments from the general appropriating act for the purpose of aiding in the support of the public schools of the state.

(13) "The state school aid act of 1979" means the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1981, Act 87, Imd. Eff. July 2, 1981;—Am. 1982, Act 215, Imd. Eff. July 8, 1982;—Am. 1989, Act 159, Eff. Mar. 13, 1990;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.7 Definitions; V.

Sec. 7. (1) "Valuation of a fractional school district" means the sum of the valuations of the fractions thereof, each of which shall be computed in the same manner as the valuation of a whole school district.

(2) "Valuation of the state" means the equalized value as determined by the state board of equalization.

(3) "Valuation of a whole school district" means the total assessed value of the property contained in the district as fixed by the township or city board of review, which in turn is proportionately increased or decreased to the basis of the valuation of the county containing the district as fixed by the county board of equalization, and the result in turn proportionately increased or decreased to the basis of the valuation of the county containing the district as last fixed by the state board of equalization, known as the "state equalized valuation".

(4) "Vocational education" means vocational or technical training or retraining which is given in schools or classes, including field or laboratory work incidental thereto, under public supervision and control, and is conducted as part of a program designed to fit individuals for gainful employment as semiskilled or skilled workers or technicians in recognized occupations, excluding a program to fit individuals for employment in occupations which the state board determines and specifies to be generally considered professional or as requiring a baccalaureate or higher degree. The term includes guidance and counseling in connection with the training and instruction related to the occupation for which the pupil is being trained or necessary for the pupil to benefit from the training. The term includes the acquisition, maintenance, and repair of instructional supplies, teaching aids, and equipment, the construction or initial equipment of buildings, and the acquisition or rental of land.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.10 Rights of parents and legal guardians; duties of public schools.

Sec. 10. It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. The public schools of this state serve the needs of the pupils by cooperating with the pupil's parents and legal guardians to develop the pupil's intellectual capabilities and vocational skills in a safe and positive environment.

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History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.11 Organization of school districts.

Sec. 11. Each school district, except a school district of the first class, shall be organized and conducted as a general powers school district regardless of previous classification.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

******** 380.11a THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.11a.amended ********

380.11a General powers school district.

Sec. 11a. (1) Beginning on the effective date of this section, each school district formerly organized as a primary school district or as a school district of the fourth class, third class, or second class shall be a general powers school district under this act.

(2) Beginning on the effective date of this section, a school district operating under a special or local act shall operate as a general powers school district under this act except to the extent that the special or local act is inconsistent with this act. Upon repeal of a special or local act that governs a school district, that school district shall become a general powers school district under this act.

(3) A general powers school district has all of the rights, powers, and duties expressly stated in this act; may exercise a power implied or incident to any power expressly stated in this act; and, except as provided by law, may exercise a power incidental or appropriate to the performance of any function related to operation of the school district in the interests of public elementary and secondary education in the school district, including, but not limited to, all of the following:

(a) Educating pupils. In addition to educating pupils in grades K-12, this function may include operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons.

(b) Providing for the safety and welfare of pupils while at school or a school sponsored activity or while en route to or from school or a school sponsored activity.

(c) Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying school property, facilities, equipment, technology, or furnishings.

(d) Hiring, contracting for, scheduling, supervising, or terminating employees, independent contractors, and others to carry out school district powers. A school district may indemnify its employees.

(e) Receiving, accounting for, investing, or expending school district money; borrowing money and pledging school district funds for repayment; and qualifying for state school aid and other public or private money from local, regional, state, or federal sources.

(4) A general powers school district may enter into agreements or cooperative arrangements with other entities, public or private, or join organizations as part of performing the functions of the school district.

(5) A general powers school district is a body corporate and shall be governed by a school board. An act of a school board is not valid unless approved, at a meeting of the school board, by a majority vote of the members lawfully serving on the board.

(6) The board of a general powers school district shall adopt bylaws. These bylaws may establish or change board procedures, the number of board officers, titles and duties of board officers, and any other matter related to effective and efficient functioning of the board. Regular meetings of the board shall be held at least once each month, at the time and place fixed by the bylaws. Special meetings may be called and held in the manner and for the purposes specified in the bylaws. Board procedures, bylaws, and policies in effect on the effective date of this section shall continue in effect until changed by action of the board.

(7) The board of a school district shall be elected as provided under this act and the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The number of members of the board of a general powers school district and the term of office for a board member of a general powers school district shall remain the same as they were for that school district before the effective date of this section unless either or both are changed by the school electors of the school district at a regular or special election.

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A proposition for changing the number of board members or term of office may be placed on the ballot by action of the board or by petition submitted by school electors as provided under this act.

(8) On the effective date of this section, the board of each school district shall continue to be the board of the school district and to function in that capacity. A person lawfully serving on the effective date of this act as a member of the board of a school district shall continue to be a member of the board and shall continue in office for the remainder of the term for which the person was elected or appointed.

(9) Unless expressly provided in the amendatory act that added this section, the powers of a school board or school district are not diminished by this section or by the amendatory act that added this section.

(10) A school district operating a public library, public museum, or community recreational facility as of the effective date of the amendatory act that added this section may continue to operate the public library, public museum, or community recreational facility.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

******** 380.11a.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.11a.amended General powers school district.

Sec. 11a. (1) Beginning on July 1, 1996, each school district formerly organized as a primary school district or as a school district of the fourth class, third class, or second class shall be a general powers school district under this act.

(2) Beginning on July 1, 1996, a school district operating under a special or local act shall operate as a general powers school district under this act except to the extent that the special or local act is inconsistent with this act. Upon repeal of a special or local act that governs a school district, that school district shall become a general powers school district under this act.

(3) A general powers school district has all of the rights, powers, and duties expressly stated in this act; may exercise a power implied or incident to a power expressly stated in this act; and, except as provided by law, may exercise a power incidental or appropriate to the performance of a function related to operation of the school district in the interests of public elementary and secondary education in the school district, including, but not limited to, all of the following:

(a) Educating pupils. In addition to educating pupils in grades K-12, this function may include operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons.

(b) Providing for the safety and welfare of pupils while at school or a school sponsored activity or while en route to or from school or a school sponsored activity.

(c) Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying school property, facilities, equipment, technology, or furnishings.

(d) Hiring, contracting for, scheduling, supervising, or terminating employees, independent contractors, and others to carry out school district powers. A school district may indemnify its employees.

(e) Receiving, accounting for, investing, or expending school district money; borrowing money and pledging school district funds for repayment; and qualifying for state school aid and other public or private money from local, regional, state, or federal sources.

(4) A general powers school district may enter into agreements or cooperative arrangements with other entities, public or private, or join organizations as part of performing the functions of the school district.

(5) A general powers school district is a body corporate and shall be governed by a school board. An act of a school board is not valid unless approved, at a meeting of the school board, by a majority vote of the members lawfully serving on the board.

(6) The board of a general powers school district shall adopt bylaws. These bylaws may establish or change board procedures, the number of board officers, titles and duties of board officers, and any other matter related to effective and efficient functioning of the board. Regular meetings of the board shall be held at least once each month, at the time and place fixed by the bylaws. Special meetings may be called and held in the manner and for the purposes specified in the bylaws. Board procedures, bylaws, and policies in effect on the effective date of this section shall continue in effect until changed by action of the board.

(7) The board of a school district shall be elected as provided under this act and the Michigan election law. The

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number of members of the board of a general powers school district shall remain the same as for that school district before July 1, 1996 unless changed by the school electors of the school district at a regular or special school election. A ballot question for changing the number of board members may be placed on the ballot by action of the board or by petition submitted by school electors as provided under chapter XIV of the Michigan election law, MCL 168.301 to 168.315.

(8) Members of the board of a general powers school district shall be elected by the school electors for terms of 4 or 6 years, as provided by the school district's bylaws. At each regular school election, members of the board shall be elected to fill the positions of those whose terms will expire. A term of office begins as provided in section 302 of the Michigan election law, MCL 168.302, and continues until a successor is elected and qualified.

(9) The board of a general powers school district may submit to the school electors of the school district a question that is within the scope of the powers of the school electors and that the board considers proper for the management of the school system or the advancement of education in the school district. Upon the adoption of a question by the board, the board shall submit the question to the school electors by complying with section 312 of the Michigan election law, MCL 168.312.

(10) A special election may be called by the board of a general powers school district as provided under chapter XIV of the Michigan election law, MCL 168.301 to 168.315.

(11) Unless expressly provided in 1995 PA 289, the powers of a school board or school district are not diminished by this section or by 1995 PA 289.

(12) A school district operating a public library, public museum, or community recreational facility as of July 1, 1996 may continue to operate the public library, public museum, or community recreational facility.

History: Add. 1995, Act 289, Eff. July 1, 1996;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.11b Report to legislature.

Sec. 11b. Not later than 180 days after the effective date of this section, the state board shall prepare and submit to the committees of the legislature with responsibility for education legislation a report that does all of the following:

(a) Details the mandates imposed on school districts, intermediate school districts, and public school academies, and on their boards, by this act, the state school aid act of 1979, other state statute, or rule.

(b) Makes recommendations on mandates that should be eliminated by law.

(c) Makes recommendations on mandates applying to school districts, intermediate school districts, or public school academies, or their boards, that should, by legislation, be made subject to waiver by the state board or superintendent of public instruction and on proposed requirements for obtaining such a waiver.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.12 Loss of organization and dissolution of school district; attachment of disorganized district to organized school districts; distribution of property; taxation; bonded indebtedness; duties of board of trustees; audit; payment of discrepancy.

Sec. 12. (1) A school district shall lose its organization if there are not enough persons in the district qualified under the law to hold district offices or who will accept the offices. Under either condition, the intermediate school board of the intermediate school district to which the district is constituent shall declare the district dissolved and immediately shall attach the territory, in whole or in part, to other organized school districts and make an equitable distribution of the money, property, and other material belonging to the district among the districts to which the territory is attached.

(2) The property of the disorganized district is subject to all increases in the constitutional limitation on taxes which have been voted by the school electors of the district to which it is attached. The disorganized district shall receive a credit in the amount of a levy remaining to be paid on an outstanding debt in the disorganized district, which shall be paid until debt is retired. The disorganized district shall pay an amount equal to the amount levied for debt retirement by the district to which it is attached not to exceed 5 mills on the state equalized valuation in the disorganized district. All other taxes levied for the purposes of the combined school district, including taxes for the retirement of bonded indebtedness, shall be spread over the entire area of the combined district.

(3) A disorganized district having a bonded indebtedness shall be attached in whole to another school district by the intermediate school board. The identity of the district is not lost because of the attachment, and its territory remains as separate assessing unit for the purpose of the bonded indebtedness until the indebtedness is retired or

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refunded. The board of the district to which the disorganized district is attached shall constitute the board of trustees for the disorganized district having the bonded indebtedness. Its officers shall be the officers for the disorganized district. The board of the district to which the disorganized district is attached shall certify the levy of taxes for bonded indebtedness in the name of the disorganized district, shall not commingle the debt retirement funds of the disorganized district with those of the district to which it is attached, and shall do all things relative to the bonded indebtedness required by law and by the terms under which the issuance and sale of the bonds were originally authorized. All other taxes levied for the purposes of the combined school district, including taxes levied for the retirement of bonded indebtedness, shall be spread over the entire area of the combined school district.

(4) Upon the attachment of a disorganized district to another school district, the intermediate school board shall audit the assets and liabilities of the disorganized district. If a considerable discrepancy is found, the intermediate school board shall order the receiving district to pay the discrepancy. The disorganized district shall repay that amount from moneys available including voted millage within a time to be determined by the intermediate school board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.13 Assumption of bonded indebtedness by combined school districts; payment; election.

Sec. 13. (1) Beginning 3 years after the effective date of the disorganization of a school district which has outstanding bonded indebtedness, the combined school district may assume and pay the obligation of the bonded indebtedness by spreading a debt retirement tax levy uniformly over the territory of the combined school district, if the school electors of the combined school district approve the assumption of the bonded indebtedness. The assumption of the bonded indebtedness shall not release the territory of the district originally incurring the bonded indebtedness from the final responsibility of paying the obligation. The election may be held following the effective date of attachment at a time when a proposal is made to increase the bonded indebtedness of the combined school district. If the assumption of indebtedness is approved, it shall become effective immediately.

(2) At an election to issue new bonds of the combined school district, outstanding bond issues of the original districts may be refunded as part of the new bond issue. The question of assumption of the indebtedness need not be presented as a separate proposition. If a school district is attached to another school district under section 12, the vote by the school electors of the combined school district may be held at any time following the effective date of attachment.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.14 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.14.amended ********

380.14 Petitions; applicability of §§ 168.1 to 168.992.

Sec. 14. A petition under sections 11a, 411a, 412a, 503, 614, 617, 690, 701, 853, 860, 931, 1026, 1032, 1066, or 1311e, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 406, Eff. Mar. 23, 1999;—Am. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

******** 380.14.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.14.amended Petitions; violation.

Sec. 14. A petition under, or that is necessary to meet a requirement of, section 11a, 411a, 412a, 503, 614, 617, 690, 701, 853, 860, 931, or 1311e, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, MCL 168.488. A person who violates a provision of the Michigan election law applicable to a petition described in this section is subject to the penalties prescribed for that violation in the

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Michigan election law.

History: Add. 1998, Act 406, Eff. Mar. 23, 1999;—Am. 1999, Act 23, Imd. Eff. May 12, 1999;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.15 Transfer of gift from school board to community foundation.

Sec. 15. (1) As part of its powers under section 11a, the school board of a general powers school district may receive, own, and enjoy a gift of real or personal property made by grant, devise, bequest, or in any other manner, that is made for school purposes under this act. A school board may transfer a gift of intangible personal property or the proceeds from that gift to a community foundation. If a gift received by the school board was subject to a condition, limitation, or requirement, the transfer must be to a fund within the community foundation that incorporates a condition, limitation, or requirement that is identical or substantially similar to the condition, limitation, or requirement the gift was subject to. If a gift received by the school board was not subject to any condition, limitation, or requirement, the transfer must be to a fund within the community foundation that imposes conditions, limitations, or requirements on the use of the gift property for 1 or more school purposes under this act.

(2) If a school board transfers a gift to a community foundation pursuant to this section and if 1 or more of the following occur, the community foundation shall return the gift to the school board:

(a) The community foundation fails to meet all of the requirements for certification as a community foundation under section 261 of the income tax act of 1967, 1967 PA 281, MCL 206.261.

(b) The community foundation is liquidated.

(c) The community foundation substantially violates any condition, limitation, or requirement on the gift.

(3) Unless waived by the school board transferring the gift, before a school board may transfer a gift to a community foundation pursuant to this section, the community foundation shall establish a donor advisory board for that gift. The donor advisory board shall include at least 1 representative of the school board transferring the gift. The donor advisory board shall do all of the following:

(a) Monitor the community foundation's compliance with any condition, limitation, or requirement on the use of the gift.

(b) Make recommendations to the community foundation for the use of distributions or other proceeds from the gift.

(4) A transfer of a gift made in accordance with this section that occurred before the effective date of this section is ratified and confirmed and the transfer is considered valid as if it had been made under this section.

(5) As used in this section:

(a) “Community foundation” means that term as defined in section 261 of the income tax act of 1967, 1967 PA 281, MCL 206.261.

(b) “Condition, limitation, or requirement” does not include a material restriction or condition that violates 26 C.F.R. 1.170A-9 or that restricts a community foundation's inherent power of modification described in 26 C.F.R. 1.170A-9.

(c) “Gift” does not include state school aid or another grant from state or federal sources.

History: Add. 2000, Act 231, Imd. Eff. June 27, 2000.

Popular name: Act 451

PART 2
PRIMARY SCHOOL DISTRICTS

380.71—380.87 Repealed. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

PART 3
SCHOOL DISTRICTS OF THE FOURTH CLASS

380.101—380.155 Repealed. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

PART 3A

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JOINT HIGH SCHOOL DISTRICTS

380.171—380.187 Repealed. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

PART 4
SCHOOL DISTRICTS OF THE THIRD CLASS

380.201—380.260 Repealed. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

PART 5
SCHOOL DISTRICTS OF THE SECOND CLASS

380.301—380.362 Repealed. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

PART 5A
APPOINTMENT OF SCHOOL REFORM BOARDS

380.371 Definitions.

Sec. 371. As used in this part:

(a) "Chief executive officer", except as used in subdivision (b), means the chief executive officer appointed for a qualifying school district under section 374.

(b) "Mayor" means the chief executive officer of the city, village, or township with the greatest population as of the most recent decennial census located within the boundaries of a qualifying school district.

(c) "Qualifying school district" means a school district of the first class under part 6.

History: Add. 1999, Act 10, Imd. Eff. Mar. 26, 1999;—Am. 2000, Act 230, Imd. Eff. June 27, 2000.

Constitutionality: The Michigan School Reform Act does not violate federal and state constitutional protections, Moore v. Detroit School Reform Board, USCOA docket No. 00-2334 (2002).

Compiler's note: Enacting section 1 of Act 230 of 2000 provides:

"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a, to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may thereafter become a qualifying school district under part 5a of the revised school code."

Popular name: Act 451

380.372 School reform board; appointment by mayor; establishment; membership; terms; reappointment; meetings; chairperson; vacancy; election of other officers; quorum; compensation; expenses.

Sec. 372. (1) Not later than April 25, 1999 or, if a qualifying school district becomes a school district of the first class after April 25, 1999, not later than 30 days after the date the qualifying school district becomes a school district of the first class, the mayor shall appoint a school reform board for a qualifying school district.

(2) A school reform board established under this section shall consist of the following 7 members:

(a) Six members appointed by the mayor.

(b) For a period of 5 years after the date of the initial appointment of the members of the school reform board appointed under subdivision (a), the superintendent of public instruction or his or her designee. After this period, the mayor shall appoint the seventh member of the school reform board.

(3) A person who is a current member of the elected school board of a qualifying school district is not eligible for appointment as a member of the school reform board for that qualifying school district. Section 1101(1) does not disqualify any person from appointment to a school reform board under this section or from appointment as an officer under section 374. However, at least a majority of the appointed members of a school reform board must be

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school electors of the qualifying school district.

(4) Except for the superintendent of public instruction or his or her designee, members of a school reform board shall serve at the will of the mayor. The term of an appointed member shall be 4 years, except that of the members first appointed under subsection (2)(a), 2 shall be appointed for a term of 2 years, 2 shall be appointed for a term of 3 years, and 2 shall be appointed for a term of 4 years.

(5) If a member of a school reform board is removed from office by the mayor or is unable to complete his or her term, the mayor shall appoint a successor for the balance of the unexpired term. At the end of a member's term, the mayor shall appoint a successor or reappoint the member.

(6) The mayor shall call the first meeting of the school reform board and shall designate a chairperson of the school reform board from among its members. If there is a vacancy in the office of chairperson, the mayor shall designate a successor.

(7) At the first meeting of the school reform board, the school reform board may elect from among its members other officers as it considers necessary or appropriate. After the first meeting, the school reform board shall meet at least monthly, or more frequently at the call of the chairperson or if requested by 4 or more members.

(8) A majority of the members of the school reform board constitute a quorum for the transaction of business at a meeting of the school reform board. A majority of the members present and serving are required for official action of the school reform board.

(9) Members of the school reform board shall serve without compensation. However, members may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the school reform board.

History: Add. 1999, Act 10, Imd. Eff. Mar. 26, 1999;—Am. 2000, Act 230, Imd. Eff. June 27, 2000.

Compiler's note: Enacting section 1 of Act 230 of 2000 provides:

"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a, to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may thereafter become a qualifying school district under part 5a of the revised school code."

Popular name: Act 451

380.373 Elected school board; suspension of powers and duties; meeting as advisory board; compensation; reimbursement; powers and duties of mayor; financial audit; provisions applicable to school reform board; powers, rights, duties, and obligations of chief executive officer; termination of contracts; employment at will; school district improvement plan; annual report; community assistance teams; liability.

Sec. 373. (1) Beginning on March 26, 1999 or, if the qualifying school district becomes a qualifying school district after March 26, 1999, the date on which a school district becomes a qualifying school district, the powers and duties of the elected school board of the qualifying school district and of its secretary and treasurer are suspended until the applicable date specified in section 375. However, until the expiration of the current term of each individual member serving as of the date the school district becomes a qualifying school district, the members of the elected school board of a qualifying school district may continue to meet as an advisory board to provide input to the school reform board on an advisory basis only. Notwithstanding section 417a or any board policy, bylaw, or resolution to the contrary, these advisory board members shall serve without compensation or reimbursement, and funds of the qualifying school district shall not be used to staff or otherwise support the advisory board in any way.

(2) Beginning on March 26, 1999 or, if the qualifying school district becomes a qualifying school district after March 26, 1999, the date on which a school district becomes a qualifying school district, and until appointment of a school reform board for a qualifying school district under this part, all provisions of this act that would otherwise apply to the school board of the qualifying school district or to the school reform board or chief executive officer apply to the mayor, and the mayor immediately may exercise all the powers and duties otherwise vested by law in the board of the qualifying school district and in its secretary and treasurer, and all powers and duties of the school reform board or chief executive officer as provided under this part. Within 30 days after appointing a school reform board under this part, the mayor shall initiate a financial audit of the qualifying school district. The mayor shall provide the results of this audit to the school reform board.

(3) Upon appointment of a school reform board for a qualifying school district under this part, and until appointment of a chief executive officer under section 374, all provisions of this act that would otherwise apply to the school board of the qualifying school district or to the chief executive officer apply to the school reform board,

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and the school reform board immediately may exercise all the powers and duties otherwise vested by law in the board of the qualifying school district and in its secretary and treasurer, and all powers and duties of the chief executive officer as provided under this part.

(4) Upon appointment of a chief executive officer for a qualifying school district under section 374, all provisions of this act that would otherwise apply to the elected school board of the qualifying school district apply to the chief executive officer; the chief executive officer immediately may exercise all the powers and duties otherwise vested by law in the elected school board of the qualifying school district and in its secretary and treasurer, and all additional powers and duties provided under this part; and the chief executive officer accedes to all the rights, duties, and obligations of the elected school board of the qualifying school district. These powers, rights, duties, and obligations include, but are not limited to, all of the following:

(a) Authority over the expenditure of all school district funds, including proceeds from bonded indebtedness and other funds dedicated to capital projects.

(b) Rights and obligations under collective bargaining agreements and employment contracts entered into by the elected school board, except for employment contracts of those employees described in subsection (6).

(c) Rights to prosecute and defend litigation.

(d) Obligations under any judgments entered against the elected school board.

(e) Rights and obligations under statute, rule, and common law.

(f) Authority to delegate any of the chief executive officer's powers and duties to 1 or more designees, with proper supervision by the school reform board.

(5) In addition to his or her other powers, the chief executive officer appointed under this part may terminate any contract entered into by the elected school board of the qualifying school district except for a collective bargaining agreement. However, this subsection does not allow any termination or diminishment of obligations to pay debt service on legally authorized bonds. A contract terminated by a chief executive officer under this subsection is void.

(6) Beginning on March 26, 1999 or, if the qualifying school district becomes a qualifying school district after March 26, 1999, the date on which a school district becomes a qualifying school district, and until appointment of a school reform board for a qualifying school district under this part, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the mayor. Upon appointment of a school reform board for a qualifying school district under this part, and until appointment of a chief executive officer under section 374, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the school reform board. Upon appointment of a chief executive officer for a qualifying school district under section 374, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the chief executive officer.

(7) Not later than 90 days after the initial appointment of a chief executive officer under this part, and at least annually thereafter, the chief executive officer with the approval of the school reform board shall develop and submit to the school district accountability board created in section 376 a school district improvement plan that includes at least detailed academic, financial, capital, and operational goals and benchmarks for improvement and a description of strategies to be used to accomplish those goals and benchmarks. The plan also shall include an assessment of available resources and recommendations concerning additional resources or changes in statute or rule, if any, needed to meet those goals and benchmarks. The plan also shall include an evaluation of local school governance issues, including criteria for establishing building-level governance.

(8) A chief executive officer with the approval of the school reform board for the qualifying school district shall submit an annual report to the mayor, governor, school district accountability board created in section 376, and legislature and shall make the annual report available to the community in the qualifying school district. The annual report shall contain at least all of the following:

(a) A summary of the initiatives that have been implemented to improve school quality in the qualifying school district.

(b) Measurements that may be useful in determining improvements in school quality in the qualifying school district. These measurements shall indicate changes from baseline data from the school year before the appointment of the school reform board, and shall include at least all of the following:

(*i*) Standardized test scores of pupils.

(*ii*) Dropout rates.

(*iii*) Daily attendance figures.

(*iv*) Enrollment figures.

(*v*) High school completion and other pertinent completion rates.

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(*vi*) Changes made in course offerings.

(*vii*) Proportion of school district resources devoted to direct educational services.

(c) A description of long-term performance goals that may include statewide averages or comparable measures of long-term improvement.

(9) A school reform board may organize and establish community assistance teams to work with the school reform board to implement a cohesive, full service community school program addressing the needs and concerns of the qualifying school district's population. The school reform board may delegate to a community assistance team the authority to devise and implement family, community, cultural, and recreational activities to assure that the academic mission of the schools is successful. The community assistance teams may also develop parental involvement activities that focus on the encouragement of voluntary parenting education, enhancing parent and family involvement in education, and promoting adult and family literacy.

(10) The mayor, superintendent of public instruction, state board, school district accountability board created in section 376, this state, the city in which a qualifying school district is located, a school reform board established under this part, or a chief executive officer or other officer appointed under section 374 is not liable for any obligation of or claim against a qualifying school district resulting from an action taken under this part.

History: Add. 1999, Act 10, Imd. Eff. Mar. 26, 1999;—Am. 2000, Act 230, Imd. Eff. June 27, 2000;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Compiler's note: Enacting section 1 of Act 230 of 2000 provides:

"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a, to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may thereafter become a qualifying school district under part 5a of the revised school code."

Popular name: Act 451

380.374 Chief executive officer and other officers; appointment; vote; other officers as employees at will; vacancy.

Sec. 374. (1) A school reform board established under this part shall appoint for the qualifying school district a chief executive officer. The appointment of a chief executive officer must be by at least a 2/3 majority vote of the school reform board, and, for the 5-year period described in section 372(2)(b), the majority vote must include the vote of the superintendent of public instruction or his or her designee on the school reform board. The chief executive officer is employed at the will of the school reform board and has the powers and duties provided under this part.

(2) The chief executive officer, with the approval of the school reform board, shall appoint for the qualifying school district a chief financial officer, chief academic officer, chief operations officer, and chief purchasing officer. These officers are employed at the will of the chief executive officer.

(3) If a vacancy occurs in a position described in this section, a successor shall be appointed in the same manner as the original appointment.

History: Add. 1999, Act 10, Imd. Eff. Mar. 26, 1999;—Am. 1999, Act 23, Imd. Eff. May 12, 1999.

Compiler's note: Enacting section 1 of Act 230 of 2000 provides:

"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a, to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may thereafter become a qualifying school district under part 5a of the revised school code."

Popular name: Act 451

380.374a Election or appointment to elective office.

Sec. 374a. For a period of 1 year after leaving office, a member of a school reform board appointed under this part or a chief executive officer of a qualifying school district or another officer appointed under section 374 is ineligible for election or appointment to any elective office of the qualifying school district or of a city, village, or township in which any portion of the qualifying school district is located.

History: Add. 1999, Act 10, Imd. Eff. Mar. 26, 1999;—Am. 2000, Act 230, Imd. Eff. June 27, 2000.

Compiler's note: Enacting section 1 of Act 230 of 2000 provides:

"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a, to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may

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thereafter become a qualifying school district under part 5a of the revised school code."

Popular name: Act 451

380.375 Expiration of 5 years after initial appointment of school reform board; procedures.

Sec. 375. After the expiration of 5 years after the initial appointment of a school reform board in a qualifying school district under this part, all of the following apply:

(a) The question under section 410 shall be presented to the school electors of the school district as provided in that section. Effective on the next January 1 occurring at least 1 year after that question is presented to the school electors under section 410, the school district shall be governed by the system of school board governance or combined chief executive officer and school board governance, as applicable, as in effect in the school district as a result of that ballot question.

(b) Effective on the next January 1 occurring at least 1 year after the question under section 410 is presented to the school electors, the powers of the school reform board established for the qualifying school district under this part, of the chief executive officer appointed under this part, and of all other officers appointed under this part cease. This subdivision does not prohibit the chief executive officer from serving as the interim chief executive officer under section 420, and does not prohibit the chief executive officer from retaining an officer or employee appointed or hired by the chief executive officer.

(c) Effective on the next January 1 occurring at least 1 year after the question under section 410 is presented to the school electors, the provisions of this part do not apply to that qualifying school district.

History: Add. 1999, Act 10, Imd. Eff. Mar. 26, 1999;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Compiler's note: Enacting section 1 of Act 230 of 2000 provides:

"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a, to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may thereafter become a qualifying school district under part 5a of the revised school code."

Popular name: Act 451

380.376 School district accountability board; creation; membership; chairperson; powers and duties of board; limitation; business conducted at public meeting; writings subject to open meetings act.

Sec. 376. (1) The school district accountability board is created in the department. The school district accountability board consists of the following 5 members:

(a) The superintendent of public instruction.

(b) The state treasurer.

(c) The state budget director.

(d) Two members of the general public appointed by the governor with the advice and consent of the senate.

(2) The state treasurer shall serve as chairperson of the school district accountability board.

(3) The school district accountability board shall do all of the following with respect to a qualifying school district in which a school reform board has been established under this part:

(a) Receive and review the district improvement plan submitted under section 373.

(b) Monitor the progress being made by the school reform board in achieving the goals and benchmarks identified in the district improvement plan submitted under section 373.

(c) Based on the experience of the school reform board in its efforts to achieve reform, make recommendations to the governor for additional resources for the qualifying school district and on changes in statute or rule, if any, needed to achieve reform.

(4) The powers and duties of the school district accountability board are limited to a qualifying school district in which a school reform board is in place.

(5) The business that the school district accountability board may perform shall be conducted at a public meeting of the school district accountability board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

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

History: Add. 1999, Act 10, Imd. Eff. Mar. 26, 1999.

Compiler's note: Enacting section 1 of Act 230 of 2000 provides:

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"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a, to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may thereafter become a qualifying school district under part 5a of the revised school code."

Popular name: Act 451

PART 6
SCHOOL DISTRICTS OF THE FIRST CLASS

380.401 Provisions governing school districts of first class; name of school district; jurisdiction of board; board as body corporate; suits.

Sec. 401. (1) A school district organized as a school district of the first class shall be governed by this part, by the provisions of article 2 which are not inconsistent with this part, and by articles 3 and 4.

(2) A school district governed by this part shall be known as the "school district of the city of _____," and shall be under the jurisdiction of the first class school district board.

(3) The first class school district board shall be a body corporate under the name and title of "the board of education of the school district of the city of _____" and under that name may sue and be sued.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.401a First class school district; powers.

Sec. 401a. (1) Except as provided by law, a first class school district has all of the powers granted to a general powers school district in section 11a and has all additional powers granted by law to a first class school district or the board of a first class school district.

(2) Unless expressly provided in the amendatory act that added this section, the powers of a first class school district are not diminished by this section or by the amendatory act that added this section.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.402 First class school district.

Sec. 402. A school district that has a pupil membership of at least 100,000 enrolled on the most recent pupil membership count day is a first class school district governed by this part.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1999, Act 10, Imd. Eff. Mar. 26, 1999;—Am. 2000, Act 230, Imd. Eff. June 27, 2000.

Compiler's note: Enacting section 1 of Act 230 of 2000 provides:

"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a, to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may thereafter become a qualifying school district under part 5a of the revised school code."

Popular name: Act 451

380.403 Approval of ballot question; applicability of section to first class school district; composition of board; meetings; election of officers; quorum.

Sec. 403. (1) This section applies to a first class school district only if the question under section 410 is approved in the first class school district.

(2) Effective on the next January 1 occurring at least 1 year after the question under section 410 is presented to the school electors of the first class school district, the first class school district shall have a board composed of 9 members elected, or appointed to fill a vacancy, as provided in section 412.

(3) The school board shall hold its first meeting on the first Monday after the January 1 described in subsection (2). At the first meeting of the school board, the school board may elect from among its members a president, vice president, secretary, and other officers as it considers necessary or appropriate. After the first election of school board officers, the school board shall elect its officers in January of each odd numbered year.

(4) A majority of the members of the school board constitute a quorum for the transaction of business at a meeting of the school board. A majority of the members elected and serving are required for official action of the school board.

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History: Add. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Compiler's note: Former § 380.403, which pertained to election of board members, was repealed by Act 96 of 1981, Eff. Jan. 1, 1983 and by Act 71 of 1982, Eff. Jan. 1, 1983.

Popular name: Act 451

380.403a Disapproval of ballot question; applicability of section to first class school district; election of board members.

Sec. 403a. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) Effective on the next January 1 occurring at least 1 year after the question under section 410 is presented to the school electors of the first class school district, the first class school district shall have a board composed of 4 members elected as provided in section 411a, plus 7 members elected, or appointed to fill a vacancy, as provided in section 412a.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 1982, Act 71, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.404 Approval of ballot question; applicability of section to first class school district; establishment of voting districts; redetermination of voting district boundary lines.

Sec. 404. (1) This section applies to a first class school district only if the question under section 410 is approved in the first class school district.

(2) The local elections official of the city with the greatest population located within the boundaries of the first class school district shall establish 9 voting districts within the school district boundaries in the manner provided in this section not later than 90 days after the date the question under section 410 is presented to the school electors of the first class school district. The local elections official may establish the voting districts before the date of the election under section 410. The local elections official shall submit the voting districts to the state board for approval, and the voting districts shall be established as voting districts upon approval by the state board. If the state board fails to act to approve or disapprove the voting districts under this subsection within 30 days after the date they are submitted by the local elections official, the voting districts are considered to be approved by the state board.

(3) After the initial establishment of voting districts under subsection (2), the local elections official of the city with the greatest population located within the boundaries of a first class school district shall redetermine the boundary lines of its voting districts after each federal decennial census, but in no event later than April 15 of the first year in which board members are to be elected following the official release of the federal decennial census figures. If the local elections official fails to redetermine the voting district boundary lines by that April 15, the state board shall convene within 10 days to make the redetermination. The redetermination of the state board shall be the voting district boundary lines until the redetermination is made following the next succeeding federal decennial census as provided in this section. The voting districts redetermined under this subsection shall be established as voting districts upon approval by the state board.

(4) Voting districts established under this section shall be compact, contiguous, and as equal as possible in population.

History: Add. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Compiler's note: Former § 380.404, which pertained to establishment of regions, was repealed by Act 96 of 1981, Eff. Mar. 15, 1982 and by Act 71 of 1982, Eff. Jan. 1, 1983.

Popular name: Act 451

380.404a Repealed. 1982, Act 71, Imd. Eff. Apr. 14, 1982.

Compiler's note: The repealed section pertained to establishment of voting regions.

Popular name: Act 451

380.404b Voting districts; establishment; number; approval by state board; determination and redetermination of boundary lines; voting districts as compact, contiguous, and equal in population.

Sec. 404b. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) Upon the effective date of this section with respect to an existing first class school district, or immediately following the date on which a school district becomes a first class school district, 7 voting districts shall be

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established within its boundaries in the manner provided in this section. The voting districts described shall be established as voting districts if and when approved by the state board.

(3) A board of a first class school district shall determine the boundary lines of its voting districts and shall redetermine the boundary lines after each federal decennial census, but in no event later than April 15 of the first year in which board members are to be elected following the official release of the federal decennial census figures. If the board of a first class school district fails to redetermine the voting district boundary lines by that April 15, the state board shall convene within 10 days to make the redetermination. The redetermination of the state board shall be the voting district boundary lines until the redetermination is made following the next succeeding federal decennial census as provided in this section.

(4) For a first class school district that was a qualifying school district under part 5a at the time of a decennial census, if a redetermination was not made after that decennial census, the voting district boundary lines in effect immediately before that decennial census shall be used for the purposes of electing school board members under section 412a at the first election of school board members after the election under section 410. A redetermination based on that decennial census shall subsequently be made by the school board as provided in this section not later than 3 months after election of the school board.

(5) Voting districts shall be compact, contiguous, and as equal as possible in population.

History: Add. 1982, Act 71, Imd. Eff. Apr. 14, 1982;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.405 Repealed. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Compiler's note: The repealed section pertained to the form and approval of question submitted to electors, and the appointment, powers, and duties of the committee and board.

Popular name: Act 451

380.406 Repealed. 1982, Act 71, Imd. Eff. Apr. 14, 1982.

Compiler's note: The repealed section pertained to submission of plan to legislature.

Popular name: Act 451

380.410 Selection of ballot designation by local election official; content; approval.

Sec. 410. (1) At the next November general election occurring after the expiration of 5 years after the initial appointment of a school reform board under part 5a for a first class school district, the local elections official of the city with the greatest population located within the boundaries of the school district shall present the question under subsection (2) to the school electors of the first class school district. The local election official may select a ballot designation for the question.

(2) At the November general election described in subsection (1), the following question shall be presented to the school electors of the first class school district:

"Shall the _____ (name of school district) be reapportioned into 9 single-member election districts with district residency requirements, shall a new school board be elected according to these election districts to serve in the district, and shall the school district be governed by a chief executive officer nominated by the mayor of the city with the greatest population located within the boundaries of the school district and approved by this newly elected board? According to state law, a "yes" vote will result in the establishment of the 9 election districts, election of a school board, and appointment of a chief executive officer as described in this question, and a "no" vote will result in the school district being governed by the governance structure otherwise provided for a first class school district under part 6 of the revised school code, consisting of an 11-member school board for the school district with 4 members elected at large and 7 members elected from election districts and with the school district governed by the 11-member school board.

Yes _____

No _____".

(3) If a majority of the school electors of the first class school district voting on the question vote yes on the question under this section, the question is approved.

History: Add. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.411 Repealed. 1981, Act 96, Eff. Mar. 15, 1982;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to nomination and election of at large members of first class school district board.

Popular name: Act 451

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380.411a Board; election of at large members; terms; nominations; signing and filing petition; filing affidavit; duties of clerk; election of officers; president; recalled member as candidate for same office; expiration of term; election of board members; vacancy; qualifications of candidate; moving residence.

Sec. 411a. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) Four members of the board of a first class school district shall be elected at large. The following provisions apply to the terms, nomination, and election of the at large members of the board of a school district organized as a first class school district:

(a) Four members shall be elected for a term of 4 years at the general election to be held in the next November after the question under section 410 is presented to the school electors of the first class school district and every 4 years after that November.

(b) Each candidate shall be nominated at a primary held in conjunction with the preceding primary election conducted pursuant to section 534 of the Michigan election law, 1954 PA 116, MCL 168.534. The nominating petitions shall contain not less than 500 or more than 1,000 signatures of registered school electors of the city in which the first class school district is located; shall meet the requirements of section 544c of the Michigan election law, 1954 PA 116, MCL 168.544c; and shall be filed with the clerk of the city in which the first class school district is located on or before 4 p.m. of the twelfth Tuesday before the primary election. The city clerk may compare the signatures on the petitions with the signatures appearing on the registration records, or in some other proper manner determine whether the signatures appearing on the petition are genuine and comply with the requirements of this section. With the petitions, a candidate shall file an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558. The clerk of the city shall notify the county clerk of the name and address of each candidate not later than 3 days after the last day for candidate withdrawal. However, if the third day is a Saturday, Sunday, or legal holiday, the notice may be made on the next day that is not a Saturday, Sunday, or legal holiday.

(c) Each member shall commence his or her term of office on January 1 following his or her election.

(3) The board of a first class school district shall elect its officers during the month of January of each odd numbered year. The president of the board shall be a member of the board, and the duties of the president shall be determined by the board.

(4) A board member of a first class school district who is recalled may be a candidate for the same office at the next election for an office at which the recalled member is otherwise eligible.

(5) The term of office of each board member serving in a school district that becomes a first class school district after April 15, 2004 expires on the next succeeding December 31 of an even numbered year, except that if the school district becomes a first class school district later than April 1 of an even numbered year, the term of office of each board member expires on December 31 of the next succeeding even numbered year after the year in which the district became a first class school district. For a district becoming a first class school district after April 15, 2004, 4 school board members shall be elected in the general election of the even numbered year in which the terms of office expire, and the 4 school board members elected shall commence 4-year terms on January 1 of the odd numbered year following the general election.

(6) If a vacancy occurs on the first class school district board from among the at large members, the vacancy shall be filled by majority vote of the remaining first class school district board members at a meeting called by the president of the board for that purpose. If a person is appointed to fill a vacancy for which the unexpired term is more than 1 year and 8 months, that person shall serve until January 1 following the next general election. At that first general election the vacancy shall be filled for the unexpired term. A vacancy shall not be filled later than 60 days before a primary election at which at large board members are to be nominated.

(7) A candidate for the office of board member at large or a person appointed to fill a vacancy on the board pursuant to subsection (6) shall be 18 years of age or older at the time of his or her election or appointment and shall be a registered school elector residing in the first class school district in which the person becomes a candidate or which the person is appointed to represent. If an at large member's residence is moved from the first class school district during the at large member's term of office, it constitutes a vacating of office.

History: Add. 1981, Act 96, Eff. Mar. 15, 1982;—Am. 1982, Act 71, Imd. Eff. Apr. 14, 1982;—Am. 1984, Act 322, Eff. Dec. 28, 1984;—Am. 1989, Act 268, Eff. Feb. 12, 1990;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.412 Approval of ballot question; applicability of section; terms, nomination, and election of board members.

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Sec. 412. (1) This section applies to a first class school district only if the question under section 410 is approved in the first class school district.

(2) Nine members of the board of a first class school district shall be elected by voting districts. Each member shall be elected to represent a voting district described in section 404. The following provisions apply to the terms, nomination, and election of the members elected from voting districts of the school board of a school district organized as a first class school district:

(a) Each of the 9 members initially elected under this section shall be elected by the registered school electors of a voting district at the next November general election after the question under section 410 is presented to the school electors of the first class school district.

(b) Not later than 7 days after the initial voting district boundary lines are established under section 404, the local elections official of the city with the greatest population located within the boundaries of the first class school district shall by random draw designate 5 voting districts in which the initial term will be 4 years and 4 voting districts in which the initial term will be 2 years. The city clerk may make this designation before the date of the election under section 410.

(c) The initial members elected from the 5 voting districts with initial terms of 4 years shall serve for 4-year terms expiring December 31. After the initial election, the members elected under this subdivision shall be elected for a term of 4 years at the November general election every 4 years after the initial election.

(d) The initial members elected from the 4 voting districts with initial terms of 2 years shall serve for 2-year terms expiring December 31. After the initial election, the members elected under this subdivision shall be elected for a term of 4 years at the November general election held 2 years after the initial election and at the November general election every 4 years thereafter.

(e) Each candidate shall be nominated by the registered school electors of each voting district at the preceding primary election held in the city with the greatest population in which the first class school district is located. The nominating petitions shall contain not fewer than 250 or more than 500 signatures of registered school electors of the voting district; shall meet the requirements of section 544c of the Michigan election law, 1954 PA 116, MCL 168.544c; and shall be filed with the local elections official of the city with the greatest population located within the boundaries of the first class school district on or before 4 p.m. of the twelfth Tuesday before the primary election. The local elections official may compare the signatures on the petitions with the signatures appearing on the registration records, or in some other proper manner determine whether the signatures appearing on the petition are genuine and comply with the requirements of this section. With the petitions, a candidate shall file an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558. The local elections official of the city shall notify the county clerk of the name and address of each candidate not later than 3 days after the last day for candidate withdrawal. However, if the third day is a Saturday, Sunday, or legal holiday, the notice may be made on the next day that is not a Saturday, Sunday, or legal holiday. A signature on a nominating petition is not valid unless the petitioner is a registered school elector of the voting district in which the candidate is running for election. Not more than 2 candidates shall be nominated at the primary election for each voting district.

(3) Candidates for election under this section after the initial election under subsection (2) shall be nominated at a primary held in conjunction with the preceding primary election conducted pursuant to section 534 of the Michigan election law, 1954 PA 116, MCL 168.534. Nominating petitions shall meet the requirements of section 544c of the Michigan election law, 1954 PA 116, MCL 168.544c, and shall be filed with the local elections official of the city with the greatest population located within the boundaries of the first class school district on or before 4 p.m. of the twelfth Tuesday preceding the primary election. The local elections official may compare the signatures on the petitions with the signatures appearing on the registration records, or in some other proper manner determine whether the signatures appearing on the petitions are genuine and comply with the requirements of this section. With the petitions, a candidate shall file an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558. A signature on a nominating petition is not valid unless the petitioner is a registered school elector of the voting district in which the candidate is running for election. Not more than 2 candidates shall be nominated at the primary election for each voting district.

(4) Instead of filing nominating petitions, a candidate for election to the first class school board may pay a nonrefundable filing fee of $100.00 to the local elections official of the city with the greatest population located within the boundaries of the first class school district. If this fee is paid by the due date for nominating petitions, the payment has the same effect under this section as the filing of nominating petitions.

(5) The 9 board members elected to represent the voting districts shall commence their terms of office on January 1 following their election.

(6) A candidate for the office of board member representing a voting district or a person appointed to fill a

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vacancy pursuant to subsection (7) shall be 18 years of age or older at the time of his or her election or appointment and shall be a registered school elector residing in the voting district in which the person becomes a candidate or which the person is appointed to represent. If a board member moves his or her residence from the voting district he or she represents during the member's term of office, this constitutes a vacating of office.

(7) If a vacancy occurs on the first class school district board from among the voting district members, the vacancy shall be filled from among registered school electors of the voting district by majority vote of the remaining first class school district board members. If a person is appointed to fill a vacancy in a voting district for which the unexpired term is more than 1 year and 8 months, that person shall serve until January 1 following the next general election. At that next general election the vacancy shall be filled by election by the school electors as provided under this section for the unexpired term. A vacancy shall not be filled later than 60 days before a primary election at which voting district board members are to be nominated.

(8) A member of a first class school district board shall not hold or be a candidate for any other elective office during the period of his or her service or for a period of 1 year after he or she ceases to be a member of the board.

History: Add. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Compiler's note: Former § 380.412, which pertained to nomination and election of members of regional board, was repealed by Act 96 of 1981, Eff. Mar. 15, 1982 and by Act 71 of 1982, Eff. Jan. 1, 1983.

Popular name: Act 451

380.412a Disapproval of ballot question; board; nomination and election of members; representation of voting district; nominating petition; signature; primary election; filing petition; comparing signatures; filing affidavit; terms; qualifications of candidates; moving residence; vacancy.

Sec. 412a. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) In the next November general election after the question under section 410 is presented to the school electors of the first class school district, 7 members of the board of a first class school district shall be elected by voting districts for an initial term of 2 years. At the November general election held 2 years after that election and every 4 years thereafter, 7 members of the board shall be elected by voting districts for a term of 4 years. Each member shall represent a voting district described in section 404b.

(3) The members shall be nominated and elected by the registered school electors of each voting district in the manner provided by law for the nomination and election of the first class school board members elected at large, except that the number of signatures required on nominating petitions of a candidate for election as a representative of a voting district shall be not less than 250 or more than 500. A signature on a nominating petition is not valid unless the petitioner is a registered school elector of the voting district in which the candidate is running for election. Not more than 2 candidates shall be nominated at the primary election for each voting district.

(4) Candidates shall be nominated at a primary held in conjunction with the preceding primary election conducted pursuant to section 534 of the Michigan election law, 1954 PA 116, MCL 168.534. Nominating petitions shall meet the requirements of section 544c of the Michigan election law, 1954 PA 116, MCL 168.544c, and shall be filed with the clerk of the city in which the first class school district is located on or before 4 p.m. of the twelfth Tuesday preceding the primary election. The city clerk may compare the signatures on the petitions with the signatures appearing on the registration records, or in some other proper manner determine whether the signatures appearing on the petitions are genuine and comply with the requirements of this section. With the petitions, a candidate shall file an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558.

(5) The 7 board members elected to represent the voting districts shall commence their terms of office on January 1 following the election.

(6) A candidate for the office of board member representing a voting district or a person appointed to fill a vacancy pursuant to subsection (7) shall be 18 years of age or older at the time of his or her election or appointment and shall be a registered school elector residing in the voting district in which the person becomes a candidate or which the person is appointed to represent. If a voting district member's residence is moved from the voting district during the voting district member's term of office, this constitutes a vacating of office.

(7) If a vacancy occurs on the first class school district board from among the voting district members, the vacancy shall be filled from among registered school electors of the voting district by majority vote of the remaining first class school district board members. If a person is appointed to fill a vacancy in a voting district for which the unexpired term is more than 1 year and 8 months, that person shall serve until January 1 following the

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next general election. At that next general election the vacancy shall be filled for the unexpired term. A vacancy shall not be filled later than 60 days before a primary election at which voting district board members are to be nominated.

History: Add. 1981, Act 96, Eff. Mar. 15, 1982;—Am. 1982, Act 71, Imd. Eff. Apr. 14, 1982;—Am. 1984, Act 322, Eff. Dec. 28, 1984;—Am. 1989, Act 268, Eff. Feb. 12, 1990;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.413 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to serving notice of election on member.

Popular name: Act 451

380.413a Notice of election; service on member.

Sec. 413a. The city clerk of the city with the greatest population located within the boundaries of the first class school district, within the time specified for serving notices upon officials elected at a city election, shall serve notice of election upon each member of the first class school district board elected at the election.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.414 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to failure to take oath of office.

Popular name: Act 451

380.414a Failure to take oath of office; filling vacancy.

Sec. 414a. If a person elected to the board of a first class school district under this part fails to take the oath of office within 10 days after service of notice of election, the vacancy shall be filled pursuant to section 411a(6), 412(7), or 412a(7), as applicable.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.415 Expulsion or removal of board member; grounds; procedure.

Sec. 415. (1) The first class school district board, by a vote of 2/3 of the members serving, may expel or remove from office a member for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of the member's office. The reason for the expulsion or removal shall be entered on the records of the board with the names and votes of the members voting on the question.

(2) A member shall not be expelled or removed unless the member is first furnished with a written copy of the charges and is allowed to be heard in his or her defense, with aid of counsel.

(3) For this purpose the board shall have power to issue subpoenas to compel the attendance of witnesses and the production of papers, and shall proceed within 10 days after service of a copy of the charge to hear and determine the merits of the case.

(4) The member's failure to appear may be good cause for removal from office.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.416 Board; officers; quorum; vacancy in office of president; election and salary of secretary and treasurer; duties; bonds; custody and disposition of funds.

Sec. 416. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) The officers of the first class school district board shall be a president, vice-president, secretary, and treasurer. The board, a majority of which shall constitute a quorum, shall elect its president and vice-president biennially from among the members of the board. In case of a vacancy in the office of president, the vice-president shall succeed to the office of president for the balance of the unexpired term. The secretary and treasurer shall be appointed by the board but shall not be members of the board and shall receive a salary fixed by the board.

(3) The president, vice-president, and secretary shall perform the duties prescribed by the bylaws and regulations of the board. The duties of the treasurer shall be determined by the school district general superintendent, as approved by the board.

(4) The officers of the board who in the discharge of the duties of their respective positions handle funds

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belonging to the first class school district shall be required to give bonds for the faithful performance of their duties in accordance with the bylaws and regulations of the board. The premium of the bonds shall be paid from the funds of the board.

(5) The school district treasurer shall have the custody of all money belonging to the school district and shall pay out money pursuant to section 433. The funds shall be deposited with depositories selected by the board, and the interest derived shall be paid into the general fund of the board.

(6) The board shall require from the school district treasurer a separate bond of not less than $200,000.00 to protect the funds of the board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.416a Officers as president, vice-president, and secretary; duties; duties of chief financial officer.

Sec. 416a. (1) This section applies to a first class school district only if the question under section 410 is approved in the first class school district.

(2) The officers of the first class school district board shall be a president, vice-president, and secretary. In case of a vacancy in the office of president of a first class school district board, the vice-president shall succeed to the office of president for the balance of the unexpired term.

(3) The president, vice-president, and secretary shall perform the duties prescribed by the bylaws and regulations of the board.

(4) The chief financial officer or other officer of the first class school district designated by the chief executive officer shall have the custody of all money belonging to the school district and shall pay out money pursuant to this act. The funds shall be deposited with depositories selected by the chief executive officer or his or her designee, and the interest derived shall be paid into the general fund of the school district.

History: Add. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.417 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to interest of member in contract with board, and compensation of regional board members.

Popular name: Act 451

380.417a Board; interest of member in contract; compensation; per diem allowance; reimbursement; maximum payments.

Sec. 417a. (1) A member of the first class school district board shall not be directly or indirectly interested in a contract with the board. Except for the per diem allowance provided in subsection (2), a member of the first class school district board shall not receive compensation for services rendered to the board.

(2) Except as otherwise provided in this subsection and subsection (3), each first class school district board member shall be paid a per diem allowance of $30.00 for each board meeting and subcommittee meeting attended and each authorized duty performed. To be reimbursed for an authorized duty, the duty shall be related directly to the member's responsibility as a board member and shall be authorized in advance by resolution of the board. Compensation shall be provided to a board member for an authorized duty only if that duty and the authority of the board member to perform that duty is specifically enumerated in the resolution authorizing compensation. The payments for meetings, subcommittee meetings, and authorized duties shall not exceed a total of 52 meetings, subcommittee meetings, and authorized duties per year, except that, if the question under section 410 is not approved in the first class school district, this limitation may be removed by majority vote of the board.

(3) If the question under section 410 is approved in the first class school district, the board of the first class school district may by majority vote of the board waive any per diem payment under this section.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 1982, Act 71, Eff. Jan. 1, 1983;—Am. 1985, Act 86, Imd. Eff. July 5, 1985;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.418 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to board meetings, official actions, and annual audit.

Popular name: Act 451

380.418a Board; meetings; proceedings and official actions as public record; annual audit;

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report; publication; actions to be by yea and nay vote entered upon record.

Sec. 418a. (1) Regular meetings of the first class school district board shall be held at least once each month, at a time and place fixed by the bylaws. If the question under section 410 is not approved, not less than 7 of the regular meetings shall be held in different voting districts of the first class school district each year. If the question under section 410 is approved, not less than 9 of the regular meetings shall be held in different voting districts of the first class school district each year. The bylaws may provide for the calling of special meetings.

(2) The proceedings and official actions of the first class school district board shall be a public record open to inspection pursuant to section 1202.

(3) The board of the first class school district shall have made a complete annual audit of its financial transactions. The board may employ a firm of certified public accountants to make the audit or, if the city with the greatest population located within the boundaries of the school district has an auditor whose duties are limited to postauditing of finances and investigation of operations, the board may arrange for the city's auditor to make the audit. The audit report shall be made to the board and the chief executive officer and shall be a public record. The board may direct the chief executive officer to publish the audit report by adding to it general school statistics or it may publish general school statistics separately.

(4) If the question under section 410 is not approved in the first class school district, every action of the first class school district board creating a liability or debt or originating the disposal or expenditure of property or money shall be by yea and nay vote entered upon its record.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 1982, Act 71, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.420 Chief executive officer; appointment; powers; reports; duties of school board; "mayor" defined.

Sec. 420. (1) This section applies to a first class school district only if the question under section 410 is approved in the first class school district.

(2) The school board of a first class school district shall appoint a chief executive officer under this section. The initial chief executive officer shall be appointed not later than 30 days after the school board takes office under section 412, with the appointment of the initial chief executive officer to take effect at the beginning of the next school fiscal year. All of the following apply to appointment and employment of a chief executive officer under this section:

(a) The chief executive officer shall be employed by the school district according to an employment contract entered into with the school board. The term of the contract shall not exceed 4 years and may be renewed.

(b) The mayor shall submit to the school board the name of 1 nominee for the position of chief executive officer. The school board shall approve or disapprove of the nominee. Approval of the nominee shall be by majority vote of the school board. Upon approval by the school board, the nominee is appointed as chief executive officer. If the school board does not approve the nominee, the mayor shall submit to the school board the name of a new nominee.

(c) Appointment of a chief executive officer under this section is subject to section 421.

(d) A chief executive officer may be removed from office either by the mayor or by a majority vote of the members serving on the school board with the approval of the mayor. However, a chief executive officer may be removed only for good cause.

(3) Beginning on the next January 1 occurring at least 1 year after the question under section 410 is presented to the school electors of the first class school district, and until the appointment of an initial chief executive officer for a first class school district takes effect under this section, the person who was serving as chief executive officer of the school district under part 5a immediately before the school board takes office under section 412 shall act as the interim chief executive officer of the first class school district under this part. All provisions of this act that would otherwise apply to the chief executive officer of the first class school district apply to the interim chief executive officer, and he or she may exercise all the powers and duties otherwise vested by law in the chief executive officer of the first class school district until a permanent chief executive officer is appointed for the school district under this section.

(4) Upon appointment of a chief executive officer for a first class school district under this section, except for the school board's powers under subsection (11), the chief executive officer immediately may exercise all the powers and duties vested by law in the chief executive officer or the school board under this act and all additional powers and duties provided under this part; and the chief executive officer accedes to all the rights, duties, and obligations of an elected school board of a first class school district. Subject to section 421, these powers, rights, duties, and obligations include, but are not limited to, all of the following:

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(a) Authority over the expenditure of all school district funds, including proceeds from bonded indebtedness and other funds dedicated to capital projects. However, the chief executive officer shall submit an annual budget and annual procurement goals to the school board for approval as provided under subsection (11)(b).

(b) Rights and obligations under collective bargaining agreements and employment contracts entered into by the previous school board or by a previous chief executive officer.

(c) Rights to prosecute and defend litigation.

(d) Obligations under any judgments entered against the school district.

(e) Rights and obligations under statute, rule, and common law.

(f) Authority to delegate any of the chief executive officer's powers and duties to 1 or more designees.

(g) All other rights, duties, and obligations provided under this part for the chief executive officer or provided under this act or other state law for a school board except for those school board powers listed in subsection (11).

(5) In addition to his or her other powers, the chief executive officer appointed under this part may terminate any contract entered into by a previous school board or chief executive officer of the school district except for a collective bargaining agreement. However, this subsection does not allow any termination or diminishment of obligations to pay debt service on legally authorized bonds. A contract terminated by a chief executive officer under this subsection is void.

(6) Upon appointment of a chief executive officer for a first class school district under this section, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the chief executive officer.

(7) The chief executive officer shall appoint for the first class school district a chief financial officer, chief academic officer, chief operations officer, and chief purchasing officer. Appointment of a chief financial officer under this section is subject to section 421. These officers are employed at the will of the chief executive officer.

(8) Not later than 90 days after the initial appointment of a chief executive officer under this section, and at least annually thereafter, the chief executive officer shall develop and submit to the mayor, school board, and department a school district improvement plan that includes at least detailed academic, financial, capital, and operational goals and benchmarks for improvement and a description of strategies to be used to accomplish those goals and benchmarks. The plan also shall include an assessment of available resources and recommendations concerning additional resources or changes in statute or rule, if any, needed to meet those goals and benchmarks. The plan also shall include an evaluation of local school governance issues, including criteria for establishing building-level governance.

(9) The chief executive officer shall submit an annual report to the mayor, school board, governor, and legislature and shall make the annual report available to the community in the first class school district. The annual report shall contain at least all of the following:

(a) A summary of the initiatives that have been implemented to improve school quality in the first class school district.

(b) Measurements that may be useful in determining improvements in school quality in the first class school district. These measurements shall indicate changes from baseline data from the school year before the appointment of the chief executive officer, and shall include at least all of the following:

(*i*) Standardized test scores of pupils.

(*ii*) Dropout rates.

(*iii*) Daily attendance figures.

(*iv*) Enrollment figures.

(*v*) High school completion and other pertinent completion rates.

(*vi*) Changes made in course offerings.

(*vii*) Proportion of school district resources devoted to direct educational services.

(c) A description of long-term performance goals that may include statewide averages or comparable measures of long-term improvement.

(10) The chief executive officer shall submit a monthly report, which shall be a public record, to the school board of the first class school district and shall make the monthly report available to the community in the first class school district. The monthly report shall contain at least all of the following:

(a) A summary of the initiatives that have been implemented to improve school quality in the first class school district.

(b) Daily attendance figures.

(c) A description of steps taken to implement the chief executive officer's school district improvement plan.

(d) A description of the progress made toward achieving the goals and benchmarks set forth in the chief

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executive officer's school district improvement plan.

(e) A description of progress made toward achieving the long-term performance goals set forth in the annual report under subsection (9).

(f) A copy of any and all completed financial audits authorized by the school district.

(11) The school board of a first class school district shall do all of the following:

(a) Monitor pupil performance.

(b) During June of each year, receive, review, and approve the annual budget and procurement goals submitted by the chief executive officer, including approval of the annual appropriation total for the school district's general operating fund and the general fund expenditure budget total for each of the following functions, as the functions are defined by the department in Bulletin 1022:

(*i*) Instructions.

(*ii*) Pupil support services.

(*iii*) Instructional staff support services.

(*iv*) School administration.

(*v*) Business support services.

(*vi*) Operations and maintenance.

(*vii*) Pupil transportation services.

(*viii*) Central support services.

(*ix*) Community services.

(c) Review all contracts totaling over $250,000.00 that are entered into by the chief executive officer.

(d) Not later than August 31 of each year, provide to the mayor an annual evaluation of the performance of the chief executive officer and make this annual performance evaluation available to the public. To assist in this function, the school board may contract with an independent auditor to conduct a performance and financial audit of the activities of the chief executive officer. If the school board contracts for such an audit, the school board shall review the audit results before preparing the annual performance evaluation.

(e) Form committees as the board considers necessary or desirable to fulfill its functions.

(f) Organize and establish community assistance teams to work with the school board to implement a cohesive, full service community school program addressing the needs and concerns of the school district's population. The school board may delegate to a community assistance team the authority to devise and implement family, community, cultural, and recreational activities to promote the academic mission of the schools. The community assistance teams may also develop parental involvement activities that focus on the encouragement of voluntary parenting education, enhancing parent and family involvement in education, and promoting adult and family literacy.

(12) As used in this section and section 421, “mayor” means the mayor of the city with the greatest population as of the most recent decennial census located within the boundaries of a first class school district.

History: Add. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.421 Contracts; substantial conflict of interest.

Sec. 421. (1) This section applies to a first class school district only if the question under section 410 is approved in the first class school district.

(2) The mayor shall not nominate a person as chief executive officer under section 420 and the chief executive officer shall not appoint a person as chief financial officer if the person at the time of appointment has a pecuniary interest in a contract to which the first class school district is a party, or in a subcontract under such a contract, other than an employment contract.

(3) The chief executive officer shall ensure that the first class school district does not award a contract, and that a subcontract is not awarded under a contract with the first class school district, to the mayor, the chief executive officer, the chief financial officer, or a first class school board member, or to the mayor's, chief executive officer's, chief financial officer's, or board member's spouse or spouse's sibling or child, sibling or sibling's spouse or child, child or child's spouse, or parent or parent's sibling or spouse.

(4) The mayor, chief executive officer, chief financial officer, or a first class school board member shall not have a direct or indirect pecuniary interest in any contract with the first class school district that causes a substantial conflict of interest. As used in this subsection, “substantial conflict of interest” means that the pecuniary interest is of such substance as to induce action on the person's part to promote the contract for his or her own personal benefit. A contract between the first class school district and any of the following is not considered a substantial

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conflict of interest:

(a) A corporation in which the person is a stockholder owning 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or the stock has a present market value of $25,000.00 or less if the stock is listed on a stock exchange.

(b) A corporation in which a trust, in which the person is a beneficiary under the trust, owns 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or the stock has a present market value of $25,000.00 or less if the stock is listed on a stock exchange.

(c) A professional limited liability company organized pursuant to the Michigan limited liability company act, 1993 PA 23, MCL 450.4101 to 450.5200, if the person is an employee but not a member of the company.

History: Add. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.422 Annexation of entire school district to city; bonded indebtedness; powers and duties of chief executive officer.

Sec. 422. If territory comprising an entire school district is annexed to the city and becomes a part of the first class school district, part 10 shall govern where applicable with respect to the bonded indebtedness of either district existing at the time of annexation. The first class school district board may use any funds legally available to retire the bonded indebtedness of the annexed district. If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.423 Annexation of portion of school district to city; bonded indebtedness.

Sec. 423. When territory constituting a portion of another school district is annexed to a city and the district from which that territory is taken has outstanding bonded indebtedness, part 11 shall apply to that bonded indebtedness.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.424 Annexation of property belonging to another school district; determination of amount to be paid; board of arbitration; hearing; notice; regulations; final order; taxes; powers and duties of chief executive officer.

Sec. 424. (1) When school property belonging to another school district is taken by annexation by a first class school district, a determination shall be made of the equitable amount that shall be paid by the first class school district. That determination shall be made by the boards of the 2 districts affected. If the board of the first class school district and the board of the school district from which the property is taken are unable to agree, the matter shall be submitted to a board of arbitration consisting of 1 member appointed by each board and a third member to be selected by the 2 appointed members. The arbitrators by order shall fix a day for hearing and give notice of the hearing as provided in the order. They shall make regulations for the proceedings and shall make a final order determining the amount to be paid by the first class school district to the school district whose property was taken by the annexation and file the order with the county clerk. The order of the arbitrators shall be final. Taxes shall be levied and collected in the manner provided in the order.

(2) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.431 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to powers of board as to real and personal property.

Popular name: Act 451

380.431a Powers of board as to real and personal property; proceeds from sale of real property; bylaws and regulations; eminent domain proceedings.

Sec. 431a. (1) The board of the first class school district may take, use, hold, lease, sell, and convey real and personal property, including property received by gift, devise, or bequest, for the use of the public school within and

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without its corporate limits. Proceeds from the sale of real property shall be credited to accounts of the school district as provided in section 1262. The first class school district board has the power to purchase, lease, and take by the right of eminent domain all property; erect and maintain or lease all buildings; employ and pay all persons; and do all other things in its judgment necessary for the proper establishment and management of the public schools. If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this subsection.

(2) The first class school district board may adopt and revise as appropriate bylaws and regulations for conducting the business of the board and, if the question under section 410 is not approved in the first class school district, for the control and government of all schools, school property, and pupils in the first class school district.

(3) If property is sought to be taken by eminent domain, proceedings may be brought under 1911 PA 149, MCL 213.21 to 213.25, or the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 1982, Act 71, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.432 Annual tax estimates; specification of amounts required for certain funds; retirement of bonds; budget; apportionment of school taxes; assessment, levy, collection, and return of taxes; statement on tax bill; powers and duties of chief executive officer.

Sec. 432. (1) The first class school district board annually shall prepare estimates of the amount of taxes necessary for its needs for the ensuing fiscal year. The estimates shall specify the amount required for the "general fund", the amount required for the "building and site fund", and the amount required for the "debt retirement fund". If the board causes the appropriation for the "building and site fund" to be raised by the issuance of bonds instead of raising the appropriation by taxation, provision shall be made for the retirement of the bonds in a debt retirement fund.

(2) The board shall adopt a budget in the same manner and form as required for its estimates and determine the amount of tax levy necessary for that budget and shall certify on or before the date required by law the amount to the city.

(3) The proper officials of the city shall apportion the school taxes in the same manner as the other taxes of the city are apportioned, and the amount apportioned shall be assessed, levied, collected, and returned for the school district in the same manner as taxes of the city. The tax levied by the school district, in the discretion of the legislative body of the city, may be stated separately on each tax bill.

(4) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.433 Payment of payrolls, bills, accounts, or claims; warrant; certificate; powers and duties of chief executive officer.

Sec. 433. (1) The secretary of the first class school district board shall issue and sign a warrant upon the treasurer for payrolls, bills, and accounts that become due and payable under a contract or because of a previous authorization or action of the board after the payrolls, bills, and accounts are registered and charged to the appropriations from which they are payable. The treasurer, upon receipt of the warrant, shall issue a check in payment thereof.

(2) Other claims and demands against the first class school district shall be made under the regulations of the board. The board, before paying a bill, account, or claim, may require that it be accompanied by a certificate of the person rendering it that the services or the property charged have been actually performed or delivered for the school district, that the sums charged are reasonable and just, and that to the best of that person's knowledge and belief no setoff exists nor payment has been made on account except as included or referred to in the account presented. A similar certificate shall be required on all payrolls, the certificate to be made by the person who supervises the services charged.

(3) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 or his or her designee has the powers and shall perform the duties of the board of the first class school district or board officers under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

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Popular name: Act 451

380.434 Contracts for purchase of real estate or erection, remodeling, or repairing of building; endorsement; certificates; borrowing; duties and powers of chief executive officer.

Sec. 434. (1) Before a contract entered into by the first class school district for the purchase of real estate or the erection, remodeling, or repairing of a building is binding on the school district, the secretary shall endorse on the contract that the money proposed to be expended under the contract is actually in the treasury or that the money has been appropriated. A contract submitted shall not be certified by the secretary until all contracts for the completed work covered by the appropriation are submitted, and a warrant shall not be drawn on the account of a contract not containing the certificate.

(2) The board may authorize a contract before the money is available if an appropriation or an authorization of bonds or notes is made for the contract and may borrow on the best terms obtainable on the credit of that appropriation or authorization of bonds or notes sums necessary to make a payment under the contract.

(3) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 or his or her designee has the powers and shall perform the duties of the board of the first class school district or board officers under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.441 Borrowing to pay awards in condemnation proceedings.

Sec. 441. The board of the first class school district, with the consent of the legislative body of the city, may authorize the financial officers of the school district to borrow for not more than 1 year, on the best terms obtainable, sums necessary to pay awards in condemnation proceedings. If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.442 Borrowing powers of board of first class school district; limitations on loans and bonds; powers and duties of chief executive officer.

Sec. 442. (1) The board of the first class school district may do any of the following:

(a) Borrow, subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, for temporary school purposes sums of money and give notes of the district for temporary school purposes.

(b) Borrow, subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, sums of money for the purpose of purchasing sites for buildings, playgrounds, or athletic fields and purchasing or erecting and equipping a building or making a permanent improvement that the school district is authorized to make. The board may accomplish this by the issuance and sale of bonds of the school district on terms the board considers advisable, or by other reasonable means. The board shall designate officers to execute the bonds on behalf of the school district. The designated officers may include the chief financial officer.

(2) A loan shall not be made, except as otherwise provided in this subsection, for a sum that, together with the total outstanding bonded indebtedness of the school district, exceeds 5% of the state equalized valuation of the taxable property within the school district, unless the proposition of making the loans or of issuing bonds is submitted to a vote of the school electors of the school district at a general or special school election and approved by the majority of the school electors voting on the question. Regardless of the amount of outstanding bonded indebtedness of the school district, a vote of the school electors is not necessary in order to issue bonds for a purpose described in section 1274a. Loans may be made or bonds may be issued for the purposes stated in this section in an amount equal to that provided by part 17.

(3) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1985, Act 22, Imd. Eff. May 20, 1985;—Am. 2002, Act 58, Imd. Eff. Mar. 15, 2002;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.443 Expenditure of bond proceeds for remodeling of existing school buildings; “remodeling”

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defined.

Sec. 443. (1) Proceeds from the sale of first class school district bonds may be expended for the remodeling of existing buildings of the school district if the board determines the remodeling will contribute positively to the health, security, or welfare of the pupils of the school district and if the uses are approved by the superintendent of public instruction. If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this subsection.

(2) As used in this section, "remodeling" means the alteration or construction of structural components of a building including walls, roofs, partitions, hallways, stairways, or means of egress, or the replacement, relocation, or reconstruction of heating, ventilating, incineration, electrical, security, or sanitary systems.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1983, Act 118, Imd. Eff. July 18, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.444 Sections 380.442 and 380.443 as supplemental provisions; ex officio officers of board.

Sec. 444. (1) Sections 442 and 443 are supplemental to other provisions of law under which bonds of the school district or the city are authorized to be issued and sold.

(2) Officers of the city in which the school district is situated who participate in matters relating to the issuance and sale of bonds under this part are for that purpose made ex officio officers of the first class school district board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.445 Bonds for sites, buildings, and improvements; resolution; approval of school electors; form of bonds; filing notice and draft; laws governing election; electors qualified to vote; bonds subject to revised municipal finance act; powers and duties of chief executive officer.

Sec. 445. (1) The board of the first class school district by resolution may submit the proposition of issuing bonds for the purpose of purchasing sites for buildings, playgrounds, or athletic fields and purchasing or erecting and equipping a building or making permanent improvements that the school district is authorized to make to the school electors of the school district at a city or state election, or at a special election called for that purpose.

(2) If a majority of the school electors voting on the question approve the issuance of bonds, the board may issue the bonds of the district.

(3) The board shall determine the form of the bonds, the manner in which they shall be executed by the president and secretary of the district, the sums payable and the times of payment, and other terms and conditions the board considers necessary.

(4) If the board determines to issue bonds under this section, sections 432 and 444 shall not apply to the issuance of the bonds and the bonds may be issued in an amount equal to that provided by part 17.

(5) The secretary of the board shall file with the city clerk a written notice of the resolution to submit the bonding proposition to the school electors with a draft of the form of the bonding proposition to be submitted. The notice shall be under the seal of the board and filed with the city clerk at least 60 days before the date fixed by the board for the election.

(6) The laws of this state pertaining to elections in a city shall govern the practicable submission of the proposition to the school electors. Electors qualified to vote on the bonding proposition shall be registered school electors of the city in which the first class school district is located and otherwise qualified to vote on bonding propositions under the constitution and laws of this state.

(7) Bonds issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(8) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district or board officers under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 334, Imd. Eff. May 23, 2002;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.449 First class school district; powers and duties of school board and officers.

Sec. 449. All powers and duties of the school board of the first class school district and of its officers are subject

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to part 5a until January 1 following the expiration of 5 years after the initial appointment of a school reform board in the school district under part 5a.

History: Add. 1999, Act 10, Imd. Eff. Mar. 26, 1999;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Compiler's note: Enacting section 1 of Act 230 of 2000 provides:

"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a, to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may thereafter become a qualifying school district under part 5a of the revised school code."

Popular name: Act 451

380.451 Excise tax on income.

Sec. 451. (1) The board of a first class school district having boundaries coterminous with those of a city that imposes a city income tax by ordinance adopted pursuant to the city income tax act, 1964 PA 284, MCL 141.501 to 141.787, by resolution adopted by a majority of its members elected and serving, may adopt, levy, assess, and collect an excise tax, upon income received, earned, or otherwise acquired by corporations and resident individuals. An excise tax adopted shall not exceed 50% of the liability of the corporation or resident individual for a 2% income tax imposed by the city with coterminous boundaries.

(2) The excise tax shall continue in effect until rescinded by a subsequent resolution. A tax imposed pursuant to this section may not be rescinded or the rate of the tax reduced if there are outstanding obligations for which the tax is pledged.

(3) The resolution shall provide that taxpayers subject to the tax imposed by the resolution may elect to compute their tax for a calendar year, or fiscal year, during which the tax is made effective or rescinded, by any of the following methods:

(a) The tax may be computed as if the tax were effective on the first day of the calendar year, or the taxpayer's fiscal year, and the amount computed multiplied by a fraction, the numerator of which is the number of months the tax was in effect during the taxpayer's calendar or fiscal year, and the denominator of which is the number of months in the taxpayer's calendar or fiscal year. A portion of a month which is 15 days or more shall be considered a month and a period of less than 15 days shall be disregarded.

(b) The tax may be computed by determining the amount of the city tax giving rise to the school district tax which is allocable to the period the district tax is in effect in accordance with any accounting method satisfactory to the administrator.

(4) A school district adopting a tax pursuant to this section shall certify within 5 days to the city clerk of the city with coterminous boundaries the adoption of the resolution and tax. The effective date of a tax imposed by a school district pursuant to this section shall be the first day of the month that is 20 days or more following the adoption of the resolution, unless the resolution provides otherwise. The tax shall not be declared to be retroactively effective before the first day of the calendar year in which the resolution was adopted. The enforcement, collection, and refund authority of the city with coterminous boundaries shall continue in effect after the effective date of expiration with respect to liabilities incurred during the period the tax imposed by the school district pursuant to this section was in effect.

(5) A school district tax imposed by resolution passed pursuant to this section shall be administered by the administrator designated by the city having boundaries coterminous with the school district to administer the city tax, and the treasurer of that city shall collect and account for the revenue. After deducting the amount of refunds, the city treasurer shall pay over the balance to the school district as soon as practicable. As often as practicable, but not less often than monthly, the city treasurer shall pay over and distribute to the school district the amount of taxes it is estimated to be entitled to that are received in the form of withholding remittances and estimated taxes paid.

(6) A resolution imposing a school district tax pursuant to this section shall provide for withholding and remitting by employers doing business or maintaining a place of business within the school district, for declaration and payment of estimated taxes, for the promulgation by the administrator of appropriate regulations, for the appeal from the administrator's decisions, for judicial review, for interest and penalties, for jeopardy assessments, for a statute of limitations, for consolidated and joint returns, for refunds, and for other provisions necessary to administer, enforce, and collect the school district tax in substantially the same manner as the tax imposed by the city with coterminous boundaries. The administrator shall prepare and make available the withholding tables and tax return and other forms necessary to administer the district tax.

(7) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district

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under this section, and may issue an order for any action that may otherwise be taken by resolution of the board under this section.

(8) For purposes of this section, the terms “administrator”, “business”, “corporation”, “doing business”, “fiscal year”, “person”, and “resident individual” have the same meaning as in the city income tax act, 1964 PA 284, MCL 141.501 to 141.787, and the term “taxpayer” means a person required by the school district's resolution to file a return with respect to, or to pay, the tax.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.461 Submission of measure to school electors; filing notice and draft; laws governing election; powers and duties of chief executive officer.

Sec. 461. (1) Upon the adoption, by majority vote of the board members serving, of a measure not coming under its general power or authority, the board of the first class school district shall submit the measure to the school electors of the school district at the next state or city election or a special election called for that purpose. This section does not authorize the issuance of bonds. The secretary of the board shall file with the city clerk a written notice of the adoption of the measure together with a written draft of the measure to be submitted to the school electors. The notice shall be under the seal of the board and filed with the city clerk not less than 60 days before the election.

(2) The laws of this state pertaining to elections in the city govern the practicable submission of the measure to the school electors.

(3) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district or board officers under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.462 Special election; request; statement of questions; powers and duties of chief executive officer.

Sec. 462. Special elections may be called by the board of the first class school district. The board shall call an election on receipt of the written request of not less than 10% of the registered school electors of the district qualified to vote on the question by giving the prescribed notice. The questions to be submitted at the election shall be stated briefly in the notice. If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.471 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to appointment of superintendent of schools and employment of other administrators.
Popular name: Act 451

380.471a Appointment and term of superintendent; employment, terms, and duties of other administrators; administrative and personnel services; contract required; notification of nonrenewal of contract; statement of reasons; meeting; renewal in contract; powers of board over employees; applicability of section to part 5a.

Sec. 471a. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) The first class school district board may appoint a superintendent of schools for a term not exceeding 6 years pursuant to the first class school district board's bylaws. The board may employ assistant superintendents, principals, assistant principals, guidance directors, and other administrators who do not assume tenure in position for a term, not to exceed 3 years, fixed by the board and shall define their duties. Administrative and personnel services shall be provided on a centralized basis throughout the first class school district and shall not be established on a voting district basis. The employment shall be under written contract. Notification of nonrenewal of contract shall be given in writing not less than 90 days before the termination date of the contract of a superintendent of schools, and at least 60 days before the termination date of the contract of other administrators described in this

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subsection. If notification of nonrenewal is not given as required in this subsection, the contract is renewed for an additional 1-year period.

(3) A notification of nonrenewal of a contract of a person described in this section may be given only for a reason that is not arbitrary or capricious. The board shall not issue a notice of nonrenewal under this section unless the affected person has been provided with not less than 30 days' advance notice that the board is considering the nonrenewal together with a written statement of the reasons the board is considering the nonrenewal. After the issuance of the written statement, but before the nonrenewal statement is issued, the affected person shall be given the opportunity to meet with not less than a majority of the board to discuss the reasons stated in the written statement. The meeting shall be open to the public or a closed session as the affected person elects under section 8 of the open meetings act, 1976 PA 267, MCL 15.268. The failure to provide for a meeting with the board or the finding of a court that the reason for nonrenewal is arbitrary or capricious shall result in the renewal of the affected person's contract for an additional 1-year period. This subsection does not apply to the nonrenewal of the contract of a superintendent of schools.

(4) Except for certification requirements determined by the state board, the first class school district board shall have full power over employees and may specify the duties to be performed by them and fix the qualifications necessary for a position. The qualifications shall not conflict with the rules, regulations, or licensing laws of the state, county, or municipality governing qualifications of engineers or members of other trades.

(5) This section is subject to part 5a.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 1982, Act 71, Eff. Jan. 1, 1983;—Am. 1999, Act 10, Imd. Eff. Mar. 26, 1999;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Compiler's note: Enacting section 1 of Act 230 of 2000 provides:

"Enacting section 1. The amendments made by this amendatory act to sections 371, 372, 373, 374a, and 402 of the revised school code, 1976 PA 451, MCL 380.371, 380.372, 380.373, 380.374a, and 380.402, are intended to reaffirm the legislature's initial intent to apply those sections and part 5a and sections 449 and 471a of the revised school code, 1976 PA 451, MCL 380.371 to 380.376, 380.449, and 380.471a, to any school district that was a qualifying school district under part 5a of the revised school code at the time of enactment of 1999 PA 10 or that may thereafter become a qualifying school district under part 5a of the revised school code."

Popular name: Act 451

380.472 School for confinement, discipline, instruction, and maintenance of children.

Sec. 472. A first class school district may establish, maintain, and conduct a school for the purpose of affording a place of confinement, discipline, instruction, and maintenance of children of the city of compulsory school age who may be committed to the school by a court of competent jurisdiction, or admitted on the recommendation of the judge with the consent of their parents or guardian. A child who has been convicted of an offense punishable by confinement in a penal institution shall not be committed or admitted to the school.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

380.473 Effect of act on laws governing public libraries; transfer of power and duties regarding libraries.

Sec. 473. This part shall not repeal or affect a general law or local law governing the management and control of public libraries as now established in school districts under this part. The powers and duties of the boards of education now in existence regarding libraries shall be assigned to and transferred to the first class school district board created by this part.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.481—380.483 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed sections pertained to regional boards.

Popular name: Act 451

380.483a Functions of board; transfer of powers and duties.

Sec. 483a. (1) This section applies to a first class school district only if the question under section 410 is not approved in the first class school district.

(2) The first class school district board shall perform the following functions:

(a) Central purchasing.

(b) Payroll.

(c) Employment, discharge, assignment, and promotion of teachers and other employees of the district.

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(d) Contract negotiations for all employees, subject to 1947 PA 336, MCL 423.201 to 423.217, and subject to bargaining certification and the collective bargaining agreement pertaining to affected employees.

(e) Property management and maintenance and the use of educational facilities.

(f) Bonding.

(g) Special education programs.

(h) Allocation of funds for capital outlay and operations.

(i) Determination of the curriculum and the establishment of educational and testing programs.

(j) Adoption of a budget.

(3) All powers and duties formerly vested in the regional boards are transferred to the first class school district board.

History: Add. 1981, Act 96, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

380.484 Repealed. 1981, Act 96, Eff. Jan. 1, 1983;—1982, Act 71, Eff. Jan. 1, 1983.

Compiler's note: The repealed section pertained to regional boards.

Popular name: Act 451

380.485 Providing for and encouraging free flow of information between board and community and community input into educational matters; implementation; powers and duties of chief executive officer.

Sec. 485. (1) At least every 2 years, the board of the first class school district shall adopt policies and establish programs that provide for and encourage the free flow of information between the school district and the community and that provide for and encourage community input into educational matters considered by the board.

(2) In order to implement subsection (1), the board of a first class school district shall do both of the following:

(a) Provide for an autonomous school-community organization in each school within the school district. The school-community organization shall be open to all parents and other residents of the school attendance area.

(b) Establish procedures for handling complaints, concerns, and recommendations received from parents and other members of the community.

(3) If the question under section 410 is approved in the first class school district, then the chief executive officer appointed under section 420 has the powers and shall perform the duties of the board of the first class school district under this section.

History: Add. 1982, Act 71, Eff. Jan. 1, 1983;—Am. 2004, Act 303, Imd. Eff. Aug. 10, 2004.

Popular name: Act 451

PART 6A
PUBLIC SCHOOL ACADEMIES

380.501 Public school academy; scope; powers; definitions.

Sec. 501. (1) A public school academy is a public school under section 2 of article VIII of the state constitution of 1963, is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for the purposes of section 1225 and section 1351a, and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. A public school academy is a body corporate and is a governmental agency. The powers granted to a public school academy under this part constitute the performance of essential public purposes and governmental functions of this state.

(2) As used in this part:

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

(*i*) The board of a school district that operates grades K to 12.

(*ii*) An intermediate school board.

(*iii*) The board of a community college.

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

(b) "Certificated teacher" means an individual who holds a valid teaching certificate issued by the superintendent of public instruction under section 1531.

(c) "Community college" means a community college organized under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or a federal tribally controlled community college that is recognized under the

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tribally controlled community college assistance act of 1978, Public Law 95-471, 92 Stat. 1325, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

(d) "Contract" means the executive act taken by an authorizing body that evidences the authorization of a public school academy and that establishes, subject to the constitutional powers of the state board and applicable law, the written instrument executed by an authorizing body conferring certain rights, franchises, privileges, and obligations on a public school academy, as provided by this part, and confirming the status of a public school academy as a public school in this state.

(e) "Entity" means a partnership, nonprofit or business corporation, labor organization, or any other association, corporation, trust, or other legal entity.

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

History: Add. 1993, Act 362, Imd. Eff. Jan. 14, 1994;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

Compiler's note: Former § 380.501, which pertained to public school academy, scope, and definitions, was repealed by Act 362 of 1993, Imd. Eff. Jan. 14, 1994.

Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8, 2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

In order to determine whether SB 393 had become law, as requested, the attorney general examined whether SB 393 was recalled by concurrent action of the house of representatives and the senate within the 14-day period afforded the governor for vetoing a bill under the last sentence of Const 1963, art 4, § 33: "SB 393 was presented to the Governor on September 8, 2003, at 5:00 p.m. The 14-day period afforded for consideration, measured in hours and minutes, therefore expired on September 22, 2003 at 5:00 p.m. While the Senate had acted to recall the bill within that 14-day period (on September 18, 2003), the House did not. Its action concurring in the request to recall SB 393 was not taken until September 23, 2003. In the absence of concurrent action by both houses of the Legislature within the 14-day period, SB 393 was not effectively recalled and 'further legislative action thereon' was not authorized." The attorney general declared that "in the absence of a return of the bill with objections, SB 393 therefore became law by operation of the last sentence of art 4, § 33." OAG, 2003, No. 7139 (October 2, 2003).

Popular name: Act 451

Popular name: Charter Schools

Popular name: Public School Academies

380.501a Public school academy; report to legislative committees on education.

Sec. 501a. Not later than 1 year after the effective date of this section, and at least annually thereafter, the state board shall submit a comprehensive report, with findings and recommendations, to the house and senate committees on education. The report shall evaluate public school academies generally, including, but not limited to, an evaluation of whether public school academies are fulfilling the purposes specified in section 511(1). The report also shall contain, for each public school academy, a copy of the academy's mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, and number of and comments on supervisory visits by the authorizing body.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

Popular name: Charter Schools

Popular name: Public School Academies

380.502 Public school academy; organization and administration; bodies authorized to issue contract; application to obtain contract; contents; oversight; suspension of powers; fees; presumption of legality.

Sec. 502. (1) A public school academy shall be organized and administered under the direction of a board of directors in accordance with this part and with bylaws adopted by the board of directors. A public school academy corporation shall be organized under the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws, except that a public school academy corporation is not required to comply with sections 170 to 177 of Act No. 327 of the Public Acts of 1931, being sections 450.170 to 450.177 of the Michigan Compiled Laws. To the extent disqualified under the state or federal constitution, a public school academy shall not be organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more

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public school academies under this part:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not issue a contract for a public school academy to operate outside the school district's boundaries, and a public school academy authorized by the board of a school district shall not operate outside that school district's boundaries.

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

(c) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a public school academy to operate in a school district organized as a school district of the first class, a public school academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a public school academy to operate outside the boundaries of the community college district, and a public school academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 public school academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a public school academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years.

(d) The governing board of a state public university. However, the combined total number of contracts for public school academies issued by all state public universities shall not exceed 85 through 1996, and, after the initial evaluation under section 501a, shall not exceed 100 through 1997, 125 through 1998, or 150 thereafter. Further, the total number of contracts issued by any 1 state public university shall not exceed 50 through 1996, and thereafter shall not exceed 50% of the maximum combined total number that may be issued under this subdivision.

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

(a) Identification of the applicant for the contract.

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

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

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

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

(*iii*) The name of the authorizing body.

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

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

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

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

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

(*ii*) A copy of the educational goals of the public school academy and the curricula to be offered and methods of pupil assessment to be used by the public school academy. To the extent applicable, the progress of the pupils in the public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

(*iii*) The admission policy and criteria to be maintained by the public school academy. The admission policy and criteria shall comply with section 504. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a public school academy is being created and adequate information on the admission policy, criteria, and process.

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

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

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

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(g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the public school academy will be located.

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

(i) For a public school academy authorized by a school district, an assurance that employees of the public school academy will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not public school academies.

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

(4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each public school academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the authorizing body can certify that the public school academy is in compliance with statute, rules, and the terms of the contract.

(5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more public school academies operating under a contract issued by the authorizing body, the state board may suspend the power of the authorizing body to issue new contracts to organize and operate public school academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension.

(6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a public school academy in an amount that exceeds a combined total of 3% of the total state school aid received by the public school academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a public school academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the public school academy.

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

History: Add. 1993, Act 362, Imd. Eff. Jan. 14, 1994;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: Former § 380.502, which pertained to public school academy, organization, and operation, was repealed by Act 362 of 1993, Imd. Eff. Jan. 14, 1994.

Popular name: Act 451

Popular name: Charter Schools

Popular name: Public School Academies

******** 380.503 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.503.amended ********

380.503 Public school academy; issuance of contract; petition to place question on ballot; submission to state board; resolution; contents of contract; compliance with applicable laws; governmental immunity; exemption from taxation; acquisition of property.

Sec. 503. (1) An authorizing body is not required to issue a contract to any person or entity. Public school academy contracts shall be issued on a competitive basis taking into consideration the resources available for the proposed public school academy, the population to be served by the proposed public school academy, and the educational goals to be achieved by the proposed public school academy.

(2) If a person or entity applies to the board of a school district for a contract to organize and operate 1 or more public school academies within the boundaries of the school district and the board does not issue the contract, the person or entity may petition the board to place the question of issuing the contract on the ballot to be decided by the school electors of the school district. The petition shall contain all of the information required to be in the contract application under section 502(3) and shall be signed by a number of school electors of the school district equal to at least 15% of the total number of school electors of that school district. The petition shall be filed with the secretary of the board. If the board receives a petition meeting the requirements of this subsection, the board shall place the question of issuing the contract on the ballot at its next annual school election held at least 60 days after

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receiving the petition. If a majority of the school electors of the school district voting on the question vote to issue the contract, the board shall issue the contract.

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

(4) An authorizing body shall adopt a resolution establishing the method of selection, length of term, and number of members of the board of directors of each public school academy subject to its jurisdiction.

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

(a) The educational goals the public school academy is to achieve and the methods by which it will be held accountable. To the extent applicable, the pupil performance of a public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

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

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

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

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

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

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

(h) Requirements and procedures for financial audits. The financial audits shall be conducted at least annually by a certified public accountant in accordance with generally accepted governmental auditing principles.

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

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

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

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

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

(e) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and 1274.

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

(8) A public school academy is exempt from all taxation on its earnings and property. Instruments of conveyance to or from a public school academy are exempt from all taxation including taxes imposed by Act No. 134 of the Public Acts of 1966, being sections 207.501 to 207.513 of the Michigan Compiled Laws. A public school academy may not levy ad valorem property taxes or any other tax for any purpose. However, operation of 1 or more public school academies by a school district or intermediate school district does not affect the ability of the school district or intermediate school district to levy ad valorem property taxes or any other tax.

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

History: Add. 1993, Act 362, Imd. Eff. Jan. 14, 1994;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996.

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Compiler's note: Former § 380.503, which pertained to public school academy, charter, criteria, contents, validity, and renewal, was repealed by Act 362 of 1993, Imd. Eff. Jan. 14, 1994.

Popular name: Act 451

Popular name: Charter Schools

Popular name: Public School Academies

******** 380.503.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.503.amended Public school academy; issuance of contract; petition to place question on ballot; submission to state board; resolution; contents of contract; compliance with applicable laws; governmental immunity; exemption from taxation; acquisition of property.

Sec. 503. (1) An authorizing body is not required to issue a contract to any person or entity. Public school academy contracts shall be issued on a competitive basis taking into consideration the resources available for the proposed public school academy, the population to be served by the proposed public school academy, and the educational goals to be achieved by the proposed public school academy.

(2) If a person or entity applies to the board of a school district for a contract to organize and operate 1 or more public school academies within the boundaries of the school district and the board does not issue the contract, the person or entity may petition the board to place the question of issuing the contract on the ballot to be decided by the school electors of the school district. The petition shall contain all of the information required to be in the contract application under section 502 and shall be signed by a number of school electors of the school district equal to at least 15% of the total number of school electors of that school district. The petition shall be filed with the school district filing official. If the board receives a petition meeting the requirements of this subsection, the board shall have the question of issuing the contract placed on the ballot at its next regular school election held at least 60 days after receiving the petition. If a majority of the school electors of the school district voting on the question vote to issue the contract, the board shall issue the contract.

(3) Within 10 days after issuing a contract for a public school academy, the authorizing body shall submit to the superintendent of public instruction a copy of the contract and of the application under section 502.

(4) An authorizing body shall adopt a resolution establishing the method of selection, length of term, and number of members of the board of directors of each public school academy subject to its jurisdiction.

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

(a) The educational goals the public school academy is to achieve and the methods by which it will be held accountable. To the extent applicable, the pupil performance of a public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279.

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

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

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

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

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

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

(h) Requirements and procedures for financial audits. The financial audits shall be conducted at least annually by a certified public accountant in accordance with generally accepted governmental auditing principles.

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

(a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(b) The freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(c) 1947 PA 336, MCL 423.201 to 423.217.

(d) 1965 PA 166, MCL 408.551 to 408.558.

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(e) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and 1274.

(7) A public school academy and its incorporators, board members, officers, employees, and volunteers have governmental immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An authorizing body and its board members, officers, and employees are immune from civil liability, both personally and professionally, for an act or omission in authorizing a public school academy if the authorizing body or the person acted or reasonably believed he or she acted within the authorizing body's or the person's scope of authority.

(8) A public school academy is exempt from all taxation on its earnings and property. Instruments of conveyance to or from a public school academy are exempt from all taxation including taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. A public school academy may not levy ad valorem property taxes or another tax for any purpose. However, operation of 1 or more public school academies by a school district or intermediate school district does not affect the ability of the school district or intermediate school district to levy ad valorem property taxes or another tax.

(9) A public school academy may acquire by purchase, gift, devise, lease, sublease, installment purchase agreement, land contract, option, or by any other means, hold and own in its own name buildings and other property for school purposes, and interests therein, and other real and personal property, including, but not limited to, interests in property subject to mortgages, security interests, or other liens, necessary or convenient to fulfill its purposes. For the purposes of condemnation, a public school academy may proceed under the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75, excluding sections 6 to 9 of that act, MCL 213.56 to 213.59, or other applicable statutes, but only with the express, written permission of the authorizing body in each instance of condemnation and only after just compensation has been determined and paid.

History: Add. 1993, Act 362, Imd. Eff. Jan. 14, 1994;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Compiler's note: Former § 380.503, which pertained to public school academy, charter, criteria, contents, validity, and renewal, was repealed by Act 362 of 1993, Imd. Eff. Jan. 14, 1994.

Popular name: Act 451
Popular name: Charter Schools
Popular name: Public School Academies

380.503a Public school academy; power of school or intermediate school district to levy taxes; use of revenues.

Sec. 503a. If a school district or intermediate school district applies for and obtains a contract to operate 1 or more public school academies under this part, the power of the school district or intermediate school district to levy taxes for any purpose under this act is not affected by the operation of a public school academy by the school district or intermediate school district. Revenue from taxes levied by a school district or intermediate school district under this act or bonds issued by a school district or intermediate school district under this act may be used to support the operation or facilities of a public school academy operated by the school district or intermediate school district in the same manner as that revenue may be used under this act by the school district or intermediate school district to support school district or intermediate school district operations and facilities. This section does not authorize a school district or intermediate school district to levy taxes or to issue bonds for any purpose that is not otherwise authorized under this act.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451
Popular name: Charter Schools
Popular name: Public School Academies

380.503b Agreement between public school academy and third party; obligation of state or authorizing party; debt.

Sec. 503b. (1) An agreement, mortgage, loan, or other instrument of indebtedness entered into by a public school academy and a third party does not constitute an obligation, either general, special, or moral, of this state or an authorizing body. The full faith and credit or the taxing power of this state or any agency of this state, or the full faith and credit of an authorizing body, may not be pledged for the payment of any public school academy bond, note, agreement, mortgage, loan, or other instrument of indebtedness.

(2) This part does not impose any liability on this state or on an authorizing body for any debt incurred by a public school academy.

History: Add. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

Compiler's note: Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8,

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2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

In order to determine whether SB 393 had become law, as requested, the attorney general examined whether SB 393 was recalled by concurrent action of the house of representatives and the senate within the 14-day period afforded the governor for vetoing a bill under the last sentence of Const 1963, art 4, § 33: "SB 393 was presented to the Governor on September 8, 2003, at 5:00 p.m. The 14-day period afforded for consideration, measured in hours and minutes, therefore expired on September 22, 2003 at 5:00 p.m. While the Senate had acted to recall the bill within that 14-day period (on September 18, 2003), the House did not. Its action concurring in the request to recall SB 393 was not taken until September 23, 2003. In the absence of concurrent action by both houses of the Legislature within the 14-day period, SB 393 was not effectively recalled and 'further legislative action thereon' was not authorized." The attorney general declared that "in the absence of a return of the bill with objections, SB 393 therefore became law by operation of the last sentence of art 4, § 33." OAG, 2003, No. 7139 (October 2, 2003).

Popular name: Act 451
Popular name: Charter Schools
Popular name: Public School Academies

380.504 Location; operation at other than single site; discrimination prohibited; enrollment; grades offered.

Sec. 504. (1) A public school academy may be located in all or part of an existing public school building. A public school academy shall not operate at a site other than the single site requested for the configuration of grades that will use the site, as specified in the application required under section 502 and in the contract.

(2) A public school academy shall not charge tuition and shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, or any other basis that would be illegal if used by a school district. However, a public school academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district.

(3) Except for a foreign exchange student who is not a United States citizen, a public school academy shall not enroll a pupil who is not a resident of this state. Enrollment in the public school academy may be open to all individuals who reside in this state who meet the admission policy and shall be open to all pupils who reside within the geographic boundaries, if any, of the authorizing body as described in section 502(2)(a) to (c) who meet the admission policy, except that admission to a public school academy authorized by the board of a community college to operate, or operated by the board of a community college, on the grounds of a federal military installation, as described in section 502(2)(c), shall be open to all pupils who reside in the county in which the federal military installation is located. For a public school academy authorized by a state public university, enrollment shall be open to all pupils who reside in this state who meet the admission policy. If there are more applications to enroll in the public school academy than there are spaces available, pupils shall be selected to attend using a random selection process. However, a public school academy may give enrollment priority to a sibling of a pupil enrolled in the public school academy. A public school academy shall allow any pupil who was enrolled in the public school academy in the immediately preceding school year to enroll in the public school academy in the appropriate grade unless the appropriate grade is not offered at that public school academy.

(4) A public school academy may include any grade up to grade 12 or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract. If specified in its contract, a public school academy may also operate an adult basic education program, adult high school completion program, or general education development testing preparation program. The authorizing body may approve amendment of a contract with respect to ages of pupils or grades offered.

History: Add. 1993, Act 362, Imd. Eff. Jan. 14, 1994;—Am. 1994, Act 416, Eff. Mar. 30, 1995.

Compiler's note: Former § 380.504, which pertained to conversion public school academy, was repealed by Act 362 of 1994, Imd. Eff. Jan. 14, 1994.

Popular name: Act 451
Popular name: Charter Schools
Popular name: Public School Academies

380.504a Public school academy; additional powers.

Sec. 504a. In addition to other powers set forth in this part, a public school academy may take action to carry out the purposes for which it was incorporated under this part, including, but not limited to, all of the following:

(a) To sue and be sued in its name.

(b) Subject to section 503b, to acquire, hold, and own in its own name real and personal property, or interests in

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real or personal property, for educational purposes by purchase, gift, grant, devise, bequest, lease, sublease, installment purchase agreement, land contract, option, or condemnation, and subject to mortgages, security interests, or other liens; and to sell or convey the property as the interests of the public school academy require.

(c) To receive, disburse, and pledge funds for lawful purposes.

(d) To enter into binding legal agreements with persons or entities as necessary for the operation, management, financing, and maintenance of the public school academy.

(e) To incur temporary debt in accordance with section 1225.

(f) To solicit and accept any grants or gifts for educational purposes and to establish or permit to be established on its behalf 1 or more nonprofit corporations the purpose of which is to assist the public school academy in the furtherance of its public purposes.

(g) To borrow money and issue bonds in accordance with section 1351a and in accordance with part VI of the revised municipal finance act, 2001 PA 34, MCL 141.2601 to 141.2613, except that the borrowing of money and issuance of bonds by a public school academy is not subject to section 1351a(4) or section 1351(2) to (4). Bonds issued under this section shall be full faith and credit obligations of the public school academy, pledging the general funds or any other money available for such a purpose. Bonds issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: Add. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

Compiler's note: Former § 380.504a, which pertained to chartered educational clinics, was repealed by Act 362 of 1993, Imd. Eff. Jan. 14, 1994.

Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8, 2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

In order to determine whether SB 393 had become law, as requested, the attorney general examined whether SB 393 was recalled by concurrent action of the house of representatives and the senate within the 14-day period afforded the governor for vetoing a bill under the last sentence of Const 1963, art 4, § 33: “SB 393 was presented to the Governor on September 8, 2003, at 5:00 p.m. The 14-day period afforded for consideration, measured in hours and minutes, therefore expired on September 22, 2003 at 5:00 p.m. While the Senate had acted to recall the bill within that 14-day period (on September 18, 2003), the House did not. Its action concurring in the request to recall SB 393 was not taken until September 23, 2003. In the absence of concurrent action by both houses of the Legislature within the 14-day period, SB 393 was not effectively recalled and 'further legislative action thereon' was not authorized.” The attorney general declared that “in the absence of a return of the bill with objections, SB 393 therefore became law by operation of the last sentence of art 4, § 33.” OAG, 2003, No. 7139 (October 2, 2003).

Popular name: Act 451
Popular name: Charter Schools
Popular name: Public School Academies

380.504b School district subject to court desegregation order.

Sec. 504b. If a public school academy is operated by a school district that is subject to a court desegregation order, pupil selection at the public school academy is subject to that order.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451
Popular name: Charter Schools
Popular name: Public School Academies

380.505 Use of certificated teachers; use of noncertificated individuals by public school academy run by state public university or community college; report of new or revised teaching techniques.

Sec. 505. (1) Except as otherwise provided by law, a public school academy shall use certificated teachers according to state board rule.

(2) A public school academy operated by a state public university or community college may use noncertificated individuals to teach as follows:

(a) If the public school academy is operated by a state public university, the public school academy may use as a classroom teacher in any grade a faculty member who is employed full-time by the state public university and who has been granted institutional tenure, or has been designated as being on tenure track, by the state public university.

(b) For a public school academy operated by a community college, the public school academy may use as a classroom teacher a full-time member of the community college faculty who has at least 5 years' experience at that community college in teaching the subject matter that he or she is teaching at the public school academy.

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(c) In any other situation in which a school district is permitted under this act to use noncertificated teachers.

(3) A public school academy may develop and implement new teaching techniques or methods or significant revisions to known teaching techniques or methods, and shall report those to the authorizing body and state board to be made available to the public. A public school academy may use any instructional technique or delivery method that may be used by a school district.

History: Add. 1993, Act 362, Imd. Eff. Jan. 14, 1994;—Am. 1994, Act 416, Eff. Mar. 30, 1995.

Compiler's note: Former § 380.505, which pertained to public school academy, prohibition of discrimination, admission, enrollment, grades, and programs offered, was repealed by Act 362 of 1993, Imd. Eff. Jan. 14, 1994.

Popular name: Act 451
Popular name: Charter Schools
Popular name: Public School Academies

380.505a Chartered educational clinic.

Sec. 505a. The board of a school district may grant a charter to an eligible entity for a chartered educational clinic. The application requirements and procedures for such a contract for a chartered educational clinic are the same as for a contract for another public school academy. A chartered educational clinic is a specialty public school academy and shall only serve public school pupils described in this section during hours outside the pupil's normal class hours by providing special assistance for up to 3 hours per week, pursuant to a written prescription by the principal of the public school in which the pupil is regularly enrolled on recommendation of a teacher of the pupil. A public school pupil enrolled in grades K-12 who is in educational difficulty or is at risk of falling seriously behind other pupils of his or her age level, of not being advanced in grade level, or of dropping out or being expelled from school may be served by a chartered educational clinic.

History: Add. 1994, Act 416, Eff. Mar. 30, 1995.

Popular name: Act 451
Popular name: Charter Schools
Popular name: Public School Academies

380.506 Personnel.

Sec. 506. A public school academy, with the approval of the authorizing body, may employ or contract with personnel as necessary for the operation of the public school academy, prescribe their duties, and fix their compensation.

History: Add. 1993, Act 362, Imd. Eff. Jan. 14, 1994.

Compiler's note: Former § 380.506, which pertained to compliance with statutes and rules, was repealed by Act 362 of 1993, Imd. Eff. Jan. 14, 1994.

Popular name: Act 451
Popular name: Charter Schools
Popular name: Public School Academies

380.507 Authorizing bodies; powers.

Sec. 507. (1) The authorizing body for a public school academy is the fiscal agent for the public school academy. A state school aid payment for a public school academy shall be paid to the authorizing body that is the fiscal agent for that public school academy, which shall then forward the payment to the public school academy. An authorizing body has the responsibility to oversee a public school academy's compliance with the contract and all applicable law. A contract issued under this part may be revoked by the authorizing body that issued the contract if the authorizing body determines that 1 or more of the following has occurred:

(a) Failure of the public school academy to abide by and meet the educational goals set forth in the contract.

(b) Failure of the public school academy to comply with all applicable law.

(c) Failure of the public school academy to meet generally accepted public sector accounting principles.

(d) The existence of 1 or more other grounds for revocation as specified in the contract.

(2) The decision of an authorizing body to revoke a contract under this section is solely within the discretion of the authorizing body, is final, and is not subject to review by a court or any state agency. An authorizing body that revokes a contract under this section is not liable for that action to the public school academy, public school academy corporation, a pupil of the public school academy, the parent or guardian of a pupil of the public school academy, or any other person.

History: Add. 1993, Act 362, Imd. Eff. Jan. 14, 1994;—Am. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: Former § 380.507, which pertained to personnel, was repealed by Act 362 of 1993, Imd. Eff. Jan. 14, 1994.
Popular name: Act 451

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Popular name: Charter Schools
Popular name: Public School Academies

380.508, 380.509 Repealed. 1993, Act 362, Imd. Eff. Jan. 14, 1994.

Compiler's note: The repealed sections pertained to state school aid, other funding, payment to fiscal agent, counting in membership, oversight of operations, and revocation of charter.
Popular name: Act 451
Popular name: Charter Schools
Popular name: Public School Academies

PART 6B
PUBLIC SCHOOL ACADEMIES

380.511—380.518 Repealed. 1994, Act 416, Eff. July 30, 1997.

Compiler's note: Sec. 518 (MCL § 380.518) of Act 451 of 1976, as added by Act 416 of 1994, provides:
"Sec. 518. This part is repealed if the final disposition of council of organizations and others for education about parochiaid, inc., et al., v John Engler (Ingham county circuit court case no. 94-78461-AW) is that part 6a, as added by Act No. 362 of the Public Acts of 1993, is held by a court of competent jurisdiction to be constitutional, effective, or otherwise valid."
In Council of Organizations and Others for Education About Parochiaid, Inc., et al. v John Engler, 455 Mich 557 (1997), the Michigan Supreme Court held that 1993 PA 362, which added Part 6A--Public School Academies to the School Code of 1976, did not violate art 8, sec 2, or art 8, sec 3 of the Michigan Constitution of 1963. The Court further held that the repealer in 1994 PA 416 (MCL § 380.518) was valid and enforceable.
Popular name: Act 451

PART 6C
URBAN HIGH SCHOOL ACADEMIES

380.521 Urban high school academy; powers; definitions.

Sec. 521. (1) An urban high school academy is a public school under section 2 of article VIII of the state constitution of 1963, is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for the purposes of sections 1225 and 1351a, and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. An urban high school academy is a body corporate and is a governmental agency. The powers granted to an urban high school academy under this part constitute the performance of essential public purposes and governmental functions of this state.

(2) As used in this part:

(a) "Authorizing body" means the governing board of a state public university that issues a contract as provided in this part.

(b) "Certificated teacher" means an individual who holds a valid teaching certificate issued by the superintendent of public instruction under section 1531.

(c) "Contract" means the executive act taken by an authorizing body that evidences the authorization of an urban high school academy and that establishes, subject to the constitutional powers of the state board and applicable law, the written instrument executed by an authorizing body conferring certain rights, franchises, privileges, and obligations on an urban high school academy, as provided by this part, and confirming the status of an urban high school academy as a public school in this state.

(d) "Educational management company" means an entity that enters into an agreement with the governing board of a public school to provide comprehensive educational, administrative, management, or instructional services or staff to the public school.

(e) "Entity" means a nonprofit corporation that is organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, and that has been granted tax-exempt status under section 509(a) of the internal revenue code of 1986.

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

History: Add. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

Compiler's note: Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8,

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2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

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Popular name: Act 451

380.522 Organization and administration.

Sec. 522. (1) An urban high school academy shall be organized and administered under the direction of a board of directors in accordance with this part and with bylaws adopted by the board of directors. An urban high school academy corporation shall be organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, except that an urban high school academy corporation is not required to comply with sections 170 to 177 of 1931 PA 327, MCL 450.170 to 450.177. To the extent disqualified under the state or federal constitution, an urban high school academy shall not be organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) The governing board of a state public university may act as an authorizing body to issue a contract for the organization and operation of an urban high school academy under this part. Subject to section 524(1), not more than 15 contracts may be issued under this part. A contract issued under this part shall be for an urban high school academy that will be located in a school district of the first class. An urban high school academy authorized under this part shall not operate outside the boundaries of a school district of the first class.

(3) A contract issued under this part shall be issued for an initial term of 10 years. If the urban high school academy meets the educational goals set forth in the contract and operates in substantial compliance with this part, the authorizing body shall automatically renew the contract for subsequent 10-year terms.

(4) To obtain a contract to organize and operate 1 or more urban high school academies, an entity may apply to an authorizing body described in subsection (2). The contract shall be issued to an urban high school academy corporation designated by the entity applying for the contract. The application shall include at least all of the following:

(a) Name of the entity applying for the contract.

(b) Subject to the resolution adopted by the authorizing body under section 528, a list of the proposed members of the board of directors of the urban high school academy and a description of the qualifications and method for appointment or election of members of the board of directors.

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

(*i*) The name of the proposed urban high school academy to which the contract will be issued.

(*ii*) The purposes for the urban high school academy corporation. This language shall provide that the urban high school academy is incorporated pursuant to this part and that the urban high school academy corporation is a governmental entity and political subdivision of this state.

(*iii*) The name of the authorizing body.

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

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

(d) A copy of the proposed bylaws of the urban high school academy.

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

(*i*) The governance structure of the urban high school academy.

(*ii*) A copy of the educational goals of the urban high school academy and the curricula to be offered and methods of pupil assessment to be used by the urban high school academy. To the extent applicable, the progress of the pupils in the urban high school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279.

(*iii*) The admission policy and criteria to be maintained by the urban high school academy. The admission policy and criteria shall comply with section 524. This part of the application also shall include a description of how the

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applicant will provide to the general public adequate notice that an urban high school academy is being created and adequate information on the admission policy, criteria, and process.

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

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

(f) Descriptions of staff responsibilities and of the urban high school academy's governance structure.

(g) A description of and address for the proposed building or buildings in which the urban high school academy will be located, and a financial commitment by the entity applying for the contract to construct or renovate the building or buildings that will be occupied by the urban high school academy that is issued the contract.

(5) If a particular state public university issues a contract that allows an urban high school academy to operate the same configuration of grades at more than 1 site, as provided in section 524(1), each of those sites shall be under the direction of the board of directors that is a party to the contract.

(6) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more urban high school academies operating under a contract issued by the authorizing body, the state board by unanimous vote may suspend the power of the authorizing body to issue new contracts to organize and operate urban high school academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension.

(7) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for an urban high school academy in an amount that exceeds a combined total of 3% of the total state school aid received by the urban high school academy in the school year in which the fees or expenses are charged. All of the following apply to this fee:

(a) An authorizing body may use this fee only for the following purposes:

(*i*) Considering applications and issuing or administering contracts.

(*ii*) Compliance monitoring and oversight of urban high school academies.

(*iii*) Training for urban high school academy applicants, administrators, and boards of directors.

(*iv*) Technical assistance to urban high school academies.

(*v*) Academic support to urban high school academies or to pupils or graduates of urban high school academies.

(*vi*) Evaluation of urban high school academy performance.

(*vii*) Training of teachers, including supervision of teacher interns.

(*viii*) Other purposes that assist the urban high school academies or traditional public schools in achieving improved academic performance.

(b) An authorizing body may provide other services for an urban high school academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the urban high school academy.

(8) An urban high school academy shall be presumed to be legally organized if it has exercised the franchises and privileges of an urban high school academy for at least 2 years.

History: Add. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

Compiler's note: Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8, 2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

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Popular name: Act 451

380.523 Contracts; issuance; priority; contents; compliance with state laws; immunity from civil liability; exemption from taxation; acquisition of property.

Sec. 523. (1) An authorizing body is not required to issue a contract to any entity. Urban high school academy contracts shall be issued on a competitive basis taking into consideration the resources available for the proposed urban high school academy, the population to be served by the proposed urban high school academy, and the

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educational goals to be achieved by the proposed urban high school academy. In evaluating if an applicant is qualified, the authorizing body shall examine the proposed performance standards, proposed academic program, financial viability of the applicant, and the ability of the proposed board of directors to meet the contract goals and objectives. An authorizing body shall give priority to applicants that demonstrate all of the following:

(a) The proposed school will operate at least all of grades 9 through 12 within 3 years after beginning operation.

(b) The proposed school will occupy a building or buildings that are newly constructed or renovated after January 1, 2003.

(c) The proposed school has a stated goal of increasing high school graduation rates.

(d) The proposed school has received commitments for financial and educational support from the entity applying for the contract.

(e) The entity that submits the application for a contract has net assets of at least $50,000,000.00.

(2) A contract issued to organize and administer an urban high school academy shall contain at least all of the following:

(a) The educational goals the urban high school academy is to achieve and the methods by which it will be held accountable. To the extent applicable, the pupil performance of an urban high school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279.

(b) A description of the method to be used to monitor the urban high school academy's compliance with applicable law and its performance in meeting its targeted educational objectives.

(c) A description of the process for amending the contract during the term of the contract. An authorizing body may approve amendment of the contract with respect to any provision contained in the contract.

(d) A certification, signed by an authorized member of the urban high school academy board of directors, that the urban high school academy will comply with the contract and all applicable law.

(e) Procedures for revoking the contract and grounds for revoking the contract.

(f) A description of and address for the proposed building or buildings in which the urban high school academy will be located.

(g) Requirements and procedures for financial audits. The financial audits shall be conducted at least annually by an independent certified public accountant in accordance with generally accepted governmental auditing principles.

(h) A requirement that the board of directors shall ensure compliance with the requirements of 1968 PA 317, MCL 15.321 to 15.330.

(i) A requirement that the board of directors shall prohibit specifically identified family relationships between members of the board of directors, individuals who have an ownership interest in or who are officers or employees of an educational management company involved in the operation of the urban high school academy, and employees of the urban high school academy. The contract shall identify the specific prohibited relationships consistent with applicable law.

(j) A requirement that the board of directors of the urban high school academy shall make information concerning its operation and management available to the public and to the authorizing body in the same manner as is required by state law for school districts.

(k) A requirement that the board of directors of the urban high school academy shall collect, maintain, and make available to the public and the authorizing body, in accordance with applicable law and the contract, at least all of the following information concerning the operation and management of the urban high school academy:

(*i*) A copy of the contract issued by the authorizing body for the urban high school academy.

(*ii*) A list of currently serving members of the board of directors of the urban high school academy, including name, address, and term of office; copies of policies approved by the board of directors; board meeting agendas and minutes; copy of the budget approved by the board of directors and of any amendments to the budget; and copies of bills paid for amounts of $10,000.00 or more as they were submitted to the board of directors.

(*iii*) Quarterly financial reports submitted to the authorizing body.

(*iv*) A current list of teachers working at the urban high school academy that includes their individual salaries; copies of the teaching certificates or permits of current teaching staff; and evidence of compliance with the criminal background and records checks and unprofessional conduct check required under sections 1230, 1230a, and 1230b for all teachers and administrators working at the urban high school academy.

(*v*) Curriculum documents and materials given to the authorizing body.

(*vi*) Proof of insurance as required by the contract.

(*vii*) Copies of facility leases or deeds, or both, and of any equipment leases.

(*viii*) Copies of any management contracts or services contracts approved by the board of directors.

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(*ix*) All health and safety reports and certificates, including those relating to fire safety, environmental matters, asbestos inspection, boiler inspection, and food service.

(*x*) Any management letters issued as part of the annual financial audit under subdivision (g).

(*xi*) Any other information specifically required under this act.

(*l*) A requirement that the authorizing body must review and may disapprove any agreement between the board of directors and an educational management company before the agreement is final and valid. An authorizing body may disapprove an agreement described in this subdivision only if the agreement is contrary to the contract or applicable law.

(m) A requirement that the board of directors shall demonstrate all of the following to the satisfaction of the authorizing body with regard to its pupil admission process:

(*i*) That the urban high school academy has made a reasonable effort to advertise its enrollment openings in a newspaper of general circulation in the intermediate school district in which the urban high school academy is located.

(*ii*) That the urban high school academy has made the following additional efforts to recruit pupils who are eligible for special education programs and services to apply for admission:

(A) Reasonable efforts to advertise all enrollment openings to organizations and media that regularly serve and advocate for individuals with disabilities within the boundaries of the intermediate school district in which the urban high school academy is located.

(B) Inclusion in all pupil recruitment materials of a statement that appropriate special education services will be made available to pupils attending the school as required by law.

(*iii*) That the open enrollment period for the urban high school academy is for a duration of at least 2 weeks and that the enrollment times include some evening and weekend times.

(n) A requirement that the board of directors shall prohibit any individual from being employed by the urban high school academy in more than 1 full-time position and simultaneously being compensated at a full-time rate for each of those positions.

(o) A requirement that, if requested, the board of directors shall report to the authorizing body the total compensation for each individual working at the urban high school academy.

(3) An urban high school academy shall comply with all applicable law, including all of the following:

(a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(b) The freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(c) 1947 PA 336, MCL 423.201 to 423.217.

(d) 1965 PA 166, MCL 408.551 to 408.558.

(e) 1978 PA 566, MCL 15.181 to 15.185.

(f) 1968 PA 317, MCL 15.321 to 15.330.

(g) The uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a.

(h) The revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(i) The federal no child left behind act of 2001, Public Law 107-110, 115 Stat. 1425.

(j) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, 1274, and 1280.

(4) An urban high school academy and its incorporators, board members, officers, employees, and volunteers have governmental immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An authorizing body and its board members, officers, and employees are immune from civil liability, both personally and professionally, for any acts or omissions in authorizing or oversight of an urban high school academy if the authorizing body or the person acted or reasonably believed he or she acted within the authorizing body's or the person's scope of authority.

(5) An urban high school academy is exempt from all taxation on its earnings and property. Instruments of conveyance to or from an urban high school academy are exempt from all taxation, including taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. An urban high school academy may not levy ad valorem property taxes or any other tax for any purpose.

(6) An urban high school academy may acquire by purchase, gift, devise, lease, sublease, installment purchase agreement, land contract, option, or any other means, hold, and own in its own name buildings and other property for school purposes, and interests therein, and other real and personal property, including, but not limited to, interests in property subject to mortgages, security interests, or other liens, necessary or convenient to fulfill its purposes. For the purposes of condemnation, an urban high school academy may proceed under the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75, excluding sections 6 to 9 of that act, MCL 213.56 to 213.59, or other applicable statutes, but only with the express, written permission of the authorizing body in each instance of condemnation and only after just compensation has been determined and paid.

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History: Add. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

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Popular name: Act 451

380.523a Instrument of indebtedness; liability.

Sec. 523a. (1) An agreement, mortgage, loan, or other instrument of indebtedness entered into by an urban high school academy and a third party does not constitute an obligation, either general, special, or moral, of this state or an authorizing body. The full faith and credit or the taxing power of this state or any agency of this state, or the full faith and credit of an authorizing body, may not be pledged for the payment of any urban high school academy bond, note, agreement, mortgage, loan, or other instrument of indebtedness.

(2) This part does not impose any liability on this state or on an authorizing body for any debt incurred by an urban high school academy.

History: Add. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

Compiler's note: Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8, 2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

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Popular name: Act 451

380.524 Site configuration; tuition; discrimination; admission; in-state residency; enrollment priority; grades 9 through 12.

Sec. 524. (1) An urban high school academy may be located in all or part of an existing public school building. Except as otherwise provided in this subsection, an urban high school academy shall not operate at a site other than the single site requested for the configuration of grades that will use the site, as specified in the contract. However, an authorizing body may include a provision in the contract allowing an urban high school academy to operate the same configuration of grades at more than 1 site. If an urban high school academy operates the same configuration of grades at more than 1 site, each of those sites shall be considered to be operated under a separate contract, and the operation shall be equivalent to the issuance of a contract, for the purposes of the limitation in section 522(2) on the number of contracts that may be issued under this part. For the purposes of this subsection, if an urban high school academy operates classes at more than 1 location, the urban high school academy shall be considered to be operating at a single site if all of the locations are within a 1-mile radius of the urban high school academy's central administrative office and if the total number of pupils enrolled in any particular grade at all of the locations does not exceed 125.

(2) An urban high school academy shall not charge tuition. Except as otherwise provided in this section, an urban high school academy shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, or any other basis that would be illegal if used by a school district. However, an urban high school academy may limit admission to pupils

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who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district and may give enrollment priority as provided in subsection (4).

(3) Except for a foreign exchange student who is not a United States citizen, an urban high school academy shall not enroll a pupil who is not a resident of this state. Enrollment in an urban high school academy shall be open to all pupils who reside in this state who meet the admission policy. Subject to subsection (4), if there are more applications to enroll in the urban high school academy than there are spaces available, pupils shall be selected to attend using a random selection process. An urban high school academy shall allow any pupil who was enrolled in the urban high school academy in the immediately preceding school year to enroll in the urban high school academy in the appropriate grade unless the appropriate grade is not offered at that urban high school academy.

(4) An urban high school academy may give enrollment priority to 1 or more of the following:

(a) A sibling of a pupil enrolled in the urban high school academy.

(b) A child of a person who is employed by or at the urban high school academy or who is on the board of directors of the urban high school academy. As used in this subdivision, “child” includes an adopted child or a legal ward.

(5) Subject to the terms of the contract authorizing the urban high school academy, an urban high school academy shall include at least grades 9 through 12 within 5 years after beginning operations and may include other grades or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract. If specified in its contract, an urban high school academy may also operate an adult basic education program, adult high school completion program, or general education development testing preparation program.

History: Add. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

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Popular name: Act 451

380.525 Powers.

Sec. 525. In addition to other powers set forth in this part, an urban high school academy may take action to carry out the purposes for which it was incorporated under this part, including, but not limited to, all of the following:

(a) To sue and be sued in its name.

(b) Subject to section 523a, to acquire, hold, and own in its own name real and personal property, or interests in real or personal property, for educational purposes by purchase, gift, grant, devise, bequest, lease, sublease, installment purchase agreement, land contract, option, or condemnation, and subject to mortgages, security interests, or other liens; and to sell or convey the property as the interests of the urban high school academy require.

(c) To receive, disburse, and pledge funds for lawful purposes.

(d) To enter into binding legal agreements with persons or entities as necessary for the operation, management, financing, and maintenance of the urban high school academy.

(e) To incur temporary debt in accordance with section 1225.

(f) To solicit and accept any grants or gifts for educational purposes and to establish or permit to be established on its behalf 1 or more nonprofit corporations the purpose of which is to assist the urban high school academy in the furtherance of its public purposes.

(g) To borrow money and issue bonds in accordance with section 1351a and in accordance with part VI of the revised municipal finance act, 2001 PA 34, MCL 141.2601 to 141.2613, except that the borrowing of money and issuance of bonds by an urban high school academy are not subject to section 1351a(4) or section 1351(2) to (4). Bonds issued under this section shall be full faith and credit obligations of the urban high school academy, pledging the general funds or any other money available for such a purpose. Bonds issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

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History: Add. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

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Popular name: Act 451

380.526 Use of certificated and noncertificated teachers; teaching techniques or methods.

Sec. 526. (1) Except as otherwise provided by law, an urban high school academy shall use certificated teachers according to state board rule.

(2) An urban high school academy may use noncertificated individuals to teach as follows:

(a) The urban high school academy may use as a classroom teacher in any grade a faculty member who is employed full-time by the state public university that is the authorizing body and who has been granted institutional tenure, or has been designated as being on tenure track, by that state public university.

(b) In any other situation in which a school district is permitted under this act to use noncertificated teachers.

(3) An urban high school academy may develop and implement new teaching techniques or methods or significant revisions to known teaching techniques or methods and shall report those to the authorizing body and state board to be made available to the public. An urban high school academy may use any instructional technique or delivery method that may be used by a school district.

History: Add. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

Compiler's note: Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8, 2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

In order to determine whether SB 393 had become law, as requested, the attorney general examined whether SB 393 was recalled by concurrent action of the house of representatives and the senate within the 14-day period afforded the governor for vetoing a bill under the last sentence of Const 1963, art 4, § 33: "SB 393 was presented to the Governor on September 8, 2003, at 5:00 p.m. The 14-day period afforded for consideration, measured in hours and minutes, therefore expired on September 22, 2003 at 5:00 p.m. While the Senate had acted to recall the bill within that 14-day period (on September 18, 2003), the House did not. Its action concurring in the request to recall SB 393 was not taken until September 23, 2003. In the absence of concurrent action by both houses of the Legislature within the 14-day period, SB 393 was not effectively recalled and 'further legislative action thereon' was not authorized." The attorney general declared that "in the absence of a return of the bill with objections, SB 393 therefore became law by operation of the last sentence of art 4, § 33." OAG, 2003, No. 7139 (October 2, 2003).

Popular name: Act 451

380.527 Teacher or personnel contracts.

Sec. 527. An urban high school academy, with the approval of the authorizing body, may employ or contract with personnel, or enter into a contract with another party to furnish teachers or other personnel, as necessary for the operation of the urban high school academy, prescribe their duties, and fix their compensation.

History: Add. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

Compiler's note: Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8, 2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

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Popular name: Act 451

380.528 Authorizing body; contracts; agreements; fiscal agent; revocation, issuance, reissuance, or reconstitution of contract.

Sec. 528. (1) An authorizing body that issues a contract for an urban high school academy under this part shall do all of the following:

(a) Ensure that the contract and the application for the contract comply with the requirements of this part.

(b) Within 10 days after issuing the contract, submit to the department a copy of the contract.

(c) Adopt a resolution establishing the method of selection, length of term, and number of members of the board of directors of each urban high school academy that it authorizes.

(d) Oversee the operations of each urban high school academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the urban high school academy is in compliance with the terms of the contract and with applicable law. An authorizing body may enter into an agreement with 1 or more other authorizing bodies to oversee an urban high school academy operating under a contract issued by the authorizing body.

(e) Develop and implement a process for holding an urban high school academy board of directors accountable for meeting applicable academic performance standards set forth in the contract and for implementing corrective action for an urban high school academy that does not meet those standards.

(f) Take necessary measures to ensure that an urban high school academy board of directors operates independently of any educational management company involved in the operations of the urban high school academy.

(g) Oversee and ensure that the pupil admission process used by the urban high school academy is operated in a fair and open manner and is in compliance with the contract and this part.

(h) Ensure that the board of directors of the urban high school academy maintains and releases information as necessary to comply with applicable law.

(2) An authorizing body may enter into an agreement with 1 or more other authorizing bodies to carry out any function of an authorizing body under this act.

(3) The authorizing body for an urban high school academy is the fiscal agent for the urban high school academy. A state school aid payment for an urban high school academy shall be paid to the authorizing body that is the fiscal agent for that urban high school academy, which shall then forward the payment to the urban high school academy. Within 30 days after a contract is submitted to the department by an authorizing body under subsection (1), the department shall issue a district code to the urban high school academy for which the contract was issued. If the department does not issue a district code within 30 days after a contract is filed, the state treasurer shall assign a temporary district code in order for the urban high school academy to receive funding under the state school aid act of 1979.

(4) A contract issued under this part may be revoked by the authorizing body that issued the contract if the authorizing body determines that 1 or more of the following have occurred:

(a) Failure of the urban high school academy to abide by and meet the educational goals set forth in the contract.

(b) Failure of the urban high school academy to comply with all applicable law.

(c) Failure of the urban high school academy to meet generally accepted public sector accounting principles.

(d) The existence of 1 or more other grounds for revocation as specified in the contract.

(5) The decision of an authorizing body to issue, reissue, or reconstitute a contract under this part, or to revoke a contract under this section, is solely within the discretion of the authorizing body, is final, and is not subject to review by a court or any state agency. An authorizing body that does not issue, reissue, or reconstitute a contract under this part, or that revokes a contract under this section, is not liable for that action to the urban high school academy, the urban high school academy corporation, a pupil of the urban high school academy, the parent or guardian of a pupil of the urban high school academy, or any other person.

(6) Before an authorizing body revokes a contract, the authorizing body shall consider and take corrective measures to avoid revocation. An authorizing body shall reconstitute the urban high school academy in a final attempt to improve student educational performance or to avoid interruption of the educational process. An authorizing body shall include a reconstituting provision in the contract that identifies these corrective measures,

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including, but not limited to, removing 1 or more members of the board of directors, withdrawing approval to contract under section 525 for an agreement described in section 1320, or appointing a new board of directors or a trustee to take over operation of the urban high school academy.

(7) If an authorizing body revokes a contract, the authorizing body shall work with a school district or another public school, or with a combination of these entities, to ensure a smooth transition for the affected pupils. If the revocation occurs during the school year, the authorizing body, as the fiscal agent for the urban high school academy under this part, shall return any school aid funds received by the authorizing body that are attributable to the affected pupils to the state treasurer for deposit into the state school aid fund. The state treasurer shall distribute funds to the public school in which the pupils enroll after the revocation pursuant to a methodology established by the department and the center for educational performance and information.

(8) If an authorizing body revokes a contract issued under this part, the authorizing body may issue a new contract within the 1-year period following the revocation without the new contract counting toward the maximum number of contracts that may be issued under this part.

(9) Not more than 10 days after an urban high school academy's contract terminates or is revoked, the authorizing body shall notify the superintendent of public instruction in writing of the name of the urban high school academy whose contract has terminated or been revoked and the date of contract termination or revocation.

(10) If an urban high school academy's contract terminates or is revoked, title to all real and personal property, interest in real or personal property, and other assets owned by the urban high school academy shall revert to the state. This property shall be distributed in accordance with the following:

(a) Within 30 days following the termination or revocation, the board of directors of an urban high school academy shall hold a public meeting to adopt a plan of distribution of assets and to approve the dissolution of the urban high school academy corporation, all in accordance with chapter 8 of the nonprofit corporation act, 1982 PA 162, MCL 450.2801 to 450.2864.

(b) The urban high school academy shall file a certificate of dissolution with the department of consumer and industry services within 10 business days following board approval.

(c) Simultaneously with the filing of the certificate of dissolution under subdivision (b), the urban high school academy board of directors shall provide a copy of the board of directors' plan of distribution of assets to the state treasurer for approval. Within 30 days, the state treasurer, or his or her designee, shall review and approve the board of directors' plan of distribution of assets. If the proposed plan of distribution of assets is not approved within 30 days, the state treasurer, or his or her designee, shall provide the board of directors with an acceptable plan of distribution of assets.

(d) The state treasurer, or his or her designee, shall monitor the urban high school academy's winding up of the dissolved corporation in accordance with the plan of distribution of assets approved or provided under subdivision (c).

(e) As part of the plan of distribution of assets, the urban high school academy board of directors shall designate the director of the department of management and budget, or his or her designee, to dispose of all real property of the urban high school academy corporation in accordance with the directives developed for disposition of surplus land and facilities under section 251 of the management and budget act, 1984 PA 431, MCL 18.1251.

(f) If the board of directors of an urban high school academy fails to take any necessary action under this section, the state treasurer, or his or her designee, may suspend the urban high school academy board of directors and appoint a trustee to carry out the board's plan of distribution of assets. Upon appointment, the trustee shall have all the rights, powers, and privileges under law that the urban high school academy board of directors had before being suspended.

(g) Following the sale of the real or personal property or interests in the real or personal property, and after payment of any urban high school academy debt secured by the property or interest in property, whether real or personal, the urban high school academy board of directors, or a trustee appointed under this section, shall forward any remaining money to the state treasurer. Following receipt, the state treasurer, or his or her designee, shall deposit this remaining money in the state school aid fund.

History: Add. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

Compiler's note: Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8, 2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

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Popular name: Act 451

380.529 Contract provisions; powers of applicant.

Sec. 529. An authorizing body and urban high school academy may include provisions in the contract that permit the entity that applied for the contract to do any of the following:

(a) Participate in the recruiting, interviewing, and nominating process for urban high school academy board members.

(b) Conduct an independent educational review, on a periodic basis, to determine whether the urban high school academy is successful in implementing the educational goals set forth in the contract.

(c) Serve as contract administrator between the urban high school academy board of directors and any educational management company contracted to operate the urban high school academy.

(d) Make recommendations to the authorizing body and urban high school academy on how to improve the urban high school academy's operation.

History: Add. 2003, Act 179, Imd. Eff. Oct. 3, 2003.

Compiler's note: Senate Bill 393 (SB 393) was enrolled on August 13, 2003, and presented to the governor for her approval on September 8, 2003, at 5:00 p.m. On September 18, 2003, the senate requested that the bill be returned to the senate. The governor granted the senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed. On September 23, 2003, the house of representatives approved a motion to send a letter to the senate agreeing with the senate's request that the governor return SB 393. Neither the Senate Journal nor the House Journal entries reveal any other action taken by the house of representatives regarding the return of SB 393.

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Popular name: Act 451

PART 7
INTERMEDIATE SCHOOL DISTRICTS

380.601 Provisions governing intermediate school district.

Sec. 601. An intermediate school district shall be governed by this part and by those provisions of articles 2, 3, and 4 which relate specifically to intermediate school districts, intermediate school boards, and intermediate superintendents.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.601a Intermediate school district; powers.

Sec. 601a. (1) An intermediate school district has all of the rights, powers, and duties expressly stated in this act; may exercise a power implied or incident to any power expressly stated in this act; and, except as provided by law, may exercise a power incidental or appropriate to the performance of any function related to the operation of the intermediate school district in the interests of public elementary and secondary education in the intermediate school district, including, but not limited to, all of the following:

(a) Educating pupils. In addition to educating pupils in grades K-12, this function may include operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons.

(b) Providing for the safety and welfare of pupils while at school or a school sponsored activity or while en route to or from school or a school sponsored activity.

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(c) Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying intermediate school district property, facilities, equipment, technology, or furnishings.

(d) Hiring, contracting for, scheduling, supervising, or terminating employees, independent contractors, and others to carry out intermediate school district powers. An intermediate school district may indemnify its employees.

(e) Receiving, accounting for, investing, or expending intermediate school district money; borrowing money and pledging intermediate school district funds for repayment; and qualifying for state school aid and other public or private money from local, regional, state, or federal sources.

(2) An intermediate school district may enter into agreements or cooperative arrangements with other entities, public or private, or join organizations as part of performing the functions of the intermediate school district.

(3) An intermediate school board may conduct, operate, participate in, administer, or serve as fiscal agent or administrative entity, or both, for 1 or more programs involving workforce development, including, but not limited to, job training and development programs, school-to-work initiatives, work first or programs under the job training partnership act, Public Law 97-300, 96 Stat. 1322, or a successor program.

(4) Unless expressly provided in the amendatory act that added this section, the powers of an intermediate school board or intermediate school district are not diminished by this section or by the amendatory act that added this section.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.602 Transfer of gift from intermediate school board to community foundation.

Sec. 602. (1) As part of its powers under section 601a, the intermediate school board of an intermediate school district may receive, own, and enjoy a gift of real or personal property made by grant, devise, bequest, or in any other manner, that is made for intermediate school district purposes under this act. An intermediate school board may transfer a gift of intangible personal property or the proceeds from that gift to a community foundation. If a gift received by the intermediate school board was subject to a condition, limitation, or requirement, the transfer must be to a fund within the community foundation that incorporates a condition, limitation, or requirement that is identical or substantially similar to the condition, limitation, or requirement the gift was subject to. If a gift received by the intermediate school board was not subject to any condition, limitation, or requirement, the transfer must be to a fund within the community foundation that imposes conditions, limitations, or requirements on the use of the gift property for 1 or more intermediate school district purposes under this act.

(2) If an intermediate school board transfers a gift to a community foundation pursuant to this section and if 1 or more of the following occur, the community foundation shall return the gift to the intermediate school board:

(a) The community foundation fails to meet all of the requirements for certification as a community foundation under section 261 of the income tax act of 1967, 1967 PA 281, MCL 206.261.

(b) The community foundation is liquidated.

(c) The community foundation substantially violates any condition, limitation, or requirement on the gift.

(3) Unless waived by the intermediate school board transferring the gift, before an intermediate school board may transfer a gift to a community foundation pursuant to this section, the community foundation shall establish a donor advisory board for that gift. The donor advisory board shall include at least 1 representative of the intermediate school board transferring the gift. The donor advisory board shall do all of the following:

(a) Monitor the community foundation's compliance with any condition, limitation, or requirement on the use of the gift.

(b) Make recommendations to the community foundation for the use of distributions or other proceeds from the gift.

(4) A transfer of a gift made in accordance with this section that occurred before the effective date of this section is ratified and confirmed and the transfer is considered valid as if it had been made under this section.

(5) As used in this section:

(a) “Community foundation” means that term as defined in section 261 of the income tax act of 1967, 1967 PA 281, MCL 206.261.

(b) “Condition, limitation, or requirement” does not include a material restriction or condition that violates 26 C.F.R. 1.170A-9 or that restricts a community foundation's inherent power of modification described in 26 C.F.R. 1.170A-9.

(c) “Gift” does not include state school aid or another grant from state or federal sources.

History: Add. 2000, Act 231, Imd. Eff. June 27, 2000.

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Popular name: Act 451

380.604 District as body corporate; suits; name.

Sec. 604. An intermediate school district is a body corporate governed by an intermediate school board, to be known as "the intermediate school board of the intermediate school district of the county (or counties) of _____", and under that name may sue and be sued. The intermediate school board may choose a distinctive name for the intermediate school district if approval is given by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.605 Reorganized school district as constituent to intermediate school district; transfer of constituent district; resolution; approval; inaction or denial of transfer; appeal; voting as to acceptance of special education programs, area vocational-technical education programs, or bonded indebtedness for facilities; levying debt retirement taxes.

Sec. 605. (1) If constituent districts of more than 1 intermediate school district are reorganized into a single school district, the reorganized school district shall be constituent to the intermediate school district designated by the board of the reorganized school district. If a decision is not reached within 30 days after the effective date of the reorganization of the constituent districts, the determination shall be made by the state board.

(2) A constituent district, by resolution of its board, may transfer and become constituent to another contiguous intermediate school district if approval is given by each intermediate school board affected. The intermediate school board shall take final action within 60 days after receiving a resolution. If an intermediate school district from which a constituent district wishes to transfer has fewer than 4,000 constituent district pupils and fails to take action or denies a transfer, the inaction or decision may be appealed to the state board using the procedures described in section 971 of this act. If the intermediate school district to which transfer is proposed has adopted by referendum a program for financing special education programs for handicapped persons, or has bonded indebtedness outstanding for special education building facilities, the registered school electors of the constituent district to be transferred shall vote on the acceptance of those sections and the assumption of the district's pro rata share of bonded indebtedness outstanding for special education facilities for handicapped persons.

(3) If the intermediate school district to which transfer is proposed has established an area vocational-technical education program by referendum, or has bonded indebtedness outstanding for area vocational-technical education facilities, the registered school electors of the district to be transferred shall vote on the acceptance of those sections and the assumption of the district's pro rata share of bonded indebtedness outstanding for area vocational-technical education facilities.

(4) The transfer is effective only if the applicable issues relating to special education programs, area vocational-technical education programs, and bonded indebtedness for special education and area vocational-technical facilities are approved at an election in the constituent district proposing transfer at which all applicable issues are submitted and receive favorable majorities.

(5) The territory of a constituent district of an intermediate school district having bonded indebtedness for special education facilities or area vocational-technical education facilities which is transferred to another intermediate school district shall remain as a part of the intermediate school district from which transferred for the purpose of levying debt retirement taxes for the bonded indebtedness until the bonds are redeemed or sufficient funds are available in the debt retirement funds for that purpose. The transferred constituent district shall be a constituent district of the intermediate school district to which transferred for all other purposes.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1985, Act 86, Imd. Eff. July 5, 1985.

Popular name: Act 451

380.611 Supervision and control of intermediate school district.

Sec. 611. An intermediate school district shall be under the supervision and control of an intermediate school board composed of 5 members elected under this part, except that in an intermediate school district which adopts sections 615 to 617 for popular election of its members, or in an intermediate school district reorganized under section 701, the number of intermediate school board members shall be 7. In an intermediate school district whose boundaries are enlarged by a dissolution under section 703, the number of intermediate school board members, at the option of the intermediate school board, may be 7.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1981, Act 87, Imd. Eff. July 2, 1981.

Popular name: Act 451

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380.612 Board; eligibility for membership; participation in proceedings to detach or attach territory.

Sec. 612. (1) A school elector of a constituent district shall be eligible to election or appointment to membership on the intermediate school board. A member of a board of a constituent district shall be eligible to election or appointment to membership on the intermediate school board.

(2) A member of an intermediate school board who is a member of a constituent district board shall not participate in proceedings conducted pursuant to part 11 to detach territory from or attach territory to the constituent district of which he or she is a board member.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.613 Board; annual meeting; election and duties of officers; treasurer's bonds.

Sec. 613. (1) The intermediate school board shall meet annually on or before the fourth Monday of December or, if the intermediate school district's regular election is in May, on or before the fourth Monday of June.

(2) The intermediate school board shall organize by electing a president, a vice-president, a secretary, and a treasurer. Until July 1, 2005, the president and vice-president shall be members of the intermediate school board, but the secretary and treasurer need not be. Beginning July 1, 2005, all officers shall be members of the intermediate school board.

(3) The officers shall perform duties provided by law and prescribed by the policies and regulations of the intermediate school board not inconsistent with this part or other laws of the state.

(4) The treasurer shall post with the secretary a bond in an amount approved by the intermediate school board, conditioned upon the faithful performance of the treasurer's duties.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005;—Am. 2004, Act 234, Imd. Eff. July 21, 2004 .

Popular name: Act 451

380.614 Board; election of members; resolution; notice of meeting; acting chairperson and secretary; open meeting; term; vacancy; nominating petition; signatures; filing petition and affidavit; ballots; filing fee.

Sec. 614. (1) Except as provided in section 615 and subject to section 642 of the Michigan election law, MCL 168.642, the members of the intermediate school board shall be elected biennially on the first Monday in June by an electoral body composed of 1 person designated by the board of each constituent school district.

(2) The board of a constituent district shall designate its representative to this electoral body by resolution adopted not earlier than 21 days before the date of this biennial election. The board shall consider the resolution at not less than 2 public meetings before adopting the resolution. The resolution shall be adopted by majority vote of the members serving on the board. In its resolution designating its representative, the board of a constituent district shall identify the candidate the board supports for each position to be filled on the intermediate school board and shall direct its representative to vote for that individual or individuals at least on the first ballot taken by the electoral body. The secretary of the intermediate school board shall send a notice by certified mail of the hour and place of the meeting of the electoral body described in subsection (1) to the secretary of the board of each constituent school district at least 10 days before the meeting. The president and secretary of the intermediate school board shall act as chairperson and secretary at the meeting. The meeting of the electoral body shall be an open meeting conducted in the manner prescribed under the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(3) Except as provided in section 703, the term of office of each member elected to the intermediate school board is 6 years and begins on July 1 following election. Not more than 2 members of the intermediate school board shall be from the same school district unless there are fewer districts than there are positions to be filled.

(4) A vacancy shall be filled by the remaining members of the intermediate school board until the next biennial election at which time the vacancy shall be filled for the balance of the unexpired term. Notice of the vacancy shall be filed with the state board within 5 days after the vacancy occurs. If the vacancy is not filled within 30 days after it occurs, the vacancy shall be filled by the state board.

(5) Subject to subsection (7), a candidate for election to the intermediate school board shall be nominated by petitions that are signed by a number of school electors of the combined constituent school districts of the intermediate school district, as follows:

(a) If the population of the intermediate school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

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(b) If the population of the intermediate school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(6) A school elector may sign as many petitions as there are vacancies to fill. Nominating petitions and an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558, shall be filed with the school district filing official not later than 30 days before the date of the biennial election under subsection (1). The school district filing official shall determine the sufficiency of the petitions and the eligibility of the candidates nominated. The school district filing official shall provide ballots for the biennial election, listing on the ballots the names of all candidates properly nominated. The chairperson of the biennial election meeting may accept nominations for a vacancy from the floor only if no nominating petitions have been filed for the vacancy.

(7) Instead of filing nominating petitions, a candidate for election to the intermediate school board may pay a nonrefundable filing fee of $100.00 to the school district filing official. If this fee is paid by the due date for nominating petitions, the payment has the same effect under this section as the filing of nominating petitions.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1981, Act 87, Imd. Eff. July 2, 1981;—Am. 1984, Act 322, Eff. Dec. 28, 1984;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 2002, Act 157, Eff. Jan. 1, 2003;—Am. 2003, Act 299, Eff. Jan. 1, 2005;—Am. 2004, Act 233, Imd. Eff. July 21, 2004.

Popular name: Act 451

380.614a Board members subject to recall; manner; removal from office.

Sec. 614a. (1) A member of an intermediate school board elected under section 614 at a biennial election meeting described in section 614(1) or appointed to fill a vacancy under section 614 is subject to recall by the intermediate school electors of the intermediate school district in the manner prescribed in chapter XXXVI of the Michigan election law, MCL 168.951 to 168.976.

(2) A member of an intermediate school board elected under section 614 at a biennial election meeting described in section 614(1) or appointed to fill a vacancy under section 614 may be removed from office by the boards of the constituent districts. A member is removed from office under this subsection if a number of the boards of the constituent districts at least equal to a majority of the boards plus 1 adopt resolutions requesting removal of the member and file those resolutions within a 60-day period with the secretary of the intermediate school board. However, if the secretary of the intermediate school board is the subject of the removal resolution, a constituent district board may file the resolution with another officer of the intermediate school board.

(3) A member of an intermediate school board elected under section 614 at a biennial election meeting described in section 614(1) or appointed to fill a vacancy under section 614 may be removed from office by the governor as prescribed in section 619.

History: Add. 2004, Act 234, Imd. Eff. July 21, 2004.

Popular name: Act 451

380.615 Board; popular election of members.

Sec. 615. Members of the intermediate school board shall be elected at popular elections in an intermediate school district which adopts sections 615 to 617.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.616 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.616.amended ********

380.616 Adoption of §§ 380.615 to 380.617; submission of question to school electors; form; resolutions; election; termination of popular election.

Sec. 616. (1) An intermediate school board may submit to the school electors of the constituent districts comprising the intermediate school district the question of adoption of sections 615 to 617. The question shall be in substantially the following form:

"Shall sections 615 to 617 of the school code of 1976, as amended, providing for the popular election of members of the intermediate school board be effective within the constituent districts of _____ (name of intermediate school district)?

Yes ( )

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No ( )”

(2) The intermediate school board shall submit the question upon receipt of resolutions adopted by a majority of the boards of constituent districts and representing more than 1/2 of the combined memberships of the constituent districts of the intermediate school district as of the latest pupil membership count day. The resolutions of the constituent district boards shall be adopted between December 1 and the next succeeding March 1. The question shall be presented to the school electors of the constituent districts at the next annual election after resolutions of constituent district boards meeting the requirements of this section have been filed with the secretary of the intermediate school board.

(3) If a majority of the school electors votes in favor of popular election, members of the intermediate school board shall be elected at the next annual election and biennially thereafter at the annual school elections of the constituent districts. If a constituent district holds its annual election on a date other than the second Monday in June, an election for the purpose of choosing members of the intermediate school board shall be held in that district on the second Monday in June.

(4) An intermediate school district which adopts sections 615 to 617 may in the same manner terminate the popular election of members of the intermediate school board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977.

Popular name: Act 451

******** 380.616.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.616.amended Adoption of §§ 380.615 to 380.617; submission of question to school electors; form; resolutions; election; termination of popular election.

Sec. 616. (1) An intermediate school board may submit to the school electors of the constituent districts comprising the intermediate school district the question of adoption of sections 615 to 617. The question shall be in substantially the following form:

“Shall sections 615 to 617 of the revised school code, providing for the popular election of members of the intermediate school board, be effective within the constituent districts of _____ (name of intermediate school district)?

Yes ( )

No ( )”.

(2) The intermediate school board shall submit the question upon receipt of resolutions adopted by a majority of the boards of constituent districts and representing more than 1/2 of the combined memberships of the constituent districts of the intermediate school district as of the latest pupil membership count day. The resolutions of the constituent district boards shall be adopted between March 1 and the next succeeding July 1. The question shall be presented to the school electors of the constituent districts at the next regular school election after resolutions of constituent district boards meeting the requirements of this section have been filed with the school district filing official.

(3) If a majority of the school electors votes in favor of popular election, members of the intermediate school board shall be elected at the next regular school election and biennially thereafter at the regular school elections of the constituent districts.

(4) An intermediate school district that adopts sections 615 to 617 may terminate the popular election of members of the intermediate school board in the same manner.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.617 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.617.amended ********

380.617 Candidate for office of board member; filing nominating petitions and affidavit; form of nominating petitions; signatures; circulation; filing fees; certification; notice; ballots; terms; vacancy.

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Sec. 617. (1) Subject to subsection (4), in an intermediate school district in which sections 615 to 617 are effective, a candidate for the office of member of the intermediate school board shall be nominated by filing nominating petitions and an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558, with the secretary of the board of the intermediate school district before 4 p.m. of the ninth Monday before the election.

(2) The nominating petitions shall be in the form provided in section 1066. Nominating petitions shall contain signatures of school electors who are registered to vote in the city or township in which they reside in a number as follows:

(a) If the population of the intermediate school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

(b) If the population of the intermediate school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(3) Each sheet of the nominating petition shall be circulated in 1 city or township only.

(4) Instead of filing nominating petitions, a candidate for election to the intermediate school board may pay a nonrefundable filing fee of $100.00 to the secretary of the intermediate school board. If this fee is paid by the due date for nominating petitions, the payment has the same effect under this section as the filing of nominating petitions.

(5) Within 14 days after the last date for filing, the secretary of the intermediate school board shall certify the names and addresses of those candidates whose petitions are found to be sufficient to the secretaries of the boards of the constituent school districts. The secretary of the intermediate school board shall certify the number to be elected. The secretary of the intermediate school board shall notify the county clerk of the names and addresses of the candidates not later than 3 days after the last day for candidate withdrawal. However, if the third day is a Saturday, Sunday, or legal holiday, the notice may be sent on the next day that is not a Saturday, Sunday, or legal holiday.

(6) The intermediate school board shall provide ballots for the election of members of the intermediate school board and distribute the ballots to the secretaries of each of the constituent school districts not less than 20 days before the annual school elections.

(7) At the first election, 3 members of an intermediate school board shall be elected for a term of 6 years, 2 for a term of 4 years, and 2 for a term of 2 years. After the first election, their successors shall be elected biennially for terms of 6 years.

(8) The intermediate school board of an intermediate school district adopting sections 615 to 617 shall fill a vacancy in the intermediate school board's membership by appointing a member to serve until the next biennial election, at which time a member shall be elected for the balance of the unexpired term.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1980, Act 135, Imd. Eff. May 29, 1980;—Am. 1984, Act 322, Eff. Dec. 28, 1984;—Am. 1989, Act 268, Eff. Feb. 12, 1990;—Am. 2002, Act 157, Eff. Jan. 1, 2003.

Popular name: Act 451

******** 380.617.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.617.amended Candidate for office of board member; nomination; election.

Sec. 617. (1) In an intermediate school district in which sections 615 to 617 are effective, a candidate for the office of member of the intermediate school board shall be nominated, and members shall be elected, as provided in chapter XIV of the Michigan election law, MCL 168.301 to 168.315.

(2) At the first election, 3 members of an intermediate school board shall be elected for a term of 6 years, 2 for a term of 4 years, and 2 for a term of 2 years. After the first election, their successors shall be elected biennially for terms of 6 years.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1980, Act 135, Imd. Eff. May 29, 1980;—Am. 1984, Act 322, Eff. Dec. 28, 1984;—Am. 1989, Act 268, Eff. Feb. 12, 1990;—Am. 2002, Act 157, Eff. Jan. 1, 2003;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.619 Removal of board member; procedures; eligibility for election or appointment; restriction.

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Sec. 619. (1) The governor may remove a member of an intermediate school board from office under this section if the governor is satisfied from the evidence submitted to the governor that the member is guilty of gross neglect of duty, corrupt conduct in office, or any other misfeasance or malfeasance in office.

(2) Before the governor removes an intermediate school board member under this section, all of the following procedures shall be followed:

(a) Charges shall be submitted to the governor in writing specifying the grounds for removal. The charges shall be accompanied by any supporting evidence and by the affidavit of the person making the charges verifying that the person believes the charges to be true.

(b) A copy of the charges shall be served on the intermediate school board member. Service shall be made as follows:

(*i*) If the intermediate school board member can be found, by handing the intermediate school board member a copy of the charges and of any affidavits or exhibits accompanying the charges.

(*ii*) If the intermediate school board member cannot be found, by leaving a copy of the charges and of any affidavits or exhibits accompanying the charges with a person of suitable age at the intermediate school board member's last known place of residence or, if a person of suitable age is not available, by posting the copy or copies in a conspicuous place at the intermediate school board member's last known place of residence.

(c) The intermediate school board member shall be given an opportunity to respond to the charges.

(3) A person removed from office under this section is not eligible for election or appointment to a school board or intermediate school board for a period of 3 years from the date of removal.

History: Add. 2004, Act 234, Imd. Eff. July 21, 2004.

Popular name: Act 451

380.621 Compensation and expenses of board members.

Sec. 621. (1) An intermediate school board member shall receive a per diem allowance for attendance at meetings convened in accordance with the bylaws of the intermediate school board or held pursuant to law. Except as provided in subsection (4), the intermediate school board, by resolution, may authorize compensation which shall not exceed $30.00 per meeting, subcommittee meeting, or authorized duty if the duty is related directly to the member's responsibility as a board member and if the duty is authorized in advance by resolution of the board. Compensation shall be provided to a board member for an authorized duty only if that duty and the authority of the board member to perform that duty is specifically enumerated in the resolution authorizing compensation. A board member shall not receive compensation for more than a total of 52 meetings, subcommittee meetings, and authorized duties per year unless the majority of the board votes to remove this limitation.

(2) An intermediate school board member who wishes to increase the compensation per meeting of the intermediate school board pursuant to subsection (1) shall introduce a resolution to that effect at a regularly scheduled meeting of the intermediate school board. A public hearing on the merit of the resolution shall be held at the next regularly scheduled meeting of the intermediate school board, and the intermediate school board shall not vote on the resolution until after allowing for public testimony.

(3) Additional compensation shall be subject to the approval of a majority of the representatives of constituent district boards at the annual budget meeting required by section 624. The per diem allowances and expenses shall be approved and paid from funds of the intermediate school district. Reimbursement of board members for actual and necessary expenses incurred in the performance of official functions shall be by action of the board.

(4) The per diem compensation for members of an intermediate school board that exceeds the amount permitted in subsection (1) and that was in effect on January 12, 1977 shall continue unless the compensation is reduced in compliance with subsection (1).

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1980, Act 347, Imd. Eff. Dec. 23, 1980;—Am. 1985, Act 86, Imd. Eff. July 5, 1985;—Am. 1990, Act 127, Imd. Eff. June 26, 1990.

Popular name: Act 451

380.621a Travel by board member; approval.

Sec. 621a. An intermediate school board shall establish a policy requiring intermediate school board approval of all travel outside this state by an intermediate school board member or an intermediate school district employee that is paid for or reimbursed by the intermediate school district.

History: Add. 2004, Act 234, Imd. Eff. July 21, 2004.

Popular name: Act 451

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380.622 Financial institutions for deposit of school funds; selection; coded accounts; audit; separation of funds; investments; commingling prohibited; exception; earnings; accounting for money combined for investment pool; limitation on deposit or investment of additional funds; limitation on acceptable assets; secured deposits; "deposit" explained; "financial institution" defined.

Sec. 622. (1) The intermediate school board shall select financial institutions for the deposit of school funds. The intermediate school board shall keep a set of coded accounts to be approved by the superintendent of public instruction and shall have its books audited at least annually by a certified public accountant. General operating funds, building and site funds, cooperative education funds, special education funds, vocational-technical education funds, and debt retirement funds shall be maintained separately and shall not be commingled, except that the intermediate school board, by resolution, may authorize the treasurer to combine money from more than 1 fund for the purpose of making an investment authorized by subsection (2)(g).

(2) The treasurer of an intermediate school district, if authorized by resolution of the intermediate school board, may invest general operating funds, special education funds, area vocational-technical education funds, building and site funds, cooperative education funds, and debt retirement funds of the district. Investments shall be made subject to subsection (4) and shall be restricted to any of the following:

(a) Bonds, bills, or notes of the United States or obligations of this state.

(b) Certificates of deposit issued by a financial institution.

(c) Commercial paper rated prime at the time of purchase and maturing not more than 270 days after the date of purchase.

(d) Securities issued or guaranteed by agencies or instrumentalities of the United States government.

(e) United States government or federal agency obligation repurchase agreements.

(f) Bankers' acceptances issued by a bank that is a member of the federal deposit insurance corporation.

(g) Investment pools, as authorized by the surplus funds investment pool act, 1982 PA 367, MCL 129.111 to 129.118, composed entirely of instruments that are legal for direct investment by an intermediate school district.

(h) Mutual funds composed entirely of investment vehicles that are legal for direct investment by an intermediate school district.

(3) The earnings of an investment shall become a part of the fund from which the investment was made. When money of more than 1 fund of a single intermediate school district or money of more than 1 intermediate school district are combined for an investment pool authorized by subsection (2)(g), the money shall be accounted for separately, and the earnings from the investment shall be separately and individually computed, recorded, and credited to the fund or intermediate school district, as the case may be, for which the investment was acquired.

(4) Notwithstanding subsection (2), additional funds of an intermediate school district shall not be deposited or invested in a financial institution that is not eligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(5) Assets acceptable for pledging to secure deposits of funds under this act are limited to any of the following:

(a) Assets considered acceptable to the state treasurer under section 3 of 1855 PA 105, MCL 21.143, to secure deposits of state surplus funds.

(b) Any of the following:

(*i*) Securities issued by the federal home loan mortgage corporation.

(*ii*) Securities issued by the federal national mortgage association.

(*iii*) Securities issued by the government national mortgage association.

(c) Securities considered acceptable to the intermediate school board and the financial institution.

(6) As used in this section, "deposit" includes purchases of or investment in shares of a credit union.

(7) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and that maintains a principal office or branch office located in this state under the laws of this state or the United States.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1979, Act 87, Imd. Eff. Aug. 1, 1979;—Am. 1986, Act 132, Imd. Eff. June 16, 1986;—Am. 1997, Act 47, Imd. Eff. June 30, 1997;—Am. 2001, Act 127, Imd. Eff. Oct. 15, 2001.

Popular name: Act 451

380.623 Board; duties generally; conducting business at public meeting; actions of board; public notice of meeting.

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Sec. 623. (1) The intermediate school board shall do all of the following:

(a) Perform duties required by law and by the state board, but shall not supersede or replace the board of a constituent district, nor shall the intermediate school board control or otherwise interfere with the rights of constituent districts or public school academies except as provided in this part.

(b) Employ a superintendent, assistants, and other employees the intermediate school board considers necessary and fix their compensation. The compensation of the intermediate superintendent, assistants, and other employees shall include salaries, travel expenses incurred in the discharge of their official duties, and other benefits the board approves. The necessary contingent expenses of the office of the intermediate school board and the intermediate superintendent shall be paid by the treasurer subject to the authorization of the intermediate school board. The intermediate superintendent shall have the qualifications prescribed in section 651 and perform the duties provided by law and by the intermediate school board.

(2) The business the intermediate school board is authorized to perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. An act of the board shall not be valid unless voted at a meeting by a majority vote of the members elected and serving on the board and a record made of the vote. An action of an intermediate school board on matters of personnel, property transfers, bonding, expenditures of money, or other matters designated by the board's bylaws shall be by yea and nay vote entered upon its record. Public notice of the time, date, and place of the meeting shall be given in the manner required by section 5 of Act No. 267 of the Public Acts of 1976, being section 15.265 of the Michigan Compiled Laws.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 413, Imd. Eff. Dec. 29, 1994;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.623a Procurement of supplies, materials, and equipment; written policies; competitive bids; approval of purchase; adjustment of maximum amount.

Sec. 623a. An intermediate school board shall adopt written policies governing the procurement of supplies, materials, and equipment. An intermediate school district shall not purchase an item or a group of items purchased in a single transaction costing $12,500.00 or more unless competitive bids are obtained for those items and the purchase of those items is approved by the intermediate school board. The maximum amount specified in this section shall be adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the 12 months ending August 31 of the year in which the adjustment is made differs from that index's average for the 12 months ending on August 31 of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar.

History: Add. 1982, Act 489, Eff. Mar. 30, 1983;—Am. 1983, Act 140, Imd. Eff. July 18, 1983;—Am. 1990, Act 159, Imd. Eff. July 2, 1990.

Popular name: Act 451

380.623b Inspecting, monitoring, removing, or treating asbestos or material containing asbestos; contractual agreement to provide legal representation against civil liability.

Sec. 623b. (1) If the duties of a person employed by an intermediate school board include inspecting, monitoring, removing, or treating asbestos or material containing asbestos, or supervising those activities, the intermediate school board may contractually agree to provide legal representation and indemnification against civil liability with regard to claims or actions resulting from or arising out of the person's negligence or alleged negligence in performing those duties while in the course of his or her employment and while acting within the scope of his or her authority.

(2) A contractual agreement authorized under this section may be entered into at any time before or after the person begins performing the duties described in subsection (1).

History: Add. 1989, Act 203, Imd. Eff. Oct. 23, 1989.

Popular name: Act 451

380.624 Annual general fund operating budget.

Sec. 624. (1) Not later than April 1 of each year, the intermediate school board shall prepare an annual general fund operating budget, which shall be in the form prescribed by the county tax allocation board, and shall file the budget with the county clerk of each county in which the intermediate school board is situated except a county that has established separate tax limitation millage rates pursuant to sections 5a to 5*l* of the property tax limitation act,

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1933 PA 62, MCL 211.205a to 211.205*l*. Each county clerk receiving the budget shall deliver it to the county tax allocation board in the same manner as other school district budgets are handled.

(2) An intermediate school board shall have its proposed budget reviewed by its constituent districts each year as follows:

(a) Not later than May 1 of each year, the intermediate school board shall submit its proposed budget for the next school fiscal year to the board of each constituent district for review.

(b) Not later than June 1 of each year, the board of each constituent district shall review the proposed intermediate school district budget, shall adopt a board resolution expressing its support for or disapproval of the proposed intermediate school district budget, and shall submit to the intermediate school board any specific objections and proposed changes the constituent district board has to the budget. If an intermediate school board receives any specific objections or proposed changes, the intermediate school board shall consider the proposed budget changes.

(3) The tax allocation board shall receive the budget from its county clerk and shall allocate a tax rate to the intermediate school district. Not later than September 1 of each year, or not later than 5 days after the election if taxes are authorized at an election held pursuant to section 36(2) of the general property tax act, 1893 PA 206, MCL 211.36, the secretary of the intermediate school board shall file a certified copy of the resolution of the intermediate school board certifying the taxes to be levied on the taxable property within the intermediate school district with the clerk of each city and township in which the district is situated.

(4) As used in this section, “general fund operating budget” means the budget that includes revenues from the intermediate school district's share of mills as determined by the tax allocation board or by referendum and state school aid. Disbursements from the general fund operating budget shall apply to those expenditures required for the operation of all intermediate school district programs except cooperative education, special education, and vocational education, and may apply to any expenditures from the general fund to assist with the costs of cooperative education, special education, and vocational education.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1979, Act 131, Imd. Eff. Oct. 26, 1979;—Am. 1981, Act 87, Imd. Eff. July 2, 1981;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 234, Imd. Eff. July 21, 2004.

Popular name: Act 451

380.624a Intermediate school board exempt from § 380.624(2).

Sec. 624a. Notwithstanding section 624, for 1994 only an intermediate school board is not required to comply with section 624(2), regarding submission of its annual budget, until April 15, 1994.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

Compiler's note: Former § 380.624a, which pertained to levy of property taxes for school operating purposes, was repealed by Act 258 of 1994, Eff. Jan. 1, 1995.

Popular name: Act 451

380.625 Taxes.

Sec. 625. (1) Intermediate school district taxes shall be spread on the tax roll and shall be collected pursuant to this act and the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

(2) Taxes collected under this part by a city or township treasurer shall be paid to the treasurer of the intermediate school board pursuant to section 43 of Act No. 206 of the Public Acts of 1893, being section 211.43 of the Michigan Compiled Laws, or to the county treasurer in the same manner as other county taxes are paid and similar accounts and records shall be kept. The county treasurer shall pay the funds received under this part to the treasurer of the intermediate school board. County treasurers of counties in which fractions of intermediate school districts are situated shall pay those funds collected under this part to the treasurer of the intermediate school board.

(3) Intermediate school district taxes shall be assessed, levied, and collected as provided in this act and Act No. 206 of the Public Acts of 1893, as amended, being sections 211.1 to 211.157 of the Michigan Compiled Laws. Budgets shall be submitted and intermediate school districts shall be governed by Act No. 62 of the Public Acts of 1933, as amended, being sections 211.201 to 211.217a of the Michigan Compiled Laws.

(4) Except as provided in subsection (5), the intermediate school board shall receive from the county treasurer the same reports of delinquent taxes due school districts as the treasurer is required by law to file with township and city clerks and shall compute from that report the amount of delinquent school taxes due each constituent district in the intermediate school district. The county treasurer at the time of making monthly settlements with the township and city treasurers of the county shall file with the secretary of each intermediate school district board having

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territory in the county a statement of all delinquent school taxes which are included in the amounts sent by the county treasurer to the township and city treasurers of the county, together with the descriptions upon which the delinquent school taxes have been paid. Each intermediate school board, upon receipt of these statements, shall compute the amounts of delinquent school taxes and interest thereon included in the statement due each constituent district of the intermediate school district. Within 30 days after receiving the statement of the county treasurer, the intermediate school board shall give notice to the secretary of each constituent district board of the amount of delinquent school tax and interest thereon that belongs to the constituent district and which was included in the amount sent by the county treasurer to the treasurer of the township or city in which the constituent district is located.

(5) The procedure for reporting delinquent taxes does not apply in a county which has created a delinquent tax revolving fund under section 87b of Act No. 206 of the Public Acts of 1893, as amended.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1984, Act 78, Imd. Eff. Apr. 18, 1984.

Popular name: Act 451

380.625a Property taxes levied by intermediate school district for operating purposes.

Sec. 625a. Except as provided in section 705, beginning in 1995, the board of an intermediate school district may levy ad valorem property taxes for operating purposes at a rate not to exceed 1.5 times the number of mills allocated to the intermediate school district for those purposes in 1993 as provided for under the property tax limitation act, Act No. 62 of the Public Acts of 1933, being sections 211.201 to 211.217a of the Michigan Compiled Laws.

History: Add. 1994, Act 258, Imd. Eff. July 5, 1994.

Popular name: Act 451

380.626 Map; reporting boundary changes.

Sec. 626. Except as provided in subsection (2), the intermediate school board shall prepare a map of the intermediate school district as of July 1, 1977, and biennially on July 1 thereafter, showing by district lines the boundaries of each constituent district. In the period intervening between publication dates, the intermediate school board shall report each boundary change to the principal officers of the affected municipalities and townships, the state board, and the secretary of state. One copy of the map shall be filed biennially, beginning July 1, 1977, or as soon as possible thereafter, with each of the clerks of the respective townships and cities, 1 copy with the secretary of each constituent district, 1 copy with the state board, and 1 copy with the secretary of state.

(2) An intermediate school board shall not be required to prepare or file a new map of the intermediate school district if the boundaries of its constituent districts have not changed subsequent to the last filing.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.627 Board; additional duties; cooperative programs for information technology systems; comprehensive school improvement support services; cost-effective business services.

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

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

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

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

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

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

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(3) Upon request of the board of a constituent school district or public school academy located within the intermediate school district, an intermediate school board may provide, either solely or as part of a consortium of intermediate school districts, comprehensive school improvement support services to the district or public school academy. These services may include, but are not limited to, all of the following:

(a) The development of a core curriculum.

(b) The evaluation of a core curriculum.

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

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

(e) The preparation of an annual educational report.

(f) Professional development.

(g) Educational research.

(h) The compilation of instructional objectives, instructional resources, pupil demographics, and pupil academic achievement.

(i) Assistance in obtaining school accreditation.

(j) The provision of general technical assistance.

(4) To the extent allowed by law, if the most cost-effective business services are not available to constituent districts, an intermediate school board shall offer to provide for constituent districts and public school academies located within the intermediate school district business services that can be accomplished more cost-effectively by an intermediate school district. An intermediate school district may charge a fee for these services, and may contract with a third party for provision of some or all of these services. These services may include, but are not limited to, any of the following:

(a) Data processing.

(b) Payroll.

(c) Class scheduling.

(d) Distance learning coordination and delivery.

(e) Transportation services.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1990, Act 107, Imd. Eff. June 18, 1990;—Am. 1991, Act 187, Imd. Eff. Dec. 27, 1991;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.627a Homebound or hospitalized pupils; coordination of required educational services.

Sec. 627a. Upon the request of the board of 1 or more constituent school districts, an intermediate school district may coordinate the required educational services provided by 1 or more constituent school districts to homebound or hospitalized pupils, or both.

History: Add. 1988, Act 215, Imd. Eff. July 1, 1988.

Popular name: Act 451

380.628 Schools for children in homes operated by juvenile division of probate court; powers of board as to real or personal property.

Sec. 628. The intermediate school board may:

(a) Establish a school for persons of school age who live in children's homes operated by the juvenile division of the probate court or who live at home but are assigned to the school by the juvenile division of the probate court. The intermediate school board may lease or purchase sites; build, lease, or rent housing facilities; and employ the personnel necessary to operate the schools. The intermediate school board may exclude a pupil for persistent misbehavior; classify and promote pupils for instructional purposes; and do all things necessary to the proper conduct of the school.

(b) Build or acquire real or personal property for use for intermediate school district purposes by purchase, land contract, lease or rental contract with or without option to purchase, or title retaining contract. The intermediate school board may pay for the property out of funds of the district which will or may become lawfully available for these purposes.

(c) Receive, by assignment, conveyance, gift, devise, or bequest, any real or personal property or an interest therein for use in maintaining scholarships or for other educational purposes, and the intermediate school board may act as trustee or custodian of the property. The property shall be used by the intermediate school board solely for the educational purposes for which it was assigned, conveyed, given, devised, or bequeathed, whether by way of trust or otherwise. The treasurer of the board may, when required, give bond to insure proper administration of the

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property.

(d) Sell, exchange, or lease real or personal property of the district which is no longer required for school purposes; give proper deeds or other instruments passing title to the property; dedicate or sell and convey land for highway purposes to the state or an agency or instrumentality of the state, including municipalities and boards of county road commissioners; and give an easement for public utilities. Proceeds from the sale of real property shall be credited to accounts of the school district as provided in section 1262.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977.

Popular name: Act 451

******** 380.629 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.629.amended ********

380.629 Borrowing by intermediate school board; purposes; limitations on borrowing money or issuing bonds; resolution by constituent school district not to participate in cooperative program or conduct election.

Sec. 629. (1) An intermediate school board may borrow, subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, sums of money on terms the intermediate school board considers necessary for 1 or more of the following purposes:

(a) For temporary purposes for which the intermediate school board may give notes of the intermediate school district. The intermediate school board shall not borrow a sum that exceeds the amount that has been voted by the intermediate school board or the school electors of the intermediate school district.

(b) To purchase sites for buildings; to purchase, erect, complete, remodel, improve, furnish, refurnish, equip, or reequip buildings and facilities the board is authorized to acquire, including, but not limited to, general administrative, vocational, or special education buildings or facilities, or parts of those buildings or facilities, or additions to those buildings or facilities, and prepare, develop, or improve sites for those buildings or facilities; to purchase and install information technology systems, together with the equipment and software, as are necessary for programs conducted by the intermediate school district under section 627(2); and to issue and sell bonds of the intermediate school district in the form and on the terms the board considers advisable.

(2) An intermediate school board shall not borrow money or issue bonds for a sum that, together with the total outstanding bonded indebtedness of the intermediate school district, exceeds 1/9 of 1% of the state equalized valuation of the taxable property within the district, unless the question of borrowing the money or issuing bonds is submitted first to a vote of the school electors of the intermediate school district held under sections 661 and 662 and approved by the majority of the registered school electors voting on the question. Regardless of the amount of outstanding bonded indebtedness of the intermediate school district, a vote of the school electors is not necessary in order to issue bonds for a purpose described in section 1274a or to issue bonds under section 11i of the state school aid act of 1979, 1979 PA 94, MCL 388.1611i. Money may be borrowed and bonds may be issued for the purposes stated in this section in an amount equal to that provided by part 17. For the purposes of this subsection, bonds authorized by vote of the school electors for special education facilities under part 30 and for area vocational-technical education facilities under sections 681 to 690 and bonds issued under section 11i of the state school aid act of 1979, 1979 PA 94, MCL 388.1611i, shall not be included in computing the total outstanding bonded indebtedness of an intermediate school district.

(3) Not later than 30 days after receipt of notice that the question of issuing bonds under this section to purchase and install information technology systems as are necessary for a cooperative program under section 627(2) will be submitted to the school electors of the intermediate school district, the board of a constituent school district by resolution may elect not to participate in the cooperative program and not to conduct an election on the question within the constituent school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1985, Act 22, Imd. Eff. May 20, 1985;—Am. 1990, Act 107, Imd. Eff. June 18, 1990;—Am. 1991, Act 187, Imd. Eff. Dec. 27, 1991;—Am. 1997, Act 152, Imd. Eff. Dec. 22, 1997;—Am. 2002, Act 61, Imd. Eff. Mar. 15, 2002.

Popular name: Act 451

******** 380.629.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

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380.629.amended Borrowing by intermediate school board; purposes; limitations on borrowing money or issuing bonds; resolution by constituent school district not to participate in cooperative program or conduct election.

Sec. 629. (1) An intermediate school board may borrow, subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, sums of money on terms the intermediate school board considers necessary for 1 or more of the following purposes:

(a) For temporary purposes for which the intermediate school board may give notes of the intermediate school district. The intermediate school board shall not borrow a sum that exceeds the amount that has been voted by the intermediate school board or the school electors of the intermediate school district.

(b) To purchase sites for buildings; to purchase, erect, complete, remodel, improve, furnish, refurnish, equip, or reequip buildings and facilities the board is authorized to acquire, including, but not limited to, general administrative, vocational, or special education buildings or facilities, or parts of those buildings or facilities, or additions to those buildings or facilities, and prepare, develop, or improve sites for those buildings or facilities; to purchase and install information technology systems, together with the equipment and software, as are necessary for programs conducted by the intermediate school district under section 627(2); and to issue and sell bonds of the intermediate school district in the form and on the terms the board considers advisable.

(2) An intermediate school board shall not borrow money or issue bonds for a sum that, together with the total outstanding bonded indebtedness of the intermediate school district, exceeds 1/9 of 1% of the state equalized valuation of the taxable property within the district, unless the question of borrowing the money or issuing bonds is submitted first to a vote of the school electors of the intermediate school district held under section 661 and approved by the majority of the registered school electors voting on the question. Regardless of the amount of outstanding bonded indebtedness of the intermediate school district, a vote of the school electors is not necessary in order to issue bonds for a purpose described in section 1274a or to issue bonds under section 11i of the state school aid act of 1979, 1979 PA 94, MCL 388.1611i. Money may be borrowed and bonds may be issued for the purposes stated in this section in an amount equal to that provided by part 17. For the purposes of this subsection, bonds authorized by vote of the school electors for special education facilities under part 30 and for area vocational-technical education facilities under sections 681 to 690 and bonds issued under section 11i of the state school aid act of 1979, MCL 388.1611i, shall not be included in computing the total outstanding bonded indebtedness of an intermediate school district.

(3) Not later than 30 days after receipt of notice that the question of issuing bonds under this section to purchase and install information technology systems as are necessary for a cooperative program under section 627(2) will be submitted to the school electors of the intermediate school district, the board of a constituent school district by resolution may elect not to participate in the cooperative program and not to conduct an election on the question within the constituent school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1985, Act 22, Imd. Eff. May 20, 1985;—Am. 1990, Act 107, Imd. Eff. June 18, 1990;—Am. 1991, Act 187, Imd. Eff. Dec. 27, 1991;—Am. 1997, Act 152, Imd. Eff. Dec. 22, 1997;—Am. 2002, Act 61, Imd. Eff. Mar. 15, 2002;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.630 Oaths.

Sec. 630. A member of the intermediate school board may administer oaths for qualifying board members and oaths required in transactions connected with, or related to, the educational program of the intermediate school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.632 Economic benefits for employees; sabbatical leave.

Sec. 632. (1) In the process of establishing salaries or determining other working conditions, the intermediate school board may provide other related benefits of an economic nature on a joint participating or nonparticipating basis with intermediate school district employees. The benefits may include health and accident insurance coverage, group life insurance, annuity contracts, and reimbursement for credit hours earned during employment for professional improvement.

(2) After a teacher has been employed at least 7 consecutive years by the intermediate school board, and at the end of each additional period of 7 or more consecutive years of employment, the intermediate school board may grant the teacher a sabbatical leave for professional improvement for not to exceed 2 semesters at 1 time, if the

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teacher holds a permanent, life, or continuing certificate. During the sabbatical leave, the teacher shall be considered to be in the employ of the intermediate school board, shall have a contract, and may be paid compensation under the regulations of the intermediate school board. The intermediate school board shall not be held liable for death or injuries sustained by a teacher while on sabbatical leave.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.651 Repealed. 1994, Act 413, Imd. Eff. Dec. 29, 1994.

Compiler's note: The repealed section pertained to certification requirements of superintendents and administrators.

Popular name: Act 451

380.652 Superintendent; surety bond.

Sec. 652. An intermediate superintendent shall execute a surety bond, approved and paid for by the intermediate school board, in the penal sum of $1,000.00 and conditioned upon the superintendent's faithful accounting and payment of intermediate school district money. An intermediate superintendent shall file the bond with the president of the intermediate school board within 10 days after appointment as superintendent.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.653 Superintendent as executive officer of board; powers and duties generally.

Sec. 653. The intermediate superintendent shall be the executive officer of the intermediate school board and shall:

(a) Put into practice the educational policies of the state and of the intermediate school board.

(b) Recommend in writing all employees.

(c) Suspend an employee for cause until the intermediate school board considers the suspension.

(d) Supervise and direct the work of assistants and other employees of the intermediate school board.

(e) Examine and audit the books and records of a constituent district when directed to do so by the state board.

(f) Perform duties the state board and the intermediate school board prescribe, make reports as may be required by the state board, and at the close of his term of office deliver all records, books, and papers belonging to the office to the intermediate superintendent's successor.

(g) Examine in constituent districts not employing a superintendent the statements of taxes to be raised by the constituent districts required by law to be filed with the township clerk and the county board of commissioners at the October session of the board, and notify the secretary of the board of a constituent district that fails to file tax statements required by law, or has failed to qualify for state school aid.

(h) Make written reports to the boards of constituent districts in regard to all matters pertaining to the educational interests of the districts.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.654 Superintendent; additional powers and duties.

Sec. 654. In a constituent district not employing a superintendent the intermediate superintendent shall:

(a) Recommend in writing all teachers to the board of education.

(b) Suspend a teacher for cause until the board of education of the constituent district employing the teacher considers the suspension.

(c) Supervise and direct the work of the teachers.

(d) Classify and control the promotion of pupils.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.661 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.661.amended ********

380.661 Submission of questions to school electors at annual or special election; secretary as chief election officer.

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Sec. 661. (1) The intermediate school board may submit questions to the school electors of the intermediate school district at an annual or special election held in each of the constituent districts. A question shall not be submitted to the intermediate school electors unless the question is within the lawful authority of the electors of the intermediate school district to decide.

(2) A person who is a school elector of a constituent district of an intermediate school district and who is registered in the city or township in which that person resides is an elector of that intermediate school district.

(3) If a question is submitted to intermediate school electors at an annual school election, and a constituent district does not hold its annual election on the second Monday of June, the intermediate school board shall call a special election in that constituent district to be held on the same date as the annual school election.

(4) The secretary shall be the chief election officer of the intermediate school district with authority to delegate election duties to a member of the administrative staff.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.661.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.661.amended Submission of question to school electors at regular or special school election.

Sec. 661. (1) Subject to the Michigan election law, the intermediate school board may submit questions to the intermediate school electors of the intermediate school district at a regular or special school election held in each of the constituent districts. A question shall not be submitted to the intermediate school electors unless the question is within the lawful authority of the intermediate school electors to decide.

(2) A person who is a school elector of a constituent district of an intermediate school district and who is registered in the city or township in which that person resides is an intermediate school elector of that intermediate school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.662 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.662 Date of special election; approval; resolution; statement of proposition; notice; duties of secretary; expenses; returns; canvass.

Sec. 662. (1) The date of a special election of the intermediate school district shall be subject to the approval of the county election scheduling committee under section 639 of Act No. 116 of the Public Acts of 1954, as amended, being section 168.639 of the Michigan Compiled Laws. The intermediate school board secretary shall file a copy of the resolution of the intermediate school board calling a special election with the secretary of each constituent district at least 60 days before the date of the election. If a question is submitted at a special election to the school electors of an intermediate school district having a population of more than 1,400,000, the special election shall be held at a state primary or state general election.

(2) The resolution of the intermediate school board shall contain a statement of the proposition to be submitted to the school electors.

(3) If a proposition is submitted at the annual election of the constituent districts, the intermediate school board secretary shall give notice of that fact together with a statement of the proposition to the secretary of each constituent district at least 60 days before the date of the annual school election. If the intermediate school board submits a proposition to the school electors at an annual election, the secretary of each constituent district board shall include in the constituent district's notice of election a statement of the proposition.

(4) If a special election is called by the intermediate school board, the secretary of each constituent district board shall give notice of the last day of registration for the election.

(5) If an intermediate school district proposition is submitted at an election, the secretary of each constituent district board shall perform the duties prescribed under the laws relating to elections of the intermediate school district in the same manner as for a proposition submitted in an election of the constituent district, including

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furnishing ballots and necessary election supplies.

(6) Expenses incurred by a constituent district in the conduct of a special election shall be paid by the intermediate school board upon the presentation of statements itemizing the costs of the special election. The intermediate school board shall pay a pro rata share of the costs incurred by a constituent district if an intermediate school district proposition is submitted at the annual election of a constituent district.

(7) Election returns shall be filed with the secretary of the board of each constituent district. Before 11 a.m. on the day following the election the secretary of each constituent district shall deliver the election returns to the clerk of the board of county canvassers in the county in which the greatest number of registered school electors of the intermediate school district reside at the close of the registration for the election. The canvass shall be made in accordance with sections 821 to 830 of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.821 to 168.830 of the Michigan Compiled Laws. Notice of the determination of the canvass shall be filed with the secretary of the intermediate school board, who shall file copies of the canvass with the board of each constituent district and the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 369, Imd. Eff. Dec. 28, 1982.

Popular name: Act 451

380.671 Criteria for approval of regional educational media centers; operation of educational media centers; "educational media center" defined; purchase, sale, lease, or loan of equipment; disposition of used or surplus equipment.

Sec. 671. (1) The state board shall establish criteria based on state and national guidelines for approving regional educational media centers for initial and continued funding. Among the criteria shall be:

(a) The establishment of a minimum size for the service area based on pupil enrollment.

(b) Provision for 2 or more intermediate school districts or parts of intermediate school districts to combine to operate an instructional materials center. The combining intermediate school districts may contract with 1 intermediate school district to administer the center or a cooperative board may be organized.

(c) The designation of a service area which will provide reasonable and efficient lines of communication between the center and the farthest local school district. In sparsely settled areas of the state where a minimum enrollment requirement would necessitate districts of unwieldly geographical size, satellite or subcenters may be established.

(d) Provision for the staffing and administration of a center by qualified personnel having a substantial background of training and experience in the selection, use, evaluation, and application of media materials to education.

(2) An intermediate school board acting singly, or in cooperation with other intermediate school districts, may operate educational media centers to serve public and nonpublic schools in its respective area.

(3) As used in this section, "educational media center" means a program approved by the state board which provides basic educational services to local school districts which may include:

(a) A materials lending library containing 16mm and 8mm motion pictures or improvements thereof with provision for processing and servicing, 35mm slides or improvements thereof, filmstrips, remedial and enrichment programmed instructional materials, disc recordings, and other items.

(b) Duplication service to reproduce transparencies, slides, filmstrips, and charts or improvements thereof.

(c) Magnetic type duplicating service for audio and video tape.

(d) Delivery and dissemination system for materials and services.

(e) Professional leadership training services to local school districts for coordination and assistance with proper utilization of materials and services.

(f) Acquisition and use of materials that will be coordinated with the curriculum of local school districts.

(g) Technical and maintenance service for cooperating districts.

(h) Professional, reference, and informational library materials and services.

(i) Central purchasing of equipment related to media center activities and use in the local school.

(j) Graphics staff to produce transparency masters and charts and to render other production services to teachers.

(4) An educational media center shall not purchase, sell, grant a lease, or loan for more than 30 days, directly or indirectly, equipment for use by other than a public school, nonpublic school, local school district, intermediate school district, community college district, or publicly funded library or library cooperative. This shall not prohibit the disposition of used or surplus equipment by publicly advertised sale.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1980, Act 157, Imd. Eff. June 12, 1980.

Compiler's note: In subsection (1)(c), "unwieldly geographical size" evidently should read "unwieldy geographical size."

Popular name: Act 451

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Administrative rules: R 380.1 et seq. of the Michigan Administrative Code.

380.673 Operation of educational recreation program.

Sec. 673. An intermediate school board that has an agreement with an appropriate local authority may operate an educational recreation program if the educational recreation program operated by the intermediate school district under this section is approved by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1996, Act 69, Imd. Eff. Feb. 26, 1996.

Popular name: Act 451

******** 380.681 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.681.amended ********

380.681 Area vocational-technical education program; approval of establishment and operation; election; submission of question; form of ballot; limitation on number of mills to be levied; number of elections.

Sec. 681. (1) An intermediate school district may establish an area vocational-technical education program and operate the program under sections 681 to 690 if approved by a majority of the intermediate school electors of the intermediate school district voting on the question. The election shall be called and conducted pursuant to sections 661 and 662. The establishment of the area vocational-technical education program may be rescinded by the same process.

(2) The question of establishing an area vocational-technical education program may be submitted to the intermediate school electors of an intermediate school district at an annual election or at a special election held in each of the constituent districts. The intermediate school board shall determine the date of the election and shall give notice under section 662 to the secretary of each constituent district at least 60 days in advance of the date the proposition is to be submitted to the intermediate school electors.

(3) The ballot for referring the question of adopting sections 681 to 690 and establishing an area vocational-technical education program to the intermediate school electors of an intermediate school district shall be substantially in the following form:

"Shall_____(legal name of intermediate school district), state of Michigan, come under sections 681 to 690 of the school code of 1976 and establish an area vocational-technical education program which is designed to encourage the operation of area vocational-technical education programs if the annual property tax levied for this purpose is limited to _____ mills?

Yes ( )

No ( )".

(4) Beginning in 1995, the number of mills of ad valorem property taxes an intermediate school board may levy for area vocational-technical education program operating purposes under sections 681 to 690 is limited to the following:

(a) If the intermediate school district did not levy any millage in 1993 for area vocational-technical education program operating purposes under sections 681 to 690, the intermediate school board, with the approval of the intermediate school electors, may levy not more than 1 mill for those purposes.

(b) If the intermediate school district levied millage in 1993 for area vocational-technical education program operating purposes under sections 681 to 690, the intermediate school board, with the approval of the intermediate school electors, may levy mills for those purposes at a rate not to exceed 1.5 times the number of mills authorized for those purposes in the intermediate school district in 1993. Approval of the intermediate school electors is not required for the levy under this subdivision of previously authorized mills until that authorization expires.

(5) An intermediate school district shall not hold more than 2 elections in a calendar year concerning the authorization of a millage rate for area vocational-technical education program operating purposes under sections 681 to 690.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1984, Act 21, Imd. Eff. Mar. 6, 1984;—Am. 1994, Act 258, Imd. Eff. July 5, 1994.

Popular name: Act 451

******** 380.681.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

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380.681.amended Area vocational-technical education program; approval of establishment and operation; election; submission of question; form of ballot; limitation on number of mills to be levied; number of elections.

Sec. 681. (1) An intermediate school district may establish an area vocational-technical education program and operate the program under sections 681 to 690 if approved by a majority of the intermediate school electors of the intermediate school district voting on the question. The election shall be called and conducted in accordance with this act and the Michigan election law. The establishment of the area vocational-technical education program may be rescinded by the same process.

(2) The question of establishing an area vocational-technical education program may be submitted to the intermediate school electors of an intermediate school district at a regular school election or at a special election held in each of the constituent districts. Subject to section 641 of the Michigan election law, MCL 168.641, the intermediate school board shall determine the date of the election and shall give notice to the school district filing official at least 60 days in advance of the date the ballot question is to be submitted to the intermediate school electors.

(3) The ballot for referring the question of adopting sections 681 to 690 and establishing an area vocational-technical education program to the intermediate school electors of an intermediate school district shall be substantially in the following form:

"Shall _____, state of Michigan, come

(legal name of intermediate school district)

under sections 681 to 690 of the revised school code and establish an area vocational-technical

education program which is designed to encourage the operation of area vocational-technical

education programs if the annual property tax levied for this purpose is limited to _____

mills?

Yes ( )
No ( )".

(4) Beginning in 1995, the number of mills of ad valorem property taxes an intermediate school board may levy for area vocational-technical education program operating purposes under sections 681 to 690 is limited to the following:

(a) If the intermediate school district did not levy any millage in 1993 for area vocational-technical education program operating purposes under sections 681 to 690, the intermediate school board, with the approval of the intermediate school electors, may levy not more than 1 mill for those purposes.

(b) If the intermediate school district levied millage in 1993 for area vocational-technical education program operating purposes under sections 681 to 690, the intermediate school board, with the approval of the intermediate school electors, may levy mills for those purposes at a rate not to exceed 1.5 times the number of mills authorized for those purposes in the intermediate school district in 1993. Approval of the intermediate school electors is not required for the levy under this subdivision of previously authorized mills until that authorization expires.

(5) An intermediate school district shall not hold more than 2 elections in a calendar year concerning the authorization of a millage rate for area vocational-technical education program operating purposes under sections 681 to 690.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1984, Act 21, Imd. Eff. Mar. 6, 1984;—Am. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.681a Repealed. 1994, Act 258, Eff. Jan. 1, 1995.

Compiler's note: The repealed section pertained to levy of taxes for vocational-technical education program.

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Popular name: Act 451

******** 380.682 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.682.amended ********

380.682 Area vocational-technical education; submitting question of increasing millage limit; election; form of ballot.

Sec. 682. Subject to section 681(4), an intermediate school board operating under sections 681 to 690 may direct that the question of increasing the millage limit on the annual property tax levied for area vocational-technical education be submitted to the intermediate school electors of the intermediate school district. The election shall be called and conducted under sections 661 and 662. The ballot shall be substantially in the following form:

"Shall the _____ mill limitation on the annual property tax previously approved by the electors of _____(legal name of intermediate school district), state of Michigan, for the establishment and operation of area vocational-technical education programs be increased by _____ mills?

Yes ( )

No ( )".

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 258, Imd. Eff. July 5, 1994.

Popular name: Act 451

******** 380.682.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.682.amended Area vocational-technical education; submitting question of increasing millage limit; election; form of ballot.

Sec. 682. Subject to section 681(4), an intermediate school board operating under sections 681 to 690 may direct that the question of increasing the millage limit on the annual property tax levied for area vocational-technical education be submitted to the intermediate school electors of the intermediate school district. The election shall be called and conducted in accordance with section 661. The ballot shall be substantially in the following form:

"Shall the _____ mill limitation on the annual property tax previously approved by

the electors of _____, state of Michigan,

(legal name of intermediate school district)

for the establishment and operation of area vocational-technical education programs be

increased by _____ mills?

Yes ( )

No ( )".

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.683 Area vocational-technical education budget; form; delivery; allocation of tax rates; limitation; certification of taxes to be levied; spread of tax on roll; payment of taxes collected; accounts and records.

Sec. 683. (1) An intermediate school board operating under sections 681 to 691 shall prepare annually an area

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vocational-technical education budget which shall be in the same form as that required in local school districts, and shall be delivered to the county clerks of the counties in which the intermediate school district is located, except in counties which have established separate tax limitation millage rates pursuant to sections 5a to 5m of the property tax limitation act, Act No. 62 of the Public Acts of 1933, as amended, being sections 211.205a to 211.205m of the Michigan Compiled Laws. The county clerk shall deliver the budget to the tax allocation board in the same manner as local school district budgets are handled.

(2) County tax allocation boards shall receive area vocational-technical education budgets from their respective county clerks; shall treat them as local school district budgets are treated; and shall allocate tax rates to intermediate school districts for the purposes of sections 681 to 691. The allocations shall be handled in the same manner as other allocations for local school districts. The allocations shall not be made within the 15 mill limitation and shall not exceed the limit authorized by an election at which these sections became effective.

(3) When the intermediate school board receives an allocation on the basis of its area vocational-technical education budget, the board shall certify for collection to the officials of the local property tax collecting unit a statement of the amount of taxes to be levied. The certification shall be made in the same manner as local school districts, but the rate certified for levy shall not exceed the amount allocated.

(4) On receipt of the statement from the intermediate school board, the officials responsible for the levying and collection of these taxes shall spread on the tax roll an area vocational-technical education tax equal to the amount ordered spread, and shall collect the taxes in the same manner as other taxes are collected.

(5) Taxes collected by a city or township treasurer under subsection (4) shall be paid to the treasurer of the intermediate school board pursuant to section 43 of the general property tax act, Act No. 206 of the Public Acts of 1893, being section 211.43 of the Michigan Compiled Laws, or to the county treasurers in the same manner as other county taxes are paid and similar accounts and records shall be kept. The county treasurers shall pay all funds received under subsection (4) to the treasurer of the intermediate school board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1984, Act 78, Imd. Eff. Apr. 18, 1984.

Popular name: Act 451

380.684 Operation of area vocational-technical education programs; submission for review; expenditure of funds; payment order.

Sec. 684. (1) An intermediate school board in which an area vocational-technical education program has been established may operate area vocational-technical education programs or may contract with local school districts or with community colleges for the operation of the programs or with a private degree-granting postsecondary institution if the intermediate school district is not within a community college district and if there existed on or before July 1, 1992 a written agreement for the operation of such a program. Area vocational-technical education programs operated under sections 681 to 690 shall be submitted for review of the representatives of the constituent districts of the intermediate school district at an annual budget review meeting held on or before June 1 under section 624.

(2) An intermediate school board may expend area vocational-technical education funds for the operation of area vocational-technical education programs approved by the state board for acquiring, purchasing, or constructing area vocational-technical education buildings, acquiring sites for area vocational-technical education buildings, and purchasing area vocational-technical education equipment. An intermediate school board shall not expend area vocational-technical education funds for purposes other than those set forth in sections 681 to 690.

(3) An intermediate school board operating under sections 681 to 690 may expend funds received under section 683 for the costs of a special election held to renew or increase the millage limit on the annual property tax levied for area vocational-technical education purposes.

(4) The treasurer of an intermediate school board shall pay out area vocational-technical education funds on order of the intermediate school board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1989, Act 48, Imd. Eff. June 12, 1989;—Am. 1994, Act 413, Imd. Eff. Dec. 29, 1994;—Am. 1996, Act 277, Imd. Eff. June 17, 1996.

Popular name: Act 451

380.685 Payments from area vocational-technical education funds; computation; reimbursement; payment of percent of difference.

Sec. 685. An intermediate school board in which an area vocational-technical education program is established shall make payments from area vocational-technical education funds to those constituent districts and community colleges under contract serving the intermediate school district which operate area vocational-technical education

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centers. Payments shall be computed as follows: the total cost of an area vocational-technical education center shall be computed; and, from this amount shall be deducted the current state-federal vocational education reimbursement for the area vocational-technical education center. All or part of the difference resulting shall be reimbursable by the intermediate school board. If the funds are not sufficient to make up this difference, a like percent of the difference shall be paid to all area vocational-technical education centers in the intermediate school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.686 Grants for area vocational-technical education buildings, sites, and equipment; contracts to accept nonpublic school pupils and nonresident pupils.

Sec. 686. (1) An intermediate school board may make grants of money to constituent districts operating area vocational-technical education centers or to community colleges serving the intermediate district with area vocational-technical programs for the purpose of constructing area vocational-technical education buildings, for site acquisition, or for area vocational-technical education equipment, if prior to granting the funds the board of the constituent district in which the center is located contracts to receive nonresident children into the facility for a period of at least 15 years after the date of contract, or if the board of trustees of the community college contracts to receive nonresident persons on a tuition basis into the facility for a period of at least 15 years after the date of contract.

(2) The contracts shall provide that the constituent districts or community colleges are bound to accept nonpublic school pupils and nonresident pupils into designated area vocational-technical education facilities in return for and in consideration of grants-in-aid for the construction of area vocational-technical education buildings and for the purchase of area vocational-technical education buildings, sites, and equipment.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.687 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.687.amended ********

380.687 Borrowing money and issuing bonds; purposes; limitation; submission to school electors; form of ballot.

Sec. 687. (1) An intermediate school board in which an area vocational-technical education program is established, by a majority vote of the intermediate school electors voting on the question at an annual or at a special election called for that purpose, may borrow money and issue bonds of the intermediate school district subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, to defray all or part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurnishing, equipping, or reequipping area vocational-technical buildings and other facilities, or parts of buildings and other facilities or additions to buildings and other facilities; acquiring, preparing, developing, or improving sites, or parts of sites or additions to sites, for area vocational-technical buildings and other facilities; refunding all or part of existing bonded indebtedness; or accomplishing a combination of the foregoing purposes. An intermediate school district shall not issue bonds under this part for an amount greater than 1.5% of the total assessed valuation of the intermediate school district.

(2) A bond qualified under section 16 of article IX of the state constitution of 1963 and implementing legislation shall not be included for purposes of calculating the foregoing 1.5% limitation.

(3) An intermediate school board may submit a proposal to issue bonds of the intermediate school district, authorized under this section, to the intermediate school electors at the same election at which the intermediate school electors vote on the establishment of an area vocational-technical education program. If these questions are presented to the school electors at the same election, the board shall include the bond proposal in the 60-day notice given the boards of constituent districts. The establishment of an area vocational-technical education program shall become effective if approved by a majority of the intermediate school electors voting on the question. The authority to issue bonds is effective only if a majority of the intermediate school electors approve both the establishment of the area vocational-technical education program and the issuance of bonds.

(4) The ballot used in submitting the question of borrowing money and issuing bonds under this section shall be in substantially the following form:

"Shall _____ (here state the legal name of the intermediate school district designating the name of a district

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of not less than 18,000 pupils or first class school district that has elected not to come under this act as far as an area vocational-technical education program is concerned) state of Michigan, borrow the sum of not to exceed $_____ and issue its bonds therefor, for the purpose of _____?

Yes ( )

No ( )".

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2002, Act 62, Imd. Eff. Mar. 15, 2002.

Popular name: Act 451

******** 380.687.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.687.amended Borrowing money and issuing bonds; purposes; limitation; submission to school electors; form of ballot.

Sec. 687. (1) An intermediate school board in which an area vocational-technical education program is established, by a majority vote of the intermediate school electors voting on the question at a regular school election or at a special election called for that purpose, may borrow money and issue bonds of the intermediate school district subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, to defray all or part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurnishing, equipping, or reequipping area vocational-technical buildings and other facilities, or parts of buildings and other facilities or additions to buildings and other facilities; acquiring, preparing, developing, or improving sites, or parts of sites or additions to sites, for area vocational-technical buildings and other facilities; refunding all or part of existing bonded indebtedness; or accomplishing a combination of the foregoing purposes. An intermediate school district shall not issue bonds under this part for an amount greater than 1.5% of the total assessed valuation of the intermediate school district.

(2) A bond qualified under section 16 of article IX of the state constitution of 1963 and implementing legislation shall not be included for purposes of calculating the foregoing 1.5% limitation.

(3) An intermediate school board may submit a proposal to issue bonds of the intermediate school district, authorized under this section, to the intermediate school electors at the same election at which the intermediate school electors vote on the establishment of an area vocational-technical education program. If these questions are presented to the school electors at the same election, the board shall include the bond proposal in the 60-day notice given the boards of constituent districts. The establishment of an area vocational-technical education program shall become effective if approved by a majority of the intermediate school electors voting on the question. The authority to issue bonds is effective only if a majority of the intermediate school electors approve both the establishment of the area vocational-technical education program and the issuance of bonds.

(4) The ballot used in submitting the question of borrowing money and issuing bonds under this section shall be in substantially the following form:

"Shall _____ (here state the legal name of the intermediate school district designating the name of a district of not less than 18,000 pupils or first class school district that has elected not to come under this act as far as an area vocational-technical education program is concerned) state of Michigan, borrow the sum of not to exceed $ _____ and issue its bonds therefor, for the purpose of _____?

Yes ( )

No ( )".

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2002, Act 62, Imd. Eff. Mar. 15, 2002;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

380.688 Vocational-technical education center; contract to accept nonresident pupils.

Sec. 688. A constituent district or community college maintaining an area vocational-technical education facility designated by the state board may enter into a contract with the intermediate school board and shall become an area vocational-technical education center by contracting with the intermediate school board to accept nonresident pupils assigned into its facility by the intermediate school board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.689 Repealed. 1981, Act 87, Eff. July 2, 1981.

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Compiler's note: The repealed section pertained to appointment and duties of committee to visit vocational-technical education facilities.
Popular name: Act 451

******** 380.690 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.690.amended ********

380.690 Nonparticipation or participation by certain school districts in area vocational-technical education program; resolution; election; funding; expenditures; buildings, sites, and equipment.

Sec. 690. (1) A school district of not less than 18,000 pupils, a first class school district, or a school district offering or making available to its pupils a comprehensive vocational education program approved by the state board, may elect not to come under an area vocational-technical education program by resolution adopted by its board not later than 30 days after receipt of notice that the question of establishing the area vocational-technical education program will be submitted to the school electors of the district.

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

(3) Except as provided in this subsection, in an intermediate school district where the school electors have voted upon and failed to approve the ballot question set forth in section 681, a combination of 2 or more contiguous constituent districts, by resolution of their boards, may elect to establish an area vocational-technical education program, if approved by resolution of the intermediate district board and designated by the state board. The requirement of contiguity of constituent districts does not apply if 1 or more of the districts that constitute the basis of contiguity declare their intent, by board resolution, not to be part of the proposed area vocational-technical education program. At any time within 6 months after the enactment of the resolution establishing the program in a local school district, school electors equal in number to not less than 5% of the votes cast in the most recent school election may petition their local school district board to submit the resolution to the electorate, in a form and manner to be prescribed by the state board, and the district's participation in the program shall be terminated if not approved by a majority of the school electors voting on the question.

(4) Area vocational-technical education programs established pursuant to this section shall receive any appropriate state funding or any federal funding allocated by the state board on exactly the same basis as area vocational-technical education programs and centers established by intermediate school districts. Constituent districts establishing an approved area vocational-technical education program pursuant to this section may designate, by board resolution, specific amounts of either authorized operating millage or operating millage being requested from the school electors to be utilized solely for the area vocational-technical education program, in a manner to be prescribed by the state board, and the specified amount of millage shall be regarded as area vocational-technical education millage rather than local school district operating millage in all computations made by the state board to determine state aid. The revenue obtained from the millage designated, together with appropriate state and federal funds, may be expended for the same purposes specified for intermediate district programs in sections 684 and 685, including contracts with the intermediate school district, another local school district, or a community college for area vocational-technical education programs, facilities, and services. When constituent districts establish area vocational-technical education programs pursuant to this section, buildings, sites, and equipment may be jointly acquired, owned, or leased.

(5) A contiguous school district desiring to become part of an area vocational-technical education program established pursuant to this section may do so with the approval of each participating school district, the intermediate school district, and the state board. Constituent districts operating an approved area vocational-technical education program pursuant to this section may subsequently elect not to participate, or may thereafter elect to participate, in an intermediate school district vocational-technical education program in exactly the same manner prescribed in this section for school districts of not less than 18,000 pupils, a first class school district, or a school district offering or making available to its pupils a comprehensive vocational education program approved by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1980, Act 72, Imd. Eff. Apr. 3, 1980;—Am. 1985, Act 5, Imd. Eff. Mar. 27, 1985;—Am. 1995, Act 289, Eff. July 1, 1996.

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Popular name: Act 451

******** 380.690.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.690.amended Nonparticipation or participation by certain school districts in area vocational-technical education program; resolution; election; funding; expenditures; buildings, sites, and equipment.

Sec. 690. (1) A school district of not less than 18,000 pupils, a first class school district, or a school district offering or making available to its pupils a comprehensive vocational education program approved by the state board, may elect not to come under an area vocational-technical education program by resolution adopted by its board not later than 30 days after receipt of notice that the question of establishing the area vocational-technical education program will be submitted to the school electors of the district.

(2) A school district electing not to come under the area vocational-technical education program may thereafter elect to come under the program if at a special or regular school election a majority of the school electors voting approve the operation of the area vocational-technical education program and the annual tax rate for that purpose in effect in the other constituent districts of the intermediate school district.

(3) Except as provided in this subsection, in an intermediate school district where the school electors have voted upon and failed to approve the ballot question set forth in section 681, a combination of 2 or more contiguous constituent districts, by resolution of their boards, may elect to establish an area vocational-technical education program, if approved by resolution of the intermediate district board and designated by the state board. The requirement of contiguity of constituent districts does not apply if 1 or more of the districts that constitute the basis of contiguity declare their intent, by board resolution, not to be part of the proposed area vocational-technical education program. At any time within 6 months after the enactment of the resolution establishing the program in a local school district, school electors equal in number to not less than 5% of the votes cast in the most recent school election may petition their local school district board to submit the resolution to the school district filing official for submission to the electorate, in a form and manner to be prescribed by the secretary of state, and the district's participation in the program shall be terminated if not approved by a majority of the school electors voting on the question.

(4) Area vocational-technical education programs established under this section shall receive appropriate state funding or federal funding allocated by the state board on exactly the same basis as area vocational-technical education programs and centers established by intermediate school districts. Constituent districts establishing an approved area vocational-technical education program under this section may designate, by board resolution, specific amounts of either authorized operating millage or operating millage being requested from the school electors to be utilized solely for the area vocational-technical education program, in a manner to be prescribed by the state board, and the specified amount of millage shall be regarded as area vocational-technical education millage rather than local school district operating millage in all computations made by the state board to determine state aid. The revenue obtained from the millage designated, together with appropriate state and federal funds, may be expended for the same purposes specified for intermediate district programs in sections 684 and 685, including contracts with the intermediate school district, another local school district, or a community college for area vocational-technical education programs, facilities, and services. If constituent districts establish area vocational-technical education programs under this section, buildings, sites, and equipment may be jointly acquired, owned, or leased.

(5) A contiguous school district desiring to become part of an area vocational-technical education program established under this section may do so with the approval of each participating school district, the intermediate school district, and the state board. Constituent districts operating an approved area vocational-technical education program under this section may subsequently elect not to participate, or may thereafter elect to participate, in an intermediate school district vocational-technical education program in exactly the same manner prescribed in this section for school districts of not less than 18,000 pupils, a first class school district, or a school district offering or making available to its pupils a comprehensive vocational education program approved by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1980, Act 72, Imd. Eff. Apr. 3, 1980;—Am. 1985, Act 5, Imd. Eff. Mar. 27, 1985;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

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******** 380.692 THIS SECTION IS NOT APPLICABLE AFTER DECEMBER 31, 1988: See (6) of 380.692 ********

380.692 Charter building authority; section inapplicable after December 31, 1988.

Sec. 692. (1) In an intermediate school district that complies with the following criteria, there may be established pursuant to subsection (3) a charter building authority with boundaries, except as provided by subsection (2), identical to the boundaries of the intermediate school district:

(a) The intermediate school district is operating under sections 681 to 690.

(b) More than 1 location within the intermediate school district has been designated by the state board of education for providing area vocational-technical education programs.

(c) A building at 1 of the designated locations for providing area vocational-technical education programs has been constructed without utilizing funds from the area vocational-technical education tax levy.

(2) The board of a constituent school district which is in a portion of the intermediate school district not to be served by proposed facilities for which the proposed charter building authority may impose property taxes may elect, by adoption of a resolution within 30 days after receipt of the notice required by subsection (3), not to be included within the charter building authority.

(3) A charter building authority created pursuant to this section shall be governed by the board of the intermediate school district. With the approval of the state board of education, the intermediate school district board may submit to the school electors of those constituent districts that have not elected to be excluded pursuant to subsection (2) the question of coming under this section and of authorizing the charter building authority to impose a specified ad valorem property tax millage rate for not more than 3 years to be used solely for acquiring, purchasing, constructing, and renovating sites and buildings for area vocational-technical education programs operated by the intermediate school district and for purchasing equipment for these facilities. This question shall be submitted at an annual election or at a special election held in each of the participating constituent school districts. The intermediate school district board shall determine the date of the election and shall give notice under section 662 to the secretary of each constituent district at least 60 days before the date of the election. Except as provided by this section, the election shall be called and conducted pursuant to sections 661 and 662.

(4) A charter building authority shall prepare a budget which shall be in the same form as that required in local school districts, and which shall be delivered to the county clerks of the counties in which the charter building authority is located. The county clerk of each county shall deliver the budget to the tax allocation board, which board shall treat the budget as local school district budgets are treated and shall allocate tax rates to the charter building authority for the purposes set forth by this section, except in counties which have established separate tax limitations. Allocations to charter building authorities shall not be made within the 15-mill limitation but shall be within the charter limitations of section 6 of article IX of the state constitution of 1963. The allocations shall not exceed the limit authorized by the election at which the charter building authority was established and any portion of the net limitation tax rate allocated shall be included within the total tax rate authorized to be levied by the charter building authority.

(5) Charter building authority taxes shall be levied, collected, and returned in the same manner as the levy of the intermediate school district.

(6) This section shall not apply after December 31, 1988 and a charter building authority, which may levy taxes within the limitation established by the election at which the charter building authority was established and expend tax revenues for those purposes for which the taxes may be levied, shall not impose a tax levy pursuant to this section that becomes a lien after December 31, 1988.

History: Add. 1983, Act 118, Imd. Eff. July 18, 1983.

Popular name: Act 451

******** 380.701 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.701.amended ********

380.701 Combining adjoining intermediate school districts to form single intermediate school district; resolution; submission of question to electors; petitions; form of ballot; effective date of reorganization; interim board; superintendent; reorganization meeting; election of board;

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auditing accounts; contracts; special education programs; annual property tax rates.

Sec. 701. (1) Two or more adjoining intermediate school districts may combine to form a single intermediate school district when the reorganization is approved by a majority of the electors of each intermediate school district voting on the question in the annual elections of the constituent districts.

(2) The question of combining intermediate school districts may be submitted by a resolution of the intermediate school boards meeting in joint session.

(3) The question shall be submitted when petitions signed by a number of school electors of each intermediate school district equal to not less than 5% of the number of pupil memberships on the latest pupil membership count day of the combined constituent districts of the intermediate school district are filed with the secretary of 1 of the intermediate school boards. Within 30 days after receiving sufficient petitions, the secretary shall apply for approval to the state board. The secretary shall cause the question to be submitted at the next annual school election after the state board approves the merger.

(4) The ballots shall be furnished by each intermediate school board for its constituent districts and shall be in substantially the following form:

"Shall the following intermediate school districts be organized as a single intermediate school district?
(List names of intermediate school districts)
Yes ( )
No ( )"

(5) If the consolidation is approved by a majority of the school electors voting on the question in each of the participating intermediate school districts, the reorganization shall become effective in the combined intermediate school districts 30 days after the annual election at which the question is submitted. The reorganized intermediate school district shall be a single intermediate school district subject to this part.

(6) The members of the intermediate school boards of the original intermediate school districts shall act as an interim board until a board of the combined intermediate school district is elected. The interim board shall possess all the powers and duties of an intermediate school board under this part. The person chosen by the interim intermediate school board as intermediate superintendent shall serve only until a successor is chosen by the elected intermediate school board. The secretary of the intermediate school board having the largest number of pupils in membership in its combined constituent districts at the time of reorganization shall call a meeting of the members of the interim intermediate school board for the purpose of organization within 15 days after the effective date of the reorganization. The secretary of the interim intermediate school board shall provide for the election of a board of the reorganized intermediate school district under section 617. At the first election there shall be elected 3 members of a board for 6 years, 2 for 4 years, and 2 for 2 years. Their successors shall be elected biennially on the first Monday of June for terms of 6 years. The time from the date of election to the next July 1 shall be considered 1 year.

(7) The reorganized intermediate school district shall operate as a single intermediate school district from the effective date of the reorganization. Within 10 days after the reorganization, all accounts of the reorganized intermediate school districts shall be audited in the manner established by the interim intermediate school board. The contracts of the intermediate superintendents in force on the effective date of reorganization shall continue in effect to time of their termination except as to position as intermediate superintendents.

(8) If, prior to reorganization of the intermediate school districts each of the combining intermediate school districts adopted special education programs by referendum pursuant to part 30 and approved the same annual property tax rates for the education of handicapped persons, the special education programs and the annual property tax rates shall continue in effect in the reorganized intermediate school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.701.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.701.amended Combining adjoining intermediate school districts to form single intermediate school district; resolution; submission of question to electors; petitions; form of ballot; effective date of reorganization; interim board; superintendent; reorganization meeting; election of board; auditing accounts; contracts; special education programs; annual property tax rates.

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Sec. 701. (1) Two or more adjoining intermediate school districts may combine to form a single intermediate school district when the reorganization is approved by a majority of the electors of each intermediate school district voting on the question in the regular school elections of the constituent districts.

(2) The question of combining intermediate school districts may be submitted by a resolution of the intermediate school boards meeting in joint session.

(3) The question shall be submitted if petitions signed by a number of school electors of each intermediate school district equal to not less than 5% of the number of pupil memberships on the latest pupil membership count day of the combined constituent districts of the intermediate school district are filed with the school district filing official. Within 30 days after receiving sufficient petitions, the school district filing official shall notify the secretary of the intermediate school district and the secretary shall apply for approval to the superintendent of public instruction. The school district filing official shall submit the question in accordance with section 661 at the next regular school election after the superintendent of public instruction approves the merger.

(4) The ballots for a ballot question under this section shall be in substantially the following form:

"Shall the following intermediate school districts be organized as a single intermediate school district?

(List names of intermediate school districts)

Yes ( )

No ( )".

(5) If the consolidation is approved by a majority of the school electors voting on the question in each of the participating intermediate school districts, the reorganization is effective in the combined intermediate school districts 30 days after the regular school election at which the question is submitted. The reorganized intermediate school district is a single intermediate school district subject to this part.

(6) The members of the intermediate school boards of the original intermediate school districts shall act as an interim board until a board of the combined intermediate school district is elected. The interim board has all the powers and duties of an intermediate school board under this part. The person chosen by the interim intermediate school board as intermediate superintendent shall serve only until a successor is chosen by the elected intermediate school board. The secretary of the intermediate school board having the largest number of pupils in membership in its combined constituent districts at the time of reorganization shall call a meeting of the members of the interim intermediate school board for the purpose of organization within 15 days after the effective date of the reorganization. The school district filing official shall provide for the election of a board of the reorganized intermediate school district under chapter XIV of the Michigan election law, MCL 168.301 to 168.315. At the first election there shall be elected 3 members of a board for 6 years, 2 for 4 years, and 2 for 2 years. Their successors shall be elected biennially for terms of 6 years.

(7) The reorganized intermediate school district shall operate as a single intermediate school district from the effective date of the reorganization. Within 10 days after the reorganization, all accounts of the reorganized intermediate school districts shall be audited in the manner established by the interim intermediate school board. The contracts of the intermediate superintendents in force on the effective date of reorganization continue in effect until the time of their termination except as to position as intermediate superintendents.

(8) If, before reorganization of the intermediate school districts each of the combining intermediate school districts adopted special education programs by referendum as provided in part 30 and approved the same annual property tax rates for the education of handicapped persons, the special education programs and the annual property tax rates shall continue in effect in the reorganized intermediate school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.702 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.702.amended ********

380.702 Annexation of intermediate school district; resolution; election; adoption of special education program and annual tax rate; ballot; approval of proposed annexation; filing result of election; funds and property; release from liability; effective date of annexation; notices; appointment and terms of board members.

Sec. 702. (1) An intermediate school district may be annexed to another intermediate school district if the intermediate school board of the annexing intermediate school district approves the annexation by resolution, and a

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majority of the school electors of the intermediate school district to be annexed voting on the question at an annual or special election in the intermediate school district approve the annexation. If prior to annexation the annexing intermediate school district adopts a special education program by referendum pursuant to part 30, the intermediate school electors of the intermediate school district to be annexed must vote to adopt that special education program and annual tax rate. The vote on the question shall be by ballot furnished by the intermediate school board of the intermediate school district to be annexed. Before the election is held, the annexing intermediate school board shall obtain the approval of the state board of the proposed annexation.

(2) Within 10 days after the election, each constituent district secretary shall file the result with the secretary of the intermediate school district, and 5 days later the intermediate school board secretary shall file the election result with the secretary of the board of the annexing intermediate school district. Within 15 days after the annexation election the intermediate school board of the annexed intermediate school district shall account to the intermediate school board of the annexing intermediate school district for the funds and property in its hands and shall turn over the same to that board. Property and money belonging to the annexed intermediate school district shall become the property of the annexing intermediate school district. The outstanding indebtedness of the annexed intermediate school district shall become the liability of the annexing intermediate school district. Upon receipt of the funds and property, the members of the annexed intermediate school board shall be released from liability therefor and their offices terminated.

(3) The annexation is effective on the latest date on which the election was held in a constituent district of the annexed intermediate school district. The secretary of the intermediate school board of the annexing intermediate school district shall give written notice of the annexation to the state board within 15 days after the annexation election. Within 30 days after annexation, the board of the annexing intermediate school district shall appoint 2 school electors of the annexed intermediate school district to membership on the intermediate school board of the reorganized intermediate school district, who shall serve until July 1 after the next biennial election. Notification of the appointments shall be filed with the state board. If the appointments are not made within the 30 days, the state board shall make the appointments. At the next biennial election, members of the intermediate school board shall be elected in the number and for the terms required in section 701. The terms of the members of the intermediate school board whose terms have not expired shall determine the terms of the additional members to be elected.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.702.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.702.amended Annexation of intermediate school district; resolution; election; adoption of special education program and annual tax rate; ballot; approval of proposed annexation; filing result of election; funds and property; release from liability; effective date of annexation; notices; appointment and terms of board members.

Sec. 702. (1) An intermediate school district may be annexed to another intermediate school district if the intermediate school board of the annexing intermediate school district approves the annexation by resolution, and a majority of the school electors of the intermediate school district to be annexed voting on the question at a regular or special school election in the intermediate school district approve the annexation. If prior to annexation the annexing intermediate school district adopts a special education program by referendum as provided in part 30, the intermediate school electors of the intermediate school district to be annexed must vote to adopt that special education program and annual tax rate. The vote on the question shall be by ballot furnished by the school district filing official for the intermediate school district to be annexed. Before the election is held, the annexing intermediate school board shall obtain the approval of the superintendent of public instruction of the proposed annexation.

(2) Within 10 days after the election, the school district filing official shall file the result with the secretary of the intermediate school board, and 5 days later the intermediate school board secretary shall file the election result with the secretary of the intermediate school board of the annexing intermediate school district. Within 15 days after the annexation election the intermediate school board of the annexed intermediate school district shall account to the intermediate school board of the annexing intermediate school district for the money and property in its hands and shall turn over the money and property to that intermediate school board. Property and money belonging to the annexed intermediate school district becomes the property of the annexing intermediate school district. The

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outstanding indebtedness of the annexed intermediate school district becomes the liability of the annexing intermediate school district. Upon receipt of the money and property, the members of the annexed intermediate school board shall be released from liability for the money and property and their offices terminated.

(3) The annexation is effective on the latest date on which the election was held in a constituent district of the annexed intermediate school district. The secretary of the intermediate school board of the annexing intermediate school district shall give written notice of the annexation to the superintendent of public instruction within 15 days after the annexation election. Within 30 days after annexation, the board of the annexing intermediate school district shall appoint 2 school electors of the annexed intermediate school district to membership on the intermediate school board of the reorganized intermediate school district, who shall serve until January 1 or, if the intermediate school district's regular school election is held in May, until July 1 after the next intermediate school district election. Notification of the appointments shall be filed with the superintendent of public instruction. If the appointments are not made within the 30 days, the superintendent of public instruction shall make the appointments. At the next intermediate school district election, members of the intermediate school board shall be elected in the number and for the terms required in section 701. The terms of the members of the intermediate school board whose terms have not expired shall determine the terms of the additional members to be elected.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.703 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.703.amended ********

380.703 Plan for disorganization of intermediate school district; request; resolution; notice of meeting; approval of state board; finality; effective date of disorganization; joint meetings of boards; distribution of assets; taxes; appointment of intermediate school board members; term; notification.

Sec. 703. (1) An intermediate school district comprised of less than 5 constituent districts and having no bonded indebtedness may be disorganized and its constituent districts attached to contiguous intermediate school districts under this section.

(2) The board of each constituent district may request the intermediate school board to prescribe a plan for disorganization of the intermediate school district. Each request shall designate another intermediate school district to which the constituent district desires to be attached. The intermediate school board shall prescribe, by resolution, a plan under which each of the constituent districts will be attached in whole to contiguous intermediate school districts designated in the requests. If the designated intermediate school district is not contiguous, the intermediate school board's plan may prescribe attachment to a contiguous intermediate school district.

(3) The intermediate superintendent of the intermediate school district which is to be disorganized shall give 30 days' notice of the time and place of the meeting of the intermediate school board and of the proposed plan for disorganization by publication of the notice in a newspaper of general circulation in the intermediate school district. The intermediate school board shall present the adopted plan for dissolution to the board of each of its constituent districts and to the intermediate school board of each intermediate school district whose boundaries would be enlarged by the proposal.

(4) The intermediate superintendent of each intermediate school district whose boundaries would be enlarged by the dissolution shall give 30 days' notice of the time and place of the meeting of the intermediate school board and of the recommended plan for enlargement of the intermediate school district by publication of the notice in a newspaper of general circulation in the intermediate school district.

(5) If the intermediate school board of each affected intermediate school district approves the plan for disorganization, the intermediate school board of the intermediate school district to be dissolved shall refer the matter to the state board for approval. The action of the state board declaring the intermediate school district dissolved shall be final. Disorganization of the intermediate school district and attachment of its constituent districts to contiguous intermediate school districts shall be effective on July 1 after the date of the approval of the state board.

(6) The intermediate school boards of the intermediate school districts to which territory is attached by dissolution shall meet jointly, sitting as a single board, and make an equitable distribution of the money, property, and other assets belonging to the disorganized district among the intermediate school districts affected. The territory

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of constituent districts transferred to other intermediate school districts by dissolution shall be subject to all taxes levied for purposes of the intermediate school district to which transferred, including taxes for the retirement of bonded indebtedness, special education programs, and area vocational-technical education programs.

(7) Within 30 days after a district attaches to a contiguous intermediate school district under this section, the board of the intermediate school district whose boundaries have been enlarged by the dissolution may appoint 2 school electors of constituent districts, 1 of whom shall be an elector of the attached district, to membership on the intermediate school board. Intermediate school board members appointed pursuant to this subsection shall serve until July 1 after the next biennial election. The intermediate school board may determine 1 initial term of less than 6 years for 1 of the additional members to be elected at the biennial election. Notification of an appointment shall be filed with the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1981, Act 87, Imd. Eff. July 2, 1981.

Popular name: Act 451

******** 380.703.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.703.amended Plan for disorganization of intermediate school district; request; resolution; notice of meeting; approval of state board; finality; effective date of disorganization; joint meetings of boards; distribution of assets; taxes; appointment of intermediate school board members; term; notification.

Sec. 703. (1) An intermediate school district comprised of less than 5 constituent districts and having no bonded indebtedness may be disorganized and its constituent districts attached to contiguous intermediate school districts under this section.

(2) The board of each constituent district may request the intermediate school board to prescribe a plan for disorganization of the intermediate school district. Each request shall designate another intermediate school district to which the constituent district desires to be attached. The intermediate school board shall prescribe, by resolution, a plan under which each of the constituent districts will be attached in whole to contiguous intermediate school districts designated in the requests. If the designated intermediate school district is not contiguous, the intermediate school board's plan may prescribe attachment to a contiguous intermediate school district.

(3) The intermediate superintendent of the intermediate school district that is to be disorganized shall give 30 days' notice of the time and place of the meeting of the intermediate school board and of the proposed plan for disorganization by publication of the notice in a newspaper of general circulation in the intermediate school district. The intermediate school board shall present the adopted plan for dissolution to the board of each of its constituent districts and to the intermediate school board of each intermediate school district whose boundaries would be enlarged by the proposal.

(4) The intermediate superintendent of each intermediate school district whose boundaries would be enlarged by the dissolution shall give 30 days' notice of the time and place of the meeting of the intermediate school board and of the recommended plan for enlargement of the intermediate school district by publication of the notice in a newspaper of general circulation in the intermediate school district.

(5) If the intermediate school board of each affected intermediate school district approves the plan for disorganization, the intermediate school board of the intermediate school district to be dissolved shall refer the matter to the superintendent of public instruction for approval. The action of the superintendent of public instruction declaring the intermediate school district dissolved is final. Disorganization of the intermediate school district and attachment of its constituent districts to contiguous intermediate school districts takes effect on July 1 after the date of the approval of the superintendent of public instruction.

(6) The intermediate school boards of the intermediate school districts to which territory is attached by dissolution shall meet jointly, sitting as a single board, and make an equitable distribution of the money, property, and other assets belonging to the disorganized intermediate school district among the intermediate school districts affected. The territory of constituent districts transferred to other intermediate school districts by dissolution shall be subject to all taxes levied for purposes of the intermediate school district to which transferred, including taxes for the retirement of bonded indebtedness, special education programs, and area vocational-technical education programs.

(7) Within 30 days after a district attaches to a contiguous intermediate school district under this section, the board of the intermediate school district whose boundaries have been enlarged by the dissolution may appoint 2

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school electors of constituent districts, 1 of whom shall be an elector of the attached district, to membership on the intermediate school board. Intermediate school board members appointed under this subsection serve until January 1 or, if the intermediate school district's regular school election is held in May, until July 1 after the next intermediate school district election. The intermediate school board may determine 1 initial term of less than 6 years for 1 of the additional members to be elected at the intermediate school district election. Notification of an appointment shall be filed with the superintendent of public instruction.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1981, Act 87, Imd. Eff. July 2, 1981;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.705 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.705.amended ********

380.705 Regional enhancement property tax levied by intermediate school district; resolution submitting question to voters; election; calculation and payment of revenue; term and renewal of tax; presentment of tax to electors as separate question.

Sec. 705. (1) Beginning in 1997 and each year after 1997, a regional enhancement property tax may be levied by an intermediate school district at a rate not to exceed 3 mills to enhance other state and local funding for local school district operations if approved by a majority of the intermediate school electors voting on the question.

(2) If a resolution requesting that the question of a regional enhancement property tax be submitted to the voters is adopted within a 180-day period and transmitted to the intermediate school board by 1 or more boards of its constituent school districts representing a majority of the combined membership of the constituent school districts as of the most recent pupil membership count day and if those resolutions all contain an identical specified number of mills to be levied under this section and an identical specified number of years for which the tax shall be levied, the question of levying a regional enhancement property tax by the intermediate school district shall be placed on the ballot by the intermediate school district at the next annual school election held in each of the constituent districts. However, if the question is to be submitted at an annual school election and a constituent district does not hold its annual election on the second Monday in June, the intermediate school board shall call a special election in that constituent district to be held on the same day as the annual school election. If the question is to be submitted to the intermediate school electors of an intermediate school district having a population of more than 1,400,000, the intermediate school board shall call a special election to be held at the next state primary or general election. However, if the resolution requirement is met more than 180 days before the next annual school district elections to be held on the second Monday in June, and if requested in the resolutions, the intermediate school board shall submit the question of levying a regional enhancement property tax within the intermediate school district on the ballot at a special election under section 662 called by the intermediate school board for that purpose not earlier than 90 days or later than 120 days after the resolution requirements are met.

(3) Not later than 10 days after receipt by the intermediate school district of the revenue from the regional enhancement property tax, the intermediate school district shall calculate and pay to each of its constituent school districts an amount of the revenue calculated by dividing the total amount of the revenue by the combined membership of the constituent school districts within the intermediate district, as of the most recent pupil membership count day, and multiplying that quotient by the constituent school district's membership, as of the most recent pupil membership count day for which a final department-audited pupil count is available.

(4) Regional enhancement property tax under this section may be levied for a term not to exceed 20 years, as specified in the ballot question, and may be renewed for the same term with the approval of a majority of the intermediate school electors voting on the question.

(5) The question of levying a regional enhancement property tax under this section shall be presented to the intermediate school electors as a separate question.

History: Add. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 258, Imd. Eff. July 5, 1994.

Popular name: Act 451

******** 380.705.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

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380.705.amended Regional enhancement property tax levied by intermediate school district; resolution submitting question to voters; election; calculation and payment of revenue; term and renewal of tax; presentment of tax to electors as separate question.

Sec. 705. (1) Beginning in 1997, and in each year after 1997, a regional enhancement property tax may be levied by an intermediate school district at a rate not to exceed 3 mills to enhance other state and local funding for local school district operations if approved by a majority of the intermediate school electors voting on the question.

(2) If a resolution requesting that the question of a regional enhancement property tax be submitted to the voters is adopted within a 180-day period and transmitted to the intermediate school board by 1 or more boards of its constituent school districts representing a majority of the combined membership of the constituent school districts as of the most recent pupil membership count day and if those resolutions all contain an identical specified number of mills to be levied under this section and an identical specified number of years for which the tax shall be levied, the question of levying a regional enhancement property tax by the intermediate school district shall be placed on the ballot by the intermediate school district at the next regular school election held in each of the constituent districts. If the question is to be submitted to the intermediate school electors of an intermediate school district having a population of more than 1,400,000, the intermediate school board shall call a special election to be held at the next state primary or general election. If the resolution requirement is met more than 180 days before the next regular school district elections, and if requested in the resolutions, the intermediate school board shall submit the question of levying a regional enhancement property tax within the intermediate school district on the ballot at a special election called by the intermediate school board for that purpose not earlier than 90 days after the resolution requirements are met.

(3) Not later than 10 days after receipt by the intermediate school district of the revenue from the regional enhancement property tax, the intermediate school district shall calculate and pay to each of its constituent school districts an amount of the revenue calculated by dividing the total amount of the revenue by the combined membership of the constituent school districts within the intermediate district, as of the most recent pupil membership count day, and multiplying that quotient by the constituent school district's membership, as of the most recent pupil membership count day for which a final department-audited pupil count is available.

(4) Regional enhancement property tax under this section may be levied for a term not to exceed 20 years, as specified in the ballot question, and may be renewed for the same term with the approval of a majority of the intermediate school electors voting on the question.

(5) The question of levying a regional enhancement property tax under this section shall be presented to the intermediate school electors as a separate question.

History: Add. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.705a, 380.705b Repealed. 1994, Act 258, Imd. Eff. July 5, 1994.

Compiler's note: The repealed sections pertained to levy of enhancement property tax for school district operations.

Popular name: Act 451

PART 7A
SCHOOL DISTRICT COMMERCIAL AND INDUSTRIAL PROPERTY TAX BASE SHARING

380.751—380.756 Repealed. 1993, Act 175, Eff. Oct. 1, 1993;—1993, Act 260, Imd. Eff. Dec. 14, 1993.

Popular name: Act 451

ARTICLE 2

PART 8
RECLASSIFICATION OF SCHOOL DISTRICTS

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380.805—380.812 Repealed. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

PART 9
CONSOLIDATION OF SCHOOL DISTRICTS

380.851 Consolidation of school districts to form single school district.

Sec. 851. Two or more school districts may consolidate to form a single school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.852 Request to initiate consolidation proceedings; referral of question by intermediate superintendent; approval, denial, or other action by state board.

Sec. 852. (1) If the intermediate superintendent is requested in writing by not less than 10 school electors of each of 2 or more school districts to initiate proceedings for consolidation of the districts, the intermediate superintendent shall refer the question of consolidating the districts to the state board for its approval. A resolution of the board requesting this action by the intermediate superintendent shall have the same effect as a written request by the school electors of a district.

(2) The state board may approve or deny the proposal to initiate proceedings to effectuate the proposed consolidation, or the state board may require that 1 or more of the school districts be excluded from the proposed consolidation. The action of the state board in the matter shall be final.

(3) If the school districts proposed to be consolidated are located in more than 1 intermediate school district, the request to initiate consolidation proceedings shall be filed with the intermediate superintendent of the intermediate school district containing the largest portion of the assessed valuation of the proposed consolidated school district. The intermediate superintendent shall refer the question to the state board. Upon approval of the state board the intermediate superintendent shall perform the duties of an intermediate superintendent in connection with the consolidation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.853 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.853.amended ********

380.853 Petitions; preparation; form; contents; signature; circulation; return of petitions to intermediate superintendent; expiration date.

Sec. 853. (1) Within 30 days after the receipt of the approval of the state board to the consolidation, the intermediate superintendent shall have petitions prepared for circulation within the designated school districts. The petitions shall be printed or duplicated.

(2) A petition under this section shall be substantially in the form prescribed for other petitions under this act and is subject to section 14.

(3) Official petitions shall be given by the intermediate superintendent to a school elector of the district proposed to be consolidated. A petition shall be circulated only by a school elector of the district. The statement appearing below the signatures of petitioners shall be dated and signed on each page before filing the petition with the intermediate superintendent.

(4) Official petitions shall be returned to the intermediate superintendent before the expiration date stated on the petition that is the sixtieth day after the receipt by the intermediate superintendent of the last certification by a city or township clerk as to the number of registered general electors residing in each of the affected school districts. The expiration date shall be not later than 180 days after the date of approval by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 1998, Act 406, Eff. Mar. 23, 1999.

Popular name: Act 451

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******** 380.853.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.853.amended Petitions; preparation; form; contents; signature; circulation; return of petitions to school district filing official; expiration date.

Sec. 853. (1) Within 30 days after the receipt of the approval of the state board to the consolidation, the intermediate superintendent shall notify the school district filing official, who shall have petitions prepared for circulation within the designated school districts. The petitions shall be printed or duplicated.

(2) A petition under this section shall be substantially in the form prescribed for other petitions under this act and is subject to section 14.

(3) Upon the request of a school elector of the district proposed to be consolidated, the school district filing official shall provide a petition for consolidation to the school elector. A petition shall be circulated only by a school elector of the district. The statement appearing below the signatures of petitioners shall be dated and signed on each page before filing the petition with the school district filing official.

(4) A school elector circulating a petition under this section shall return the petition to the school district filing official before the expiration date stated on the petition that is the sixtieth day after the school district filing official certifies the number of registered general electors residing in each of the affected school districts. The expiration date shall be not later than 180 days after the date of approval by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 1998, Act 406, Eff. Mar. 23, 1999;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.854 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.854.amended ********

380.854 Certification of number of registered general electors; basis for determining required number of signatures; registration after date of certification; effect of additional registrations; eligibility to sign petition.

Sec. 854. (1) Immediately upon receipt of the approval of the state board to the consolidation, the intermediate superintendent shall request each appropriate city or township clerk to certify the number of registered general electors residing in each of the affected school districts. Each city or township clerk shall make the certification without delay. The number of registered general electors certified shall be the basis for determining the required number of signatures for calling an election on the question of consolidation.

(2) The signature of a person registering after the date of certification by the appropriate city or township clerk is a valid signature if the person is registered at the time of signing the petition. Additional registrations shall not affect the number of registered general electors originally certified to by the respective city or township clerks. Only a registered school elector shall be eligible to sign a petition and to vote on the question of consolidation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993.

Popular name: Act 451

******** 380.854.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.854.amended Certification of number of registered general electors; basis for determining required number of signatures; registration after date of certification; effect of additional registrations; eligibility to sign petition.

Sec. 854. (1) Immediately upon receipt of the approval of the state board to the consolidation, the intermediate superintendent shall request the school district filing official to certify the number of registered general electors residing in each of the affected school districts. The number of registered general electors certified is the basis for determining the required number of signatures for calling an election on the question of consolidation.

(2) The signature of a person registering after the date of certification by the school district filing official is a valid signature if the person is registered at the time of signing the petition. Additional registrations do not affect

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the number of registered general electors originally certified. Only a registered school elector is eligible to sign a petition and to vote on the question of consolidation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.855 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.855.amended ********

380.855 Canvass of petitions; purpose; determining validity of signatures; determining adequacy of number of school electors signing petition.

Sec. 855. The intermediate superintendent shall canvass the petitions to determine the number of school electors who have signed them. For the purpose of determining the validity of doubtful signatures, the intermediate superintendent may cause the signatures to be checked against the registration records by the clerk of a political subdivision in which petitions were circulated or may use other methods the intermediate superintendent deems proper. In the absence of fraud on the part of the intermediate superintendent in the determination of the validity of the signatures to a petition or error in the determination of the number of qualified signatures, determination of the adequacy of the number of school electors signing each petition shall be final.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.855.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.855.amended Canvass of petitions; purpose; determining validity of signatures.

Sec. 855. The school district filing official shall canvass the petitions to determine the number of school electors who have signed them. For the purpose of determining the validity of doubtful signatures, the school district filing official may have the signatures checked against the registration records by the clerk of a political subdivision in which petitions were circulated or may use other methods to determine the validity of doubtful signatures.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.856 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.856.amended ********

380.856 Submitting question of consolidation to school electors at special election; approval of special election date; petitions not required in certain school districts; certification of number of registered general electors.

Sec. 856. (1) If the intermediate superintendent of schools is presented with petitions signed by school electors in each district to the number of not less than 50% of the number of registered general electors residing in each primary school district as of the date the intermediate superintendent releases petitions, and by school electors of not less than 5% of the number of registered general electors residing in other school districts, the intermediate superintendent shall cause the question of consolidation to be submitted to the vote of the school electors of the school districts at a special election called to be held within 90 days after the receipt of the petitions.

(2) The special election shall be held on a date approved by the county election scheduling committee under section 639 of Act No. 116 of the Public Acts of 1954, as amended, being section 168.639 of the Michigan Compiled Laws.

(3) Petitions shall not be required in a school district operating 12 grades if a resolution adopted by the board of the district requesting consolidation of school districts has been filed with the intermediate superintendent.

(4) Each city and township clerk shall certify to the intermediate superintendent the number of registered general electors residing in a school district upon request of the intermediate superintendent.

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History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.856.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.856.amended Submitting question of consolidation to school electors at next regular school election or special election; petitions not required in certain school districts.

Sec. 856. (1) If the school district filing official is presented with petitions signed by school electors in each school district in a number at least equal to 5% of the number of school electors residing in each school district, the school district filing official shall submit the question of consolidation to be submitted to the vote of the school electors of the school districts at the next regular school election or a special election.

(2) Petitions are not required in a school district operating 12 grades if a resolution adopted by the board of the school district requesting consolidation of school districts has been filed with the intermediate superintendent.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.857 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.857.amended ********

380.857 Submitting question of establishing consolidated school district to school electors at special election; voting as unit; conduct of election; day and hours of elections; voting.

Sec. 857. (1) The question of establishing a consolidated school district shall be submitted to the school electors at a special election held for that purpose. In voting to form the consolidated school district, a school district operating 12 grades shall vote separately as a unit. The remaining school districts to be included in the consolidation shall vote together as a unit.

(2) The local board shall conduct the election in each school district operating 12 grades. The intermediate school board, the intermediate superintendent of which called the election, shall conduct the election for the other school districts voting together as a unit.

(3) The elections shall be held on the same day and during the same hours. Each school district shall vote as provided in part 12.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993.

Popular name: Act 451

******** 380.857.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.857.amended Submitting question of establishing consolidated school district to school electors at regular school election or special election; voting as unit; day and hours of elections.

Sec. 857. (1) The question of establishing a consolidated school district shall be submitted to the school electors at a regular school election or at a special election held for that purpose. In voting to form the consolidated school district, a school district operating 12 grades shall vote separately as a unit. The remaining school districts to be included in the consolidation shall vote together as a unit.

(2) The elections shall be held on the same day and during the same hours.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.858 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.858.amended ********

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380.858 Election notices.

Sec. 858. (1) The intermediate superintendent shall give notice of the last day of registration and notice of the date, place, the propositions to be submitted, and the hours the polls will be open for the special election to the school electors of the districts operating less than 12 grades in the manner and at the times prescribed by sections 1002 and 1058.

(2) The intermediate superintendent shall give written notice to the secretary of the board of each affected school district operating 12 grades of the day and hours for holding the special election. Each secretary shall give the statutory notice of the day, place or places, and the hours for holding the election and of the last day of registration. The intermediate superintendent shall notify the secretary of the board of each school district of the date of the consolidation election at least 60 days before the election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993.

Popular name: Act 451

******** 380.858.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.858.amended Election notices.

Sec. 858. The school district filing official shall give written notice to the secretary of the board of each affected school district of the date of the consolidation election at least 60 days before the election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.859 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.859.amended ********

380.859 Form of proposition; voting devices and election supplies; board of election inspectors; oath; affirmative vote of majority required; effective date of consolidation; compensation, expenses, and costs.

Sec. 859. (1) The proposition shall be in substantially the following form:

"Shall the territory of the following school districts be united to form 1 school district?

(Names of school districts to be consolidated to be listed here)

Yes ( )

No ( )"

(2) Printed ballots, voting machines, or other voting devices shall be used. The intermediate superintendent shall supply printed ballots, poll books, and other necessary election supplies to each board of election inspectors of the election unit of the school districts operating less than 12 grades.

(3) The secretary of the board of each school district operating 12 grades shall provide printed ballots for the election and supply all election materials necessary for the election. The board of each school district operating 12 grades shall appoint the necessary members to the board of election inspectors as determined under section 1059.

(4) The members of the intermediate school board shall act as the board of election inspectors for the election held in school districts operating less than 12 grades. The intermediate board may appoint additional persons to a board of election inspectors. If more than 1 place for holding the election is designated by the intermediate superintendent, the members of the intermediate school board shall be apportioned by the intermediate superintendent to the boards of election inspectors. If a member of the intermediate school board or other person appointed to a board of election inspectors is unable to be present at the election or is required to leave during the hours the polls are open, the remaining members of the board of election inspectors may appoint another person to fill the vacancy.

(5) Each member of a board of election inspectors shall take the constitutional oath of office before entering on the duties of an election inspector.

(6) The affirmative vote of a majority of the school electors voting on the question in each of the election units is necessary to effect the consolidation of the school districts. The consolidation is effective as of the date of the official canvass.

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(7) The members of the intermediate school board and other election inspectors acting in the election unit of a school district operating less than 12 grades shall receive the same compensation for conducting the election as is authorized for election inspectors in a general election under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. If the consolidation becomes effective, expenses incurred for the election in each election unit shall be certified to the board of the consolidated school district. The school board shall pay election costs from the funds of the consolidated school district. If the proposition to consolidate is not approved, the intermediate school board shall determine the expenses of the election held in the election unit operating less than 12 grades and apportion the expenses equally among the school districts of the election unit. Each school board of the election unit shall pay the apportionment to the intermediate school board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 509, Imd. Eff. July 23, 2002.

Popular name: Act 451

******** 380.859.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.859.amended Form of ballot question; affirmative vote of majority required; effective date of consolidation; reimbursements; expenses.

Sec. 859. (1) The ballot question shall be in substantially the following form:

"Shall the territory of the following school districts be united to form 1 school district?

(Names of school districts to be consolidated listed here)

Yes ( )

No ( )".

(2) The affirmative vote of a majority of the school electors voting on the question in each of the election units is necessary to effect the consolidation of the school districts. The consolidation is effective as of the date of the official canvass.

(3) If the consolidation becomes effective, expenses incurred for the election in each election unit shall be certified to the board of the consolidated school district. The school board of the consolidated school district shall pay election reimbursements from the funds of the consolidated school district. If the proposition to consolidate is not approved, the intermediate school board shall determine the expenses of the election held in the election unit operating less than 12 grades and apportion the required reimbursements equally among the school districts of the election unit. Each school board of the election unit shall pay the apportionment to the local unit of government that conducted the election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 509, Imd. Eff. July 23, 2002;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.860 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.860.amended ********

380.860 Submitting questions of assuming bonded indebtedness or increasing constitutional limitation on taxes; form; payment of bonded indebtedness; applicability of § 380.864.

Sec. 860. (1) If the petitions filed with an intermediate superintendent under section 853 request submission of the question of assuming the bonded indebtedness of 1 or more of the school districts proposing consolidation, or the question of increasing the constitutional limitation on taxes of the consolidated school district for operating purposes to the school electors at the consolidation election, the intermediate superintendent shall include the question or questions in the notice of the election propositions filed with each of the election units under section 857.

(2) A request for including assumption by the consolidated school district of the bonded indebtedness of 1 or more of the districts proposing consolidation shall be stated on the petition after the names of the school districts to be consolidated in substantially the following form:

"We petition that the question of assumption and payment by the proposed consolidated school

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district of the bonded indebtedness of

_____

(name of school district or districts)

be submitted to the electors at the same election in which the proposed consolidation is

submitted", and if applicable,

"We petition that the question of increasing the constitutional limitation on taxes which may be assessed against all property in the proposed consolidated school district by _____ mills for a period of _____ years, 19___ to 19___, inclusive, for operating purposes, be submitted to the electors at the same election with the question of consolidating the above listed districts".

(3) If the school electors approve the consolidation of school districts and the assumption of the bonded indebtedness of an original district, the consolidated school district shall assume the obligation of the bonded indebtedness. The consolidated school district shall pay the bonded indebtedness by spreading debt retirement taxes uniformly over the territory of the consolidated district. Section 864 shall apply to the debt retirement tax levies, the continuing obligations of the original school districts, and the rights and remedies of a bondholder.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.860.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.860.amended Submitting questions of assuming bonded indebtedness or increasing constitutional limitation on taxes; form; payment of bonded indebtedness; applicability of § 380.864.

Sec. 860. (1) If the petitions filed with a school district filing official under section 853 request submission of the question of assuming the bonded indebtedness of 1 or more of the school districts proposing consolidation, or the question of increasing the constitutional limitation on taxes of the consolidated school district for operating purposes to the school electors at the consolidation election, the school district filing official shall include the question or questions in the notice of the election ballot questions filed with each of the election units.

(2) A request for including assumption by the consolidated school district of the bonded indebtedness of 1 or more of the districts proposing consolidation shall be stated on the petition after the names of the school districts to be consolidated in substantially the following form:

"We petition that the question of assumption and payment by the proposed consolidated

school district of the bonded indebtedness of _____

(name of school district or districts)

be submitted to the electors at the same election

in which the proposed consolidation is submitted", and if applicable,

"We petition that the question of increasing the constitutional limitation on taxes which may be assessed against all property in the proposed consolidated school district by _____ mills for a period of _____ years, ___ to ___, inclusive, for operating purposes, be submitted to the electors at the same election with the question of consolidating the above listed districts".

(3) If the school electors approve the consolidation of school districts and the assumption of the bonded indebtedness of an original district, the consolidated school district shall assume the obligation of the bonded indebtedness. The consolidated school district shall pay the bonded indebtedness by spreading debt retirement taxes uniformly over the territory of the consolidated district. Section 864 applies to the debt retirement tax levies, the

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continuing obligations of the original school districts, and the rights and remedies of a bondholder.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

******** 380.861 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.861.amended ********

380.861 Appointment of board; filing acceptance of office and affidavit of eligibility; election and terms of board members; meeting; election of officers.

Sec. 861. (1) Within 10 days after the date of the official canvass of the consolidation election, the intermediate school board of the intermediate school district containing the territory of the consolidated school district shall appoint school electors of the district in the number required by the classification of the school district to act as a board for the district. If a consolidated school district includes territory in more than 1 intermediate school district, the appointment shall be made by the intermediate school board of each intermediate school district acting jointly as a single board. Within 7 days after appointment, each member shall file with the intermediate superintendent an acceptance of the office, accompanied by a written affidavit setting forth the fact of eligibility as provided in section 1102. Except as otherwise provided in subsection (2), each appointed board member shall hold office until June thirtieth next following appointment. A new board shall be elected at the first annual election held after the effective date of consolidation in the manner prescribed in part 3 or part 4 for the election of a first board.

(2) If the effective date of the consolidation is between the thirtieth day prior to the annual election and December 31, the board appointed by the intermediate school board at its first meeting shall call a district election to be held within 45 days after the day of the meeting. At the election, a board of the requisite number of members shall be elected for terms required for the election of a first board in section 111 or section 211. The election shall be in lieu of the first annual election, and the first year of each term of office shall extend until July 1 following the next succeeding annual election. The board shall hold its first meeting and elect officers as provided in section 114 or section 231.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977.

Popular name: Act 451

******** 380.861.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.861.amended Appointment of board; filing acceptance of office and affidavit of eligibility; election and terms of board members.

Sec. 861. Within 10 days after the date of the official canvass of the consolidation election, the intermediate school board of the intermediate school district containing the territory of the consolidated school district shall appoint school electors of the school district in the number required by the classification of the school district to act as a board for the school district. If a consolidated school district includes territory in more than 1 intermediate school district, the appointment shall be made by the intermediate school board of each intermediate school district acting jointly as a single board. Within 7 days after appointment, each member shall file with the intermediate superintendent an acceptance of the office, accompanied by a written affidavit setting forth the fact of eligibility for office. Each appointed board member shall hold office until January 1, or, if the consolidated school district's regular election is in May, until July 1, next following appointment. A new board shall be elected at the first regular school election held after the effective date of consolidation in the manner prescribed by law for the election of a first board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.862 Accounting for records, funds, and property; release from liability; termination of offices.

Sec. 862. Within 20 days after the effective date of a consolidation the board of each of the original school districts shall account to the board of the consolidated school district for all records, funds, and property belonging to the original school district and shall turn over the same to the board of the consolidated school district. Upon

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receipt of records, funds, and property by the board of the consolidated school district, the officers of the original school districts shall be released from liability therefor and their offices terminated.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.862a Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to mergers of joint high school districts into consolidated school districts.
Popular name: Act 451

380.863 Bonded indebtedness or outstanding tax anticipation notes of original school district; territory of original school district as assessing unit; board of trustees; officers; certification and levy of taxes; commingling; uniform spread of taxes.

Sec. 863. (1) If a school district becoming part of a consolidated school district has bonded indebtedness, or has outstanding tax anticipation notes at the time of consolidation, the identity of the district shall not be lost by virtue of the consolidation. Territory of the original school district shall remain as an assessing unit for purposes of bonded indebtedness and tax anticipation notes until the indebtedness is retired or the outstanding bonds are refunded by the consolidated school district. The board of the consolidated school district shall constitute the board of trustees for the original school district having bonded indebtedness or tax anticipation notes. The officers of the consolidated school district shall be the officers for the original school district for this purpose.

(2) The board of the consolidated school district shall certify and order the levy of taxes for the bonded indebtedness and tax anticipation notes in the name of the original school district and shall not commingle the debt retirement funds of the original school district with funds of the consolidated school district. The board of the consolidated school district shall do all things relative to the bonded indebtedness and tax anticipation notes required by law and by the terms under which the issue and sale of the bonds and tax anticipation notes were originally authorized.

(3) Other taxes of any nature for purposes of the consolidated school district shall be spread uniformly over the entire area of the consolidated school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.864 Assumption of bonded indebtedness of consolidated school district; payment; liability; certification and levy of taxes; election.

Sec. 864. (1) Beginning 3 years after the consolidation election, a consolidated school district may assume and pay the obligation of the bonded indebtedness of an original school district which joined the consolidation from the proceeds of a debt retirement tax levy spread uniformly over the territory of the consolidated school district if the school electors of the district approve the assumption of the bonded indebtedness. Assumption of bonded indebtedness of an original school district shall not release the territory of the original school district from the final responsibility of paying the obligation to bondholders.

(2) If the bonded indebtedness of an original school district is assumed, the board of the consolidated school district shall certify and order the levy of taxes for the bonded indebtedness equivalent in terms of money to those required by the terms under which the indebtedness was originally incurred, and shall carry out provisions of the original bond contract. Following the effective date of consolidation a question of assuming bonded indebtedness of an original school district may be presented at an election to issue new bonds of the consolidated school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.871 Expired. 1976, Act 451, Eff. Jan. 1, 1978.

Compiler's note: The expired section pertained to disbandment of consolidated school district.
Popular name: Act 451

PART 10
ANNEXATION

380.901 Annexation of school district; resolution; approval; ballot vote; election; filing certified statement of vote; funds, property, and outstanding indebtedness; liability; effective date of

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annexation; annexation by concurrent proceedings; annexation by separate proceedings.

Sec. 901. (1) A school district shall be annexed to another school district if the board of the annexing school district adopts a resolution approving the annexation and a majority of the school electors of the district to be annexed approve the annexation. The resolution may specify an effective date for the annexation. The vote on the question shall be by ballot. Before the election is held, the board of the annexing school district shall obtain the approval of the state board of the proposed annexation. The election shall be held within 120 days after passage of the resolution by the board of the annexing school district.

(2) Within 10 days after the election the secretary of the board of the school district in which the election was held shall file a certified statement of the vote for annexation with the secretary of the board of the annexing school district.

(3) Within 15 days after the effective date of the annexation, the officers of the board of the annexed school district shall account to the board of the annexing school district for funds and property of the district. Property and money belonging to the annexed school district shall be the property of the annexing school district. Outstanding indebtedness of the annexed school district shall become the liability of the annexing school district. Upon receipt of the funds and property by the board of the annexing school district, the officers of the annexed school district shall be released from liability for the funds and property and their offices terminated.

(4) The annexation is effective on the date of the annexation election or the date specified in the board resolution as the effective date of the annexation, whichever is later, except that if an election is required in the annexing school district under section 904, the annexation is effective on the date of the official canvass in the annexing school district or the date specified in the board resolution as the effective date of the annexation, whichever is later.

(5) Except as provided in this section, the annexation of 2 or more school districts may be by concurrent proceedings. Elections in the annexed school districts may be held on the same or different days.

(6) If the annexing school district and 1 or more of the school districts to be annexed have bonded indebtedness that is to be mutually assumed at the time of annexation under section 907, the annexation of each district having bonded debt shall be by separate proceedings that shall not be concurrent with the proceedings for annexation of another school district.

(7) If a school district to be annexed has bonded debt that is to be assumed by an annexing school district, annexation of the district shall be by separate proceedings that shall not be concurrent with proceedings by which another school district is annexed.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 140, Imd. Eff. July 15, 1992.

Popular name: Act 451

380.902 Notice of annexation.

Sec. 902. Within 15 days after the effective date of an annexation the secretary of the board of the annexing school district shall give written notice of the annexation to the intermediate superintendent of each of the intermediate school districts in which the territory of the combined school district is situated and to the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.902a THIS SECTION IS NOT APPLICABLE AFTER JUNE 30, 1988: See (5) of 380.902a ********

380.902a Merger of teachers for purpose of making layoff and recall determinations; standards and procedures; applicability of subsection (1); altering provisions of subsection (1); applicability of section.

Sec. 902a. (1) Upon the annexation of 1 school district by another, the teachers of the annexed and annexing school districts shall be merged for the purpose of making determinations in the layoff and recall of those teachers. The teachers of the annexed school district shall be merged with the teachers of the annexing school district as if those teachers had been employed in the annexing school district for the length of time equal to their accumulated seniority with the annexed school district at the date of the annexation, according to the applicable standards in the annexed school district for acquired seniority. Layoff and recall determinations shall then be made according to the standards and procedures in effect in the annexing school district. A teacher on layoff in the annexed or the annexing district on the date of the annexation shall not displace any teacher who is actively employed with either school district at the time of the annexation. Teachers on layoff in the annexed and annexing school district at the

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time of the annexation shall be merged with each other in the same manner as those actively employed and shall be considered for assignment for the next available vacancy for which they are certified, if applicable, and qualified. This subsection shall not apply to teachers of annexed and annexing school districts in which the annexation takes place after June 30, 1986.

(2) The provisions of subsection (1) may be altered by a future collective bargaining agreement after the annexation has been complete for 2 years.

(3) This section shall not apply to any school district in which annexation has been complete for 3 years.

(4) This section shall only apply to school districts located in a county with a population of more than 2,000,000.

(5) This section shall not apply after June 30, 1988.

History: Add. 1982, Act 284, Imd. Eff. Oct. 7, 1982;—Am. 1985, Act 11, Imd. Eff. Apr. 24, 1985.

Popular name: Act 451

380.903 Bonded indebtedness of annexed school district at time of annexation; territory of annexed district as separate assessing unit; board of trustees; officers.

Sec. 903. (1) If a school district which is annexed to another school district has bonded indebtedness at the time of annexation, the identity of the district shall not be lost by virtue of annexation. Its territory shall remain as a separate assessing unit for purposes of bonded indebtedness until the indebtedness has been retired or the outstanding bonds refunded by the annexing school district. The board of the annexing school district shall constitute the board of trustees for the annexed school district having bonded indebtedness. The officers of the annexing school district are the officers for the annexed district.

(2) The board of the annexing school district shall certify and order the levy of taxes for bonded indebtedness in the name of the annexed school district, shall not commingle the debt retirement funds of the annexed school district with those of the annexing school district, and shall do all things relative to the indebtedness required by law and by the terms under which the issuance and sale of the bonds were originally authorized.

(3) Other taxes of any nature levied for purposes of the combined school district shall be spread uniformly over the entire area of the combined school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.904 Assumption of bonded indebtedness; resolution; approval; payment; final responsibility; uniform tax spread.

Sec. 904. (1) If a school district which has bonded indebtedness proposes to annex to a school district which has no outstanding bonded indebtedness, the resolution of the board of the annexing school district prescribed by section 901 may provide that the annexation shall not become effective unless the school electors of the annexing school district approve the assumption of the indebtedness.

(2) If the assumption of bonded indebtedness is approved by the school electors, the annexing school district shall assume the obligation of the bonded indebtedness of the annexed school district and pay the same by levying debt retirement taxes uniformly over the territory of the combined school district. The assumption of bonded indebtedness of an annexed school district shall not release the territory of the annexed school district from the final responsibility of paying the bonded debt.

(3) If an annexing school district has bonded indebtedness at the time of the annexation of another school district, the territory of the annexing school district shall remain as a separate assessing unit for purposes of the bonded indebtedness until the indebtedness is retired or the outstanding bonds are refunded by the combined school district.

(4) Other taxes of any nature for purposes of the combined school district shall be spread uniformly over the entire area of the district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.905 Assumption of bonded indebtedness; resolution; approval; uniform levy of debt retirement taxes; final responsibility.

Sec. 905. (1) If a school district which has bonded indebtedness proposes to annex a school district which has no bonded indebtedness, the resolution of the board of the annexing school district prescribed by section 901 may provide that the annexation shall become effective only if the school electors of the district to be annexed approve the assumption of the bonded indebtedness at the same election at which the school electors of the district to be annexed approve the annexation.

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(2) If the assumption of bonded indebtedness and annexation are approved by the school electors, the annexing school district shall levy debt retirement taxes uniformly over the territory of the combined school district. The assumption of the bonded indebtedness by the district shall not release the original territory from the final responsibility of paying the bonded obligation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.906 Bonded indebtedness of both annexing and annexed school districts; identity of annexed school district; territory as separate assessing unit; board of trustees; officers; certification and levy of taxes; commingling; uniform spread of taxes.

Sec. 906. (1) If a school district which has bonded indebtedness is annexed to another school district which has bonded indebtedness, the identity of the annexed school district shall not be lost by virtue of the annexation. The territory of each district shall remain as a separate assessing unit for the purposes of bonded indebtedness until the indebtedness of each is refunded or retired. The board of the annexing school district is the board of trustees for the annexed school district having bonded indebtedness. The officers of the annexing school district are the officers for the annexed school district.

(2) The board of the annexing school district shall certify and order the levy of taxes for the bonded indebtedness in the name of the annexed school district and shall not commingle the debt retirement funds of the annexed school district with those of the annexing school district and shall do all things relative to the bonded indebtedness required by law and by the terms under which the issuance and sale of the bonds were originally authorized.

(3) Other taxes of whatever nature levied for the purposes of the combined school district shall be spread uniformly over the entire area of the combined school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.907 Annexation of school districts both having bonded indebtedness; resolution; approval; assumption and payment of bonded indebtedness; final responsibility.

Sec. 907. (1) If a school district which has bonded indebtedness proposes to annex a school district which has bonded indebtedness, the resolution of the annexing board prescribed by section 901 may provide that the annexation shall become effective only if the school electors of the annexing school district approve the assumption of the bonded indebtedness of the school district to be annexed and the school electors of the school district to be annexed at the same election approve the assumption of the bonded indebtedness of the annexing school district and approve the annexation.

(2) If the annexation is effective, the combined school district shall assume the obligation of the bonded indebtedness of both the annexing and annexed school districts and shall pay the same by levying debt retirement tax levies uniformly over the territory of the district. The assumption of the bonded indebtedness by the annexing school district shall not operate to release the territory of the annexing school district or of the annexed school district from the final responsibility of paying the bonded obligation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.908 Annexation of school districts both having bonded indebtedness; resolution; approval.

Sec. 908. If a school district which has bonded indebtedness proposes to annex a school district which has bonded indebtedness, the resolution of the annexing board prescribed by section 901 may provide that the annexation shall become effective only if the school electors of the district to be annexed approve both the assumption of the bonded indebtedness of the annexing school district and annexation at the same election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.911 Assumption and payment of bonded indebtedness by combined school district; final responsibility; election to issue new bonds; refunding bonds; vote by school electors.

Sec. 911. (1) Beginning 3 years after the effective date of an annexation in which 1 or more of the school districts forming the combined school district have outstanding bonded indebtedness, the combined school district may assume the obligation of the bonded indebtedness and pay the same by levying debt retirement tax levies uniformly over the territory of the combined school district if the school electors of the combined school district

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approve the assumption of the bonded indebtedness. The assumption of the indebtedness shall not release the territory of the district originally incurring the bonded indebtedness from the final responsibility of paying the bonded obligation.

(2) After the effective date of annexation, the election may be held when a proposal to issue new bonds of the combined school district is submitted to the school electors. The assumption of indebtedness, if approved, shall become effective immediately.

(3) At an election to issue new bonds of the combined school district, outstanding bond issues of 1 or more of the original school districts may be refunded as a part of the new bond issue. It shall not be necessary to present the question of assumption of the indebtedness as a separate proposition.

(4) If a school district is attached to another school district under section 921, the vote by the school electors of the combined school district may be held at any time after the effective date of annexation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.912 Annexation of school district; increase in tax limitation.

Sec. 912. If a school district which has voted to increase the constitutional limitation on taxes for either building and site or general fund purposes and the term of years for which the millage was voted has not expired proposes to annex a school district, the resolution of the annexing board prescribed by section 901 may provide that the annexation shall become effective only if the school electors of the district to be annexed approve an increase in the constitutional limitation on taxes for the same amounts, for the same purposes, and for the same years as are in effect in the annexing school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.921 Constituent districts not operating schools; list; compliance; duties.

Sec. 921. Annually on June 1 each intermediate superintendent shall compile a list of constituent districts which did not operate school within the district during the preceding 2 or more years. Not later than June 10 the intermediate superintendent shall direct in writing the board of each constituent district to comply with this section and section 922. Before the expiration of 1 year following this official notification the constituent district shall either:

(a) Attach itself either totally or in part to 1 or more operating school districts.

(b) Reopen and operate its own school.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.922 Noncompliance with § 380.921; total or partial annexation or attachment; procedures; appeal; hearing; order; taxes; forfeiture of financial benefits.

Sec. 922. (1) If a constituent district fails to comply with either of the requirements of section 921, the intermediate school board, upon the approval of the state board, shall annex or attach the district either totally or in part to 1 or more operating school districts pursuant to the following procedures:

(a) Not later than 30 days after the expiration of the 1-year period described in section 921, the intermediate school board shall hold a hearing to determine facts and shall make recommendations regarding the attachment of the constituent district, or parts of the constituent district, to 1 or more operating school districts. At least 5 days before the hearing, notice of the hearing shall be given to the secretary of the board of each school district whose boundaries are affected by the proposed attachment of territory of the closed school district.

(b) Not later than 30 days after the hearing described in subdivision (a), the intermediate school board shall issue a written order regarding the attachment of the closed school district either totally or in part to 1 or more operating school districts. The order shall indicate the date on which the annexation or property attachment is to take place. The intermediate school board shall transmit a copy of the order to the secretary of the board of each school district whose boundaries are changed by the order. The order has full effect in law on all affected school districts unless an appeal is taken under this section.

(c) Not later than 20 days after receipt of the order described in subdivision (b), a school district affected by the order shall comply with the order made by the intermediate school district or appeal to the state board for a review of the order.

(2) Not later than 90 days after the receipt of an appeal from 1 or more of the affected school districts, the state

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board shall confirm the order made under subsection (1) or hold a hearing on the basis of the appeal. Not later than 60 days after the hearing, the state board shall ratify or amend the order of the intermediate school board. An order issued by the state board under this subsection shall have full effect in law.

(3) As of the date of attachment, territory attached to an operating school district is a part of that district for all purposes, including the levy of all taxes, except taxes levied for the retirement of outstanding bonded indebtedness. For territory attached to an operating school district after January 1, 1990, the territory is subject to the levy of taxes levied for the retirement of outstanding bonded indebtedness and all other taxes levied by the operating school district.

(4) In addition to any applicable penalty under article 4, a school district that fails to comply with an order of the intermediate school board or the state board under this section shall forfeit all financial benefits to which the district might be entitled under legislative appropriations for school aid purposes.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1990, Act 113, Imd. Eff. June 21, 1990.

Popular name: Act 451

******** 380.931 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.931.amended ********

380.931 Division of district; resolution; petition; election; certifying number of registered school electors; effective date of division; description of division.

Sec. 931. (1) An intermediate school board may divide a constituent district which has no bonded indebtedness and attach the parts thereof to 2 or more operating school districts if requested to do so by resolution of the board of the school district to be divided, or if petitioned by not less than 5% of the registered school electors residing in the district on the date the petition is received, and if the school electors of the district, voting on the question at an annual or special election, approve the division.

(2) The city or township clerk shall certify to the intermediate superintendent the number of registered school electors residing in a school district when requested by the intermediate superintendent.

(3) The resolution of the board of the school district to be divided or the petition of the registered school electors residing in the district may specify the effective date of the division of the school district, which date shall not be later than the end of the fiscal year in which the election takes place.

(4) The resolution of the intermediate school board to which the school district to be divided is constituent shall clearly describe the division. The description of the division shall be based on the resolution of the board of the school district to be divided or on the petition of the school electors.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.931.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.931.amended Division of district; resolution; petition; election; certifying number of registered school electors; effective date of division; description of division.

Sec. 931. (1) An intermediate school board may divide a constituent district that has no bonded indebtedness and attach the parts thereof to 2 or more operating school districts if requested to do so by resolution of the board of the school district to be divided, or if petitioned by not less than 5% of the registered school electors residing in the district on the date the petition is received, and if the school electors of the school district, voting on the question at a regular or special school election, approve the division.

(2) The school district filing official shall certify the number of registered school electors residing in a school district as needed for voting on the ballot question.

(3) The resolution of the board of the school district to be divided or the petition of the registered school electors residing in the district may specify the effective date of the division of the school district, which date shall not be later than the end of the fiscal year in which the election takes place.

(4) The resolution of the intermediate school board to which the school district to be divided is constituent shall clearly describe the division. The description of the division shall be based on the resolution of the board of the

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school district to be divided or on the petition of the school electors.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

******** 380.932 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.932.amended ********

380.932 Division of district; election; submission of question; ballot; approval; ratification; territory; taxes; certified statement of vote; declaration of division; attachment to operating district; distribution of money and property; effective date.

Sec. 932. (1) The secretary of the board of the school district to be divided shall call an election at which the question of the division of the school district shall be submitted to the school electors. Vote on the proposition shall be by ballot in the form determined by the intermediate school board and shall clearly describe the division. Before an election is held, the state board shall approve the proposed division and the attachment of the parts to existing operating school districts. The election in the school district to be divided shall be held not later than 60 days following the date of approval by the state board.

(2) The affirmative vote of a majority of the school electors voting on the question shall be necessary to ratify the action of the intermediate school board.

(3) Territory attached to an existing operating school district shall be a part of that district for all purposes, including the levy of all taxes which the district to which the territory is attached has the authority to levy.

(4) Within 5 days after the election the secretary of the board of the school district in which the election is held shall file a certified statement of the vote for division with the intermediate superintendent.

(5) Within 30 days after the filing of the certified statement of the vote approving the division, the intermediate school board, by resolution, shall declare the school district divided, attach the territory thereof to the specified operating school districts, and make an equitable distribution of the money, property, and other material belonging to the district among the districts to which the territory is attached.

(6) If the effective date is determined by the resolution of the board or by the petition of the school electors under section 931, the intermediate school board shall declare the school district divided on that date.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.932.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.932.amended Division of district; election; submission of question; ballot; approval; ratification; territory; taxes; certified statement of vote; declaration of division; attachment to operating district; distribution of money and property; effective date.

Sec. 932. (1) The board of the school district to be divided shall call an election at which the question of the division of the school district shall be submitted to the school electors. Vote on the ballot question shall be by ballot in the form determined by the school district filing official and shall clearly describe the division. Before an election is held, the superintendent of public instruction shall approve the proposed division and the attachment of the parts to existing operating school districts. The election in the school district to be divided shall be held not later than the next available day for a regular school election or special school election following the date of approval by the superintendent of public instruction.

(2) The affirmative vote of a majority of the school electors voting on the question is necessary to ratify the action of the intermediate school board.

(3) Territory attached to an existing operating school district shall be a part of that school district for all purposes, including the levy of all taxes the school district to which the territory is attached is authorized to levy.

(4) Within 5 days after the election, the school district filing official shall file a certified statement of the vote for division with the intermediate superintendent.

(5) Within 30 days after the filing of the certified statement of the vote approving the division, the intermediate school board, by resolution, shall declare the school district divided, attach the territory to the specified operating school districts, and make an equitable distribution of the money, property, and other material belonging to the

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school district among the school districts to which the territory is attached.

(6) If the effective date is determined by the resolution of the board or by the petition of the school electors under section 931, the intermediate school board shall declare the school district divided on that date.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.933 Notice of boundary change; map.

Sec. 933. The intermediate superintendent shall notify the secretaries of the school districts whose boundaries are changed, the affected township supervisors or city assessors, and the state board of the division of the school district. The notification shall contain a map clearly indicating in detail the boundaries of the affected school districts before the alteration in boundaries and the boundaries of the affected school districts as altered by the division of the school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

PART 10A
ANNEXATION AND TRANSFER

380.941 Division of school district by annexation and transfer; resolution; approval; election; ballot; majority required.

Sec. 941. A school district shall be divided by annexation of a part of its area consisting of not less than 50% of its assessed value to another school district and the transfer of the remaining area of the school district to 1 or more school districts contiguous to the dividing school district if the boards of the school district to be divided, the annexing school district, and the school district or districts to which territory will be transferred each adopt a resolution approving the annexation and transfer and, except as provided in this section, a majority of the school electors of the school district to be divided approve the annexation and transfer at a regular or special election to be called by the board of the dividing school district. The vote on the question shall be by ballot. Before the election is held, the boards of the school district to be divided and the annexing school district shall obtain the approval of the state superintendent of public instruction pursuant to section 944. The election shall be held not more than 180 days after the last date of passage of a resolution by the board of either the dividing school district or the annexing school district. Effective January 1, 1986, a school district shall not be divided by annexation and transfer unless a majority of the school electors of each school district which receives 25% or more of the state equalized value of the school district being annexed and transferred approve the annexation and transfer at a regular or special election to be called by the board of the appropriate school district.

History: Add. 1984, Act 154, Imd. Eff. June 25, 1984.

Popular name: Act 451

380.942 Resolution; minimum specifications.

Sec. 942. The resolution adopted by the boards of the school district being divided and the annexing school district pursuant to section 941 shall specify at a minimum all of the following:

(a) The effective date of the division, annexation, and transfer.

(b) The territory that is to be annexed to the annexing school district.

(c) The territory or territories that are to be transferred and the school districts to which they are to be transferred.

(d) A finding that the division, annexation, and transfer are in the best interests of the education of the pupils within the affected school districts.

(e) The manner in which the annexing and dividing school districts propose to assign employees of the dividing school district to bargaining units pursuant to section 948.

History: Add. 1984, Act 154, Imd. Eff. June 25, 1984.

Popular name: Act 451

380.943 Filing resolution; hearing; notice; designation of representative.

Sec. 943. Upon adoption, a copy of the resolutions adopted by the annexing and the dividing school districts pursuant to section 941 promptly shall be filed with the superintendent of public instruction. Upon receipt of the resolutions, the superintendent of public instruction shall schedule and hold or cause to be held a hearing

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concerning the division of the school district by annexation and transfer. The hearing shall be held within 30 days after receipt by the superintendent of public instruction of the resolutions from the boards of the annexing and dividing school districts. The superintendent of public instruction shall give 10 days' notice of the time and place of the hearing and of the proposed division and alterations in school district boundaries to be considered by posting notice in at least 5 public places in each of the school districts whose territory will be affected, by publication at least once before the meeting in a newspaper of general circulation in the territory of the affected school districts, and by mailing a copy of the notice to the secretary of the board of each school district whose territory will be affected. The board of each school district whose territory will be affected by the proposed division and transfer shall designate a representative to attend the hearing.

History: Add. 1984, Act 154, Imd. Eff. June 25, 1984.

Popular name: Act 451

380.944 Written order approving or disapproving division; transmittal.

Sec. 944. If, within 30 days after the hearing, the superintendent of public instruction determines that the division would be in the best interest of the education of the pupils in the school districts affected by the division, including but not limited to consideration of such matters as class size, certified and noncertified staff, physical plants, transportation, curriculum, administration, labor relations, racial makeup, and cost effectiveness, he or she shall issue a written order approving the division of the school district. If the superintendent of public instruction determines that the division would not be in the best interest of the education of the pupils in the school districts affected by the division, he or she shall issue a written order disapproving the division. A copy of the order shall be transmitted to the secretary of the board of education of each school district whose boundaries are to be affected by the division.

History: Add. 1984, Act 154, Imd. Eff. June 25, 1984.

Popular name: Act 451

******** 380.945 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.945.amended ********

380.945 Election; resolution; conduct; canvass; question.

Sec. 945. Upon receipt of an order transmitted pursuant to section 944 and approving the division of the school district, the board of the school district to be annexed, divided, and transferred shall provide by resolution for the election on the question of annexing, dividing, and transferring the school district, which election shall be conducted and canvassed in the dividing district pursuant to parts 12 and 13. The question to be submitted to the electors shall be whether the territory of the dividing school district shall be annexed and transferred in the manner specified in the resolution of the dividing school district.

History: Add. 1984, Act 154, Imd. Eff. June 25, 1984.

Popular name: Act 451

******** 380.945.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.945.amended Election; resolution; conduct; canvass; question.

Sec. 945. Upon receipt of an order transmitted as prescribed by section 944 and approving the division of the school district, the board of the school district to be annexed, divided, and transferred shall provide by resolution for the election on the question of annexing, dividing, and transferring the school district. The election shall be conducted and canvassed in the dividing district as provided in the Michigan election law. The question to be submitted to the electors shall be whether the territory of the dividing school district shall be annexed and transferred in the manner specified in the resolution of the dividing school district.

History: Add. 1984, Act 154, Imd. Eff. June 25, 1984;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.946 Filing certified statement of vote.

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Sec. 946. Within 10 days after the election required by section 945, the secretary of the board of the school district in which the election was held shall file a certified statement of the vote for annexation and transfer with the secretary of the board of the annexing school district and with the secretary of the board of each school district to which some portion of the dividing school district is to be transferred.

History: Add. 1984, Act 154, Imd. Eff. June 25, 1984.

Popular name: Act 451

380.947 Bonded indebtedness; taxation; recertification of taxes by resolution; filing certified copy of resolution; effect of reduction in taxes.

Sec. 947. (1) If the dividing school district has bonded indebtedness at the time of annexation and transfer, the identity of the school district shall not be lost by virtue of annexation or transfer. The territory of the dividing school district shall remain as a separate assessing unit for purposes of bonded indebtedness until the indebtedness has been retired or the outstanding bonds refunded by the annexing school district. The board of the annexing school district shall constitute the board of trustees for the divided school district having bonded indebtedness. The officers of the annexing school district shall be the officers for the divided district for the purpose of bonded indebtedness.

(2) The board of the annexing school district shall certify and order the levy of taxes for bonded indebtedness in the name of the dividing school district, shall not commingle the debt retirement funds of the dividing school district with those of the annexing school district, and shall do all things relating to the indebtedness required by law and by the terms under which the issuance and sale of the bonds originally were authorized.

(3) Other taxes of any nature levied for the purposes of any of the combined school districts formed by annexation or transfer shall be spread uniformly over the entire area of the combined school district levying the tax.

(4) If the electors of the dividing school district approve the annexation and transfer after September 15 but before December 1 of any year, the boards of the newly formed school districts by resolution shall recertify the taxes to be levied on the taxable property within the newly formed district to reflect any resulting reduction or increase in millage caused or authorized by the division, annexation, and transfer. The secretary of the board shall file a certified copy of the resolution with the county clerk and each city and township clerk in which the newly formed district is situated. If a dividing school district, an annexing school district, or a transferee school district has collected a portion of the taxes for the year in which the reduction occurs, the amount of the reduction shall be applied in whole to the second levy for that year in that affected school district.

History: Add. 1984, Act 154, Imd. Eff. June 25, 1984.

Popular name: Act 451

380.948 Assets and liabilities; employment contracts and agreements; applicability of subsection (2); rights and benefits.

Sec. 948. (1) Upon the effective date of the division of the school district, all assets and liabilities of the divided school district, with the exception of its bonded indebtedness, shall become the assets and liabilities of the annexing school district except as provided in subsection (2).

(2) Except as provided in subsection (3), all employment contracts and agreements with authorized bargaining agents in effect at the time of the annexation-transfer election with the annexing school district, the annexed school district, and the school district or districts to which portions of the territory of the dividing school district are to be transferred shall remain in full force and effect for the duration of those contracts for the employees covered by them even after division of the district until representatives of employees, for the purposes of collective bargaining, have been certified by the Michigan employment relations commission and a successor agreement has been ratified by the bargaining agent of each bargaining unit and the boards of education of the annexing school district or the district or districts to which portions of the territory of the dividing school district have been transferred, as the case may be.

(3) In the event of an agreement of the authorized bargaining agents and the board of a district in which employees are to be employed, not less than 60 days prior to the annexation-transfer election, the provisions of subsection (2) shall not apply. All personnel employed under the provisions of this act shall be entitled to all the rights and benefits to which they otherwise would be entitled had they been employed by the newly formed school district originally.

(4) Employees of the dividing school district employed by the annexing school district or any district to which a portion of the territory of the dividing school district has been transferred shall be entitled to all rights provided by Act No. 4 of the Public Acts of the Extra Session of 1937, being sections 38.71 to 38.191 of the Michigan Compiled

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Laws, to which they would have been entitled if they had been employed originally by the annexing school district or any school district to which a portion of the territory of the dividing school has been transferred, as the case may be, including tenure status.

History: Add. 1984, Act 154, Imd. Eff. June 25, 1984.

Popular name: Act 451

380.949 Division effective when school in session; pupils; tuition; closing schools.

Sec. 949. If the division of a school district becomes effective at a time when school is in session, each pupil may complete the school year at the school the pupil was attending before the division occurred without payment of tuition, regardless of the school district to which that school may have been annexed or transferred. The boards of the newly formed school districts may agree to permit nonresident pupils who attended school in the dividing school district to attend school in the newly formed school districts without payment of tuition for the 2 school fiscal years after the effective date of the division. This section shall not prevent the annexing school district from closing any schools included in the annexation the fiscal year immediately following the effective date of the division.

History: Add. 1984, Act 154, Imd. Eff. June 25, 1984.

Popular name: Act 451

PART 11
TRANSFER OF TERRITORY

380.951 Transfer of territory between school districts; resolution or petition; final action; territory being detached to be contiguous; approval of electors; request by board of condominium association.

Sec. 951. (1) An intermediate school board may detach territory from 1 school district and attach the territory to another school district if requested to do so by resolution of the board of a school district whose boundaries would be changed by the action; subject to subsection (2), by resolution of the board of a condominium association acting pursuant to a petition signed by not less than 2/3 of the co-owners of the condominium association who reside on the land to be transferred; or if petitioned by not less than 2/3 of the persons who own and reside on the land to be transferred. The intermediate school board shall take final action within 60 days after the receipt of the resolution or petition. The territory to be detached shall be contiguous to the school district to which it is attached. If the latest assessed valuation of the territory to be detached is more than 10% of the latest assessed valuation of the entire school district from which the territory is to be detached, the action of the intermediate school board shall not be effective unless approved by an affirmative vote of a majority of the school electors of the school district from which the territory is to be detached.

(2) The board of a condominium association may request that an intermediate school board detach territory from 1 school district and attach the territory to another school district as described in subsection (1) only if the board of the condominium association represents the co-owners of a condominium project that is completed and not less than 75% of the units are sold and occupied.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1988, Act 508, Imd. Eff. Dec. 29, 1988;—Am. 1990, Act 147, Imd. Eff. June 27, 1990.

Popular name: Act 451

380.952 Notice of meeting and of proposed alterations in school district boundaries.

Sec. 952. The intermediate superintendent shall give 10 days' notice of the time and place of the meeting of the intermediate school board and of the proposed alterations in school district boundaries to be considered by publication once before the meeting in newspapers of general circulation in the territory of the affected school districts.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 370, Imd. Eff. Dec. 28, 1982.

Popular name: Act 451

380.953 Territory extending into 2 or more school districts; joint meeting of boards; filing resolution or petition; notice of meeting; action on resolution or petition; quorum; election of chairperson and secretary.

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Sec. 953. If the territory of school districts the boundaries of which are affected by the proposed alteration extends into 2 or more intermediate school districts, the intermediate school board of each intermediate school district shall meet jointly and sit as a single board to act upon the request for the transfer of territory. The resolution or petition for the transfer of territory may be filed with the intermediate school board of 1 of the intermediate school districts. The intermediate superintendent shall call the joint meeting of the affected intermediate school boards and give the notice of the intermediate school districts' meeting under section 952. Action on the resolution or petition for transfer of territory shall be taken only at a meeting attended by at least a quorum of each of the intermediate school boards. The intermediate school boards meeting jointly shall elect 1 of their members chairperson and another secretary of the meeting.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.953a Transfer of territory; basis for decision.

Sec. 953a. In making a decision on a proposed transfer of territory under this part, the intermediate school board, or the intermediate school boards meeting jointly, shall consider the welfare of the affected pupil, including, but not limited to, the length of the pupil's commute to and from school, on a school bus or otherwise.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.954 Map; preparation; contents; filing certified copy.

Sec. 954. If the intermediate school board or the joint intermediate school boards approve alterations in the boundaries of school districts, the board or joint boards shall cause a map to be prepared showing in detail the boundaries of the affected school districts before alteration and the boundaries of territory attached or detached. A copy of the map bearing the certification of the intermediate superintendent or the chairperson of the joint boards shall be filed with the secretary of each affected school district and with each affected township supervisor or city assessor.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.955 Effective date of transfer; transfer of personal property; payment for loss of property; accounting; adjournment.

Sec. 955. The intermediate school board or joint intermediate school boards shall determine the effective date of the transfer, which shall not be less than 10 days after the date of the determination, and shall determine whether personal property of a school district is to be transferred. If real property owned by a school district is transferred to another school district, the intermediate school board shall determine an equitable payment for the loss of the property. The intermediate school board or joint intermediate school boards may require an accounting from the affected boards of education and, for the purpose of making the determination, may adjourn subject to the call of the president of the intermediate school board or chairperson of the joint intermediate school boards.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.961 Territory detached from school district having bonded indebtedness; taxes; bond issue; exemptions; collections; payment of present value of pro rata bonded indebtedness; certifications; settlement of bonded indebtedness.

Sec. 961. (1) If territory is detached from a school district which has bonded indebtedness and transferred to another school district, the territory shall remain as part of the district from which detached for the purpose of levying debt retirement taxes for the bonded indebtedness until the bonds are redeemed or sufficient funds are available in the debt retirement fund for that purpose. The transferred territory shall not be part of the school district from which detached for the purpose of a subsequent bond issue, nor shall the detached territory be part of the school district from which detached for tax levies imposed for the purpose of bonded indebtedness created or assumed at a time when the portion of detached territory was not a part of the district or territory approving or assuming the bonded indebtedness. The territory shall be a part of the school district to which transferred for all other purposes.

(2) The territory shall not be subject to debt retirement tax levies for bonded indebtedness of the school district to which transferred existing at the time of transfer until the bonded indebtedness of the school district from which the

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territory was transferred existing at the time of the transfer is retired or sufficient funds are available and earmarked in the debt retirement fund for that purpose. The board of the school district to which the property is attached, by resolution, may exempt the property from the debt tax levies for not more than 3 years. The school officials of the district to which the territory is attached shall certify required debt retirement levies for the bonds of the school district from which the territory was detached, and the territory over which the levies are to be spread, to the proper taxing officials when certifying other taxes to be levied by the school district. The tax collecting officials shall remit the collections with other tax collections to the school district to which the property is attached. The officials of that school district shall immediately transmit the collections to the school district from which the territory was detached.

(3) The school district to which territory is attached may pay to the school district from which the land is detached the present value of the pro rata bonded indebtedness of the detached territory. The intermediate school board shall certify to the department of treasury the fact of the transfer, the description of the territory transferred, the bonded indebtedness of the school district from which the territory is detached, the assessed valuation of the school district from which the territory is detached, the assessed valuation of the detached territory, and other information the department of treasury may require. The department of treasury shall determine the pro rata share of the bonded indebtedness of the detached territory to the board of the school district from which the territory is detached. The department of treasury shall certify the amount determined to the intermediate school board. The intermediate school board shall certify the amounts to the boards of the school districts affected. The school district to which the territory is transferred may pay the sum to the school district from which the territory has been detached. Settlement of the bonded indebtedness shall be made on the state equalized valuation in the year of transfer. The school district receiving the money shall apply it under the terms and tenor of the bond issue.

(4) A transfer made after September 1 in a given year shall be a part of the territory from which detached for the purpose of the succeeding December tax levy in the year of transfer. Upon settlement of the bonded indebtedness by the school district to which the territory has been attached, the territory is subject to the bond debt retirement tax levy for bonded indebtedness of the school district to which attached existing at the time of transfer. For the purpose of making the settlement, the school district to which the territory is attached may use up to 15% of state school aid in 1 year.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1983, Act 118, Imd. Eff. July 18, 1983.

Popular name: Act 451

380.966 Levy of school operational millage; certification.

Sec. 966. If territory is attached to a school district effective before September 1 of a year, school operational millage for that year shall be levied on property in the territory by the attaching school district. If territory is attached to a school district effective on or after September 1 of a year, school operational millage for that year shall be levied on property in the territory by the school district from which the territory is detached. The school officials of the district entitled to levy school operational millage upon the transferred territory shall certify the school operational millage, and the territory over which it is to be spread, to the proper taxing officials when certifying the taxes to be levied by the school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.971 Appeal to state board of education.

Sec. 971. (1) One or more resident owners of land considered for transfer from 1 school district to another, or the board of a school district whose territory is affected, may appeal the action of the intermediate school board or joint intermediate school boards in transferring the land, the failure to transfer the land, or action relative to the accounting determination to the state board within 10 days after the action or determination by the intermediate school board or the joint intermediate school boards. If the intermediate school board or the joint intermediate school boards fail to take action within the time limit under section 951, the appeal may be made to the state board within 10 days following the termination of the period. The pendency of an appeal shall suspend the action or determination of the intermediate school board or joint intermediate school boards.

(2) The state board may confirm, modify, or set aside the order of the intermediate school board or the joint intermediate school boards. In considering an appeal, the state board shall consider the welfare of the affected pupil, including, but not limited to, the length of the pupil's commute to and from school, on a school bus or otherwise. The action of the state board on the appeal is final.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

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Popular name: Act 451

380.976 Change in boundaries; continued attendance of twelfth grade pupils without payment of tuition.

Sec. 976. If the boundaries of a school district are changed pursuant to this part, a pupil in the twelfth grade at the time of the change or entering twelfth grade at the beginning of the school year immediately following the change shall be allowed to continue attending school in the school district which the pupil attended before the change without payment of tuition.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

PART 12
SCHOOL ELECTIONS

******** 380.1001 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1001 Secretary of state and secretary of district as chief election officers; powers generally.

Sec. 1001. (1) The secretary of state shall be the chief election officer of the state for elections held under this act and shall have supervisory control over school election officials in the performance of their duties under this act.

(2) The secretary of a school district, a local act school district, or an intermediate school district shall be the chief election officer of the respective district with authority to delegate election duties to a member of the district's administrative staff.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.1002 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1002 Election notice; publication and posting.

Sec. 1002. Notice of time and place of holding an election shall be given by the secretary of the board by publication at least twice in a newspaper or newspapers published or of general circulation in the district, and if deemed advisable by the secretary of the board, by posting notice in 3 public places in each voting precinct in the district. The first publication and posting shall be made not less than 10 days prior to the election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.1002a THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1002a Notice of change from nonregistration district to district requiring registration.

Sec. 1002a. The secretary of the board of a school district that was a nonregistration school district before the effective date of the amendatory act that added this section shall give notice of the change of the district from a nonregistration district to a district in which all voters must be registered in order to vote in school elections. The notice required by this section is in addition to other notices required by law including, but not limited to, last day of registration and time and place of election notices. The secretary of the board shall publish the notice at least twice in a newspaper or newspapers published or of general circulation in the district and, if considered necessary by the secretary of the board, by posting the notice in 3 public places in each voting precinct in the district. The

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secretary of the board shall publish or post the notice required by this section before the expiration of 60 days after the effective date of this section.

History: Add. 1992, Act 263, Eff. Jan. 1, 1993.

Popular name: Act 451

******** 380.1003 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1003 Challenged voter; oath; questioning; perjury.

Sec. 1003. If a person proposing to vote is challenged as unqualified by a board member or inspector, or by an elector qualified to vote at that election or meeting, the person shall be sworn by 1 of the inspectors of election to answer truthfully all questions asked concerning the person's qualifications as a school elector. A board member of a district which holds district meetings rather than elections or 1 of the inspectors of election of a district which holds district elections may administer the oath to a person whose vote is challenged. A board member, inspector, or school elector at that election or meeting may question the person as to the person's qualifications as an elector. If the answers to these questions show that the person is an elector qualified to vote at that election or meeting, the person shall be entitled to receive a ballot and to vote. If the answers show that the person is not an elector qualified to vote at that election or meeting, the person shall not be entitled to receive a ballot or to vote. A person who gives a false answer concerning a material matter is guilty of perjury.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.1004 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1004 Application for ballot; contents; signature; challenge; approval; application as additional poll list; filing; registration cards.

Sec. 1004. At each school election, a person offering to vote, before being given a ballot, shall identify himself or herself by executing an application showing the applicant's signature and address of residence in the presence of an election inspector. The application shall indicate that the person offering to vote is qualified to vote in the school election. In an election where registration cards are used, the election inspector in charge of the precinct registration file shall compare the signature upon the application with signature upon the registration card. If the signatures do not correspond, the vote of the person shall be challenged under the procedure for the challenging of electors under sections 727 to 750 of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.727 to 168.750 of the Michigan Compiled Laws. A person offering to vote who signs the application by making a mark shall identify himself or herself by additional means. If it is found that the applicant is entitled to vote, an election inspector shall approve the application and initial it, after which the number on the ballot or ballots issued shall be noted on the application. Applications for ballots shall serve as an additional poll list and after the election shall be filed with the secretary of the board. In a precinct using registration cards the date of the election shall be noted by 1 of the election inspectors upon the precinct registration card of each school elector voting at the election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1005 Repealed. 1992, Act 263, Eff. Jan. 1, 1993.

Compiler's note: The repealed section pertained to challenging voters in nonregistration school districts and duties of inspectors of election.

Popular name: Act 451

******** 380.1006 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

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380.1006 Absentee voting; grounds and method; guidelines.

Sec. 1006. In a school election a person may vote by absentee ballot. The grounds for and method of absentee voting shall be, as nearly as possible, pursuant to the provisions of the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The secretary of state shall issue guidelines to implement this section.

History: Add. 1978, Act 234, Imd. Eff. June 15, 1978;—Am. 1992, Act 263, Eff. Jan. 1, 1993.

Popular name: Act 451

******** 380.1007 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1007 Providing physical means for casting ballots.

Sec. 1007. The board of education may provide the physical means for casting ballots by purchase, rental, or cooperative agreements or contracts with municipalities or other political subdivisions of the state.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.1008 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1008 Printing ballots.

Sec. 1008. (1) In printing ballots for the election of school board members, if there are more candidates than there are positions to be elected and the school district encompasses more than 1 precinct, the names of the candidates shall be rotated as set forth in this subsection. In printing the ballots for the precincts, the relative positions of the candidate names printed in each division shall be changed as many times as there are candidates in that division and as reasonably as possible a candidate's name shall not appear at the top of the ballot more times than any other candidate's name in that division. In making position changes, the names shall first be arranged alphabetically according to surnames on each ballot used in 1 precinct. In the next precinct, the printers shall take a line of type at the head of each office division and place it at the bottom of the division and move the column so that the name that was second in the preceding precinct is first after the change. The names shall be changed in that manner in every precinct of the school district.

(2) If absent voter counting boards are used, each ballot form that contains identical offices and names shall be considered a separate precinct for the purposes of this section.

(3) The heading of the ballot shall have printed on it both of the following:

(a) The expiration of the terms involved.

(b) The statement “Vote for not more than _____”.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1990, Act 60, Imd. Eff. Apr. 17, 1990.

Popular name: Act 451

******** 380.1009 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1009 Number of votes required to elect board member; term of office.

Sec. 1009. The person receiving the greatest number of votes for the office of member of the board of a district shall be declared elected. After qualifying, the person shall hold office until a successor is elected and qualified.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

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******** 380.1010 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1010 Canvass of school elections; certificates of determination; number of votes required; tie vote; declaration of election.

Sec. 1010. (1) The board of county canvassers established under section 24a of the Michigan election law, Act No. 116 of the Public Acts of 1954, being section 168.24a of the Michigan Compiled Laws, shall canvass school elections except as provided in section 1011.

(2) The secretary of the board shall make certificates of the determination of an election made either by the board of county canvassers or by the board of school canvassers. The determination shall confirm the persons declared elected. The secretary shall file 1 certificate in the office of the intermediate school superintendent. The secretary shall retain 1 certificate.

(3) The person receiving the greatest number of votes as shown by the statements shall be declared to be elected. If there is no choice by reason of 2 or more candidates receiving an equal number of votes for the office, the candidates, under the supervision of the appropriate canvassing board, shall choose by lot the person who is declared elected to the office.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

******** 380.1011 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1011 Board of school canvassers; establishment; powers and duties; appointment, terms, and qualifications of members; affidavit; notice; public inspection of record; vacancy; selection of members from political parties; meeting; election of chairperson and vice-chairperson; quorum; concurrence in decision; secretary as clerk; failure to certify results of election; delivery of records and information; determinations; certification of results of election; expenses; payment of daily rate.

Sec. 1011. (1) A 4-member board of canvassers is established in each school district in which the greatest number of registered voters of the district reside at the close of registration for the election in a county having a population of 1,500,000 or more. The powers granted to and the duties required by law to be performed by a board of school canvassers shall be performed by the board of school canvassers established in this section. Members of the board shall be appointed for terms of 4 years beginning January 1 next following their appointment.

(2) A member of the board of school canvassers shall be a registered school elector of the school district in which the member serves. A person shall not be appointed to a board of school canvassers unless the person has filed with the secretary an affidavit on a form approved by the state bureau of elections containing the following information: name, home address, political party affiliation, date of birth, employment, and statement of physical disability, if any. The secretary shall notify the county clerk of the name, address, and political affiliation of board of school canvassers members. The county clerk shall maintain the record for public inspection.

(3) The office of a member of a board of school canvassers becomes vacant immediately upon 1 of the following events:

(a) The member or a member of his or her immediate family serves as an election inspector at an election canvassed by the board of school canvassers.

(b) The member or a member of his or her immediate family becomes a candidate for or is appointed to membership on the board of education of the school district in which the board of school canvassers is established.

(4) Selection of the members of the board of school canvassers shall be made from each of the 2 political parties casting the greatest number of votes for secretary of state at the preceding November election in the county or counties in which the school district is located. A political party shall not be represented by more than 2 members on the board at 1 time. The board of education shall appoint from the applications on file the members of the board of school canvassers by December 1 of each odd numbered year. The board of education shall fill a vacancy from applications on file. A person appointed to fill a vacancy shall serve for the balance of the unexpired term. If an insufficient number of applications have been filed to fill the position, the board of education shall make the

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appointments in a manner which maintains the required political balance.

(5) The board of school canvassers shall meet to transact its business and shall elect 1 of its members chairperson and 1 vice-chairperson. Three members shall constitute a quorum, but actions shall not be effective unless 1 member from each political party represented concurs in the decision. The secretary shall be the clerk of the board of school canvassers. If the board of school canvassers fails to certify the results of an election for an office or proposition within 14 days immediately following the election at which the office or proposition was voted on, the board of school canvassers immediately shall deliver to the secretary of the board of county canvassers of that county records and other information pertaining to the election. The board of county canvassers shall meet immediately, make the necessary determinations, and certify the results of the election within 7 days immediately following the receipt of the records.

(6) The members of the board of school canvassers shall receive actual and necessary expenses incurred in the performance of their official duties and in addition may be paid a daily rate if ordered by the board of education.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 12, Imd. Eff. Feb. 25, 1982.

Popular name: Act 451

******** 380.1021 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1021 Petition for recount; filing; notice; provisions governing recount.

Sec. 1021. (1) In a school election, a candidate in the case of an election for office, or a school elector, in the case of a question or proposition, who believes that there has been fraud or error committed by the board of county canvassers or the board of school canvassers in its canvass or return of the votes cast at the election upon a question or proposition voted upon, or upon the election of a person, may petition the board of county canvassers or the board of school canvassers not later than 6 days after certification of the results of the election for a recount of the votes cast on the question, proposition, or election.

(2) Upon filing of a petition for a recount, the board of county canvassers shall give notice of the recount under the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The recount shall be governed by and conducted under applicable provisions of Act No. 116 of the Public Acts of 1954, regarding recounts for county offices.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

******** 380.1022 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1022 Special school election; time.

Sec. 1022. (1) A school district, a local act school district, or an intermediate school district special school election shall not be held within 30 days before or after a regular state general election.

(2) This section does not prevent the holding of a school election on the day of a general state election. This section does not apply to an election held within 30 days before or after a regular state general election pursuant to section 36(2) of Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws.

(3) As used in this section, “general election” means an election required by law to be held in the month of November in even numbered years, excluding a primary election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 81, Imd. Eff. Aug. 2, 1977;—Am. 1978, Act 613, Imd. Eff. Jan. 6, 1979;—Am. 1979, Act 131, Imd. Eff. Oct. 26, 1979.

Compiler's note: Section 2 of Act 613 of 1978 provides: “An election conducted during November, 1978 pursuant to section 36(2) of Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws, is validated and the change made by this amendatory act to section 1022 shall be retroactively applied to validate and permit that election.”

Popular name: Act 451

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***** *380.1023 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005* *****

380.1023 Date of special election or district meeting; approval.

Sec. 1023. The date of a special election or district meeting shall be subject to the approval of the county election scheduling committee under section 639 of Act No. 116 of the Public Acts of 1954, as amended, being section 168.639 of the Michigan Compiled Laws.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

***** *380.1024 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005* *****

380.1024 Local or special act district; day for holding annual meeting or election.

Sec. 1024. If the day set for the annual meeting or election of a local or special act district falls upon a public holiday, the meeting or election shall be held upon the day prescribed by this act for the annual school meeting or election of districts of its class.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

***** *380.1026 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005* *****

380.1026 Questions involving consolidation, annexation, transfer, or bonding; exception; submission to school electors; frequency; petition; certifying number of registered general electors; making information available to board.

Section 1026. (1) The same question or measure involving consolidation of school districts, annexation of entire school districts, annexation or transfer of a portion of 1 school district to another, or bonding of school districts, except bonding for the funding of operating deficits as authorized by section 1356, shall not be submitted to the school electors of a district more often than once in 6 months, unless the board is presented with a petition requesting the board to call another election and signed by a number of school electors of the district equal to not less than 50% of the registered general electors residing in the district as of the date the petition is presented to the board.

(2) Upon request of the intermediate superintendent, a city or township clerk shall certify to the intermediate superintendent the number of registered general electors residing in a school district. The intermediate superintendent shall make the information available to the board of the district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1983, Act 203, Imd. Eff. Nov. 10, 1983.

Compiler's note: "Section 1026." evidently should read "Sec. 1026."

Popular name: Act 451

380.1027 Repealed. 1992, Act 263, Eff. Jan. 1, 1993.

Compiler's note: The repealed section pertained to bonding, annexation, and consolidation in nonregistration school districts.

Popular name: Act 451

***** *380.1031 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005* *****

380.1031 General powers school district; regular election; dates.

Sec. 1031. (1) Each general powers school district shall continue to hold its regular election on the same date the

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election was held before the effective date of this section or shall hold its regular election on 1 of the following dates determined by the board by a resolution adopted at least 6 months before the proposed new election date:

(a) Annually or biennially on the first Monday in April.

(b) Annually or biennially on the second Monday in June.

(c) Annually or biennially at the same time as the November general election.

(2) The school electors shall elect members of the board at the school district's regular election.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

******** 380.1032 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1032 Submission of measure, proposition, or question to electors; special election; conduct by city or township inspectors; payment of expenses; notice; service.

Sec. 1032. (1) The board may submit to the school electors of the school district a measure, proposition, or question that is within the scope of the powers of the electors and that the board considers just and proper for the proper management or conduct of the school system or the advancement of education in the schools of the school district. Upon the adoption of a measure or question by the board, the board shall submit the measure or question to the school electors of the school district at the next ensuing regular school election, at a special election, or if the boundaries of a city or township and the school district are coterminous, at a city or township election.

(2) A special election may be called by the board at times and places in the district the board designates. The board shall call an election on petition of not less than 10% of the school electors of the school district qualified to vote upon the question by giving the prescribed notice. The petition, except as to subject, shall be substantially in the form prescribed in section 1066. A special election may be called on a measure, proposition, or question that may be voted on and decided by the school electors. The questions to be submitted at an election shall be stated briefly in the election notice.

(3) If a portion of or an entire city or township is encompassed within the boundaries of a general powers school district and city or township primary or general elections are held on the same day as an election of the school district, the school election may be conducted by the same inspectors and canvassed, reported, considered, and treated as a part of the city or township primary or general election in all particulars not otherwise specified. The proper officials of the city or township shall prepare and have printed an official ballot on which shall be placed the names in rotation of persons who are candidates for nomination or who have been nominated for membership on the board and the measures, propositions, or questions to be submitted to the school electors of the district at the election.

(4) The expense of special elections called by the board shall be paid to a city or township conducting the election by the board upon presentation of a statement for the expenses. The expenses shall not include charge for use of equipment or services of regular personnel of the city or township, except as may be otherwise agreed between the city or township and the board.

(5) If a measure, proposition, or question is to be submitted to the school electors of the district at an election conducted for a general powers school district by a city or township, the board shall file with the city or township clerk of each city or township whose boundaries are encompassed within the school district a written notice of the adoption by the majority vote of the board of the measure, proposition, or question to be submitted at the election, together with a written draft of the form and purpose of the measure, proposition, or question. The notice shall be under the seal of the board and shall be filed at least 49 days before the election. Upon receipt of the notice, the proper city or township officials shall publish notice of the election in accordance with applicable law.

(6) If the boundaries of a general powers school district are within the boundaries of a single city or township, the city or township clerk, within the time specified for serving notices upon officials elected at a municipal election, shall serve notice of election upon each member of the board elected at the election. In all other general powers districts notice of election shall be served upon each member elected at the election in the manner provided in section 1102.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

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PART 13

SCHOOL ELECTIONS; REGISTRATION SCHOOL DISTRICTS

380.1051 Repealed. 1992, Act 263, Eff. Jan. 1, 1993.

Compiler's note: The repealed section pertained to provisions governing registration districts.

Popular name: Act 451

******** 380.1052 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1052 Receiving votes of certain persons prohibited.

Sec. 1052. The inspectors of election at an annual or special election shall not receive the vote of a person whose name is not registered as an elector in the city or township in which the person resides, or whose name is not in the registration file in the precinct in which the person offers to vote when city or township registration records are used in school elections as provided in section 1053.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993.

Popular name: Act 451

******** 380.1053 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1053 Board situated wholly or partly in city or township; agreement to use registration records; election officials; expenses; conduct of annual and special elections; formation of voting precincts; time of registration; filing nominating petitions.

Sec. 1053. (1) The board of a school district situated wholly or partly in a city or township, by agreement with the governing body of the city or township, may use the registration records of the city or township at an election held by the school district on terms and conditions, including the payment of the necessary expenses of an election, agreed upon by the school board and the governing body of the city or township. If a school district situated wholly or partly in a city or township holds an election at the same time that the city or township holds an election, the election commissioners and other election officials, except for election inspectors, conducting the city or township election may act in their respective capacities for the school election when agreed upon by the board of the school district and the governing body of the city or township for that portion of the school district situated in the city or township. If agreed upon by the board of the school district and the governing body of the city or township, an election inspector conducting the city or township election may serve as an election inspector for the school election. The expense of the election shall be paid proportionately by the school district and the city or township.

(2) The board of a school district situated wholly or partly in a city or township, upon agreement with the governing body of the city or township, may determine that the city or township by its proper officials shall conduct annual and special elections on behalf of the school district in that portion of the school district lying within the boundaries of the city or township on terms and conditions, including the payment of the necessary expenses, agreed upon by the school district and the city or township.

(3) The agreement to use the registration records of the city or township for school elections and for conducting the school elections by the city or township officials shall be continuing and shall be terminated only on 12 months' notice by either party.

(4) The board of a school district shall form the school district into 1 or more voting precincts. If the city or township officials conduct an election for a school district under this section, the voting precincts of the school district shall be the same as those of the city or township for that portion of the school district lying within the boundaries of the city or township.

(5) A person registering after 5 p.m. on the thirtieth day immediately before an annual or special school election or, if that day is a Saturday, Sunday, or legal holiday, after 5 p.m. of the next following day that is not a Saturday, Sunday, or legal holiday, is not eligible to vote in the annual or special school election.

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(6) An agreement under this section for conducting the school elections by the city or township officials may provide that nominating petitions for board members be filed with the city or township clerk not later than the twelfth Tuesday before the date of the election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 1993, Act 9, Imd. Eff. Mar. 26, 1993;—Am. 2002, Act 509, Imd. Eff. July 23, 2002.

Popular name: Act 451

******** 380.1057 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1057 Registration school district where registration records of city or township not used; procedures.

Sec. 1057. In a school district or portion of a school district in which the registration records of a city or township are not used at school elections, all of the following procedures apply:

(a) The secretary of the board shall cause to be prepared and filed with the clerk of each city or township, to keep with the registration books, a map showing the boundary by roads or streets and the name of each school district or part of a school district lying within the boundaries of the city or township.

(b) Before February 1, 1993, if not previously done by the school district, the secretary of the board shall submit a written request to the clerk of each city or township into which the school district extends to furnish the secretary a certified list of the names and residential addresses of the existing registered electors of the city or township who reside within the school district. Upon receiving the request, the city or township clerk shall make, certify, and deliver to the school district secretary a list of the names and addresses of the registered electors of the city or township residing within the school district as shown by the clerk's registration books. The initial list of registered voters may consist of duplicated registration cards containing the same information contained on the face of the original cards, a list contained upon 1 or more sheets, or reproductions of the face of the original cards made pursuant to the records media act, Act No. 116 of the Public Acts of 1992, being sections 24.401 to 24.403 of the Michigan Compiled Laws. Each sheet, card, or reproduction shall bear the official seal or stamp of the certifying clerk. The school district shall pay the cost of preparing lists, unless the clerk furnishes the list without assessing costs. The secretary may convert the original registration list to separate district precinct lists or cards. Each precinct list or card copied from the original shall bear the certification of the secretary or the official clerk of the board that it is a true copy. If the original list is converted to separate registration cards, each person whose name appears on a card shall be requested to sign the card at the next election at which the person offers to vote. A ballot shall not be issued to a person who refuses to sign the card.

(c) The clerk of each city or township, at the time of taking the city or township registration of a person, shall determine in what school district the person resides. The clerk shall prepare an additional registration card for the person and immediately deliver it to the secretary of the board of the school district. The additional card may be sworn to and signed by the person registering, or it may be a carbon copy of the original city or township registration card certified to by the city or township clerk or the clerk's authorized representative. A person registering after 5 p.m. of the thirtieth day next preceding an annual or special school election or after 5 p.m. of the next succeeding day that is not a Saturday, Sunday, or legal holiday in case the thirtieth day is a Saturday, Sunday, or legal holiday is not eligible to vote in the annual or special school election. That person's registration shall not be delivered to the secretary of the school district until after the annual or special school election is held.

(d) Each city or township clerk shall prepare an additional copy of each cancellation of registration and of each transfer of registration and deliver the copy to the secretary of the applicable board, who shall apply the corrections to the registration records of the school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1992, Act 205, Imd. Eff. Oct. 5, 1992;—Am. 1992, Act 263, Eff. Jan. 1, 1993.

Popular name: Act 451

******** 380.1058 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

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380.1058 Notice of last day for registration; publication and posting; notice of election.

Sec. 1058. (1) Notice of last day on which a person may register to be eligible to vote in an annual or special election shall be given by the secretary of the board by publication at least twice in a newspaper published or of general circulation in the school district, and, if deemed advisable by the secretary of the board, by posting notice in 3 public places in each voting precinct in the school district. The first publication and the posting shall be made not less than 10 days prior to the last day for receiving registrations.

(2) Notice of time and place of holding an election shall be given in the manner and at the times prescribed in section 1002.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.1059 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1059 Board of election inspectors; appointment and oath of members; vacancies; canvassing; returns.

Sec. 1059. (1) Except when the school election is conducted by city or township officials under section 1053, the school board shall appoint 3 or more qualified and registered electors for each voting precinct to serve as the board of election inspectors in that precinct. A member of the board of election inspectors shall be a qualified and registered elector of the county in which the school district is located or, if the school district is located in more than 1 county, a qualified and registered elector of any county in which the school district is located. Appointments shall be made at least 10 days before the date of an election. Each member shall take the constitutional oath of office and is entitled to administer oaths to persons in connection with the election. In case of inability or refusal of an election inspector to act, the school board may fill the vacancy. If all members are not present at the time of opening the polls, the members of the board of election inspectors present may fill vacancies. The election inspectors, including the election inspectors of an election conducted by city or township officials, immediately after canvassing the votes shall make their return of the canvas and deliver the same to the secretary of the school board.

(2) School district elections shall be canvassed in the manner prescribed in sections 1009 and 1010.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 2002, Act 509, Imd. Eff. July 23, 2002.

Popular name: Act 451

******** 380.1066 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1066 Filing nominating petitions and affidavit; signing petitions; form; filing fee; canvassing petitions; noncompliance; notice; performance of secretary's duties by treasurer; withdrawal of candidate.

Sec. 1066. (1) Subject to subsection (6), to obtain the printing of the name of a candidate for member of the school board on the ballot, the candidate shall file nominating petitions and an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558, with the secretary of the school board or in the office of the school board not later than 4 p.m. on the ninth Monday before the date of election. A school board holding elections in conjunction with a city election may vary the date of filing nominating petitions to conform with the filing date of the city, as provided in section 644k of the Michigan election law, 1954 PA 116, MCL 168.644k.

(2) Each petition shall be signed by a number of school electors of the school district as follows:

(a) If the population of the school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

(b) If the population of the school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(3) A school elector shall not sign petitions for more candidates than are to be elected.

(4) The petition shall be substantially in the form prescribed in section 544c of the Michigan election law, 1954 PA 116, MCL 168.544c, except that the petition shall be nonpartisan and shall include the following opening

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paragraph:

We, the undersigned, registered and qualified voters of _____

(legal name of school district)

and residents of the _____, the county of _____,

(city or township)

state of Michigan, nominate

_____ _____ _____,

(name of candidate) (street address) (post-office address)

a registered and qualified elector of the district as a member of the board of education of the school district for a term of ____ years, expiring _____, to be voted for at the election to be held on the _____ day of _____, _____.

(month) (year)

(5) A petition sheet shall not be circulated in more than 1 township or city.

(6) Instead of filing nominating petitions, a candidate for election to the school board may pay a nonrefundable filing fee of $100.00 to the secretary of the school board. If this fee is paid by the due date for nominating petitions, the payment has the same effect under this section as the filing of nominating petitions.

(7) Upon the filing of nominating petitions, the secretary of the school board shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of school electors, and for the purpose of determining their validity may check doubtful signatures against the registration records by the clerk of the political subdivision in which each petition was circulated to determine the authenticity of the signatures. If it is determined that the nominating petitions of a candidate do not comply with the requirements, including the fact that the candidate does not possess the qualifications as required by law for membership on the school board, or if for another cause the candidate is not entitled to have his or her name printed upon official election ballots, the secretary of the school board shall notify the candidate immediately. If nominating petitions are filed on behalf of the secretary of the school board, the treasurer of the school board shall perform the duties of the secretary.

(8) After a nominating petition is filed by or on behalf of a proposed candidate for membership on the school board, the candidate shall not be permitted to withdraw unless a written notice of withdrawal, signed by the candidate, is served on the secretary of the school board or an authorized agent of the secretary of the school board not later than 4 p.m. of the third day after the last day for filing the petition. The secretary of the school board shall notify the county clerk of the names and addresses of the candidates not later than 3 days after the last date for candidate withdrawal. However, if the third day is a Saturday, Sunday, or legal holiday, the notice may be made on the next day that is not a Saturday, Sunday, or legal holiday.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1980, Act 135, Imd. Eff. May 29, 1980;—Am. 1984, Act 322, Eff. Dec. 28, 1984;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2002, Act 157, Eff. Jan. 1, 2003.

Popular name: Act 451

******** 380.1067 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1067 Official ballot; preparation; printing; contents; form.

Sec. 1067. The secretary of the board shall prepare and have an official ballot printed which shall contain a separate area for each term of office.

The ballot shall be substantially in the form provided in Act No. 116 of the Public Acts of 1954, as amended, with the names of candidates who are duly nominated for each term of office. Ballots shall be printed in the manner prescribed in section 1008.

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History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.1071 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1071 Provisions governing elections.

Sec. 1071. Act No. 116 of the Public Acts of 1954, as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws, so far as it is applicable and not inconsistent with provisions of this act relating to elections, including the voting of absent voters, the hours for the opening and closing of the polls at elections, and the preservation of the purity of elections and the prevention of fraud and corruption, shall govern elections under this part. In the case of a school millage election held pursuant to section 36(2) of Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws, the provisions of sections 497a and 639 of Act No. 116 of the Public Acts of 1954, as amended, shall control.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 267, Imd. Eff. Dec. 9, 1977.

Popular name: Act 451

PART 14
BOARDS OF EDUCATION; MEMBERSHIP

******** 380.1101 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1101 Election or appointment of school elector to office; term of board member.

Sec. 1101. (1) A school elector in a school district is eligible to election or appointment to office in that school district.

(2) The term of office of each member of a board of education shall commence on July 1, or on January 1 if the election is in November, and shall continue until a successor is elected and qualified or until a vacancy occurs under section 1103.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

******** 380.1102 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1102 Notice of election; acceptance of office; affidavit of eligibility; oath or affirmation.

Sec. 1102. (1) Within 5 days after an election, each member-elect shall be notified of the election. Within 10 days after notification of election or appointment to the board, each person shall file with the secretary of the board an acceptance of the office to which the person has been elected or appointed, accompanied by a written affidavit setting forth the fact of eligibility as a school elector.

(2) Each person elected or appointed to the board of a school district shall take and subscribe the following oath or affirmation: “I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of member of the board of education according to the best of my ability”.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

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******** 380.1103 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1103 Events resulting in vacancy in office of board member.

Sec. 1103. The office of a member of the board shall become vacant immediately, without declaration by an officer or acceptance by the board or 1 of its members, upon 1 of the following events:

(a) The death of the incumbent, or the incumbent's being adjudicated insane or being found to be mentally incompetent by the proper court.

(b) The incumbent's resignation.

(c) The incumbent's removal from office.

(d) The incumbent's conviction of a felony.

(e) The incumbent's election or appointment being declared void by a competent tribunal.

(f) The incumbent's neglect or failure to file the acceptance of office, to take the oath of office, or to give or renew an official bond required by law.

(g) The failure of the district to elect a successor at the annual school meeting or election.

(h) The incumbent's ceasing to possess the legal qualifications for holding office.

(i) The incumbent's residence being removed from the school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.1104 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1104 Filling vacancies.

Sec. 1104. (1) If less than a majority of the offices of a school district become vacant, the remaining members of the board shall fill the vacancy immediately.

(2) If a vacancy is not filled within 30 days after it occurs, the intermediate school board shall fill the vacancy by appointment.

(3) If a majority of the offices are vacant at the same time, the remaining member or members of the board shall immediately call a special election of the school district to fill the vacancies. If the election is not called by the remaining member or members of the board within 30 days after the vacancies occur, or if all offices of the members of the board are vacant, the intermediate superintendent shall call a special election of the school district to fill the existing vacancies for unexpired portions of the respective terms. The special election shall be held as provided under this act and the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(4) A person elected or appointed to fill a vacancy on the board shall file an acceptance of office and qualify under section 1102, and shall hold office until the next regular school election when the vacancy shall be filled for the remainder of the unexpired term.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2000, Act 48, Imd. Eff. Mar. 27, 2000.

Popular name: Act 451

******** 380.1105 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1105 Recall of board member.

Sec. 1105. Each member of a board of a school district, a local act school district, or an intermediate school district is subject to recall by the school electors of the respective district in the manner prescribed in sections 951 to 976 of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.951 to 168.976 of the Michigan Compiled Laws.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

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Popular name: Act 451

******** 380.1106 THIS SECTION IS REPEALED BY ACT 299 of 2003 EFFECTIVE JANUARY 1, 2005 ********

380.1106 Notice of person vacating office and filling office.

Sec. 1106. Within 3 days after an appointment is made to fill a vacancy in an elected office in a school district, the secretary of the school board shall notify the county clerk, in writing, of the name, address, and office of the person who vacated the office as well as the person filling the office. If the school district is in more than 1 county, the notice shall be made to the county clerk in which the greatest number of registered voters eligible to vote for the office reside.

History: Add. 1980, Act 135, Imd. Eff. May 29, 1980.

Popular name: Act 451

380.1107 Removal of board member; procedures; eligibility for election or appointment; restriction.

Sec. 1107. (1) The governor may remove a member of a school board from office under this section if the governor is satisfied from the evidence submitted to the governor that the member is guilty of gross neglect of duty, corrupt conduct in office, or any other misfeasance or malfeasance in office.

(2) Before the governor removes a school board member under this section, all of the following procedures shall be followed:

(a) Charges shall be submitted to the governor in writing specifying the grounds for removal. The charges shall be accompanied by any supporting evidence and by the affidavit of the person making the charges verifying that the person believes the charges to be true.

(b) A copy of the charges shall be served on the school board member. Service shall be made as follows:

(*i*) If the school board member can be found, by handing the school board member a copy of the charges and of any affidavits or exhibits accompanying the charges.

(*ii*) If the school board member cannot be found, by leaving a copy of the charges and of any affidavits or exhibits accompanying the charges with a person of suitable age at the school board member's last known place of residence or, if a person of suitable age is not available, by posting the copy or copies in a conspicuous place at the school board member's last known place of residence.

(c) The school board member shall be given an opportunity to respond to the charges.

(3) A person removed from office under this section is not eligible for election or appointment to a school board or intermediate school board for a period of 3 years from the date of removal.

History: Add. 2004, Act 234, Imd. Eff. July 21, 2004.

Popular name: Act 451

PART 15
SCHOOL DISTRICTS; POWERS AND DUTIES GENERALLY

380.1131 Provisions governing school districts.

Sec. 1131. Each school district is subject to and governed by this article except as to those matters which are specifically or by necessary implication provided for a first class school district under part 6, and by articles 3 and 4. An intermediate school district is governed by the provisions of this article that relate specifically to intermediate school districts and by articles 3 and 4.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1132 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to powers, duties, obligations, and liabilities of a school district as body corporate.
Popular name: Act 451

380.1133 Commencement of fiscal school year.

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Sec. 1133. The fiscal school year of a local school district or an intermediate school district commences on July 1.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1134 Definitions; tagging record of missing student; removal of tag.

Sec. 1134. (1) As used in this section and section 1135:

(a) "Local school district" means a local school district or local act school district that requires records to be compiled for each student in the district.

(b) "Intermediate school district" means an intermediate school district that serves a student who does not have a record at the local school district, but does have a record at the intermediate school district.

(2) Upon notification by a law enforcement agency pursuant to section 8 of Act No. 319 of the Public Acts of 1968, being section 28.258 of the Michigan Compiled Laws, that a student less than 17 years of age is missing, a local school district or intermediate school district shall tag the record of the missing student in a manner that will alert the local or intermediate school district to the fact that the record is that of a missing person.

(3) Upon notification by a law enforcement agency pursuant to section 8 of Act No. 319 of the Public Acts of 1968 that the information entered into the law enforcement information network regarding a missing student has been canceled, the local or intermediate school district shall remove the tag from the student's school record not later than 7 days after receiving the notice from the law enforcement agency.

(4) The local or intermediate school district shall remove the tag on a missing student's school record as soon as possible after the student becomes 18 years of age.

History: Add. 1987, Act 84, Imd. Eff. June 29, 1987.

Popular name: Act 451

380.1135 Proof of identity and age; notice of noncompliance; investigation; reporting inaccurate or suspicious affidavit; school record of transfer student; compliance; effect of tagged record; confidentiality.

Sec. 1135. (1) Upon enrollment of a student for the first time in a local or intermediate school district, the district shall notify in writing the person enrolling the student that within 30 days he or she shall provide to the local or intermediate school district either of the following:

(a) A certified copy of the student's birth certificate.

(b) Other reliable proof, as determined by the school district, of the student's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.

(2) If a person enrolling a student fails to comply with subsection (1), the local or intermediate school district shall notify the person enrolling the student in writing that, unless he or she complies within 30 days after the notification, the case shall be referred to the local law enforcement agency for investigation. If the person enrolling the student fails to comply within that 30-day period, the local or intermediate school district shall notify the local law enforcement agency.

(3) The local or intermediate school district shall immediately report to the local law enforcement agency any affidavit received pursuant to this section that appears inaccurate or suspicious in form or content.

(4) Within 14 days after enrolling a transfer student, the school shall request in writing directly from the student's previous school a copy of his or her school record. Any school that compiles records for each student in the school and that is requested to forward a copy of a transferring student's record to the new school shall comply within 30 days after receipt of the request unless the record has been tagged pursuant to section 1134. If a student record has been tagged pursuant to section 1134, a copy of the student record shall not be forwarded, and the requested school shall notify the law enforcement agency that notified the school district of the missing student pursuant to section 8 of Act No. 319 of the Public Acts of 1968, being section 28.258 of the Michigan Compiled Laws, of the request.

(5) A local or intermediate school district shall not disclose any personally identifiable information contained in a student record to a law enforcement agency, except in compliance with the family educational rights and privacy act, 20 U.S.C. 1232g.

History: Add. 1987, Act 84, Imd. Eff. June 29, 1987.

Popular name: Act 451

380.1137 Powers of parents and legal guardians; policies or guidelines.

Sec. 1137. (1) In recognition of the rights of parents and legal guardians, the board of a school district, public

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school academy, university school, or intermediate school district shall ensure that a parent or legal guardian responsible for the care and custody of a pupil enrolled in the school district, public school academy, university school, or intermediate school district may do all of the following:

(a) Review the curriculum, textbooks, and teaching materials of the school in which the pupil is enrolled at a reasonable time and place and in a reasonable manner.

(b) Be present, to a reasonable degree, and at reasonable times and subject to reasonable restrictions, controls, and limits, to observe instructional activity in a class or course in which the pupil is enrolled and present. As used in this subdivision, “instructional activity” does not include testing.

(2) The board of a school district, public school academy, university school, or intermediate school district may adopt reasonable policies or guidelines under this section. Those policies or guidelines shall not unreasonably prevent the exercise of the rights set forth in subsection (1) and shall not create an unreasonable obstacle to teaching or learning, or to administering or maintaining proper discipline, in a school or school program. If a board adopts policies or guidelines under this subsection, the board shall make the policies or guidelines available to the public.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1137a Release of information to parent who is subject of personal protection order; prohibition.

Sec. 1137a. If a school district, local act school district, public school academy, intermediate school district, or nonpublic school is the holder of records pertaining to a minor pupil, if a parent of the minor pupil is prohibited by a personal protection order issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, from having access to information in records concerning the minor pupil that will inform the parent about the minor's or other parent's address or telephone number or the other parent's employment address, and if the school district, local act school district, public school academy, intermediate school district, or nonpublic school has received a copy of the personal protection order, the school district, local act school district, public school academy, intermediate school district, or nonpublic school shall not release that information to the parent who is subject to the personal protection order.

History: Add. 1999, Act 272, Eff. July 1, 2000.

Popular name: Act 451

380.1139 Access to high school pupil directory by armed forces recruiting representatives.

Sec. 1139. (1) Except as otherwise provided in subsection (2), the school officials of a public high school shall provide at least the same access to the high school campus and to pupil directory information of the pupils enrolled in the high school as is provided to other entities offering educational or employment opportunities to official recruiting representatives of all of the following for the purpose of informing pupils of educational and career opportunities available in the following:

(a) The armed forces of the United States.

(b) The service academies of the armed forces of the United States.

(2) If a high school pupil or the parent or legal guardian of a high school pupil submits a signed, written request to school officials of a public high school that indicates that the pupil or the parent or legal guardian does not want the pupil's directory information to be accessible to official recruiting representatives under subsection (1), then the school officials of the high school shall not allow that access to the pupil's directory information. The governing board of the school district, intermediate school district, or public school academy operating the high school shall ensure that pupils and parents and guardians are notified of the provisions of this subsection.

(3) The school officials of a public high school shall provide any public notice required to be given under section 444 of subpart 4 of part C of the general education provisions act, title IV of Public Law 90-247, 20 U.S.C. 1232g, commonly referred to as the family educational rights and privacy act of 1974, in order to comply with this section and federal law.

(4) The school officials of a public high school may require an official recruiting representative described in subsection (1) to pay a fee, not to exceed the actual costs incurred by the high school, for copying and mailing pupil directory information under this section.

(5) An official recruiting representative who receives pupil directory information under this section shall use that information only to provide information to pupils concerning educational and career opportunities available in the armed forces of the United States or the service academies of the armed forces of the United States. An official recruiting representative who receives pupil directory information under this section shall not release that

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information to a person who is not involved in recruiting pupils for the armed forces of the United States or the service academies of the armed forces of the United States.

(6) Public schools are encouraged to assign 1 or more school employees to notify male pupils age 18 or older that they are required to register for the selective service.

(7) The armed forces of the United States are encouraged to work with each other to develop and use a standardized form for requesting access to a high school campus and for requesting a time for the access.

(8) As used in this section:

(a) "Armed forces of the United States" means the armed forces of the United States and their reserve components and the United States coast guard.

(b) "Pupil directory information" means a pupil's name and address and, if it is a listed or published telephone number, the pupil's telephone number.

History: Add. 2002, Act 39, Imd. Eff. Mar. 12, 2002.

Popular name: Act 451

380.1140 Skilled trades training and apprenticeship programs; access to representatives of associations to provide information.

Sec. 1140. If a school district, intermediate school district, or public school academy allows institutions of higher education access to school facilities or activities to provide information to pupils about educational, vocational, or apprenticeship opportunities, the board of the school district or intermediate school district or board of directors of the public school academy shall allow the same access to representatives of associations to provide information about skilled trades training and apprenticeship programs.

History: Add 2003, Act 264, Imd. Eff. Jan. 5, 2004.

Popular name: Act 451

380.1141 Property of school district exempt from taxation; exception; liability for special assessments; agreement to pay special assessments for local improvements.

Sec. 1141. (1) The property of a school district is exempt from taxation, provisions of other acts to the contrary notwithstanding, except that property owned by the school district that is used for private purposes for more than 2 years is not exempt from taxation as long as the private use continues beyond the 2-year period.

(2) School property not being utilized primarily for public school purposes and from which income is being derived or which is being held out for income purposes at the time of final confirmation of special assessment rolls by the governing body of a city, village, or township shall be liable to the city, village, or township for special assessments attributable to the property. The property shall continue to be liable for the special assessment for a period not longer than 2 years after the property is put to a public school use. The board of a school district may enter into an agreement with a county or county agency, city, village, or township to pay special assessments for local improvements levied against school property irrespective of the use to which the property is put.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1146 Discrimination; grading of schools.

Sec. 1146. A separate school or department shall not be kept for a person on account of race, color, or sex. This section shall not be construed to prevent the grading of schools according to the intellectual progress of the pupil to be taught in separate places as may be deemed expedient.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1147 Right to attend school; right to enroll in kindergarten.

Sec. 1147. (1) A person, resident of a school district not maintaining a kindergarten and at least 5 years of age on the first day of enrollment of the school year, shall have a right to attend school in the district.

(2) In a school district where provision is made for kindergarten work, a child, resident of the district, is entitled to enroll in the kindergarten if the child is at least 5 years of age on December 1 of the school year of enrollment. In a school district which has semiannual promotions, a child, resident of the district, is entitled to enroll in kindergarten for the second semester if the child is at least 5 years of age on March 1 of the year of enrollment.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Constitutionality: Shared time instruction of sectarian, nonpublic school students in and of itself is not violative of the Establishment Clause

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even where benefits to religion appear substantial; it is only where it is clear that the program was motivated wholly by religious considerations that a conflict with the clause would exist. Snyder v. Charlotte Schools, 421 Mich. 517, 365 N.W.2d 151 (1984).

Shared time instruction clearly is not intended to benefit one or all religions; rather, the purpose is secular: to provide educational opportunities at public schools for all resident school-age children whether they attend public or religious or secular nonpublic schools. Snyder v. Charlotte Schools, 421 Mich. 517, 365 N.W.2d 151 (1984).

Popular name: Act 451

380.1147b Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to diversity of school populations.

Popular name: Act 451

380.1148 Residence of children placed in licensed homes or homes of relatives; admission to school.

Sec. 1148. Except as provided in section 1711, a child placed under the order or direction of a court or child placing agency in a licensed home, or a child whose parents or legal guardians are unable to provide a home for the child and who is placed in a licensed home or in a home of relatives in the school district for the purpose of securing a suitable home for the child and not for an educational purpose, shall be considered a resident for education purposes of the school district where the home in which the child is living is located. The child shall be admitted to the school in the district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1148a Parents residing in different school districts; residency of child.

Sec. 1148a. For education purposes under this act, without regard to whether a parent or legal guardian has custody of the child, if a child's parents, or a child's parent or parents and the child's legal guardian, reside in different school districts, the child shall be considered to be a resident of a school district in which either of the child's parents resides, or in which the child's legal guardian resides. If the child meets the applicable age requirements, the child may attend school in a school district in which either of the child's parents resides, or in which the child's legal guardian resides.

History: Add. 1996, Act 394, Imd. Eff. Oct. 3, 1996.

Popular name: Act 451

380.1149, 380.1150 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to special assistance to certain at risk students.

Popular name: Act 451

380.1151 English as basic language of instruction; exceptions.

Sec. 1151. (1) English shall be the basic language of instruction in the public and nonpublic schools of this state and in state institutions.

(2) Subsection (1) shall not be construed as applying to:

(a) Religious instruction in a nonpublic school given in a foreign language in addition to the regular course of study.

(b) A course of instruction in a foreign language in which the pupil acquires sufficient proficiency to be conversant in the foreign language.

(c) Bilingual instruction, as defined in section 1152, which will assist children of limited English-speaking ability to achieve reasonable efficiency in the English language.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1152 "Bilingual instruction," "children of limited English-speaking ability," and "in-service training" defined.

Sec. 1152. As used in sections 1152 to 1158:

(a) "Bilingual instruction" means the use of 2 languages, 1 of which is English, as media of instruction for speaking, reading, writing, or comprehension. "Bilingual instruction" may include instruction in the history and culture of the country, territory, or geographic area associated with the language spoken by children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States.

(b) "Children of limited English-speaking ability" means children who have or reasonably may be expected to

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have difficulty performing ordinary classwork in English because their native tongue is a language other than English or because they come from a home or environment where the primary language used is a language other than English.

(c) "In-service training" means short-term or part-time training for administrators, teachers, teacher aides, paraprofessionals, or other education personnel engaged in bilingual instruction programs for children of limited English-speaking ability.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1153 Bilingual instruction program; establishment and operation.

Sec. 1153. (1) The board of a school district may establish and operate a bilingual instruction program for children of limited English-speaking ability.

(2) A child of limited English-speaking ability residing in a district that does not have an appropriate bilingual instruction program or that is not required to have a bilingual instruction program may enroll in a bilingual instruction program in another school district.

(3) An intermediate school district may operate or contract for the operation of a bilingual program or service, and may carry children enrolled in the program in membership in the same manner as a local school district and be entitled to its proportionate share of state funds available for the program. Membership shall be calculated under rules promulgated by the state board. The intermediate school board shall consider:

(a) Whether the cost of operating an intermediate bilingual instruction-support program is justified by the number of children at each grade level who would benefit from its establishment.

(b) Whether alternative methods of providing a bilingual instruction-support program, such as visiting teachers or part-time instruction, can be provided.

(4) The state shall continue to fund programs of bilingual instruction described in this section at least at the level that instruction is funded in the 1995-1996 state fiscal year.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

Administrative rules: R 388.701 et seq. of the Michigan Administrative Code.

380.1154 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to bilingual instruction programs.

Popular name: Act 451

380.1155 Bilingual instruction program; notice of enrollment.

Sec. 1155. (1) Prior to the placement of a child of limited English-speaking ability in a bilingual instruction program, the board of the local school district in which the child resides shall notify, by registered mail, the child's parents or legal guardian that the child is being enrolled in a bilingual instruction program. The notice shall contain a simple, nontechnical description of the purposes, method, and content of the program and shall inform the parents or guardian that they have the right to visit bilingual instruction classes in which their child is enrolled.

(2) The notice shall be written in English and in the native language of the child of limited English-speaking ability.

(3) The notice shall inform the parents or guardian that they have the absolute right to refuse the placement or to withdraw their child from the program by giving written notice to the board of the local school district in which the child resides.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1156 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to advisory committees.

Popular name: Act 451

380.1157 In-service training programs; rules; examination of testing mechanisms.

Sec. 1157. (1) The state board, in cooperation with intermediate school districts and local school districts, shall develop and administer a program of in-service training for bilingual instruction programs. The state board shall promulgate rules governing the conduct of and participation in the in-service training programs.

(2) The state board shall promulgate rules governing the endorsement of teachers as qualified bilingual

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instructors in the public schools of this state. The teacher shall meet the requirements of part 22 and shall be proficient in both the oral and written skills of the language for which the teacher is endorsed.

(3) The state board shall approve an examination or testing mechanism suitable for evaluating the proficiency in English language skills of a child of limited English-speaking ability.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 390.1101 et seq. of the Michigan Administrative Code.

380.1157a Repealed. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

Compiler's note: The repealed section pertained to high school credit in foreign language.

Popular name: Act 451

380.1157b High school credit in foreign language for American sign language.

Sec. 1157b. The board of a school district may grant high school credit in a foreign language to a pupil enrolled in high school who has satisfactorily completed a high school course offered in American sign language or who has attained proficiency in American sign language outside of a public or private high school curriculum.

History: Add. 1987, Act 18, Imd. Eff. Apr. 24, 1987.

Popular name: Act 451

380.1158 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to duties of the state board.

Popular name: Act 451

380.1165 Financial education programs.

Sec. 1165. (1) Not later than July 1, 2002, the department shall develop or adopt, and shall make available to schools, 1 or more model programs for youth financial education. A program under this section shall be designed to incorporate financial education throughout the curriculum for grades K to 12 and shall be based on the concept of achieving financial literacy through the teaching of personal financial management skills and the basic principles involved with earning, spending, saving, borrowing, and investing.

(2) Each school district, local act school district, and public school academy is encouraged to adopt and implement the model financial education programs developed under subsection (1) or 1 or more similar financial education programs.

(3) To the extent that federal funds are available for these purposes, the department shall use those funds for grants to public schools and other measures to encourage implementation of financial education programs.

History: Add. 2002, Act 111, Imd. Eff. Apr. 1, 2002.

Popular name: Act 451

380.1166 Constitutions and governments; mandatory courses; commencement of instruction; exception.

Sec. 1166. (1) In all public and nonpublic schools in this state regular courses of instruction shall be given in the constitution of the United States, in the constitution of Michigan, and in the history and present form of government of the United States, Michigan, and its political subdivisions. Instruction shall begin not later than the opening of the eighth grade, or its equivalent, except in schools maintaining a junior high school, in which case it may begin in the ninth grade.

(2) A high school in this state which offers 12 grades shall require a 1-semester course of study of 5 periods per week in civics which shall include the form and functions of the federal, state, and local governments and shall stress the rights and responsibilities of citizens. A diploma shall not be issued by a high school to a pupil who has not successfully completed this course. This requirement shall not be applicable as a graduation requirement for a high school pupil who has enlisted or been inducted into military service.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1167, 380.1168 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to dispute management, resolution, and consumer economics.

Popular name: Act 451

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380.1169 Dangerous communicable diseases; human immunodeficiency virus infection and acquired immunodeficiency virus infection; teacher training; teaching materials; curricula; teaching of abstinence from sex.

Sec. 1169. (1) The principal modes by which dangerous communicable diseases, including, but not limited to, human immunodeficiency virus infection and acquired immunodeficiency syndrome, are spread and the best methods for the restriction and prevention of these diseases shall be taught in every public school in this state. Subject to subsection (3) and section 1507b, the teaching under this section shall stress that abstinence from sex is a responsible and effective method for restriction and prevention of these diseases and is a positive lifestyle for unmarried young people.

(2) Except for licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome, each person who teaches K to 12 pupils about human immunodeficiency virus infection and acquired immunodeficiency syndrome pursuant to subsection (1) shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young people. The superintendent of public instruction, in cooperation with the department of public health, shall train trainers to provide the teacher training required by this subsection and shall provide for the development and distribution to school districts of medically accurate material on the teaching of human immunodeficiency virus infection and acquired immunodeficiency syndrome to young people.

(3) The choice of curricula to be used for human immunodeficiency virus infection and acquired immunodeficiency syndrome education required to be taught under subsection (1) shall be approved by the appropriate school board and implemented in the school setting not later than October 1, 1990. Before adopting any revisions to the curriculum implemented under this section, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a responsible method for restriction and prevention of disease, a school board shall hold at least 2 public hearings on the proposed revisions. The hearings shall be held at least 1 week apart and public notice of the hearings shall be given in the manner required under section 1201 for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to section 1507.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1987, Act 185, Imd. Eff. Nov. 30, 1987;—Am. 1990, Act 139, Imd. Eff. June 26, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 2004, Act 165, Imd. Eff. June 24, 2004.

Popular name: Act 451

380.1170 Physiology and hygiene; instruction; development of comprehensive health education programs; conflict with religious beliefs.

Sec. 1170. (1) Instruction shall be given in physiology and hygiene, with special reference to substance abuse, including the abusive use of tobacco, alcohol, and drugs, and their effect upon the human system.

(2) Comprehensive health education programs shall be developed as prescribed by Act No. 226 of the Public Acts of 1969, being sections 388.381 to 388.385 of the Michigan Compiled Laws.

(3) A child upon the written statement of parent or guardian that instruction in the characteristics or symptoms of disease is in conflict with his or her sincerely held religious beliefs shall be excused from attending classes where such instruction is being given and no penalties as to credit or graduation shall result therefrom.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1171, 380.1171a Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to instruction on animals and birds and development of a natural area.

Popular name: Act 451

380.1172 Personality tests; promulgation and scope of rules.

Sec. 1172. (1) The state board shall promulgate rules concerning personality tests, both projective and nonprojective types, administered to pupils in school districts of the state as school projects or as parts of the school programs.

(2) The rules shall include:

(a) Circumstances under which the tests may be administered.

(b) Responsibility for selection of the tests.

(c) Qualifications of persons administering and interpreting the test results.

(d) Methods of maintaining the confidentiality of test results.

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History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 340.1101 et seq. of the Michigan Administrative Code.

380.1173—380.1174a Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to selection of social studies materials; guidelines pertaining to culture of ethnic, religious, and racial minorities, and to the contributions of women; and curriculum for multicultural education.

Popular name: Act 451

380.1175 Public holidays; salaries not affected; commemorative exercises.

Sec. 1175. (1) January 1, New Year's day; the last Monday of May, Memorial or Decoration day; July 4; the first Monday in September, Labor day; the fourth Thursday of November, Thanksgiving day, and December 25, Christmas day, shall be public holidays in the public schools of this state. If 1 of these days falls on Sunday, the Monday following shall be a public holiday in the public schools. A school session shall not be held on the public holidays described in this subsection in a public school in this state. The salary of a school officer or a teacher shall not be affected by reason of the dismissal of school on the days described in this subsection.

(2) On the third Monday in January in conjunction with the federal holiday, Martin Luther King, Jr. day; February 12, Lincoln's birthday; the third Monday of February, Washington's birthday; September 17, the date of the adoption of the federal constitution; the second Monday in October, Columbus day; and November 11, Veteran's day, a school officer or teacher shall have each school under the officer's or teacher's control observe the day by a proper and appropriate commemorative exercise. A commemorative exercise may include or involve the assignment of schoolwork to teach the significance of the days described in this subsection, which shall not be considered as legal holidays for schools.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1984, Act 389, Eff. Mar. 29, 1985;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1176 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to adoption of certain act provisions by local district.

Popular name: Act 451

380.1177 Immunization statements; vision test; immunization status and vision report; rules.

Sec. 1177. (1) A child enrolling in a public or nonpublic school for the first time or, beginning in the 2002-2003 school year, enrolling in grade 6 for the first time shall submit 1 of the following:

(a) A statement signed by a physician that the child has been tested for and immunized or protected against diseases specified by the director of the department of community health.

(b) A statement signed by a parent or guardian to the effect that the child has not been immunized because of religious convictions or other objection to immunization.

(c) A statement signed by a physician that certifies that the child is in the process of complying with all immunization requirements.

(2) In addition, the parent or guardian of each child enrolling in kindergarten for the first time shall submit a statement signed by a district, county, or city health department director stating that the child has been administered the department of community health preschool vision screening test, or signed by a licensed medical or osteopathic physician or a licensed optometrist stating that the child's eyes have been examined during the preschool years after age 3 and before initial entrance. A vision test is not required if there is a statement signed by a parent or guardian to the effect that the child cannot be submitted to the test because of religious convictions.

(3) Not later than November 1 of each year, the administrator of each school shall provide the director of the department of community health with the immunization status of each pupil in grades K through 12 who enrolled in the school for the first time, or, beginning in the 2002-2003 school year, enrolled in grade 6 in the school for the first time, between the immediately preceding January 1 and the immediately preceding September 30, as well as a vision report of each child entering kindergarten during that time period. This information shall be transmitted through the approved local full-time health department, if available, and shall be on forms provided by the director of community health or otherwise reported in a manner approved by the director of the department of community health. Not later than February 1 of each year, the administrator of each school shall provide an update to the report due the previous November 1 to show the immunization status of each pupil in grades K through 12 who enrolled in the school for the first time, or, beginning in the 2002-2003 school year, enrolled in grade 6 in the school for the

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first time, during the calendar year ending the immediately preceding December 31. This information shall be transmitted in the same manner as the report due the previous November 1.

(4) The department of community health shall promulgate rules, including rules identifying the diseases specified under subsection (1)(a), for the implementation of this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1996, Act 399, Imd. Eff. Oct. 11, 1996;—Am. 2000, Act 91, Imd. Eff. May 1, 2000.

Popular name: Act 451

Administrative rules: R 325.3501 et seq. of the Michigan Administrative Code.

380.1178 Administration of medication to pupil; liability; school employee as licensed registered professional nurse.

Sec. 1178. (1) Subject to subsection (2), a school administrator, teacher, or other school employee designated by the school administrator, who in good faith administers medication to a pupil in the presence of another adult or in an emergency that threatens the life or health of the pupil, pursuant to written permission of the pupil's parent or guardian, and in compliance with the instructions of a physician is not liable in a criminal action or for civil damages as a result of an act or omission in the administration of the medication, except for an act or omission amounting to gross negligence or willful and wanton misconduct.

(2) If a school employee is a licensed registered professional nurse, subsection (1) applies to that school employee regardless of whether the medication is administered in the presence of another adult.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 431, Imd. Eff. Oct. 5, 1978;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2000, Act 9, Imd. Eff. Mar. 7, 2000.

Popular name: Act 451

380.1178a Administration of medications; duties of department.

Sec. 1178a. (1) Not later than October 1, 2002, the department shall do all of the following:

(a) Review all guidelines, policies, or other publications produced by the department or another state agency concerning administration of medications to pupils at school and revise them as necessary.

(b) Make available to all school districts, intermediate school districts, and public school academies a model local policy concerning administration of medications to pupils at school.

(2) The model local policy developed under subsection (1) shall address the type and amount of training that may be required for persons who participate in administering medications to pupils at school. In developing this part of the policy, the department may consider training programs offered by the Michigan association of school nurses and by other public health organizations.

(3) Not later than 1 year after the effective date of this section, each school board, intermediate school board, and public school academy board of directors shall review its local policy concerning administration of medications to pupils at school. This review shall take place at a public meeting.

(4) School boards, intermediate school boards, and public school academy boards of directors are encouraged to align their local policies with the model policy developed under subsection (1) and are encouraged to provide appropriate training to persons who participate in administering medications to pupils at school.

History: Add. 2002, Act 51, Imd. Eff. Mar. 15, 2002.

Popular name: Act 451

380.1179 Use of inhaler permitted; conditions; liability; extra inhaler; notice to classroom teachers; definitions.

Sec. 1179. (1) If the conditions prescribed in subsection (2) are met, notwithstanding any school or school district policy to the contrary, a pupil of a public school or nonpublic school may possess and use 1 or more of the following at school, on school-sponsored transportation, or at any activity, event, or program sponsored by or in which the pupil's school is participating:

(a) A metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms or for use before exercise to prevent the onset of asthmatic symptoms.

(b) An epinephrine auto-injector or epinephrine inhaler to treat anaphylaxis.

(2) Subsection (1) applies to a pupil if all of the following conditions are met:

(a) The pupil has written approval to possess and use the inhaler or epinephrine auto-injector as described in subsection (1) from the pupil's physician or other health care provider authorized by law to prescribe an inhaler or epinephrine auto-injector and, if the pupil is a minor, from the pupil's parent or legal guardian.

(b) The principal or other chief administrator of the pupil's school has received a copy of each written approval

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required under subdivision (a) for the pupil.

(c) There is on file at the pupil's school a written emergency care plan that contains specific instructions for the pupil's needs, that is prepared by a physician licensed in this state in collaboration with the pupil and the pupil's parent or legal guardian, and that is updated as necessary for changing circumstances.

(3) A school district, nonpublic school, member of a school board, director or officer of a nonpublic school, or employee of a school district or nonpublic school is not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a pupil being prohibited by an employee of the school or school district from using an inhaler or epinephrine auto-injector because of the employee's reasonable belief formed after a reasonable and ordinary inquiry that the conditions prescribed in subsection (2) had not been satisfied. A school district, nonpublic school, member of a school board, director or officer of a nonpublic school, or employee of a school district or nonpublic school is not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a pupil being permitted by an employee of the school or school district to use or possess an inhaler or epinephrine auto-injector because of the employee's reasonable belief formed after a reasonable and ordinary inquiry that the conditions prescribed in subsection (2) had been satisfied. This subsection does not eliminate, limit, or reduce any other immunity or defense that a school district, nonpublic school, member of a school board, director or officer of a nonpublic school, or employee of a school district or nonpublic school may have under section 1178 or other state law.

(4) As part of its general powers, a school district may request a pupil's parent or legal guardian to provide an extra inhaler or epinephrine auto-injector to designated school personnel for use in case of emergency. A parent or legal guardian is not required to provide an extra inhaler or epinephrine auto-injector to school personnel.

(5) A principal or other chief administrator who is aware that a pupil is in possession of an inhaler or epinephrine auto-injector pursuant to this section shall notify each of the pupil's classroom teachers of that fact and of the provisions of this section.

(6) As used in this section:

(a) “School board” includes a school board, intermediate school board, or the board of directors of a public school academy.

(b) “School district” includes a school district, intermediate school district, or public school academy.

History: Add. 2000, Act 10, Imd. Eff. Mar. 7, 2000;—Am. 2004, Act 73, Imd. Eff. Apr. 20, 2004.

Popular name: Act 451

380.1186 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to homes for superintendent, administrators and teachers.

Popular name: Act 451

PART 16
BOARDS OF EDUCATION; POWERS AND DUTIES GENERALLY

380.1201 Board; business to be conducted at public meetings; validity of board actions; closed sessions; legal meetings; notice of meetings; signing of minutes; vice-president to act in absence of president.

Sec. 1201. (1) The business that the board of a school district is authorized to perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. An act of the board is not valid unless the act is authorized at a meeting by a majority vote of the members elected or appointed to and serving on the board and a proper record is made of the vote.

(2) The board may hold closed sessions only as authorized by section 8 of the open meetings act, 1976 PA 267, MCL 15.268.

(3) A meeting at which all members are present, with or without proper notice to members of the board, and for which proper notice is given to the public pursuant to subsection (4), is considered a legal meeting for the transaction of business.

(4) The board shall give public notice of the time, date, and place of the meeting in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(5) The minutes of each board meeting shall be signed by the secretary. In the absence of the secretary, the president shall appoint a temporary secretary who shall sign the minutes of the meeting. The vice-president shall act in the absence of the president.

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History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2001, Act 27, Imd. Eff. June 22, 2001.

Popular name: Act 451

380.1202 Record of proceedings, accounts, and business; public records; inspection.

Sec. 1202. The board of a school district shall maintain records of the proceedings of the board, the accounts of the treasurer, and the business of the district in an orderly manner. The records of the board shall be public records subject to inspection under section 492 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.492 of the Michigan Compiled Laws.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1202a—380.1204 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to site-based decision making, financial reports, and audits.

Popular name: Act 451

380.1204a Annual educational report.

Sec. 1204a. (1) In addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of its schools to be accredited under section 1280, the board shall prepare and submit to the state board not later than September 1 each year, and shall provide that each school in the school district distributes to the public at an open meeting not later than October 15 each year, an annual educational report. The annual educational report shall include, but is not limited to, all of the following information for each public school in the school district:

(a) The accreditation status of each school within the school district, the process by which pupils are assigned to particular schools, and a description of each specialized school.

(b) The status of the 3- to 5-year school improvement plan as described in section 1277 for each school within the school district.

(c) A copy of the core academic curriculum and a description of its implementation, including how pupils are ensured enrollment in those courses or subjects necessary for them to receive adequate instruction in all of the core academic curriculum, and the variances and explanation for the variances from the model core academic curriculum developed by the state board pursuant to section 1278(2).

(d) A report for each school of aggregate student achievement based upon the results of any locally-administered student competency tests, statewide assessment tests, or nationally normed achievement tests that were given to pupils attending school in the school district.

(e) For the year in which the report is filed and the previous school year, the district pupil retention report as defined in section 6 of the state school aid act of 1979, being section 388.1606 of the Michigan Compiled Laws.

(f) The number and percentage of parents, legal guardians, or persons in loco parentis with pupils enrolled in the school district who participate in parent-teacher conferences for pupils at the elementary, middle, and secondary school level, as appropriate.

(g) Beginning in the 1996-97 school year, if the school is a high school, all of the following:

(*i*) The number and percentage of pupils enrolled in the school who enrolled during the immediately preceding school year in 1 or more postsecondary courses under the postsecondary enrollment options act or under section 21b of the state school aid act of 1979, being section 388.1621b of the Michigan Compiled Laws.

(*ii*) The number of college level equivalent courses offered to pupils enrolled in the school, in the school district, and in consortia or cooperative programs available to pupils of the school district.

(*iii*) The number and percentage of pupils enrolled in the school who were enrolled in at least 1 college level equivalent course during the immediately preceding school year, disaggregated by grade level.

(*iv*) The number and percentage of pupils described in subparagraph (*iii*) who took a college level equivalent credit examination.

(*v*) The number and percentage of pupils described in subparagraph (*iv*) who achieved a score on a college level equivalent credit examination that is at or above the level recommended by the testing service for college credit.

(h) A comparison with the immediately preceding school year of the information required by subdivisions (a) through (g).

(2) At least annually, the department shall prepare and submit to the legislature a report of the information described in subsection (1)(g), aggregated for statewide and intermediate school district totals, using the information submitted by school districts.

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(3) The state board shall prepare and make available to school districts suggestions for accumulating the information listed in subsection (1) and a model annual educational report for school districts to consider in the implementation of this section.

(4) As used in this section, "college level equivalent course" and "college level equivalent credit examination" mean those terms as defined in part 14a.

History: Add. 1989, Act 159, Eff. Mar. 13, 1990;—Am. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1996, Act 159, Eff. July 1, 1996.

Popular name: Act 451

380.1204b Repealed. 1990, Act 25, Eff. Apr. 13, 1990.

Compiler's note: The repealed section pertained to annual reports.
Popular name: Act 451

380.1205 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to administration of oaths.
Popular name: Act 451

******** 380.1206.added THIS ADDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.1206.added Conduct of elections under §§ 168.301 to 168.315.

Sec. 1206. (1) The Michigan election law governs election procedures for a school district, local act school district, or intermediate school district regular school election or special school election.

(2) A school district, local act school district, or intermediate school district regular school election or special school election shall be administered and conducted as provided in chapter XIV of the Michigan election law, MCL 168.301 to 168.315. A school district, local act school district, or intermediate school district may use general operating funds to reimburse units of local government involved in administering and conducting a regular school election or special school election for the school district, local act school district, or intermediate school district, as required under the Michigan election law.

History: Add. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.1210 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to receipt of property for scholarships or other educational purposes.
Popular name: Act 451

380.1211 Mills levied for school operating purposes; limitation; reduction of mills from which homestead and qualified agricultural property are exempt; effect of insufficient mills allowed to be levied under subsection (1); additional mills; number of mills school district may levy after 1994; approval by school electors; excess tax revenue; shortfall; allocation under property tax limitation act; definitions.

Sec. 1211. (1) Except as otherwise provided in this section and section 1211c, the board of a school district shall levy not more than 18 mills for school operating purposes or the number of mills levied in 1993 for school operating purposes, whichever is less. A principal residence and qualified agricultural property are exempt from the mills levied under this subsection except for the number of mills by which that exemption is reduced under this subsection. The board of a school district with a foundation allowance calculated under section 20 of the state school aid act of 1979, MCL 388.1620, for the 1994-95 state fiscal year of more than $6,500.00, may reduce the number of mills from which a principal residence and qualified agricultural property are exempted under this subsection by up to the number of mills, as certified under section 1211a, required to be levied on a principal residence and qualified agricultural property for the school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for the state fiscal year ending in 1995, and the board also may levy in 1994 or a succeeding year that number of mills for school operating purposes on a principal residence and qualified agricultural property.

(2) Subject to subsection (3), if the department of treasury determines that the maximum number of mills allowed to be levied under subsection (1) on all classes of property is not sufficient for a school district's combined state and

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local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for that school fiscal year, the board of the school district may levy in 1994 or a succeeding year additional mills uniformly on all property up to the number of mills required for the school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for the state fiscal year ending in 1995.

(3) After 1994, the number of mills a school district may levy under this section on any class of property shall not exceed the lesser of the number of mills the school district is certified by the department of treasury under section 1211a to levy on that class of property under this section in 1994 or the number of mills required to be levied on that class of property under this section to ensure that the increase from the immediately preceding state fiscal year in the school district's combined state and local revenue per membership pupil, calculated as if the school district had levied the maximum number of mills the school district was allowed to levy under this section regardless of the number of mills the school district actually levied, does not exceed the lesser of the dollar amount of the increase in the basic foundation allowance under section 20 of the state school aid act of 1979, MCL 388.1620, from the immediately preceding state fiscal year or the percentage increase in the general price level in the immediately preceding calendar year. If the number of mills a school district is allowed to levy under this section in a year after 1994 is less than the number of mills the school district was allowed to levy under this section in the immediately preceding year, any reduction required by this subsection in the school district's millage rate shall be calculated by first reducing the number of mills the school district is allowed to levy under subsection (2) and then increasing the number of mills from which a principal residence and qualified agricultural property are exempted under subsection (1).

(4) Millage levied under this section must be approved by the school electors. For the purposes of this section, millage approved by the school electors before January 1, 1994 for which the authorization has not expired is considered to be approved by the school electors.

(5) If a school district levies millage for school operating purposes that is in excess of the limits of this section, the amount of the resulting excess tax revenue shall be deducted from the school district's next regular tax levy.

(6) If a school district levies millage for school operating purposes that is less than the limits of this section, the board of the school district may levy at the school district's next regular tax levy an additional number of mills not to exceed the additional millage needed to make up the shortfall.

(7) A school district shall not levy mills allocated under the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a, other than mills allocated to a school district of the first class for payment to a public library commission under section 11(4) of the property tax limitation act, 1933 PA 62, MCL 211.211, after 1993.

(8) As used in this section:

(a) “Combined state and local revenue per membership pupil” means that term as defined in section 20 of the state school aid act of 1979, MCL 388.1620.

(b) “Foundation allowance” means a school district's foundation allowance as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(c) “General price level” means that term as defined in section 33 of article IX of the state constitution of 1963.

(d) “Membership” means that term as defined in section 6 of the state school aid act of 1979, MCL 388.1606.

(e) “Owner”, “person”, “principal residence”, and “qualified agricultural property” mean those terms as defined in section 7dd of the general property tax act, 1893 PA 206, MCL 211.7dd.

(f) “School operating purposes” includes expenditures for furniture and equipment, for alterations necessary to maintain school facilities in a safe and sanitary condition, for funding the cost of energy conservation improvements in school facilities, for deficiencies in operating expenses for the preceding year, and for paying the operating allowance due from the school district to a joint high school district in which the school district is a participating school district under former part 3a. Taxes levied for school operating purposes do not include any of the following:

(*i*) Taxes levied by a school district for operating a community college under part 25.

(*ii*) Taxes levied under section 1212.

(*iii*) Taxes levied under section 1356 for eliminating an operating deficit.

(*iv*) Taxes levied for operation of a library under section 1451 or for operation of a library established pursuant to 1913 PA 261, MCL 397.261 to 397.262, that were not included in the operating millage reported by the district to the department as of April 1, 1993. However, a district may report to the department not later than April 1, 1994 the number of mills it levied in 1993 for a purpose described in this subparagraph that the school district does not want considered as operating millage and then that number of mills is excluded under this section from taxes levied for school operating purposes.

(*v*) Taxes paid by a school district of the first class to a public library commission pursuant to section 11(4) of the

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property tax limitation act, 1933 PA 62, MCL 211.211.

(*vi*) Taxes levied under former section 1512 for operation of a community swimming pool. In addition, if a school district included the millage it levied in 1993 for operation of a community swimming pool as part of its operating millage reported to the department for 1993, the school district may report to the department not later than June 17, 1994 the number of mills it levied in 1993 for operation of a community swimming pool that the school district does not want considered as operating millage and then that number of mills is excluded under this section from taxes levied for school operating purposes.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 431, Imd. Eff. Dec. 29, 1982;—Am. 1991, Act 108, Imd. Eff. Oct. 9, 1991;—Am. 1992, Act 236, Imd. Eff. Oct. 22, 1992;—Am. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 136, Imd. Eff. May 24, 1994;—Am. 1994, Act 173, Imd. Eff. June 17, 1994;—Am. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2003, Act 126, Eff. Jan. 1, 2004.

Popular name: Act 451

380.1211a Certifications by department of treasury; appeal of determinations; appeal conference; final decision.

Sec. 1211a. Not later than June 20, 1994, the department of treasury shall certify each school district's combined state and local revenue per membership pupil, as defined in section 1211, for the school fiscal year ending in 1994, the number of mills the school district may levy beginning in 1994 under section 1211, and the number of mills by which the school district may reduce the exemption for a homestead and qualified agricultural property for 1994 under section 1211. The department of education shall provide to the department of treasury all information necessary for the department of treasury to make the certifications under this section. Not later than July 20, 1994, a school district may appeal the determinations made by the department of treasury for the district under this section. An appeal under this subsection shall be made to the superintendent of public instruction, who may assign the appeal to a hearing officer. The superintendent of public instruction shall offer any appealing school district an appeal conference to attempt to resolve the issues raised in the appeal without a hearing. If the appeal conference does not resolve the issues, the superintendent of public instruction or hearing officer may conduct a hearing. Based upon the appeal, the information submitted by the school district, and the information provided by the department of treasury, the hearing officer shall submit a proposed decision to the superintendent of public instruction either affirming the determinations made by the department of treasury or directing the department of treasury to make specific adjustments. Not later than 30 days after receiving the proposed decision, or not later than 30 days after hearing the appeal, the superintendent of public instruction shall issue a final decision either affirming the determinations made by the department of treasury or directing the department of treasury to make specific adjustments and provide a copy to the school district.

History: Add. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 258, Imd. Eff. July 5, 1994.

Popular name: Act 451

380.1211b Repealed. 1994, Act 258, Imd. Eff. July 5, 1994.

Compiler's note: The repealed section pertained to establishment of school district as charter authority.
Popular name: Act 451

380.1211c Additional mills; limitation; presentation to school electors as separate questions; school district not described in § 388.1620.

Sec. 1211c. For 1994 through 1996, a school district may levy, in addition to the millage authorized under section 1211, not more than 3 additional mills for enhancing operating revenue if approved by the school electors at an election held after 1993. The question of levying mills authorized under this section shall be presented to school electors as a separate question and identified as being for enhancement of operating revenue. A school district that is not a school district described in section 20(12) or (13) of the state school aid act of 1979, being section 388.1620 of the Michigan Compiled Laws, shall not levy any millage under this section that was approved by the school electors after September 30, 1994, unless the school district levies, for the same tax year, the maximum number of mills under section 1211 that does not exceed the limitations imposed by section 1211(3).

History: Add. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 1994, Act 344, Imd. Eff. Dec. 12, 1994.

Popular name: Act 451

380.1211d Repealed. 2003, Act 126, Eff. Jan. 1, 2004.

Compiler's note: The repealed section pertained to definitions.
Popular name: Act 451

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380.1211e Affidavit claiming exemption on qualified agricultural property; filing.

Sec. 1211e. (1) Subject to subsection (2), to claim an exemption under section 1211(1) for qualified agricultural property for the 1994 tax year, if an affidavit claiming an exemption on a principal residence was not filed for the property by May 1, 1994, an affidavit claiming the exemption on qualified agricultural property shall be filed with the local assessing unit by June 1, 1994. If property is qualified agricultural property and is classified as agricultural property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, that property is exempt and an affidavit claiming the exemption does not need to be filed.

(2) If there are provisions in the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, that are inconsistent with subsection (1), the provisions of the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, prevail.

History: Add. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2003, Act 126, Eff. Jan. 1, 2004.

Popular name: Act 451

******** 380.1212 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.1212.amended ********

380.1212 Sinking fund; creation; purpose; tax levy; audit; submission of proposition to school electors; election; ballot; approval.

Sec. 1212. (1) If approved by the school electors of the school district, the board of a school district may levy a tax of not to exceed 5 mills on the state equalized valuation of the school district each year for a period of not to exceed 20 years, for the purpose of creating a sinking fund to be used for the purchase of real estate for sites for, and the construction or repair of, school buildings. The sinking fund tax levy is subject to the 15 mill tax limitation provisions of section 6 of article IX of the state constitution of 1963 and the property tax limitation act, Act No. 62 of the Public Acts of 1933, as amended, being sections 211.201 to 211.217a of the Michigan Compiled Laws. A school district that levies a sinking fund tax under this section shall have an independent audit of its sinking fund conducted annually, including a review of the uses of the sinking fund, and shall submit the audit report to the department of treasury. If the department of treasury determines from the audit report that the sinking fund has been used for a purpose other than those authorized for the sinking fund under this section, the school district shall repay the misused funds to the sinking fund from the school district's operating funds and shall not levy a sinking fund tax under this section after the date the department of treasury makes that determination.

(2) The proposition of levying a sinking fund tax shall be submitted to the school electors of the school district at an annual or special meeting or election.

(3) The question of levying taxes for the purpose of creating a sinking fund shall be by ballot in substantially the following form:

"Shall _____ levy _____ mills (legal name of school district) to create a sinking fund for the purpose of _____
_____ for a period of _____ years?

Yes ( )

No ( )".

(4) For the purposes of this section, millage approved by the school electors before December 1, 1993 for which the authorization has not expired is considered to be approved by the school electors.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 312, Eff. Mar. 15, 1994.

Popular name: Act 451

******** 380.1212.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.1212.amended Sinking fund; creation; purpose; tax levy; audit; submission of proposition to school electors; election; ballot; approval.

Sec. 1212. (1) If approved by the school electors of the school district, the board of a school district may levy a tax of not to exceed 5 mills on the state equalized valuation of the school district each year for a period of not to exceed 20 years, for the purpose of creating a sinking fund to be used for the purchase of real estate for sites for,

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and the construction or repair of, school buildings. The sinking fund tax levy is subject to the 15 mill tax limitation provisions of section 6 of article IX of the state constitution of 1963 and the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a. A school district that levies a sinking fund tax under this section shall have an independent audit of its sinking fund conducted annually, including a review of the uses of the sinking fund, and shall submit the audit report to the department of treasury. If the department of treasury determines from the audit report that the sinking fund has been used for a purpose other than those authorized for the sinking fund under this section, the school district shall repay the misused funds to the sinking fund from the school district's operating funds and shall not levy a sinking fund tax under this section after the date the department of treasury makes that determination.

(2) The proposition of levying a sinking fund tax shall be submitted to the school electors of the school district at a regular or special school election.

(3) The question of levying taxes for the purpose of creating a sinking fund shall be by ballot in substantially the following form:

"Shall _____ levy _____ mills to create a sinking

(legal name of school district)

fund for the purpose of _____ for a period of _____ years?

Yes ( )
No ( )".

(4) For the purposes of this section, millage approved by the school electors before December 1, 1993 for which the authorization has not expired is considered to be approved by the school electors.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

380.1213 Filing certified copy of resolution certifying taxes to be levied; time.

Sec. 1213. The secretary of the board of a school district shall file a certified copy of a resolution of the board certifying the taxes to be levied on the taxable property within the district as approved by the school electors of the district or the board with each city and township clerk in which the school district is situated according to the following:

(a) Not later than September 30 of each year.

(b) Within 10 days after the annual meeting if held in September.

(c) Not later than 5 days after the election if taxes are authorized at an election held pursuant to section 36(2) or (3) of the general property tax act, Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1979, Act 75, Imd. Eff. July 31, 1979;—Am. 1986, Act 263, Imd. Eff. Dec. 9, 1986.

Popular name: Act 451

380.1214 Additional millage; authorization by resolution; levy, collection, and enforcement procedure; proceedings as to first debt retirement fund tax; proceedings as to separate tax rate limitations.

Sec. 1214. (1) If the school electors of a school district vote the authorization of a tax rate in addition to that allocated to the district under the property tax limitation act, Act No. 62 of the Public Acts of 1933, as amended, being sections 211.201 to 211.217a of the Michigan Compiled Laws, before September 30 in any year, or for any school district on or before the last day permitted for an election held pursuant to section 36(2) or (3) of the general property tax act, Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws, then the board, by resolution, may authorize the additional millage so voted to be levied and collected, in the year voted, with the county taxes. The levy, collection, and enforcement procedure for the additional tax shall be pursuant to the laws in effect for the levy, collection, and enforcement procedure of county taxes against property lying within the boundaries of the school district.

(2) The same proceedings may be taken for the levy, collection, and enforcement procedure of the first debt retirement fund tax when a bond issue is approved by the school electors before September 30 in any year.

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However, if a bond issue is approved after September 14, 1986 and before September 30, 1986, the levy, collection, and enforcement procedure of the first debt retirement fund tax shall not be taken unless, within 10 days after the effective date of this 1986 amendatory act, the secretary of the board of the school district files a certified copy of the resolution of the board certifying the taxes to be levied with the clerk of each city and township in which the school district is located.

(3) The same proceedings may be taken for the levy, collection, and enforcement of an additional tax rate if the electors of a county adopt separate tax rate limitations pursuant to sections 5a to 5m of Act No. 62 of the Public Acts of 1933, as amended, being sections 211.205a to 211.205m of the Michigan Compiled Laws, giving a school district a higher tax rate than the maximum tax rate determined by the county tax allocation board, and the separate limitation is adopted after June 1 and effective for taxes levied during that calendar year.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1979, Act 75, Imd. Eff. July 31, 1979;—Am. 1980, Act 267, Imd. Eff. Sept. 30, 1980;—Am. 1986, Act 263, Imd. Eff. Dec. 9, 1986.

Popular name: Act 451

380.1215 Accounting for moneys; fund designations.

Sec. 1215. (1) Operating taxes shall be accounted for under the title of "general fund". The state board may establish other fund designations to clarify further the expenditure classifications for which general fund moneys may be used.

(2) Library money shall be accounted for under the title of "library fund".

(3) Building and site money shall be accounted for under the title of "building and site fund".

(4) Taxes collected for retiring bonded indebtedness shall be accounted for as required by the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 63, Imd. Eff. Mar. 15, 2002.

Popular name: Act 451

******** 380.1216 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.1216.amended ********

380.1216 Use of money raised by tax.

Sec. 1216. Except as provided in the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, money raised by tax shall not be used for a purpose other than that for which it was raised without the consent of a majority of the school electors of the district voting on the question at an annual or special meeting or election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 473, Imd. Eff. Oct. 19, 1978;—Am. 1991, Act 108, Imd. Eff. Oct. 9, 1991;—Am. 1992, Act 236, Imd. Eff. Oct. 22, 1992;—Am. 2002, Act 64, Imd. Eff. Mar. 15, 2002.

Popular name: Act 451

******** 380.1216.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.1216.amended Use of money raised by tax.

Sec. 1216. Except as provided in the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, money raised by tax shall not be used for a purpose other than that for which it was raised without the consent of a majority of the school electors of the district voting on the question at a regular or special school election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 473, Imd. Eff. Oct. 19, 1978;—Am. 1991, Act 108, Imd. Eff. Oct. 9, 1991;—Am. 1992, Act 236, Imd. Eff. Oct. 22, 1992;—Am. 2002, Act 64, Imd. Eff. Mar. 15, 2002;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.1217 Support and maintenance of sectarian schools prohibited; transportation of nonpublic school pupils.

Sec. 1217. A board of a school district or board of directors of a public school academy shall not apply money received by it from any source for the support and maintenance of a school sectarian in character. This section does not prohibit the transportation to school and from school of pupils attending nonpublic schools under sections 1321 and 1322.

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History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 416, Eff. Mar. 30, 1995.

Popular name: Act 451

380.1217a Purchase, rental, or lease of cars for board members or for chauffeurs for board members prohibited.

Sec. 1217a. For travel within the boundaries of its district, a board of a school district or intermediate school district shall not expend funds received by the district from any source for the purchase, rental, or lease of cars for board members or for chauffeurs for board members.

History: Add. 1988, Act 257, Imd. Eff. July 15, 1988.

Popular name: Act 451

380.1218 Assessment, levy, and collection of school taxes; budgets; provisions governing school districts.

Sec. 1218. (1) School taxes shall be assessed, levied, and collected in the manner provided in Act No. 206 of the Public Acts of 1893, as amended, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

(2) Budgets shall be submitted and school districts shall be governed by Act No. 62 of the Public Acts of 1933, as amended.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1221 Deposit of district or academy funds; designation of financial institution; limitation on deposit or investment of additional funds; "deposit" and "financial institution" defined.

Sec. 1221. (1) The treasurer of a board of a school district or board of directors of a public school academy shall deposit the funds of the school district or public school academy in a financial institution or in a joint investment authorized by section 1223. The deposit shall be made in the name of the treasurer as an officer of the school district or public school academy. The board or board of directors shall designate the financial institution or institutions in which the funds of the school district or public school academy shall be deposited. The treasurer shall deposit funds of the school district or public school academy in 1 or more depositories in the proportion and manner determined by the board or board of directors.

(2) Notwithstanding subsection (1), additional funds of a school district or public school academy shall not be deposited or invested in a financial institution that is not eligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(3) As used in this section, "deposit" includes purchases of or investment in shares of a credit union.

(4) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office located in this state under the laws of this state or the United States.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1979, Act 87, Imd. Eff. Aug. 1, 1979;—Am. 1986, Act 132, Imd. Eff. June 16, 1986;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1997, Act 47, Imd. Eff. June 30, 1997.

Popular name: Act 451

380.1222 Deposit of district funds; limitation.

Sec. 1222. A bank whose combined capital and surplus exceeds $50,000.00 may receive deposits of funds in an amount not more than double the combined capital and unimpaired surplus of the bank.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1223 Investment of funds; authorization; restrictions; deposit of obligations; commingling prohibited; exceptions; earnings; deposit of funds accumulated under deferred compensation program; security; limitation on deposit or investment of additional funds; "deposit" and "financial institution" defined.

Sec. 1223. (1) If authorized by resolution of the board of a school district, the treasurer may invest debt retirement funds, building and site funds, building and site sinking funds, or general funds of the district. The investment shall be made under subsection (7) and shall be restricted to the following:

(a) Bonds, bills, or notes of the United States; obligations, the principal and interest of which are fully guaranteed by the United States; or obligations of the state. In a primary or fourth class school district, the bonds, bills, or notes

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shall be payable, at the option of the holder, upon not more than 90 days' notice, or if not so payable, shall have maturity dates not more than 5 years after the purchase dates.

(b) Certificates of deposit issued by a financial institution or share certificates of a state or federal credit union that is a financial institution.

(c) Commercial paper rated prime at the time of purchase and maturing not more than 270 days after the date of purchase.

(d) Securities issued or guaranteed by agencies or instrumentalities of the United States government.

(e) United States government or federal agency obligation repurchase agreements.

(f) Bankers' acceptances issued by a bank that is a member of the federal deposit insurance corporation.

(g) Mutual funds composed entirely of investment vehicles that are legal for direct investment by a school district.

(h) Investment pools, as authorized by the surplus funds investment pool act, 1982 PA 367, MCL 129.111 to 129.118, composed entirely of instruments that are legal for direct investment by a school district.

(2) An obligation purchased under this section, when received by the treasurer, shall be deposited with the financial institution having the deposit of the money of the particular fund from which the obligation was purchased.

(3) Money in the several funds of a school district shall not be commingled for the purpose of making an investment authorized by this section except that:

(a) The board of a school district may establish and maintain 1 common debt retirement fund for issues of bonds of similar character.

(b) The board of a school district, by resolution, may authorize the treasurer to combine money from more than 1 fund for the purpose of making an investment authorized by subsection (1)(h).

(4) Earnings of an investment shall become a part of the fund for which the investment was made. When money of more than 1 fund of a single district or money of more than 1 district are combined for an investment pool authorized by subsection (1)(h), the money shall be accounted for separately, and the earnings from the investment shall be separately and individually computed, recorded, and credited to the fund or district, as the case may be, for which the investment was acquired.

(5) The treasurer of a school district, if authorized by resolution of the board, may deposit upon approval of the employee, funds accumulated under a deferred compensation program in a federally insured financial institution authorized by law to do business in this state. If authorized by a resolution of the board, the treasurer of a school district, with the prior consent of the employee, may use funds accumulated under a deferred compensation plan to purchase from a life insurance company authorized to do business in this state an annuity contract or life insurance policy in the manner and for the purposes described in section 457 of the internal revenue code.

(6) Security in the form of collateral, surety bond, or another form may be taken for the deposits or investments of a school district in a financial institution. However, an investment under section 622(2)(e) or section 1223(1)(e) or in an investment pool that includes instruments eligible for investments under sections 622(2)(e) and 1223(1)(e) shall be secured by the transfer of title and custody of the obligations to which the repurchase agreements relate and an undivided interest in those obligations must be pledged to the school district for these agreements.

(7) Notwithstanding subsection (1), additional funds of a school district shall not be deposited or invested in a financial institution which is not eligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(8) As used in this section, “deposit” includes purchase of or investment in shares of a credit union.

(9) As used in this section, “financial institution” means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office located in this state under the laws of this state or the United States.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 281, Imd. Eff. Dec. 23, 1977;—Am. 1979, Act 87, Imd. Eff. Aug. 1, 1979;—Am. 1980, Act 273, Imd. Eff. Oct. 8, 1980;—Am. 1981, Act 85, Imd. Eff. July 2, 1981;—Am. 1986, Act 132, Imd. Eff. June 16, 1986;—Am. 1997, Act 47, Imd. Eff. June 30, 1997.

Popular name: Act 451

380.1224 Tax-deferred investments for employees; purchase; payroll allocations; ownership; rights nonforfeitable; liability for purchase; nondiscriminatory application of section; “tax-deferred investment” defined.

Sec. 1224. (1) At the request of an employee and as part of the employee's compensation arrangement, the board

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of a school district may purchase a tax-deferred investment for an employee for retirement or other purposes and may make payroll allocations in accordance with the arrangement to pay for the tax-deferred investment. The allocation shall be made in a manner which will qualify all or part of the tax-deferred investment for the benefit afforded under the federal internal revenue code or other federal income tax law. The employee shall own the tax-deferred investment. The employee's rights under it shall be nonforfeitable except for failure to make required payments.

(2) The board shall not have liability because of its purchase of tax-deferred investments for employees.

(3) This section shall be applied in a nondiscriminatory manner to employees of the school district.

(4) As used in this section, "tax-deferred investment" means an annuity contract, interest in a mutual fund, or other investment device that qualifies for deferral of federal income taxes under the federal internal revenue code or other federal income tax law.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 19, Imd. Eff. Mar. 19, 1992.

Popular name: Act 451

380.1225 Power of board to borrow money and issue notes; purpose; pledging money to be received from state school aid; notes as full faith and credit obligations; due date; limitation; school district not able to redeem notes within 12 months of issuance; multi-year repayment agreement; notes issued for next succeeding fiscal year; maturity; failure to receive state school aid; number of borrowings; obtaining line of credit.

Sec. 1225. (1) Subject to restrictions of this section, the board of a local or intermediate school district may borrow money and issue its notes for the borrowed money to secure funds for school operations or to pay previous loans obtained for school operations under this or any other statute. The school board or intermediate school board shall pledge money to be received by it from state school aid for the payment of notes issued under this section. The notes are full faith and credit obligations of the school district or intermediate school district and are payable from tax levies or from unencumbered funds of the school district or intermediate school district in event of the unavailability or insufficiency of state school aid for any reason.

(2) Notes issued under this section shall become due not later than 12 months after the date on which they are issued, except as provided in this section. Except as otherwise provided in this subsection, notes issued within a fiscal year shall not exceed 70% of the difference between the total state aid funds apportioned to the school district or intermediate school district for that fiscal year and the portion already received or pledged, except secondary pledges made under section 1356. Until June 30, 1999, notes issued and sold to the Michigan municipal bond authority within a fiscal year shall not exceed 70% of the difference between the total state aid funds apportioned to the school district or intermediate school district for that fiscal year and the portion already received.

(3) A school district or intermediate school district that is not able to redeem its notes within 12 months after the date on which the notes were issued may enter into a multi-year agreement with a lending institution to repay its obligation. A repayment agreement shall not be executed without the prior approval of an authorized representative of the state board or, for notes sold to the Michigan municipal bond authority only, without the approval of an authorized representative of the department of treasury.

(4) During the last 4 months of a fiscal year, notes may be issued pledging state school aid for the next succeeding fiscal year. Except as otherwise provided in this subsection, the notes shall not exceed 50% of the state school aid apportioned to the school district or intermediate school district for the next succeeding fiscal year or, if the apportionment has not been made, 50% of the apportionment for the then current fiscal year. For the 1997-98 fiscal year only, with the approval of the state treasurer or the department, notes may be issued that shall not exceed 70% of the state school aid apportioned to the school district or intermediate school district for the next succeeding fiscal year or, if the apportionment has not been made, 70% of the apportionment for the then current fiscal year. For the 1998-99 fiscal year only, with the approval of the state treasurer or the department, notes may be issued that shall not exceed 60% of the state school aid apportioned to the school district or intermediate school district for the next succeeding fiscal year or, if the apportionment has not been made, 60% of the apportionment for the then current fiscal year. The notes shall mature not later than 12 months after the date of issuance.

(5) Notes issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. Failure of a school district or intermediate school district to receive state school aid does not affect the validity or enforceability of a note issued under this section.

(6) A school board or intermediate school board may make more than 1 borrowing under this section during a school year.

(7) In addition to other powers under this section, with the approval of the state treasurer, the board of a local or

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intermediate school district may obtain a line of credit to secure funds for school operations or to pay previous loans obtained for school operations under this or any other statute. The school board or intermediate school board shall pledge not more than 30% of the state school aid apportioned to the school district or intermediate school district for that fiscal year for repayment of funds received pursuant to a line of credit obtained under this subsection. However, the school board or intermediate school board shall not borrow against the line of credit an amount greater than the difference, as of the date of the borrowing, between the total state school aid funds apportioned to the school district or intermediate school district for that fiscal year and the portion already received or pledged, except secondary pledges made under section 1356. To obtain approval for obtaining a line of credit under this subsection, a school board or intermediate school board shall apply to the state treasurer in the form and manner prescribed by the state treasurer, and shall provide information as requested by the state treasurer for evaluating the application. The state treasurer shall approve or disapprove an application and notify the school board or intermediate school board within 20 business days after receiving a proper application. If the state treasurer disapproves an application, the state treasurer shall include the reasons for disapproval in the notification to the school board or intermediate school board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1980, Act 88, Imd. Eff. Apr. 8, 1980;—Am. 1981, Act 42, Imd. Eff. May 13, 1981;—Am. 1981, Act 226, Imd. Eff. Jan. 7, 1982;—Am. 1982, Act 306, Imd. Eff. Oct. 13, 1982;—Am. 1992, Act 14, Imd. Eff. Mar. 10, 1992;—Am. 1994, Act 103, Imd. Eff. Apr. 18, 1994;—Am. 1997, Act 152, Imd. Eff. Dec. 22, 1997;—Am. 2002, Act 246, Eff. May 1, 2002.

Compiler's note: For creation of Michigan public educational facilities authority within department of treasury; transfer of certain powers and duties from Michigan strategic fund and Michigan strategic fund board of directors to Michigan public educational facilities authority and Michigan public educational facilities authority board of trustees; transfer of certain powers and duties of Michigan municipal bond authority and Michigan municipal bond authority board of trustees to Michigan public and educational facilities authority and Michigan public education facilities authority board of trustees, see E.R.O. No. 2002-3, compiled at § 12.192 of the Michigan Compiled Laws.

Popular name: Act 451

380.1226 Statement of assessed valuation of school district.

Sec. 1226. Each county treasurer shall furnish the state board on or before May 1 following the receipt of the assessment rolls a statement of the assessed valuation of each school district and fraction of a school district within the county upon forms furnished by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1227 Estimates of necessary taxes; insurance reserve funds; adoption of budget; apportionment of school taxes.

Sec. 1227. (1) The board of a school district shall prepare annual estimates of the amount of taxes necessary for the school district's needs for the ensuing fiscal year. The estimates shall specify the amount required for the “general fund”, the amount required for the “capital projects fund”, and the amount required for the “debt retirement fund”, in accordance with the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and outstanding bonding resolutions.

(2) The school board may include in the “capital projects fund” an amount not exceeding in 1 year .01% of the school district's taxable value to establish and maintain a school district insurance reserve fund from which school buildings or other school property damaged or destroyed by fire, lightning, or otherwise may be repaired, rebuilt, or replaced by other buildings or property to be used in its place. Taxes shall not be levied for this purpose while the insurance reserve fund exceeds or equals .1% of the school district's taxable value. The board shall carry the insurance reserves forward as an encumbered reserve and may add to the reserve in the manner prescribed in this section. Insurance reserve funds may be invested in the manner provided in section 1223. Income from the investment shall be considered a part of the “general fund”. If an emergency is declared by a 2/3 vote of the members elected to and serving on the board, the insurance reserve funds may be borrowed for the emergency, but the funds shall be returned to the insurance reserve fund from the collection of taxes in the next ensuing fiscal year.

(3) The school board shall adopt a budget in the same manner and form as required for its estimates and, subject to limitations under law, determine the amount of tax levy necessary for the budget. The board shall certify the amount to the city and township before the date required by law.

(4) The proper officials of the city and township shall apportion the school taxes in the school district in the same manner as the other taxes of the city or township are apportioned. Except as otherwise provided under part 26, the amount apportioned shall be assessed, levied, collected, and returned for each portion of the school district in the same manner as taxes of the city or township in which the portion of the school district is located.

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History: Add. 1995, Act 289, Eff. July 1, 1996;—Am. 2002, Act 66, Imd. Eff. Mar. 15, 2002.

Popular name: Act 451

380.1228 Contract between school or intermediate district and public school academy to provide services.

Sec. 1228. The board of a school district or intermediate school district may enter into an agreement with a public school academy to provide services to the public school academy or to pupils of the public school academy, or for the public school academy to provide services to the school district or intermediate school district or to pupils of the school district or intermediate school district. The services may be provided on a cooperative basis. A school district or intermediate school district may charge the public school academy, or a public school academy may charge the school district or intermediate school district, for services described in this section.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1229 Employment of superintendent and administrators; notification of contract nonrenewal; meeting with board.

Sec. 1229. (1) The board of a school district, other than a school district that was organized as a primary school district during the 1995-1996 school year, or intermediate school district shall employ a superintendent of schools, who shall meet the requirements of section 1246. The superintendent shall not be a member of the board. Employment of a superintendent shall be by written contract. The term of the superintendent's contract shall be fixed by the board, not to exceed 5 years. If written notice of nonrenewal of the contract of a superintendent is not given at least 90 days before the termination of the contract, the contract is renewed for an additional 1-year period.

(2) The board of a school district or intermediate school district may employ assistant superintendents, principals, assistant principals, guidance directors, and other administrators who do not assume tenure in that position under Act No. 4 of the Public Acts of the Extra Session of 1937, being sections 38.71 to 38.191 of the Michigan Compiled Laws. The employment shall be by written contract. The term of the employment contract shall be fixed by the board, not to exceed 3 years. The board shall prescribe the duties of a person described in this subsection. If written notice of nonrenewal of the contract of a person described in this subsection is not given at least 60 days before the termination date of the contract, the contract is renewed for an additional 1-year period.

(3) A notification of nonrenewal of contract of a person described in subsection (2) may be given only for a reason that is not arbitrary or capricious. The board shall not issue a notice of nonrenewal under this section unless the affected person has been provided with not less than 30 days' advance notice that the board is considering the nonrenewal together with a written statement of the reasons the board is considering the nonrenewal. After the issuance of the written statement, but before the nonrenewal statement is issued, the affected person shall be given the opportunity to meet with not less than a majority of the board to discuss the reasons stated in the written statement. The meeting shall be open to the public or a closed session, as the affected person elects under section 8 of the open meetings act, Act No. 267 of the Public Acts of 1976, being section 15.268 of the Michigan Compiled Laws. If the board fails to provide for a meeting with the board, or if a court finds that the reason for nonrenewal is arbitrary or capricious, the affected person's contract is renewed for an additional 1-year period. This subsection does not apply to the nonrenewal of the contract of a superintendent of schools described in subsection (1).

History: Add. 1995, Act 289, Eff. Mar. 28, 1996.

Popular name: Act 451

380.1229a Removal of person as superintendent of public instruction; settlement prohibited; limitations.

Sec. 1229a. (1) If a person employed by this state as superintendent of public instruction is removed from that position, the state board, or another state agency, shall not enter into a settlement agreement concerning that removal unless the agreement is in settlement of a lawsuit filed against this state.

(2) The state board shall not grant administrative leave for more than a total of 6 months to a person employed, or previously employed, as state superintendent of public instruction.

(3) The state board shall not offer a contract for a person to be employed by this state as superintendent of public instruction, or extend the contract of a superintendent of public instruction, within 6 months before a general election at which state board members are elected or within 2 months after a general election at which state board members are elected. The state board shall not offer a contract for employment of a superintendent of public instruction in excess of 3 years and shall not extend a contract in increments of more than 1 year. This subsection

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does not prohibit the state board from employing an interim superintendent of public instruction at any time there is a vacancy.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1230 Offer of employment as teacher, school administrator, substitute teacher, or position requiring state board approval; criminal history check; employment as conditional employee; conditions; voiding contract and terminating employment; report received by another district; consent; request; conducting criminal history check; report; use; disclosure; violation as misdemeanor; penalty; definitions.

Sec. 1230. (1) Beginning with hiring for the 1993-94 school year and subject to subsections (2), (4), and (5), upon an offer of initial employment being made by the board of a school district, local act school district, or intermediate school district or the governing body of a public school academy or nonpublic school to an individual for a position as a teacher or a school administrator or for a position requiring state board approval, the district, public school academy, or nonpublic school shall request from the criminal records division of the department of state police a criminal history check on the individual and, before employing the individual as a regular employee, shall have received from the department of state police the report described in subsection (8).

(2) If the board of a school district, local act school district, or intermediate school district or the governing body of a public school academy or nonpublic school determines it necessary to employ an individual for a position described in subsection (1) for a particular school year during that school year or within 30 days before the beginning of that school year, the board or governing body may employ the individual as a conditional employee under this subsection without first receiving the report described in subsection (8) if all of the following apply:

(a) The board or governing body requests the criminal history check required under subsection (1) before conditionally employing the individual.

(b) The individual signs a statement that identifies all crimes for which he or she has been convicted, if any, and agreeing that, if the report described in subsection (8) is not the same as the individual's statement, his or her employment contract will be voidable at the option of the board or governing body. Not later than July 28, 1993, the department shall develop and distribute to districts and nonpublic schools a model form for the statement required under this subdivision. The department shall make the model form available to public school academies. A district, public school academy, or nonpublic school shall use the model form for the purposes of this subsection.

(3) If an individual is employed as a conditional employee under subsection (2) and the report described in subsection (8) is not the same as the individual's statement under subsection (2), the board or governing body may void the individual's employment contract. If an employment contract is voided under this subsection, the individual's employment is terminated, a collective bargaining agreement that would otherwise apply to the individual's employment does not apply to the termination, and the district, public school academy, or nonpublic school or the board or governing body is not liable for the termination.

(4) For an applicant for a position as a substitute teacher, instead of requesting a criminal history check under subsection (1), a school district, local act school district, intermediate school district, public school academy, or nonpublic school may use a report received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to an applicant for a position as a substitute teacher.

(5) If an applicant for a position described in subsection (1) is being considered for employment in such a position by more than 1 school district, local act school district, intermediate school district, public school academy, or nonpublic school and if the applicant agrees in writing to allow a district, public school academy, or nonpublic school to share the report described in subsection (8) with another district, public school academy, or nonpublic school, a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the report described in subsection (8) from another district, public school academy, or nonpublic school.

(6) An applicant for a position described in subsection (1) shall give written consent at the time of application for the criminal records division of the department of state police to conduct the criminal history check required under this section.

(7) A school district, local act school district, intermediate school district, public school academy, or nonpublic school shall make a request to the criminal records division of the department of state police for a criminal history check required under this section on a form and in a manner prescribed by the criminal records division of the department of state police.

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(8) Within 30 days after receiving a proper request by a school district, local act school district, intermediate school district, public school academy, or nonpublic school for a criminal history check on an applicant under this section, the criminal records division of the department of state police shall conduct the criminal history check and, after conducting the criminal history check and within that time period, provide a report of the results of the criminal history check to the district, public school academy, or nonpublic school. The report shall contain any criminal history record information on the applicant maintained by the criminal records division of the department of state police.

(9) Criminal history record information received from the criminal records division of the department of state police under subsection (8) shall be used by a school district, local act school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied and for the purposes of subsection (3). A member of the board of a district or of the governing body of a public school academy or nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose the report or its contents except any felony conviction or a misdemeanor conviction involving sexual or physical abuse to any person who is not directly involved in evaluating the applicant's qualifications for employment. However, for the purposes of subsection (4), a person described in this subsection may confirm to an employee of another district, public school academy, or nonpublic school that a report under subsection (8) has revealed that an individual does not have any criminal history or may disclose that no report under subsection (8) has been received concerning the individual, and for the purposes of subsection (5), a person described in this subsection may provide a copy of the report under subsection (8) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than $10,000.00, but is not subject to the penalties under section 1804.

(10) As used in this section:

(a) "Criminal history record information" means that term as defined in section 1a of Act No. 289 of the Public Acts of 1925, being section 28.241a of the Michigan Compiled Laws.

(b) "State board approval" means that term as defined in section 1539b.

History: Add. 1992, Act 99, Imd. Eff. June 23, 1992;—Am. 1993, Act 68, Imd. Eff. June 21, 1993;—Am. 1993, Act 284, Eff. Apr. 1, 1994.

Popular name: Act 451

380.1230a Criminal records check through federal bureau of investigation; employment as conditional employee; voiding contract and terminating employment; application as substitute teacher; obtaining copy of results from another district, public school academy, or nonpublic school; consent; form and manner of request; use and disclosure of results; violation as misdemeanor; penalty; initiation of criminal records check by department of state police; "state board approval" defined.

Sec. 1230a. (1) In addition to the criminal history check required under section 1230, the board of a school district, local act school district, or intermediate school district or the governing body of a public school academy or nonpublic school shall request the department of state police to conduct a criminal records check through the federal bureau of investigation on an applicant for, or an individual who is hired for, a position as a teacher or a school administrator or a position requiring state board approval. Except as provided in subsection (2), a board or governing body shall not employ an individual in a position described in this subsection until after the board or governing body receives the results of the criminal records check. A board or governing body requesting a criminal records check under this section shall require the applicant or individual to submit his or her fingerprints to the department of state police for that purpose. The department of state police may charge a fee for conducting the criminal records check. A board or governing body shall require an individual to submit his or her fingerprints for the purposes of this section only at the time the individual initially applies for employment with the board or governing body or is initially employed by the board or governing body.

(2) If the board of a school district, local act school district, or intermediate school district or the governing body of a public school academy or nonpublic school determines it necessary to employ an individual for a position described in subsection (1) for a particular school year during that school year or within 30 days before the beginning of that school year, the board or governing body may employ the individual as a conditional employee under this subsection without first receiving the results of the criminal records check under subsection (1) if all of the following apply:

(a) The board or governing body requests the criminal records check under subsection (1) before conditionally employing the individual.

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(b) The individual signs a statement that identifies all crimes for which he or she has been convicted, if any, and agreeing that, if the results of the criminal records check under subsection (1) reveal information that is inconsistent with the individual's statement, his or her employment contract will be voidable at the option of the board or governing body. Not later than September 30, 1995, the department shall develop and distribute to districts and nonpublic schools a model form for the statement required under this subdivision. The department shall make the model form available to public school academies. A district, public school academy, or nonpublic school shall use the model form for the purposes of this subsection.

(3) If an individual is employed as a conditional employee under subsection (2) and the results of the criminal records check under subsection (1) reveal information that is inconsistent with the individual's statement under subsection (2), the board or governing body may void the individual's employment contract. If an employment contract is voided under this subsection, the individual's employment is terminated, a collective bargaining agreement that would otherwise apply to the individual's employment does not apply to the termination, and the district, public school academy, or nonpublic school or the board or governing body is not liable for the termination.

(4) For an applicant for a position as a substitute teacher, instead of requesting a criminal records check under subsection (1), a school district, local act school district, intermediate school district, public school academy, or nonpublic school may use results received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to an applicant for a position as a substitute teacher.

(5) If an applicant for a position described in subsection (1) is being considered for employment in such a position by more than 1 school district, local act school district, intermediate school district, public school academy, or nonpublic school and if the applicant agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal records check with another district, public school academy, or nonpublic school, then a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the results of the criminal records check from another district, public school academy, or nonpublic school.

(6) An applicant for a position described in subsection (1) shall give written consent at the time of application for the criminal records division of the department of state police to conduct the criminal records check required under this section.

(7) A school district, local act school district, intermediate school district, public school academy, or nonpublic school shall make a request to the department of state police for a criminal records check under this section on a form and in a manner prescribed by the department of state police.

(8) The results of a criminal records check under this section shall be used by a school district, local act school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment in the position for which he or she has applied and for the purposes of subsections (3), (4), and (5). A member of the board of a district or of the governing body of a public school academy or nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose those results, except any felony conviction or a misdemeanor conviction involving sexual or physical abuse, to any person who is not directly involved in evaluating the individual's qualifications for employment. However, for the purposes of subsections (4) and (5), a person described in this subsection may provide a copy of the results under subsection (1) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than $10,000.00, but is not subject to the penalties under section 1804.

(9) Within 30 days after receiving a proper request by a school district, local act school district, intermediate school district, public school academy, or nonpublic school for a criminal records check on an individual under this section, the criminal records division of the department of state police shall initiate the criminal records check. After conducting the criminal records check for a school district, local act school district, intermediate school district, or public school academy, the criminal records division of the department of state police shall provide the results of the criminal records check to the district or public school academy. After conducting the criminal records check for a nonpublic school, the criminal records division of the department of state police shall notify the nonpublic school of whether or not the criminal records check disclosed any criminal history that is not disclosed in the report on the individual provided to the nonpublic school under section 1230.

(10) As used in this section, “state board approval” means that term as defined in section 1539b.

History: Add. 1995, Act 83, Eff. Aug. 1, 1995.

Popular name: Act 451

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380.1230b Applicant for employment; information regarding unprofessional conduct to be provided by previous employer; signed statement authorizing disclosure; request; immunity from civil liability; prohibition; use of information; violation of subsection (5) as misdemeanor; effect of contract or agreement; other information; definitions.

Sec. 1230b. (1) Before hiring an applicant for employment, a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall request the applicant for employment to sign a statement that does both of the following:

(a) Authorizes the applicant's current or former employer or employers to disclose to the school district, local act school district, public school academy, intermediate school district, or nonpublic school any unprofessional conduct by the applicant and to make available to the school district, local act school district, public school academy, intermediate school district, or nonpublic school copies of all documents in the employee's personnel record maintained by the current or former employer relating to that unprofessional conduct.

(b) Releases the current or former employer, and employees acting on behalf of the current or former employer, from any liability for providing information described in subdivision (a), as provided in subsection (3), and waives any written notice required under section 6 of the Bullard-Plawecki employee right to know act, Act No. 397 of the Public Acts of 1978, being section 423.506 of the Michigan Compiled Laws.

(2) Before hiring an applicant for employment, a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall request at least the applicant's current employer or, if the applicant is not currently employed, the applicant's immediately previous employer to provide the information described in subsection (1)(a), if any. The request shall include a copy of the statement signed by the applicant under subsection (1).

(3) Not later than 20 business days after receiving a request under subsection (2), an employer shall provide the information requested and make available to the requesting school district, local act school district, public school academy, intermediate school district, or nonpublic school copies of all documents in the employee's personnel record relating to the unprofessional conduct. An employer, or an employee acting on behalf of the employer, that discloses information under this section in good faith is immune from civil liability for the disclosure. An employer, or an employee acting on behalf of the employer, is presumed to be acting in good faith at the time of a disclosure under this section unless a preponderance of the evidence establishes 1 or more of the following:

(a) That the employer, or employee, knew the information disclosed was false or misleading.

(b) That the employer, or employee, disclosed the information with a reckless disregard for the truth.

(c) That the disclosure was specifically prohibited by a state or federal statute.

(4) The board or governing body of a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall not hire an applicant who does not sign the statement described in subsection (1).

(5) Information received under this section shall be used by a school district, local act school district, public school academy, intermediate school district, or nonpublic school only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied. Except as otherwise provided by law, a board member or employee of a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall not disclose the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than $10,000.00, but is not subject to the penalties under section 1804.

(6) The board or an official of a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall not enter into a collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or any other contract or agreement that has the effect of suppressing information about unprofessional conduct of an employee or former employee or of expunging information about that unprofessional conduct from personnel records. Any provision of a contract or agreement that is contrary to this subsection is void and unenforceable. This subsection does not restrict the expungement from a personnel file of information about alleged unprofessional conduct that has not been substantiated.

(7) This section does not prevent a school district, local act school district, public school academy, intermediate school district, or nonpublic school from requesting or requiring an applicant for employment to provide information other than that described in this section.

(8) As used in this section:

(a) “Personnel record” means that term as defined in section 1 of Act No. 397 of the Public Acts of 1978, being section 423.501 of the Michigan Compiled Laws.

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(b) "Unprofessional conduct" means 1 or more acts of misconduct; 1 or more acts of immorality, moral turpitude, or inappropriate behavior involving a minor; or commission of a crime involving a minor. A criminal conviction is not an essential element of determining whether or not a particular act constitutes unprofessional conduct.

History: Add. 1996, Act 189, Imd. Eff. May 8, 1996.

Popular name: Act 451

380.1231 Hiring of teachers; teachers' contracts generally.

Sec. 1231. (1) The board of a school district shall hire and contract with qualified teachers. Contracts with teachers shall be in writing and signed on behalf of the school district by a majority of the board, by the president and secretary of the board, or by the superintendent of schools or an authorized representative of the board. The contracts shall specify the wages agreed upon.

(2) A teacher's contract shall be filed with the secretary of the board and a duplicate copy of the contract shall be furnished to the teacher.

(3) Except as otherwise provided under this act, a contract with a teacher is not valid unless the person holds a valid teaching certificate at the time the contractual period begins. A contract shall terminate if the certificate expires by limitation and is not renewed immediately or if it is suspended or revoked by proper legal authority.

(4) The board of a school district, after a teacher has been employed at least 2 consecutive years by the board, may enter into a continuing contract with a certificated teacher.

(5) As used in this section, "teacher" does not include a substitute teacher.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 735, Eff. Mar. 31, 2003.

Popular name: Act 451

380.1232 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to teachers' contracts.

Popular name: Act 451

380.1233 Teaching or counseling by noncertificated teacher; prohibition; exceptions; notice to superintendent of public instruction; waiving student teaching as requirement for vocational certification; competency test; employment as substitute teacher; requirements for service as counselor without valid teaching certificate.

Sec. 1233. (1) Except as otherwise provided by law, the board of a school district or intermediate school board of an intermediate school district shall not permit a teacher who does not hold a valid teaching certificate to teach in a grade or department of the school.

(2) The board of a school district or intermediate school board of an intermediate school district shall not allow an individual to serve in a counseling role in the school district or intermediate school district, as the role is defined by the superintendent of public instruction, unless the individual meets 1 or more of the following and the board or intermediate school board complies with subsection (7):

(a) The individual holds a valid teaching certificate with a school counseling endorsement.

(b) The individual meets all of the following:

(*i*) Holds a master's degree awarded after completion of an approved school counselor education program that includes at least all of the following skills and content areas or their equivalent:

(A) Guidance services--philosophy, principles, and practices.

(B) Individual and group analysis--nature and range of human characteristics and appraisal methods.

(C) Guidance information--vocational development theory, educational and occupational information.

(D) Counseling theory and practice--individual and group procedures, administration and coordination relationships, professional relationships, and ethics.

(E) Supervised experiences--laboratory, practicum, or internship.

(F) Evaluation--statistics and research methodology, follow-up evaluation, and measurement methods.

(*ii*) Has successfully completed the department's guidance counselor examination.

(*iii*) Has been recommended by an approved school counselor education program to provide services as a school counselor.

(c) The individual meets both of the following:

(*i*) Has at least 5 years of successful experience serving in a school counseling role in another state within the immediately preceding 7-year period.

(*ii*) Has successfully completed the department's guidance counselor examination.

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(3) The intermediate superintendent shall notify the superintendent of public instruction immediately of the names of noncertificated teachers teaching in violation of subsection (1) and the names of individuals serving in counseling roles in violation of subsection (2), the employing district, and the amount of time the noncertificated teachers or unqualified individuals were employed.

(4) A vocational teacher preparation institution shall utilize the employment experience of an annually authorized teacher for the purpose of waiving student teaching as a requirement for vocational certification if the annually authorized teacher is supervised by the teacher preparation institution.

(5) All vocational education teachers certified after June 1, 1995 shall pass a competency test.

(6) The board of a school district or intermediate school district may employ a person without a teaching certificate as a substitute teacher if the person has at least 90 semester hours of college credit from a college or university.

(7) If the board of a school district or intermediate school board of an intermediate school district chooses to employ an individual who does not hold a valid teaching certificate to serve in a counseling role, as permitted under subsection (2), the school board or intermediate school board shall comply with sections 1230 and 1230a with respect to that individual to the same extent as required for employing a person with a teaching certificate to serve as a teacher.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1987, Act 56, Imd. Eff. June 22, 1987;—Am. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2000, Act 288, Imd. Eff. July 10, 2000.

Popular name: Act 451

380.1233a Employment counseling and placement services; agreement to establish joint or cooperative service; assistance; § 338.2006 inapplicable.

Sec. 1233a. (1) Counseling or guidance staff employed by a school district, which for purposes of this section may include noncertified, nonendorsed personnel, shall devote an appropriate portion of working time and effort to employment counseling and placement services for pupils 16 to 19 years of age who do not intend to enroll in an institution of higher education after graduating from high school or who require or desire employment in conjunction with their continued education.

(2) A school district may enter into an agreement with 1 or more school districts, with the intermediate school district to which the school district is constituent, or with any other appropriate unit of local government to establish a joint or cooperative employment counseling or placement service. Upon the request of a school district, the Michigan employment security commission, the department of labor, or any other appropriate state agency shall provide assistance in establishing or conducting the service. A school district operating a placement service shall not be subject to section 6 of Act No. 301 of the Public Acts of 1974, being section 338.2006 of the Michigan Compiled Laws, and shall not charge a fee or any other consideration.

History: Add. 1978, Act 536, Imd. Eff. Dec. 21, 1978.

Popular name: Act 451

380.1233b Teaching of certain courses by noncertificated, nonendorsed teacher; requirements; effect of ability to engage certificated, endorsed teacher; waiving student teaching.

Sec. 1233b. (1) Except as provided in subsection (3), the board of a local or intermediate school district may engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course in computer science, a foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or in another subject area determined by the state board to be appropriate to be included under this section and so designated by the state board, or any combination of these subject areas, in grades 9 through 12.

(2) Subject to subsection (3), a noncertificated, nonendorsed teacher is qualified to teach pursuant to this section if he or she meets all of the following minimum requirements:

(a) Possesses an earned bachelor's degree from an accredited postsecondary institution.

(b) Has a major or a graduate degree in the field of specialization in which he or she will teach.

(c) If the teacher desires to teach for more than 1 year, has passed both a basic skills examination and a subject area examination, if a subject area examination exists, in the field of specialization in which he or she will teach.

(d) Except in the case of persons engaged to teach a foreign language, has, in the 5-year period immediately preceding the date of hire, not less than 2 years of occupational experience in the field of specialization in which he or she will teach.

(3) The requirements listed in subsection (2) for a teacher engaged to teach pursuant to this section shall be in addition to any other requirements established by the board of a local or intermediate school district, as applicable.

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(4) Except as provided in subsection (5), the board of a local or intermediate school district shall not engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course described in subsection (1) if the district is able to engage a certificated, endorsed teacher.

(5) If the board of a local or intermediate school district is able to engage a certificated, endorsed teacher to teach a course described in subsection (1), the local or intermediate school board may employ or continue to employ a noncertificated, nonendorsed teacher to teach the course if both of the following conditions are met:

(a) The noncertificated, nonendorsed teacher is annually and continually enrolled and completing credit in an approved teacher preparation program leading to a provisional teaching certificate.

(b) The noncertificated, nonendorsed teacher has a planned program leading to teacher certification on file with the employing school district or intermediate school district, his or her teacher preparation institution, and the department of education.

(6) If the noncertificated, nonendorsed teacher completes 3 years of successful classroom teaching, as determined by regular observation and review by school district and teacher preparation institution personnel, the department of education and a teacher preparation institution shall utilize the teaching experience of a noncertificated, nonendorsed teacher for the purpose of waiving student teaching as a condition for receiving a continued employment authorization in the school district and a provisional teaching certificate.

History: Add. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1234 Exchange teachers; compensation, rights, and privileges.

Sec. 1234. A teacher employed by a school district of this state, while the teacher is performing teaching duties in another state, a foreign country, or a territory of the United States or a foreign country with the consent of the employing school board in exchange for the services of a teacher of another state, a foreign country, or a territory of the United States or a foreign country, is entitled to the same compensation, rights, and privileges, including retirement benefits, as though the teacher were continuously performing normal teaching duties for the employing school board consenting to the exchange.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1997, Act 58, Imd. Eff. July 7, 1997.

Popular name: Act 451

380.1235 Sabbatical leave.

Sec. 1235. (1) After a teacher has been employed at least 7 consecutive years by the board of a school district, and at the end of each additional period of 7 or more consecutive years of employment, the board may grant the teacher a sabbatical leave for professional improvement for not to exceed 2 semesters at 1 time, if the teacher holds a permanent, life, or continuing certificate or is engaged in teaching in a college maintained by the board. During the sabbatical leave, the teacher shall be considered to be in the employ of the board, shall have a contract, and may be paid compensation as provided in the regulations of the board. The board shall not be liable for death or injuries sustained by the teacher while on sabbatical leave.

(2) A teacher shall be allowed credit toward retirement for time spent on sabbatical leave under regulations established by the Michigan public school employee's retirement board.

(3) Upon return from a sabbatical leave a teacher shall be restored to the teacher's position held prior to sabbatical leave or to a position of like nature, seniority, status, and pay. The teacher shall be entitled to other benefits provided under regulations of the board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1236 Substitute teachers; leave time, salary, and privileges; applicability of subsections (1) and (2); contract; “day” defined.

Sec. 1236. (1) Subject to subsection (3), if a teacher is employed as a substitute teacher with an assignment to 1 specific teaching position, then after 60 days of service in that assignment the teacher shall be granted for the duration of that assignment leave time and other privileges granted to regular teachers by the school district, including a salary not less than the minimum salary on the current salary schedule for that district.

(2) Subject to subsections (3) and (4), a teacher employed as a substitute teacher for 150 days or more during a legal school year of not less than 180 days, or employed as a substitute teacher for 180 days or more by an intermediate school district that operates any program for 220 days or more as required by administrative rule, shall be given during the balance of the school year or during the next succeeding legal school year only the first

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opportunity to accept or reject a contract for which the substitute teacher is certified, after all other teachers of the school district are reemployed in conformance with the terms of a master contract of an authorized bargaining unit and the employer.

(3) Subsections (1) and (2) do not apply to a substitute teacher who is contracted or employed by a person or entity that contracts with a school district or intermediate school district pursuant to section 1236a.

(4) Subsection (2) does not apply to a substitute teacher who is fulfilling the teaching duties of a teacher who is unable to teach due to a terminal illness.

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

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1986, Act 72, Imd. Eff. Apr. 7, 1986;—Am. 1995, Act 289, Eff. Mar. 28, 1996;—Am. 2002, Act 735, Eff. Mar. 31, 2003.

Popular name: Act 451

380.1236a Person or entity furnishing substitute teachers; contract; "entity" defined.

Sec. 1236a. (1) The board of a school district or intermediate school district may enter into a contract with a person or entity to furnish substitute teachers to the school district or intermediate school district as necessary to carry out the operations of the school district or intermediate school district.

(2) A contract entered into under this section shall include the following provisions:

(a) Assurance that the person or entity will furnish the school district or intermediate school district with qualified teachers in accordance with this act and rules promulgated under this act.

(b) Assurance that the person or entity will not furnish to the school district or intermediate school district any teacher who, if employed directly by the school district or intermediate school district, would be ineligible for employment by the school district or intermediate school district as a substitute teacher under this act.

(c) A description of the level of compensation and fringe benefits to be provided to employees of the person or entity who are assigned to the school district or intermediate school district as substitute teachers.

(d) A description of the type and amounts of insurance coverage to be secured and maintained by the person or entity and the school district or intermediate school district under the contract.

(e) Assurance that the person or entity, before assigning an individual to serve as a substitute teacher in the school district or intermediate school district, will comply with sections 1230 and 1230a with respect to that individual to the same extent as if the person or entity were a school district employing the individual as a substitute teacher and will provide the board of the school district or intermediate school district with the criminal history record information obtained under section 1230 and with the results of the criminal records check under section 1230a. The department of state police shall provide information to a person or entity requesting information under this subdivision to the same extent as if the person or entity were a school district making the request under section 1230 or 1230a.

(3) A school district or intermediate school district that contracts with a person or entity to furnish substitute teachers under this section may purchase liability insurance to indemnify and protect the school district or intermediate school district and the person or entity against losses or liabilities incurred by the school district or intermediate school district and person or entity arising out of any claim for personal injury or property damage caused by the school district or intermediate school district, its officers, employees, or agents. A school district or intermediate school district may pay premiums for the insurance out of its operating funds. The existence of any policy of insurance indemnifying the school district or intermediate school district and person or entity against liability for damages is not a waiver of any defense otherwise available to the school district or intermediate school district in the defense of the claim.

(4) As used in this section, "entity" means a partnership, nonprofit or business corporation, labor organization, limited liability company, or any other association, corporation, trust, or other legal entity.

History: Add. 2002, Act 735, Eff. Mar. 31, 2003.

Popular name: Act 451

380.1237 Employment of person who does not hold teaching certificate to provide speech and language services.

Sec. 1237. Notwithstanding any other provision of this act or a rule to the contrary, a school district, local act school district, intermediate school district, or public school academy may employ a person who does not hold a

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teaching certificate to provide speech and language services if the person meets the requirements for speech-language certification by the American speech-language-hearing association. However, a person who does not hold a teaching certificate shall not be assigned to serve as a classroom teacher.

History: Add. 2000, Act 387, Imd. Eff. Jan. 3, 2001.

Popular name: Act 451

380.1246 Superintendent, principal, assistant principal, administrator of instructional programs, or chief business official; completion of continuing education requirements; rules.

Sec. 1246. (1) A school district, public school academy, or intermediate school district shall not continue to employ a person as a superintendent, principal, assistant principal, or other person whose primary responsibility is administering instructional programs or as a chief business official unless the person has completed the continuing education requirements prescribed by rule under subsection (2).

(2) The superintendent of public instruction shall promulgate rules establishing continuing education requirements as a condition for continued employment for persons employed in positions described in subsection (1). The rules shall prescribe a minimum amount of continuing education that shall be completed within 5 years after initial employment and shall be completed each subsequent 5-year period to meet the requirements of subsection (1) for continued employment.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1986, Act 163, Imd. Eff. July 7, 1986;—Am. 1991, Act 63, Imd. Eff. July 3, 1991;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1994, Act 413, Imd. Eff. Dec. 29, 1994;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 148, Imd. Eff. June 15, 2004.

Popular name: Act 451

Administrative rules: R 380.1201 of the Michigan Administrative Code.

380.1247—380.1249 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to employment and duties of administrators or building principals; employment of assistants and employees; review of official transcripts; and procedures for changing grades.

Popular name: Act 451

380.1250 Compensation based on job performance and accomplishments.

Sec. 1250. A school district or intermediate school district may implement and maintain a method of compensation for its employees that is based on job performance and job accomplishments.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1251 School psychological service; rules; reports and information.

Sec. 1251. (1) The board of a school district may establish and employ personnel necessary to provide an adequate school psychological service. School psychological service is a related nonclassroom function and shall be operated under rules promulgated by the state board, which shall establish the educational and experience requirements for, and certify as qualified and issue certificates to, the personnel for the services.

(2) The state board may require reports and information from participating school districts.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1987, Act 169, Eff. Mar. 30, 1988.

Popular name: Act 451

Administrative rules: R 340.1151 et seq. of the Michigan Administrative Code.

380.1252 Professional nursing services; rules; reports; section inapplicable to certain nursing services.

Sec. 1252. (1) The board of a school district may employ registered nurses necessary to provide professional nursing services. The services shall be operated under rules promulgated by the state board which shall establish the certification requirements for registered nurses in the services.

(2) The state board may require reports and information from school districts offering nursing services.

(3) This section does not apply to nursing services provided by a county or district health department.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 340.1161 et seq. of the Michigan Administrative Code.

380.1253 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to employment and duties of attorneys.

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Popular name: Act 451

380.1254 Expenses of board members and employees; expenditures as public record; payment; credit or debit card.

Sec. 1254. (1) Except as provided in subsection (3) and section 1217a, the board of a school district or intermediate school district may pay the actual and necessary expenses incurred by its members and employees in the discharge of official duties or in the performance of functions authorized by the board. The expenditure shall be a public record and shall be made available to a person upon request.

(2) The board of a school district or intermediate school district shall not approve payment of an expense incurred by a board member under subsection (1) unless 1 or both of the following conditions are met:

(a) The board, by a majority vote of its members at an open meeting, approved reimbursement of the specific expense before the expense was incurred.

(b) The expense is consistent with a policy adopted by the board, by a majority vote of its members at a regular board meeting, establishing specific categories of reimbursable expenses and the board, by a majority vote of its members at an open meeting, approves the reimbursement before it is actually paid.

(3) The board of any school district shall not provide, allow, or obtain credit cards for, issue credit cards to, or provide to a school board member a debit card or similar instrument that pledges payment of funds from a school district account except in compliance with law.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1988, Act 257, Imd. Eff. July 15, 1988;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1255 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to economic benefits for employees.

Popular name: Act 451

380.1256 Inspecting, monitoring, removing, or treating asbestos or material containing asbestos; contractual agreement to provide legal representation against civil liability.

Sec. 1256. (1) If the duties of a person employed by a board of a school district include inspecting, monitoring, removing, or treating asbestos or material containing asbestos, or supervising those activities, the board may contractually agree to provide legal representation and indemnification against civil liability with regard to claims or actions resulting from or arising out of the person's negligence or alleged negligence in performing those duties while in the course of his or her employment and while acting within the scope of his or her authority.

(2) A contractual agreement authorized under this section may be entered into at any time before or after the person begins performing the duties described in subsection (1).

History: Add. 1989, Act 203, Imd. Eff. Oct. 23, 1989.

Popular name: Act 451

380.1260 Deed restrictions or other prohibitions; lease or rent of property.

Sec. 1260. (1) Unless approved by the state board, a school board or intermediate school board shall not impose any deed restriction prohibiting, or otherwise prohibit, property sold or transferred by the school board or intermediate school board from being used for any lawful public education purpose. Any deed restriction or other prohibition in effect as of the effective date of this subsection is void.

(2) If a school board or intermediate school board offers property of the school board or intermediate school board for lease or rent, the school board or intermediate school board shall not refuse to lease or rent the property to a person solely because the person intends to use the property for an educational purpose, if the intent of the person is to use the property for a lawful educational purpose.

History: Add. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1261—380.1262a Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to care, management, and acquisition of property, and the commencement of construction.

Popular name: Act 451

380.1263 Building schools; requirements; compliance; review and approval.

Sec. 1263. (1) The board of a school district shall not build a school upon a site without having prior title in fee to the site, a lease for not less than 99 years, or a lease for not less than 50 years from the United States government,

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or this state, or a political subdivision of this state.

(2) The board of a school district shall not build a frame school on a site for which it does not have a title in fee or a lease for 50 years without securing the privilege of removing the school.

(3) The board of a school district shall not design or build a school building to be used for instructional or noninstructional school purposes or design and implement the design for a school site unless the design or construction is in compliance with Act No. 306 of the Public Acts of 1937, being sections 388.851 to 388.855a of the Michigan Compiled Laws. The superintendent of public instruction has sole and exclusive jurisdiction over the review and approval of plans and specifications for the construction, reconstruction, or remodeling of school buildings used for instructional or noninstructional school purposes and of site plans for those school buildings.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1990, Act 159, Imd. Eff. July 2, 1990.

Popular name: Act 451

380.1263a Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to leasing, renovating, and maintaining school buildings.

Popular name: Act 451

380.1264, 380.1264a Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to managing libraries or museums and establishing library media centers.

Popular name: Act 451

380.1265, 380.1266 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to acquiring sites under the urban renewal program and using funds for neighborhood facilities.

Popular name: Act 451

380.1267 School buildings; construction, addition, repair, or renovation; bids; exception; advertising; security; opening and reading of bids; rejection of bids; readvertising; applicability of section; adjustment of maximum amount.

Sec. 1267. (1) Before commencing construction of a new school building, or addition to or repair or renovation of an existing school building, except repair in emergency situations, the board of a school district or intermediate school district or board of directors of a public school academy, shall obtain competitive bids on all the material and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing school building.

(2) The board, intermediate school board, or board of directors shall advertise for the bids required under subsection (1) by placing an advertisement for bids at least once in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place and by posting an advertisement for bids for at least 2 weeks on the department of management and budget website on a page on the website maintained for this purpose or on a website maintained by a school organization and designated by the department of management and budget for this purpose. If the department of management and budget designates a school organization website for this purpose, the department of management and budget shall indicate this fact on its website and include a link on its website to the school organization website.

(3) The advertisement for bids shall do all of the following:

(a) Specify the date and time by which all bids must be received by the board, intermediate school board, or board of directors.

(b) State that the board, intermediate school board, or board of directors will not consider or accept a bid received by the board, intermediate school board, or board of directors after the date and time specified for bid submission.

(c) Identify the time, date, and place of a public meeting at which the board, intermediate school board, or board of directors or its designee will open and read aloud each bid received by the board, intermediate school board, or board of directors by the date and time specified in subdivision (a).

(d) State that the bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the board, intermediate school board, or board of directors or the superintendent of the school district, intermediate superintendent of the intermediate school district, or chief executive officer of the public school academy. A board, intermediate school board, or board of directors shall not accept a bid that does not include this sworn and notarized disclosure statement.

(4) The board, intermediate school board, or board of directors shall require each bidder for a contract under this

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section to file with the board, intermediate school board, or board of directors security in an amount not less than 1/20 of the amount of the bid conditioned to secure the school district from loss or damage by reason of the withdrawal of the bid or by the failure of the bidder to enter a contract for performance, if the bid is accepted by the board, intermediate school board, or board of directors.

(5) The board, intermediate school board, or board of directors shall not open, consider, or accept a bid that the board, intermediate school board, or board of directors receives after the date and time specified for bid submission in the advertisement for bids described in subsection (3).

(6) At a public meeting identified in the advertisement for bids described in subsection (3), the board, intermediate school board, or board of directors or its designee shall open and read aloud each bid that the board, intermediate school board, or board of directors received at or before the time and date for bid submission specified in the advertisement for bids. The board, intermediate school board, or board of directors may reject any or all bids, and if all bids are rejected, shall readvertise in the manner required by this section.

(7) This section does not apply to buildings, renovations, or repairs costing less than $17,932.00 or to repair work normally performed by school district, intermediate school board, or public school academy employees. The maximum amount specified in this subsection shall be adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the 12 months ending August 31 of the year in which the adjustment is made differs from that index's average for the 12 months ending on August 31 of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 431, Imd. Eff. Dec. 29, 1982;—Am. 1990, Act 159, Imd. Eff. July 2, 1990;—Am. 1994, Act 278, Imd. Eff. July 11, 1994;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 232, Imd. Eff. July 21, 2004.

Popular name: Act 451

380.1268 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to school property as community or recreation center.

Popular name: Act 451

380.1269 Insuring school district or public school academy property.

Sec. 1269. The board of a school district other than a first class school district shall insure school district property unless otherwise directed by the school electors. The governing board of a public school academy shall insure public school academy property. The insurance may be obtained from mutual, stock, or other responsible companies licensed to do business in this state.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1270 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to accident or medical insurance program for pupils.

Popular name: Act 451

380.1272 Meal program for pupils.

Sec. 1272. The board of a school district may use general funds to provide the necessary personnel, equipment, supplies, and food to furnish meals for regularly enrolled pupils, and may accept produce and financial reimbursement from the state to supplement the resources of the district. The board may provide the meal program by contract or it may engage directly in the business. The board may charge a fee for each meal furnished in accordance with sections 1272a to 1272d.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1991, Act 167, Imd. Eff. Dec. 19, 1991.

Popular name: Act 451

380.1272a Lunch program; breakfast program.

Sec. 1272a. (1) The board of a K to 12 school district shall, and the board of another school district may, establish and operate a program under which lunch is made available to all full-time pupils enrolled and in regular daily attendance at each public school of the school district.

(2) The board of a K to 12 school district shall establish and operate a program under which breakfast is made available to all full-time pupils enrolled and in regular daily attendance at each public school of the school district unless no more than 20% of the pupils enrolled in the school building in the immediately preceding school year met

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the income eligibility criteria for free or reduced-price lunch under the federally funded school lunch program, as determined using October claims reported to the department by December 31 of the immediately preceding school year, and, after a public hearing on the issue, which shall be held annually with notice to parents and pupils, the board decides not to operate such a program in that school building and publishes a public justification report explaining its decision. The board of another school district may establish and operate a school breakfast program.

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

History: Add. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1990, Act 35, Imd. Eff. Mar. 22, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1272b Nutritional standards; fees; free and reduced price meals; free milk; confidentiality; discrimination; planning and evaluation of meals and other foods.

Sec. 1272b. In all programs established and operated pursuant to section 1272a:

(a) Nutritional standards prescribed by the United States department of agriculture pursuant to section 9 of the national school lunch act, 42 U.S.C. 1758, shall be met and maintained.

(b) The board may charge a fee for meals or milk, but the fee shall not exceed the actual average daily cost, including necessary supervision, of the meal or milk and accessories, less the amount of food and financial assistance received by the board for the meal or milk.

(c) The board shall provide free and reduced price meals and free milk to all pupils eligible under the maximum standards prescribed by the United States department of agriculture pursuant to section 9 of the national school lunch act, 42 U.S.C. 1758; shall ensure the confidentiality of all information contained in applications for eligibility; and shall further ensure that eligible pupils are not discriminated against or overtly identified in any manner.

(d) The board shall provide for parent and pupil participation in the planning and evaluation of school meals and other foods sold or dispensed on school premises.

History: Add. 1977, Act 43, Imd. Eff. June 29, 1977.

Popular name: Act 451

380.1272c Applicability of § 380.1272a.

Sec. 1272c. The requirements of section 1272a shall not apply:

(a) In a school year in which the federal subsidy per meal falls below the 1975-76 level or the state subsidy per meal served is less than the figures specified in section 1272d(b) and (c).

(b) In a school district during a school year when the state board finds that a financial emergency exists which renders the school district unable to comply fully with the requirements. The board of the school district may apply, in writing, to the state board, not later than July 1 for a subsequent school year, demonstrating the need for noncompliance and describing the programs and services that can be provided and the efforts being undertaken to alleviate the emergency. If the state board finds that an emergency exists, it shall approve the noncompliance or prescribe conditions for partial compliance. The state board may extend the filing date for good cause.

History: Add. 1977, Act 43, Imd. Eff. June 29, 1977.

Popular name: Act 451

380.1272d Duties of department of education.

Sec. 1272d. The department of education shall do all of the following:

(a) Prescribe a uniform reporting system for the collection, compilation, and analysis of data relative to the administration of this section and section 1272a.

(b) Pay a school district for each free meal served pursuant to section 1272b(c) an amount calculated by subtracting the federal reimbursement rate for a free meal from the actual cost of the meal, but not to exceed 5 cents per meal.

(c) Pay a school district for each reduced price meal served pursuant to section 1272b(c) an amount calculated by subtracting the sum of the federal reimbursement rate for a reduced price meal and the fee charged from the actual average cost of the meal, but not to exceed 2 cents per meal.

(d) For 1982-83 and thereafter, payments required by subdivisions (b) and (c) to a school district shall be credited to the state's matching share required by section 7 of the national school lunch act, 42 U.S.C. 1756.

(e) Designate a reimbursable cost per breakfast equal to the lesser of the school district's actual costs or 100% of

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the cost of a breakfast served by an efficiently operated breakfast program, as determined by the department. The department shall allocate, and the legislature shall appropriate as part of the annual department appropriations and allocations, all reasonable and necessary direct and indirect costs of an efficiently operated breakfast program or the school district's actual costs, whichever is less, incurred by a school district in the operation of a breakfast program, which costs would not have been incurred without the operation of a breakfast program, to any extent that they exceed state and federal breakfast subsidies and permissible pupil breakfast fees. These costs shall be reimbursed on a per-breakfast-served basis and may include, but shall not be limited to, compensation for needed additional personnel and supervision of both participating and nonparticipating pupils. In a school year in which the total amount of reimbursements under this subsection, as determined by the department, are not appropriated, the requirements of section 1272a(2) shall not apply to the affected school district.

History: Add. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1980, Act 508, Imd. Eff. Jan. 22, 1981;—Am. 1981, Act 87, Imd. Eff. July 2, 1981;—Am. 1982, Act 306, Imd. Eff. Oct. 13, 1982;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

Popular name: Act 451

380.1273 Meal program.

Sec. 1273. The board may enter into contracts to provide material, personnel, and equipment necessary to establish and operate a low cost, nutritionally sound meal program for persons 60 years of age or older and their spouses. Receipts and expenditures shall be maintained separate from the school general fund and food service accounts to insure the district's recovery of total program cost through a nominal charge to participants, through federal, state, local, or private grants or reimbursement, or a combination thereof.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1274 Procurement of supplies, materials, and equipment; written policies; competitive bids; approval of purchase; adjustment of maximum amount; acquisition of equipment; payment; purchase of heating and cooking equipment.

Sec. 1274. (1) The board of a school district or board of directors of a public school academy shall adopt written policies governing the procurement of supplies, materials, and equipment. A school district or public school academy shall not purchase an item or a group of items in a single transaction costing $12,500.00 or more unless competitive bids are obtained for those items and the purchase of those items is approved by the school board or board of directors. The maximum amount specified in this subsection shall be adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the 12 months ending August 31 of the year in which the adjustment is made differs from that index's average for the 12 months ending on August 31 of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar.

(2) The board of a school district or local act school district or board of directors of a public school academy may acquire by purchase, lease, or rental, with or without option to purchase, equipment necessary for the operation of the school program, including, but not limited to, heating, water heating, and cooking equipment for school buildings, and may pay for the equipment from operating funds of the district or public school academy. Heating and cooking equipment may be purchased on a title retaining contract or other form of agreement creating a security interest and pledging in payment money in the general fund or funds received from state school aid. The contracts may extend for not more than 10 years.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1982, Act 489, Eff. Mar. 30, 1983;—Am. 1983, Act 140, Imd. Eff. July 18, 1983;—Am. 1990, Act 159, Imd. Eff. July 2, 1990;—Am. 1994, Act 416, Eff. Mar. 30, 1995.

Popular name: Act 451

380.1274a Energy conservation improvements; payment; bond; contract terms; removal or treatment of asbestos or other material injurious to health; issuance of bonds; competitive bidding requirements; reports; forms; definitions.

Sec. 1274a. (1) The board of a school district, intermediate school district, or local act school district may contract with a qualified provider for energy conservation improvements to school facilities. These improvements may be paid from operating funds of the school district or from the proceeds of bonds or notes issued for energy conservation improvements, or the board or intermediate school board may enter into 1 or more energy saving performance contracts. These contracts may contain a written financial guarantee providing that the costs of improvements will be paid only if the energy savings are sufficient to cover them. Energy conservation

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improvements may include, but are not limited to, building envelope improvements; heating and cooling upgrades; lighting retrofits; installing or upgrading an energy management system; motor, pump, or fan replacements; domestic water use reductions; and upgrading other energy consuming equipment or appliances.

(2) A school board or intermediate school board that contracts for energy conservation improvements under subsection (1) may require the qualified provider to furnish a bond that guarantees energy cost savings for a specified period of time.

(3) If a school board or intermediate school board enters into an energy saving performance contract under this section, all of the following apply:

(a) The bids for the contract shall provide a detailed breakdown of the energy performance savings to be derived each year and for the duration of the energy saving performance contract, including at least all of the following:

(*i*) A description of the guaranteed energy use savings and tasks to be performed under the energy saving performance contract.

(*ii*) The combined total net cost of all of the energy conservation measures in the project.

(*iii*) The projected energy savings and operating and maintenance cost savings resulting from the project.

(*iv*) The useful life of each energy conservation measure.

(*v*) The simple payback period.

(b) The qualified provider shall certify that measurement and verification techniques for determining cost savings will be performed in accordance with the protocols published in January 2001 by the international performance measurement and verification protocol inc.

(4) The board of a school district, intermediate school district, or local act school district may provide for the removal or treatment of asbestos or other material injurious to health for school facilities and may pay for the improvements from operating funds of the school district or from the proceeds of bonds or notes issued for that purpose.

(5) Issuance of bonds for the purposes authorized by this section shall be considered as issued for capital expenditures for all purposes including section 16 of article IX of the state constitution of 1963.

(6) Energy conservation improvements or substance removal or treatment authorized by this section is subject to the competitive bidding requirements of section 1267.

(7) If energy conservation improvements are made by a school district, local act school district, or intermediate school district as provided in this section, the school board or intermediate school board shall report the following information to the state treasurer within 60 days after the completion of the improvements:

(a) Name of each facility to which an improvement was made and a description of the conservation improvements.

(b) Actual energy consumption during the 12-month period before completion of the improvement.

(c) Project costs and expenditures.

(d) Estimated annual energy savings.

(8) If energy conservation improvements are made as provided in this section, the school board or intermediate school board shall report to the state treasurer by July 1 of each of the 5 years after the improvements are completed the actual annual energy consumption of each facility to which improvements were made. The forms for the reports required by this section shall be furnished by the state treasurer.

(9) As used in this section:

(a) "Energy saving performance contract" means an agreement for the evaluation, recommendation, and implementation of energy conservation measures including, but not limited to, an energy audit or detailed energy study; the design, installation, operation, and maintenance of 1 or more energy conservation measures; energy management services; and an energy savings guarantee.

(b) "Qualified provider" means an individual or a business entity that is experienced in performing design, analysis, and installation of energy conservation improvements and facility energy management measures and that will provide these services under the contract with a guarantee or on a performance basis.

History: Add. 1982, Act 431, Imd. Eff. Dec. 29, 1982;—Am. 1985, Act 22, Imd. Eff. May 20, 1985;—Am. 1990, Act 227, Imd. Eff. Oct. 8, 1990;—Am. 2003, Act 255, Imd. Eff. Dec. 29, 2003.

Compiler's note: For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at § 460.901 of the Michigan Compiled Laws.

For transfer of powers and duties of the public service commission pertaining to energy conservation improvement reports from the public service commission to the state treasurer, see E.R.O. No. 1996-2, compiled at § 445.2001 of the Michigan Compiled Laws.

Popular name: Act 451

380.1274b Purchase, storage, or use of free flowing elemental mercury or instrument that

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contains mercury; restrictions; absence of mercury-free alternative for instrument; disposal of mercury and instruments containing mercury.

Sec. 1274b. (1) Except as otherwise provided in subsection (2), the board of a school district, local act school district, or intermediate school district; governing board of a nonpublic school; or board of directors of a public school academy shall ensure that after December 31, 2004 the school district, intermediate school district, nonpublic school, or public school academy does not purchase, store, or use free flowing elemental mercury for any experiment, display, or other purpose and does not purchase, store, or use an instrument that contains mercury, including, but not limited to, a thermometer, barometer, or sphygmomanometer, or manometer containing mercury.

(2) After December 31, 2004, if no reasonably acceptable, mercury-free alternative exists for an instrument used by the school district, intermediate school district, nonpublic school, or public school academy, then the school district, intermediate school district, nonpublic school, or public school academy may use the instrument that contains the lowest mercury content available on the market.

(3) The board of a school district, local act school district, or intermediate school district; governing board of a nonpublic school; or board of directors of a public school academy shall ensure that the school district, intermediate school district, nonpublic school, or public school academy disposes of mercury and instruments containing mercury in accordance with applicable state and federal law.

History: Add. 2000, Act 376, Imd. Eff. Jan. 2, 2001.

Popular name: Act 451

380.1275 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to counseling, information, and services pertaining to controlled substances and alcoholism.
Popular name: Act 451

380.1276 Pedestrian overpasses; acquisition or construction; payment of costs; contracts; approval.

Sec. 1276. The board of a school district or a local act school district may acquire by purchase or lease or may construct pedestrian overpasses for the safe conduct of pupils enroute to and from school. The costs may be paid by the school district and by the highway authority having jurisdiction of the public highway in amounts agreed upon by the board and the highway authority. The board may pay its share out of the general funds of the school district, or may purchase the overpasses on title retaining contracts. The contracts shall not be entered into or issued for more than 10 years. A pedestrian overpass shall not be constructed over a public highway without the prior approval of the highway authorities having jurisdiction over the highway.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1277 School improvement plan.

Sec. 1277. (1) Considering criteria established by the state board, in addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of the schools of the school district to be accredited under section 1280, the board shall adopt and implement and, not later than September 1 each year, shall make available to the department a copy of a 3- to 5-year school improvement plan and continuing school improvement process for each school within the school district. The school improvement plans shall include, but are not limited to, a mission statement, goals based on student academic objectives for all students, curriculum alignment corresponding with those goals, evaluation processes, staff development, development and utilization of community resources and volunteers, the role of adult and community education, libraries and community colleges in the learning community, and building level decision making. School board members, school building administrators, teachers and other school employees, pupils, parents of pupils attending that school, and other residents of the school district shall be invited and allowed to voluntarily participate in the development, review, and evaluation of the district's school improvement plans. Upon request of the board of a school district, the department and the intermediate school district shall assist the school district in the development and implementation of district school improvement plans. Educational organizations may also provide assistance for these purposes. School improvement plans described in this section shall be updated annually by each school and by the board of the school district.

(2) School improvement plans shall include at least all of the following additional matters:

(a) Goals centered on student academic learning.

(b) Strategies to accomplish the goals.

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(c) Evaluation of the plan.

(d) Development of alternative measures of assessment that will provide authentic assessment of pupils' achievements, skills, and competencies.

(e) Methods for effective use of technology as a way of improving learning and delivery of services and for integration of evolving technology in the curriculum.

(f) Ways to make available in as many fields as practicable opportunities for structured on-the-job learning, such as apprenticeships and internships, combined with classroom instruction.

(3) Each intermediate school board shall adopt and implement and, not later than September 1 each year, shall make available to the department a copy of a 3- to 5-year intermediate school district school improvement plan and continuing school improvement process for the intermediate school district. Constituent and intermediate school board members, school building administrators, teachers and other school employees, pupils, parents of pupils, and residents of the intermediate school district shall be invited and allowed to voluntarily participate in the development, review, and evaluation of the intermediate school district's school improvement plan. Upon request of the intermediate school board, the department shall assist the intermediate school district in the development and implementation of an intermediate school district school improvement plan. An intermediate school district school improvement plan described in this section shall be updated annually by the intermediate school board. An intermediate school district school improvement plan shall include at least all of the following:

(a) Methods to assist districts in improving pupils' academic learning.

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

(c) A plan for professional development that supports academic learning.

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

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

(f) Collaborative efforts with supporting agencies that enhance academic learning.

(g) Long-range cost containment measures, including additional services that might be provided at reduced costs by the intermediate school district or through cooperative programs, and cost reduction programs such as interdistrict cooperation in special education and other programs and services.

(h) To the extent that it would improve school effectiveness, specific recommendations on consolidation or enhanced interdistrict cooperation, or both, along with possible sources of revenue.

(i) Evaluation of the plan.

(4) The state board shall annually review a random sampling of school improvement plans. Based on its review, the state board shall annually submit a report on school improvement activities planned and accomplished by each of the school districts and intermediate school districts that were part of the sampling to the senate and house committees that have the responsibility for education legislation.

History: Add. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1993, Act 339, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1997, Act 179, Imd. Eff. Dec. 30, 1997.

Popular name: Act 451

380.1277a Accreditation of schools in school district; requirements.

Sec. 1277a. (1) Beginning in the 1994-95 school year, in addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of the schools in the school district to be accredited under section 1280, the board shall ensure all of the following:

(a) That all information assembled regarding each school building within the school district to prepare the school's annual educational report, as described in section 1204a, is disaggregated by gender and is provided to the individuals participating in the development of the district's school improvement plan under section 1277.

(b) That all gender equity issues raised by the disaggregated information described in subdivision (a) are addressed as part of the planning, development, implementation, evaluation, and updating of the school improvement plan of each school within the school district under section 1277 or, if such an issue is not addressed, that an explanation is made to the community of the reason or reasons why the issue is not addressed. An explanation for not addressing a gender equity issue may be included in the school's annual educational report under section 1204a.

(2) Upon request by a school district, intermediate school district, or school, the department shall provide advice and technical assistance to the district or school on meeting the requirements of this section.

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History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

Popular name: Act 451

380.1278 Core academic curriculum.

Sec. 1278. (1) In addition to the requirements for accreditation under section 1280 specified in that section, if the board of a school district wants all of the schools of the school district to be accredited under section 1280, the board shall provide to all pupils attending public school in the district a core academic curriculum in compliance with subsection (3) in each of the curricular areas specified in the state board recommended model core academic curriculum content standards developed under subsection (2). The state board model core academic curriculum content standards shall encompass academic and cognitive instruction only. For purposes of this section, the state board model core academic curriculum content standards shall not include attitudes, beliefs, or value systems that are not essential in the legal, economic, and social structure of our society and to the personal and social responsibility of citizens of our society.

(2) Recommended model core academic curriculum content standards shall be developed and periodically updated by the state board, shall be in the form of knowledge and skill content standards that are recommended as state standards for adoption by public schools in local curriculum formulation and adoption, and shall be distributed to each school district in the state. The recommended model core academic curriculum content standards shall set forth desired learning objectives in math, science, reading, history, geography, economics, American government, and writing for all children at each stage of schooling and be based upon the "Michigan K-12 program standards of quality" to ensure that high academic standards, academic skills, and academic subject matters are built into the instructional goals of all school districts for all children. The state board also shall ensure that the Michigan educational assessment program and the high school proficiency exam are based on the state recommended model core curriculum content standards, are testing only for proficiency in basic academic skills and academic subject matter, and are not used to measure pupils' values or attitudes.

(3) The board of each school district, considering academic curricular objectives defined and recommended pursuant to subsection (2), shall do both of the following:

(a) Establish a core academic curriculum for its pupils at the elementary, middle, and secondary school levels. The core academic curriculum shall define academic objectives to be achieved by all pupils and shall be based upon the school district's educational mission, long-range pupil goals, and pupil performance objectives. The core academic curriculum may vary from the model core academic curriculum content standards recommended by the state board pursuant to subsection (2).

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

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

(5) For all pupils, the subjects or courses, and the delivery of those including special assistance, that constitute the curriculum the pupils engage in shall assure the pupils have a realistic opportunity to learn all subjects and courses required by the district's core academic curriculum in order to give all pupils a reasonable opportunity to attain a state-endorsed diploma. A subject or course required by the core academic curriculum pursuant to subsection (3) shall be provided to all pupils in the school district by a school district, a consortium of school districts, or a consortium of 1 or more school districts and 1 or more intermediate school districts.

(6) To the extent practicable, the state board may adopt or develop academic objective-oriented high standards for knowledge and life skills, and a recommended core academic curriculum, for special education pupils for whom it may not be realistic or desirable to expect achievement of novice level or initial mastery of the state board recommended model core academic content standards objectives or of a high school diploma.

(7) The state board shall make available to all nonpublic schools in this state, as a resource for their consideration, the model core academic curriculum content standards developed for public schools pursuant to subsection (2) for the purpose of assisting the governing body of a nonpublic school in developing its core academic curriculum.

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

(9) Any course that would have been considered a nonessential elective course under Snyder v Charlotte School

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Dist, 421 Mich 517 (1984), on April 13, 1990 shall continue to be offered to resident pupils of nonpublic schools on a shared time basis.

History: Add. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1278a, 380.1278b Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to pupil performance standards and the academic performance standards committee.
Popular name: Act 451

380.1279 State assessments to high school pupils.

Sec. 1279. (1) The board of a school district or public school academy shall administer state assessments to high school pupils in the subject areas of communications skills, mathematics, science, and, beginning with pupils scheduled to graduate in 2000, social studies. The board shall include on the pupil's high school transcript all of the following:

(a) For each high school graduate who has completed a subject area assessment under this section, the pupil's scaled score on the assessment.

(b) If the pupil's scaled score on a subject area assessment falls within the range required under subsection (2) for a category established under subsection (2), an indication that the pupil has achieved state endorsement for that subject area.

(c) The number of school days the pupil was in attendance at school each school year during high school and the total number of school days in session for each of those school years.

(2) The department shall develop scaled scores for reporting subject area assessment results for each of the subject areas under this section. Subject to approval by the state board, the superintendent of public instruction shall establish 3 categories for each subject area indicating basic competency, above average, and outstanding, and shall establish the scaled score range required for each category. The department shall design and distribute to school districts, intermediate school districts, public school academies, and nonpublic schools a simple and concise document that describes these categories in each subject area and indicates the scaled score ranges for each category in each subject area. A school district or public school academy may award a high school diploma to a pupil who successfully completes local school district or public school academy requirements established in accordance with state law for high school graduation, regardless of whether the pupil is eligible for any state endorsement.

(3) The assessments administered for the purposes of this section shall be administered to pupils during the last 30 school days of grade 11. The department shall ensure that the assessments are scored and the scores are returned to pupils, their parents or legal guardians, and school districts or public school academies not later than the beginning of the pupil's first semester of grade 12. Not later than fall 1999, the department shall arrange for those portions of a pupil's assessment that cannot be scored mechanically to be scored in Michigan by persons who are Michigan teachers, retired Michigan teachers, or Michigan school administrators and who have been trained in scoring the assessments. The returned scores shall indicate the pupil's scaled score for each subject area assessment, the range of scaled scores for each subject area, and the range of scaled scores required for each category established under subsection (2). In reporting the scores to pupils, parents, and schools, the department shall provide specific, meaningful, and timely feedback on the pupil's performance on the assessment.

(4) For each pupil who does not achieve state endorsement in 1 or more subject areas, the board of the school district or public school academy in which the pupil is enrolled shall provide that there be at least 1 meeting attended by at least the pupil and a member of the school district's or public school academy's staff or a local or intermediate school district consultant who is proficient in the measurement and evaluation of pupils. The school district or public school academy may provide the meeting as a group meeting for pupils in similar circumstances. If the pupil is a minor, the school district or public school academy shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the meeting and shall mail a notice of the meeting to the pupil's parent, legal guardian, or person in loco parentis. The purpose of this meeting and any subsequent meeting under this subsection shall be to determine an educational program for the pupil designed to have the pupil achieve state endorsement in each subject area in which he or she did not achieve state endorsement. In addition, a school district or public school academy may provide for subsequent meetings with the pupil conducted by a high school counselor or teacher designated by the pupil's high school principal, and shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the subsequent meetings. The school district or public school academy shall provide special programs for the pupil or develop a program using the educational programs regularly provided by the district unless the board of the school district or public school academy decides otherwise

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and publishes and explains its decision in a public justification report.

(5) A pupil who wants to repeat an assessment administered under this section may repeat the assessment, without charge to the pupil, in the next school year or after graduation. An individual may repeat an assessment at any time the school district or public school academy administers an applicable assessment instrument or during a retesting period under subsection (7).

(6) The department shall ensure that the length of the assessments used for the purposes of this section and the combined total time necessary to administer all of the assessments, including social studies, are the shortest possible that will still maintain the degree of reliability and validity of the assessment results determined necessary by the department. The department shall ensure that the maximum total combined length of time that schools are required to set aside for administration of all of the assessments used for the purposes of this section, including social studies, does not exceed 8 hours. However, this subsection does not limit the amount of time that individuals may have to complete the assessments.

(7) The department shall establish, schedule, and arrange periodic retesting periods throughout the year for individuals who desire to repeat an assessment under this section. The department shall coordinate the arrangements for administering the repeat assessments and shall ensure that the retesting is made available at least within each intermediate school district and, to the extent possible, within each school district.

(8) A school district or public school academy shall provide accommodations to a pupil with disabilities for the assessments required under this section, as provided under section 504 of title V of the rehabilitation act of 1973, Public Law 93-112, 29 U.S.C. 794; subtitle A of title II of the Americans with disabilities act of 1990, Public Law 101-336, 42 U.S.C. 12131 to 12134; and the implementing regulations for those statutes.

(9) For the purposes of this section, the state board shall develop or select and approve assessment instruments to measure pupil performance in communications skills, mathematics, social studies, and science. The assessment instruments shall be based on the state board model core academic content standards objectives.

(10) All assessment instruments developed or selected and approved by the state under any statute or rule for a purpose related to K to 12 education shall be objective-oriented and consistent with the state board model core academic content standards objectives.

(11) A person who has graduated from high school after 1996 and who has not previously taken an assessment under this section may take an assessment used for the purposes of this section, without charge to the person, at the school district from which he or she graduated from high school at any time that school district administers the assessment or during a retesting period scheduled under subsection (7) and have his or her scaled score on the assessment included on his or her high school transcript. If the person's scaled score on a subject area assessment falls within the range required under subsection (2) for a category established under subsection (2), the school district shall also indicate on the person's high school transcript that the person has achieved state endorsement for that subject area.

(12) Not later than July 1 of each year until 2000, the department shall submit a comprehensive report to the legislature on the status of the assessment program under this section. The report shall include at least all of the following:

(a) The annual pupil assessment data.

(b) A description of the feedback provided to pupils, parents, and schools.

(c) A description of any significant alterations made in the program by the department or state board during the period covered by the report.

(d) Any recommendations by the department or state board for legislative changes to the program.

(e) An update of the reports of the assessment advisory committees of the state board.

(13) Pupils scheduled to graduate in 1998 who took the assessments used for the purposes of this section during the 1996-97 school year may repeat 1 or more of the assessments during the 1997-98 school year. The department, in cooperation with school districts and public school academies, shall make arrangements for repeat assessments to be available for these pupils in each school district that operates a high school during the 1997-98 school year in time for these pupils to repeat the assessments before graduation. The repeat assessments may be administered at times other than regular school hours.

(14) A child who is a student in a nonpublic school or home school may take an assessment under this section. To take an assessment, a child who is a student in a home school shall contact the school district in which the child resides, and that school district shall administer the assessment, or the child may take the assessment at a nonpublic school if allowed by the nonpublic school. Upon request from a nonpublic school, the department shall supply assessments and the nonpublic school may administer the assessment.

(15) The purpose of the assessment under this section is to assess pupil performance in mathematics, science,

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social studies, and communication arts for the purpose of improving academic achievement and establishing a statewide standard of competency. The assessment under this section provides a common measure of data that will contribute to the improvement of Michigan schools' curriculum and instruction by encouraging alignment with Michigan's curriculum framework standards. These standards are based upon the expectations of what pupils should know and be able to do by the end of grade 11.

(16) Not later than 90 days after the effective date of this subsection, the state board shall appoint an 11-member assessment administration advisory committee to advise the state board on Michigan education assessment program (MEAP) tests and on the assessments used for state endorsements under this section. This advisory committee shall be composed of representatives of school districts, intermediate school districts, school administrators, teachers, and parents, with the appointments reflecting the geographic and population diversity of school districts in this state. The representatives of school districts and intermediate school districts shall be persons who are expert in testing or test administration. This advisory committee shall evaluate these tests and assessments and make recommendations to the state board and department on issues related to administration, scoring, and reporting and use of results of these tests and assessments, including, but not limited to, length of the tests and assessments; the time of the testing period during the school year; feedback provided to pupils, parents, and schools; accurate and relevant reporting of results to the general public; the selection of a retesting period and procedures and arrangements for repeating tests or assessments; local scoring and other general issues regarding scoring of tests and assessments; categories of scoring on the MEAP tests and categories of state endorsement under this section; and professional development for teachers to assist in preparing pupils to have the necessary skills and knowledge to succeed on the tests and assessments.

(17) As used in this section:

(a) "Communications skills" means reading and writing.

(b) "Social studies" means geography, history, economics, and American government.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1997, Act 25, Imd. Eff. June 16, 1997;—Am. 1997, Act 175, Imd. Eff. Dec. 30, 1997.

Popular name: Act 451

380.1279a Report of irregularities; notice to school district or public school academy.

Sec. 1279a. If the department of treasury has reason to suspect that there are irregularities in a school district's or public school academy's administration of, or preparation of pupils for, a Michigan educational assessment program (MEAP) test, the department of treasury shall not report the suspected irregularities to any person or entity not involved in the scoring or administration of the test before notifying the school district or public school academy of the suspected irregularities and allowing at least 5 business days for school officials to respond.

History: Add. 2002, Act 592, Eff. Dec. 23, 2002.

Compiler's note: Former § 380.1279a, which pertained to pupil assessment, use of criteria based strategies, and pupil portfolios, was repealed by Act 289 of 1995, Eff. July 1, 1996.

Popular name: Act 451

380.1279b Credit awarded to pupil not enrolled in course.

Sec. 1279b. The board of a school district shall grant high school credit in any course to a pupil enrolled in high school, but who is not enrolled in the course, who has exhibited a reasonable level of mastery of the subject matter of the course by attaining a grade of not less than C+ in a final exam in the course, or, if there is no final exam, by exhibiting that mastery through the basic assessment used in the course which may consist of a portfolio, performance, paper, project, or presentation. For the purpose of earning credit under this section, any high school pupil may take the final examination in any course. Credit earned under this section shall be based on a "pass" grade and shall not be included in a computation of grade point average for any purpose. Credit earned under this section may or may not be counted toward graduation, as the board of the school district may determine, but the board's determination shall apply equally to all such credit for all pupils and credit earned under this section shall be counted toward fulfillment of a requirement for a subject area course and shall be counted toward fulfillment of a requirement as to course sequence. Once credit is earned under this section, a pupil may not receive credit thereafter for a course lower in course sequence concerning the same subject area.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

Popular name: Act 451

380.1279c Use of MEAP tests to measure pupils' values or attitudes prohibited.

Sec. 1279c. The state board, the board of each school district, and each public school academy shall ensure that

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the Michigan educational assessment program (MEAP) tests are not used to measure pupils' values or attitudes.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1279d MEAP test; report of irregularities to school district or public school academy.

Sec. 1279d. If the department of treasury or any other state agency has reason to suspect that there are irregularities in a school district's or public school academy's administration of, or preparation of pupils for, a Michigan educational assessment program (MEAP) test, the department of treasury or any other state agency shall not report the suspected irregularities to any person or entity not involved in the scoring or administration of the test before notifying the school district or public school academy of the suspected irregularities and allowing at least 5 business days for school officials to respond.

History: Add. 2002, Act 640, Imd. Eff. Dec. 23, 2002.

Compiler's note: Former section 380.1279d, which pertained to the student portfolio, was repealed by Act 289 of 1995, Eff. July 1, 1996.

Popular name: Act 451

380.1279e High school credit in foreign language.

Sec. 1279e. The board of a school district shall grant high school credit in a foreign language to a pupil enrolled in high school who has demonstrated proficiency in a foreign language outside of a public or private high school curriculum. Proficiency may be demonstrated by a competency test or other criteria established by the board.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

Popular name: Act 451

380.1279f Repealed. 1997, Act 177, Eff. June 30, 2001.

Compiler's note: The repealed section pertained to qualifications for postsecondary courses.

Popular name: Act 451

380.1280 Accreditation.

Sec. 1280. (1) The board of a school district that does not want to be subject to the measures described in this section shall ensure that each public school within the school district is accredited.

(2) As used in subsection (1), and subject to subsection (6), “accredited” means certified by the superintendent of public instruction as having met or exceeded standards established under this section for 6 areas of school operation: administration and school organization, curricula, staff, school plant and facilities, school and community relations, and school improvement plans and student performance. The building-level evaluation used in the accreditation process shall include, but is not limited to, school data collection, self-study, visitation and validation, determination of performance data to be used, and the development of a school improvement plan.

(3) The department shall develop and distribute to all public schools proposed accreditation standards. Upon distribution of the proposed standards, the department shall hold statewide public hearings for the purpose of receiving testimony concerning the standards. After a review of the testimony, the department shall revise and submit the proposed standards to the superintendent of public instruction. After a review and revision, if appropriate, of the proposed standards, the superintendent of public instruction shall submit the proposed standards to the senate and house committees that have the responsibility for education legislation. Upon approval by these committees, the department shall distribute to all public schools the standards to be applied to each school for accreditation purposes.

(4) The superintendent of public instruction shall develop and distribute to all public schools standards for determining that a school is eligible for summary accreditation under subsection (6). The standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3) for accreditation standards, and shall be finally distributed and implemented not later than December 31, 1994.

(5) The standards for accreditation or summary accreditation under this section shall include pupil performance on Michigan education assessment program (MEAP) tests and the percentage of pupils achieving state endorsement under section 1279 as criteria, but shall not be based solely on pupil performance on MEAP tests or on the percentage of pupils achieving state endorsement under section 1279. The standards shall also include multiple year change in pupil performance on MEAP tests and multiple year change in the percentage of pupils achieving state endorsement under section 1279 as criteria. If it is necessary for the superintendent of public instruction to revise accreditation or summary accreditation standards established under subsection (3) or (4) to comply with this subsection, the revised standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3).

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(6) If the superintendent of public instruction determines that a public school has met the standards established under subsection (4) or (5) for summary accreditation, the school is considered to be accredited without the necessity for a full building-level evaluation under subsection (2).

(7) If the superintendent of public instruction determines that a school has not met the standards established under subsection (4) or (5) for summary accreditation but that the school is making progress toward meeting those standards, or if, based on a full building-level evaluation under subsection (2), the superintendent of public instruction determines that a school has not met the standards for accreditation but is making progress toward meeting those standards, the school is in interim status and is subject to a full building-level evaluation as provided in this section.

(8) If a school has not met the standards established under subsection (4) or (5) for summary accreditation and is not eligible for interim status under subsection (7), the school is unaccredited and subject to the measures provided in this section.

(9) Beginning with the 2002-2003 school year, if at least 5% of a public school's answer sheets from the administration of the Michigan educational assessment program (MEAP) tests are lost by the department or by a state contractor and if the public school can verify that the answer sheets were collected from pupils and forwarded to the department or the contractor, the department shall not assign an accreditation score or school report card grade to the public school for that subject area for the corresponding year for the purposes of determining state accreditation under this section. The department shall not assign an accreditation score or school report card grade to the public school for that subject area until the results of all tests for the next year are available.

(10) Subsection (9) does not preclude the department from determining whether a public school or a school district has achieved adequate yearly progress for the school year in which the answer sheets were lost for the purposes of the no child left behind act of 2001, Public Law 107-110, 115 Stat. 1425. However, the department shall ensure that a public school or the school district is not penalized when determining adequate yearly progress status due to the fact that the public school's MEAP answer sheets were lost by the department or by a state contractor, but shall not require a public school or school district to retest pupils or produce scores from another test for this purpose.

(11) The superintendent of public instruction shall annually review and evaluate for accreditation purposes the performance of each school that is unaccredited and as many of the schools that are in interim status as permitted by the department's resources.

(12) The superintendent of public instruction shall, and the intermediate school district to which a school district is constituent, a consortium of intermediate school districts, or any combination thereof may, provide technical assistance, as appropriate, to a school that is unaccredited or that is in interim status upon request of the board of the school district in which the school is located. If requests to the superintendent of public instruction for technical assistance exceed the capacity, priority shall be given to unaccredited schools.

(13) A school that has been unaccredited for 3 consecutive years is subject to 1 or more of the following measures, as determined by the superintendent of public instruction:

(a) The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school becomes accredited.

(b) A parent, legal guardian, or person in loco parentis of a child who attends the school may send his or her child to any accredited public school with an appropriate grade level within the school district.

(c) The school, with the approval of the superintendent of public instruction, shall align itself with an existing research-based school improvement model or establish an affiliation for providing assistance to the school with a college or university located in this state.

(d) The school shall be closed.

(14) The superintendent of public instruction shall evaluate the school accreditation program and the status of schools under this section and shall submit an annual report based upon the evaluation to the senate and house committees that have the responsibility for education legislation. The report shall address the reasons each unaccredited school is not accredited and shall recommend legislative action that will result in the accreditation of all public schools in this state.

History: Add. 1990, Act 25, Eff. Apr. 13, 1990;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1997, Act 180, Imd. Eff. Dec. 30, 1997;—Am. 2003, Act 275, Imd. Eff. Jan. 8, 2004.

Popular name: Act 451

380.1280a Specialized or alternative school or program.

Sec. 1280a. The board of a school district or intermediate school district that operates or participates in a

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consortium that operates an alternative educational program pursuant to section 1301, a vocational-technical skills center or other separate vocational education program, or any other type of specialized or alternative school or program shall ensure that the requirements of sections 1204a, 1277a, 1278, and 1280 are met for each of those schools or programs.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

Popular name: Act 451

380.1280b Grades 1 to 5; yearly test or assessment.

Sec. 1280b. (1) Subject to subsection (2), the board of a school district, or board of directors of a public school academy that operates any of grades 1 to 5, shall administer each school year to all pupils in grades 1 to 5 a nationally-recognized norm-referenced test or another assessment, which may include a locally-adopted assessment, approved by the superintendent of public instruction at the request of the school district or public school academy.

(2) A school district or public school academy may use the Michigan literacy progress profile to assess literacy in grades 1 to 3 as part of its compliance with subsection (1).

(3) If a school is designated for participation in the national assessment of education progress program, the school shall participate as designated.

(4) An elementary school that is not in compliance with subsection (1) or a school that does not comply with subsection (3) shall not be accredited under section 1280.

History: Add. 2000, Act 230, Imd. Eff. June 27, 2000.

Popular name: Act 451

380.1281 State board; duties generally; examination and audit of official records and accounts; action to compel accounting; waiver from compliance with rules.

Sec. 1281. (1) The state board shall:

(a) Require each board, each public school academy board of directors, each intermediate school board, and the officers of each of those boards to observe the laws relating to schools.

(b) Require each board to maintain school or to provide educational opportunities for resident children for the statutory period.

(c) Prescribe appropriate uniform pupil and finance accounting records for use in school districts, public school academies, and intermediate school districts and promulgate rules for their adoption.

(d) Require each board, each public school academy board of directors, and each intermediate school board to carry out the state board's recommendations relative to the safety of school buildings, equipment, and appurtenances, including any condition that may endanger the health or life of pupils.

(2) The state board may examine and audit the official records and accounts of school districts, public school academies, and intermediate school districts, and may compel proper accounting by legal action instituted by direction of the attorney general.

(3) Upon application by a school district, public school academy, university school, or intermediate school district, the state board may grant to the school district, public school academy, university school, or intermediate school district a limited time waiver from a state board or department rule interpreting or implementing a provision of this act. The state board may grant a waiver only if the school district, public school academy, university school, or intermediate school district demonstrates that it can address the intent of the rule in a more effective, efficient, or economical manner or that the waiver is necessary to stimulate improved pupil performance. A waiver shall not be granted for more than 3 years, but may be renewed. The state board may place conditions on a waiver or its renewal. The state board may revoke a waiver if it determines that the waiver no longer meets the criteria of this subsection, compromises equal opportunities for learning, or is detrimental to the educational interests of pupils. The state board may not grant a waiver from the duty to comply with a provision of this act, and may not grant a waiver from the duty to comply with another state statute unless and to the extent that a waiver is specifically allowed by that other state statute.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

Administrative rules: R 340.1 et seq.; R 340.351 et seq.; and R 340.851 et seq. of the Michigan Administrative Code.

380.1282 Grades, schools, and departments; courses of study; opportunity to achieve state endorsement; special assistance.

Sec. 1282. (1) The board of a school district shall establish and carry on the grades, schools, and departments it

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considers necessary or desirable for the maintenance and improvement of its schools and determine the courses of study to be pursued.

(2) The board of a school district shall provide a core academic curriculum, learning processes, special assistance particularly for students with reading disorders or who have demonstrated marked difficulty in achieving success on standardized tests, and sufficient access to each of these so that all pupils have a fair opportunity to achieve a state endorsement under section 1279. The board shall use Michigan education assessment program (MEAP) test results as an indicator of which pupils need special assistance to have a fair opportunity to achieve state endorsement under section 1279 and of whether the school district's curriculum is adequately aligned to prepare pupils to achieve that state endorsement. This special assistance may include at least 1 meeting attended by at least the pupil and a member of the school district's staff or a local or intermediate school district consultant who is knowledgeable in the measurement and evaluation of pupils. The school district may provide the meeting as a group meeting for pupils in similar circumstances. If the pupil is a minor, the school district shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the meeting and shall mail a notice of the meeting to the pupil's parent, legal guardian, or person in loco parentis. The purpose of this meeting and any subsequent meeting under this subsection should be to determine an educational program for the pupil designed to assist the pupil to be prepared to achieve state endorsement under section 1279. In addition, the school district may provide for subsequent meetings with the pupil conducted by a counselor or teacher designated by the pupil's principal, and shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the subsequent meetings. The school district may provide special programs for the pupil or develop a program using the educational programs regularly provided by the school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1997, Act 181, Imd. Eff. Dec. 30, 1997.

Popular name: Act 451

380.1282a Repealed. 2001, Act 121, Imd. Eff. Sept. 28, 2001.

Compiler's note: The repealed section pertained to literacy and mathematics skills.
Popular name: Act 451

380.1283 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to attendance areas.
Popular name: Act 451

380.1284 Length of school term; determination; minimum number of days and hours; increase in number of days and hours not required; certification; strikes or teachers' conferences; rules.

Sec. 1284. (1) The board of a school district or of a public school academy shall determine the length of the school term. However, except as otherwise provided in subsections (2) and (3), if the board does not want the school district's or public school academy's state school aid payments to be withheld as described in section 101 of the state school aid act of 1979, MCL 388.1701, the board shall ensure that the minimum number of days of pupil instruction in a school year is 180 through the 1996-1997 school year and is 181 in the 1997-1998 school year, 182 in the 1998-1999 school year, 183 in the 1999-2000 school year, 184 in the 2000-2001 school year, 185 in the 2001-2002 school year, 186 in the 2002-2003 school year, 187 in the 2003-2004 school year, 188 in the 2004-2005 school year, 189 in the 2005-2006 school year, and 190 in the 2006-2007 school year and each succeeding school year, and shall ensure that the minimum number of hours of pupil instruction in a school year is 900 for the 1994-95 school year, 990 for the 1995-96 and 1996-97 school years, 1,041 for the 1997-1998 school year, 1,047 for the 1998-1999 school year, 1,098 for the 1999-2000 school year, 1,104 for the 2000-2001 school year, 1,110 for the 2001-2002 school year, 1,116 for the 2002-2003 school year, 1,122 for the 2003-2004 school year, 1,128 for the 2004-2005 school year, 1,134 for the 2005-2006 school year, and 1,140 for the 2006-2007 school year and each succeeding school year.

(2) For a particular school year, if the department determines that the percentage growth in the basic foundation allowance under section 20 of the state school aid act of 1979, MCL 388.1620, for the state fiscal year in which the school year begins, as compared to the basic foundation allowance for the immediately preceding state fiscal year, is less than the percentage increase in the average United States consumer price index for all urban consumers, as determined by the United States bureau of labor statistics, for the calendar year immediately preceding the calendar year in which the school year begins as compared to the second preceding calendar year before the calendar year in which the school year begins, then there shall be no increase in the required minimum number of days or hours of pupil instruction under subsection (1) for that particular school year. For the next school year after a school year for

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which there is no increase in the required minimum number of days and hours of pupil instruction under subsection (1) because of the operation of this subsection, and if the first sentence of this subsection does not apply, the increase in the required minimum number of days and hours of pupil instruction shall only be 1 day and the corresponding number of hours. This subsection shall apply and shall operate to limit increases under subsection (1) until the required minimum number of days and hours of pupil instruction under this section is 190 days and 1,140 hours.

(3) The board of a school district or public school academy, by resolution, may choose to provide less than the number of days of pupil instruction required under subsection (1), but shall provide at least 180 days of pupil instruction and at least the number of hours of pupil instruction required under subsection (1).

(4) Not later than August 1, the board of each school district and of each public school academy shall certify to the state board the number of days and hours of pupil instruction in the previous school year.

(5) Days lost because of strikes or teachers' conferences shall not be counted as days of pupil instruction.

(6) The state board shall promulgate rules for the implementation of this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 143, Imd. Eff. July 15, 1992;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1997, Act 53, Imd. Eff. July 1, 1997.

Popular name: Act 451

Administrative rules: R 340.1 et seq. of the Michigan Administrative Code.

380.1284a Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to common calendars within intermediate school districts.

Popular name: Act 451

380.1284b School in session on Friday before Labor Day; prohibition; effect of collective bargaining agreement.

Sec. 1284b. (1) Except as otherwise provided in subsection (2), the board of a school district, local act school district, public school academy, or intermediate school district shall ensure that the district's or public school academy's schools are not in session on the Friday before Labor day. As used in this section, “Labor day” means the first Monday in September.

(2) If a collective bargaining agreement that provides a complete school calendar is in effect as of May 1, 1999 for employees of a school district, local act school district, public school academy, or intermediate school district, and if that school calendar is not in compliance with subsection (1), then subsection (1) does not apply to that school district, local act school district, public school academy, or intermediate school district until after the expiration of that collective bargaining agreement.

History: Add. 1999, Act 141, Eff. Mar. 10, 2000;—Am. 2001, Act 167, Imd. Eff. Nov. 26, 2001.

Popular name: Act 451

380.1285 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to establishment and operation of child care centers.

Popular name: Act 451

380.1285a Child care center subject to fire prevention or fire safety requirements; requirements for operation of before- or after-school program.

Sec. 1285a. (1) If a school district or intermediate school district operates a child care center, as defined in section 1 of 1973 PA 116, MCL 722.111, then, except as provided in this subsection, the child care center is subject to the requirements of 1973 PA 116, MCL 722.111 to 722.128. If a child care center established and operated by a school district or intermediate school district is located in a school building that is approved and inspected by the state fire marshal or other similar authority as provided in section 3 of 1937 PA 306, MCL 388.853, for school purposes and is in compliance with school fire safety rules, as determined by the state fire marshal or a fire inspector certified pursuant to section 2b of the fire prevention code, 1941 PA 207, MCL 29.2b, the child care center is not subject to any fire prevention or fire safety requirements under 1973 PA 116, MCL 722.111 to 722.128. Beginning July 1, 2003, as used in this subsection, “child care center” does not include a program described in subsection (2) that has been granted an exemption from child care center approval by the department of consumer and industry services as provided under section 1(2) of 1973 PA 116, MCL 722.111.

(2) Beginning July 1, 2003, if a school district, public school academy, or intermediate school district operates or contracts for the operation of a before- or after-school program for children in grades K to 8, and if the program is exempt from child care center approval as provided under section 1(2) of 1973 PA 116, MCL 722.111, all of the

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following apply to the operation of the program:

(a) The program shall meet all of the following staffing requirements:

(*i*) Shall have at least 2 adult program staff members present at all times when children are present.

(*ii*) Shall have a child to adult program staff member ratio that meets the following:

(a) For children in grades K to 3, is no greater than the lesser of either 20 children to 1 adult program staff member or the average pupil to teacher ratio during school hours in that school district, public school academy, or intermediate school district in regular K to 3 classrooms.

(b) For children in grades 4 to 8, is no greater than the lesser of either 25 children to 1 adult program staff member or the average pupil to teacher ratio during school hours in that school district, public school academy, or intermediate school district in regular grade 4 to 8 classrooms.

(*iii*) Within 3 months after he or she begins to work in the program, each adult program staff member shall hold valid certification in cardiopulmonary resuscitation and basic first aid issued by the American red cross, American heart association, or a comparable organization or institution approved by the department.

(b) The program shall be located at school in facilities comparable to rooms used by pupils during the regular school day.

(c) The program shall provide daily activities and relationships that offer each child in the program opportunities for physical development; social development, including positive self-concept; and intellectual development.

(d) If food is served, the food service shall comply with the same nutrition requirements that apply to food service by the school district, public school academy, or intermediate school district during the regular school day.

(e) If the school district, public school academy, or intermediate school district uses its employees to staff the program, before assigning a staff member to work in the program, the school district, public school academy, or intermediate school district shall comply with sections 1230 and 1230a with respect to that individual to the same extent as if the individual were being hired as a teacher. If the school district, public school academy, or intermediate school district contracts for the operation or staffing of the program, the contract shall contain assurance that the contracting person or entity, before assigning an individual to work in the program, will comply with sections 1230 and 1230a with respect to that individual to the same extent as if the person or entity were a school district employing the individual as a teacher. The department of state police shall provide information to a school district, public school academy, intermediate school district, or contracting person or entity requesting information under this subdivision to the same extent as if the school district, public school academy, intermediate school district, or person or entity were a school district making the request under section 1230 or 1230a.

(f) The board of the school district or intermediate school district or board of directors of the public school academy, in consultation with the director of the program and the principal of the school at which the program is operated, shall develop, adopt, and annually review a policy concerning the program that, at a minimum, addresses safety procedures for the program, including first aid, food safety, discipline, dispensing and storage of medication, and access to student emergency information and telephones.

(g) Not later than September 1 of each school year, the board of the school district or intermediate school district or board of directors of the public school academy shall adopt and submit to the secretary of the intermediate school board a resolution affirming that the program and the corresponding policies comply with this section. This submission shall include a copy of the policy under subdivision (f).

(h) The board of the school district or intermediate school district or board of directors of the public school academy shall make copies of the policy under subdivision (f), and of any annual reviews or revisions, available to the public.

(3) Not later than April 1, 2003, the department, in consultation with the department of consumer and industry services, shall develop and make available to the public model standards for before- or after-school programs operated under subsection (2) that address human relationships; indoor environment; outdoor environment; activities; safety, health, and nutrition; and administration. In developing these model standards, the department shall give substantial consideration to similar factors in the requirements placed on child care centers under 1973 PA 116, MCL 722.111 to 722.128. A school district, public school academy, or intermediate school district is not required to follow these model standards.

(4) Beginning July 1, 2003, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that any written information published or distributed by the school district, public school academy, or intermediate school district concerning a before- or after-school program it operates under subsection (2) includes a statement in at least 10-point type notifying the public whether the program follows or deviates from the model standards developed under subsection (3).

History: Add. 1996, Act 285, Imd. Eff. June 17, 1996;—Am. 2002, Act 695, Eff. Mar. 31, 2003.

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Compiler's note: Sub-subparagraphs (2)(a)(*ii*)(a) and (2)(a)(*ii*)(b) evidently should read (2)(a)(*ii*)(A) and (2)(a)(*ii*)(B).
Popular name: Act 451

380.1286, 380.1287 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to provision of facilities, equipment, and teachers for kindergarten classes and vocational education programs.
Popular name: Act 451

380.1288 Courses requiring wearing of industrial quality eye protective devices; rules; definition.

Sec. 1288. (1) Each pupil and teacher participating in a course included in this section shall wear industrial quality eye protective devices, which have been sanitized prior to use, if exposure to danger exists while participating in the course. The board shall furnish the devices for pupils, teachers, and visitors to the classrooms or laboratories. The courses for which protective devices are required are:

(a) Vocational or industrial arts shops or laboratories involving the use of or working with hot molten metals; milling, sawing, turning, shaping, grinding, cutting, or stamping of solid materials; heat treatment, tempering, or kiln firing of metal or other materials; gas or electric arc welding; repair or servicing of vehicles; or caustic or explosive materials.

(b) Chemical or combined chemical-physical laboratory work involving acid, caustic, or explosive chemicals or hot liquids or solids.

(2) The state board shall promulgate rules to enforce this section.

(3) As used in this section, “industrial quality eye protective device” means a device meeting the standards of the American standard safety code for head, eye, and respiratory protection, Z87.1-1968, promulgated by the American standards association, incorporated.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451
Administrative rules: R 390.1301 et seq. of the Michigan Administrative Code.

380.1289 Participation of female pupils in interscholastic athletic activities.

Sec. 1289. Female pupils shall be permitted to compete for a position in all interscholastic athletic activities. If a school has a girls' team in an interscholastic athletic activity, a female shall be permitted to compete for a position on any other team for that activity. This subsection shall not be construed to prevent or interfere with the selection of competing teams solely on the basis of athletic ability.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1291 Local school security task force.

Sec. 1291. The board of a school district may establish a local school security task force for the school district to perform functions at the local level similar to those performed at the state level by the school security task force created under the school security task force act. The local school security task force shall include representatives of parents, teachers and other school employees, school administrators, law enforcement officials, pupils, and other members of the community affected by weapons in schools. A school district may use school operating funds for the activities of its local school security task force. This section does not require a school district to establish a local school security task force, or create liability for a school district that does not establish a local school security task force.

History: Add. 1993, Act 320, Eff. Apr. 1, 1994.

Popular name: Act 451

380.1291[1] Michigan information network.

Sec. 1291. (1) Not later than June 30, 1995, the department of management and budget shall prepare a state plan for creation of a Michigan information network linking each local and intermediate school district, public school academy, community college, independent nonprofit college or university located in this state, and state public university and each state, local, or regional library on an equal basis by fiber optic or coaxial cable or other comparable system allowing a world-class statewide interactive video and data access and exchange system.

(2) All educational entities in this state are encouraged to participate in the Michigan information network created in subsection (1) and in similar networks or systems and are encouraged to use computer, telecommunications, and other interactive technology to develop and use distance learning for educational purposes.

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History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1994, Act 416, Eff. Mar. 30, 1995.

Compiler's note: Section 1291, as added by Act 335 of 1993, was compiled as MCL 380.1291[1] to distinguish it from another section 1291, deriving from Act 320 of 1993 and pertaining to local school security task force.

For transfer of statutory authority, powers, duties, functions, and responsibilities of certain units, teams, divisions, and offices within the department of management and budget to the department of information technology by type III transfer, see E.R.O. No. 2001-1, compiled at § 18.41 of the Michigan compiled laws.

Popular name: Act 451

380.1293 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to adult education courses.

Popular name: Act 451

380.1294 Parent involvement plan; adoption; distribution; review.

Sec. 1294. (1) Not later than January 1, 2005, the board of a school district or intermediate school district or the board of directors of a public school academy shall adopt and implement a parent involvement plan designed to encourage parental participation.

(2) The board or board of directors shall provide a copy of the parent involvement plan to the parent or legal guardian of each pupil. The board or board of directors may provide the copy of the policy by including the policy in its student handbook or a similar publication that is distributed to all pupils and parents.

(3) The board or board of directors shall provide a copy of the parent involvement plan to the department upon request by the department.

(4) The department shall review parental involvement practices that have been implemented by public schools in this state and elsewhere and shall post information at the department website about successful parental involvement policies and practices.

History: Add. 2004, Act 107, Imd. Eff. May 20, 2004.

Popular name: Act 451

380.1295 Parental involvement contracts.

Sec. 1295. (1) School districts are encouraged to develop and implement parental involvement contracts with parents of pupils. These parental involvement contracts should be voluntary and should be designed to encourage and facilitate a parent's involvement in his or her child's education.

(2) Not later than 90 days after the effective date of this section, the department shall develop and make available to school districts a model parental involvement contract that may be used for the purposes of subsection (1). The model parental involvement contract shall establish a learning partnership between parent, teacher, and pupil, and shall address at least all of the following:

(a) That the pupil's parent or guardian will do all of the following:

(*i*) Review homework assignments and offer assistance when needed.

(*ii*) Ensure that the pupil gets to school each day, on time and ready to learn.

(*iii*) Demonstrate interest in the pupil's well-being by attending school functions and supporting the pupil's school activities.

(*iv*) Make every effort to attend parent-teacher conferences.

(b) That the pupil will do all of the following:

(*i*) Participate in class discussions and complete assignments in a manner that is accurate, neat, and timely.

(*ii*) Come to school each school day and be on time.

(*iii*) Pay attention in class and complete assigned lessons.

(*iv*) Obey the rules and codes of conduct set for the classroom.

(*v*) Respect teachers, school administrators, and other pupils at all times by not antagonizing, intimidating, or threatening them.

(c) That the teacher will do all of the following:

(*i*) Set high standards for quality instruction that promote development of grade-appropriate academic skills.

(*ii*) Keep accurate attendance records and inform the parent or guardian promptly if an attendance problem starts to develop.

(*iii*) Teach pupils how to study and review basic concepts taught in class.

(*iv*) Maintain a welcome atmosphere and scheduling flexibility toward parent or guardian visits and participation.

(d) That the contract should include a way for the pupil's parent or guardian to explain any obstacles that prevent him or her from complying with the contract.

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(3) If a parental involvement contract includes an explanation described in subsection (2)(d), school officials shall consider accessing possible resources to help overcome the obstacles identified by the parent or guardian.

History: Add. 2001, Act 29, Imd. Eff. June 28, 2001.

Popular name: Act 451

380.1296 Auxiliary services for pupils in nonpublic schools; use of state school aid; scope of auxiliary services; rules.

Sec. 1296. The board of a school district that provides auxiliary services specified in this section to its resident pupils in the elementary and secondary grades shall provide the same auxiliary services on an equal basis to pupils in the elementary and secondary grades at nonpublic schools. The board may use state school aid to pay for the auxiliary services. The auxiliary services shall include health and nursing services and examinations; street crossing guards services; national defense education act testing services; teacher of speech and language services; school social work services; school psychological services; teacher consultant services for handicapped pupils and other ancillary services for the handicapped; remedial reading; and other services determined by the legislature. Auxiliary services shall be provided under rules promulgated by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 340.291 et seq. of the Michigan Administrative Code.

380.1297 Educational program for certain children; board as agent for federal government; payment of per capita operation and capital outlay costs; deduction of allotments; approval; section inapplicable to land attached under § 380.1298.

Sec. 1297. (1) The board of a school district may serve as an agent for the federal government in providing the district's educational program, either within its own district or upon the premises of a military encampment or hospital over which the federal government has taken exclusive jurisdiction, to pupils of parents or guardians who live on land over which the federal government has exclusive jurisdiction.

(2) The federal government shall pay the full per capita operation costs for each pupil educated by the school district on its own premises, and the full per capita operation costs, plus all costs for capital outlay, for each pupil educated by the district upon the premises of the federal government. In determining the per capita cost, allotments made for a pupil on a membership basis from state school aid shall be deducted.

(3) The state board shall approve the items included or excluded in determining the operation and capital outlay costs.

(4) This section does not apply if land is attached pursuant to section 1298.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1298 Attachment of land under exclusive federal jurisdiction; hearing; rights and privileges of pupils.

Sec. 1298. Land over which the federal government is exercising exclusive jurisdiction may be attached for educational purposes by the state board after a hearing to a school district offering educational programs for pupils residing on the land. The pupils shall be residents of the district entitled to all the educational rights and privileges of other resident pupils.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1299 Limited open forum; equal access and opportunity; definitions.

Sec. 1299. (1) A public school that operates 1 or more of grades 7 to 12 and that has a limited open forum shall not deny equal access or a fair opportunity to, or discriminate against, any pupil or pupils who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at the meeting. A public school has a limited open forum whenever the public school grants an offering to or opportunity for 1 or more noncurriculum-related student groups to meet on school premises during noninstructional time. A public school shall be considered to offer a fair opportunity to pupils who wish to conduct a meeting within the limited open forum if the public school uniformly provides for all of the following:

(a) The meeting is voluntary and student-initiated.

(b) There is no sponsorship of the meeting by the public school, the government, or either's agents or employees.

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(c) Employees or agents of the public school or government are present at religious meetings only in a nonparticipatory capacity.

(d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.

(e) Persons not affiliated with the public school may not direct, conduct, control, or regularly attend activities of student groups.

(2) Subsection (1) does not authorize this state or any political subdivision of this state to do any of the following:

(a) Influence the form or content of any prayer or other religious activity.

(b) Require any person to participate in prayer or other religious activity.

(c) Expend public funds beyond the incidental cost of providing the space for student-initiated meetings.

(d) Compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee.

(e) Sanction meetings that are otherwise unlawful.

(f) Limit the rights of groups of pupils which are not of a specified numerical size.

(g) Abridge the constitutional rights of any person.

(3) Subsection (1) does not limit the authority of a public school to maintain order and discipline on school premises, to protect the well-being of pupils and faculty, and to assure that attendance of pupils at meetings is voluntary.

(4) As used in this section:

(a) “Meeting” includes those activities of student groups that are permitted under a public school's limited open forum and are not directly related to the school curriculum.

(b) “Noninstructional time” means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

(c) “Public school” includes a public school's employees and persons or entities under contract with the public school.

(d) “Sponsorship” includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

History: Add. 1995, Act 289, Eff. July 1, 1996;—Am. 1996, Act 283, Imd. Eff. June 17, 1996.

Popular name: Act 451

380.1300 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to regulations.

Popular name: Act 451

380.1300a Sexual harassment policy.

Sec. 1300a. Not later than January 1, 1995, the board of each school district shall adopt and implement a written sexual harassment policy. At a minimum, the policy shall prohibit sexual harassment by school district employees, board members and pupils directed toward other employees or pupils and shall specify penalties for violation of the policy.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

Popular name: Act 451

380.1301 Pregnant persons; expulsion or exclusion from public school prohibited; withdrawal; alternative educational program or program of special services; rules.

Sec. 1301. (1) A person who has not completed high school may not be expelled or excluded from a public school because of being pregnant.

(2) A pregnant person who is under the compulsory school age may withdraw from a regular public school program in accordance with rules promulgated by the state board.

(3) The board of a local or intermediate school district may provide an accredited alternative educational program for school age expectant parents and school age parents and their children, or provide a program of special services within the conventional school setting, or contract with another school district offering the educational program.

(4) The state board shall promulgate rules to implement this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1980, Act 109, Imd. Eff. May 10, 1980.

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Popular name: Act 451
Administrative rules: R 340.1121 et seq. of the Michigan Administrative Code.

380.1302 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to eligibility requirements for driver education courses.
Popular name: Act 451

380.1303 Pocket pager, electronic communication device, or other personal communication device; applicability of subsection (1).

Sec. 1303. (1) Until the end of the 2003-2004 school year, unless the board or board of directors adopts its own local policy to the contrary, the board of a school district or board of directors of a public school academy shall not permit any pupil to carry a pocket pager, electronic communication device, or other personal communication device in school except for health or other unusual reasons approved by the board or board of directors. A board or board of directors may develop penalties that it considers appropriate for a pupil who violates this prohibition or its own policy.

(2) Beginning with the 2004-2005 school year, subsection (1) does not apply and the board of a school district or board of directors of a public school academy may adopt and implement its own local policy concerning whether or not a pupil may carry a pocket pager, electronic communication device, or other personal communication device in school.

History: Add. 1988, Act 215, Imd. Eff. July 1, 1988;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2003, Act 132, Imd. Eff. Aug. 1, 2003.

380.1305 Bomb threat; search by school employee.

Sec. 1305. If a public or nonpublic school is closed or vacated due to a bomb threat, a school official shall not require a school employee to remain in or to search the school unless the governing body that operates the school has ensured that employee has received appropriate training approved by the appropriate law enforcement agency dealing with bomb threats.

History: Add. 2004, Act 56, Imd. Eff. Apr. 12, 2004.

380.1306 School lockers; no presumption of privacy; search policy; assistance of law enforcement agency; model policy; admissibility of evidence.

Sec. 1306. (1) A pupil who uses a locker that is the property of a school district, local act school district, intermediate school district, or public school academy is presumed to have no expectation of privacy in that locker or that locker's contents.

(2) If the board of a school district, local act school district, or intermediate school district or board of directors of a public school academy operates a school that has pupil lockers, then not later than 180 days after the effective date of this section the board or board of directors shall adopt a policy on searches of pupils' lockers and locker contents. This policy shall provide that, in the course of a search conducted pursuant to the policy, the privacy rights of the pupil shall be respected regarding any items that are not illegal or against school policy. The board or board of directors shall provide a copy of this policy to each pupil at a school that has lockers and to the parent or legal guardian of each of those pupils. The board or board of directors shall also provide a copy of the policy to the department upon request by the department.

(3) A public school principal or his or her designee may search a pupil's locker and the locker's contents at any time in accordance with the policy under subsection (2).

(4) A law enforcement agency having jurisdiction over the school may assist school personnel in conducting a search of a pupil's locker and the locker's contents if that assistance is at the request of the school principal or his or her designee and the search is conducted in accordance with the policy under subsection (2).

(5) Not later than 90 days after the effective date of this section, the superintendent of public instruction shall develop and make available a model policy on searches of pupils' lockers and locker contents that may be adopted for the purposes of this section.

(6) Any evidence obtained as a result of a search of a pupil's locker or locker's contents shall not be inadmissible in any court or administrative proceedings because the search violated this section, violated the policy under subsection (2), or because no policy was adopted.

History: Add. 2000, Act 87, Imd. Eff. May 1, 2000.

Popular name: Act 451

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380.1308 Statewide school safety information policy.

Sec. 1308. (1) Not later than 90 days after the effective date of this section, the superintendent of public instruction, attorney general, and director of the department of state police shall adopt, publish, and distribute to school boards, county prosecutors, and local law enforcement agencies the statewide school safety information policy described in subsection (2). Not later than 180 days after the effective date of this section, each school board, county prosecutor, and local law enforcement agency shall do both of the following:

(a) Meet and confer as appropriate on the implementation of the statewide school safety information policy for each school district and on any related issues that are unique to the affected locality. The appropriate local law enforcement agency or agencies to be involved shall be determined locally, consistent with the statewide school safety information policy.

(b) Begin compliance with the statewide school safety information policy.

(2) The statewide school safety information policy required under subsection (1) shall identify the types of incidents occurring at school that must be reported to law enforcement agencies and shall establish procedures to be followed when such an incident occurs at school. The statewide school safety information policy also may address procedures for reporting incidents involving possession of a dangerous weapon as required under section 1313. The statewide school safety information policy shall address at least all of the following:

(a) Law enforcement protocols and priorities for the reporting process. The law enforcement protocols must be developed with the cooperation of the appropriate state or local law enforcement agency. The law enforcement priorities shall include at least investigation of reported incidents, identification of those involved in a reported incident, assistance in prevention of these types of incidents, and, when appropriate, assistance from a child protection agency.

(b) Definition of the types of incidents requiring reporting to law enforcement and response by law enforcement, taking into account the intent of the actor and the circumstances surrounding the incident.

(c) Protocols for responding to reportable incidents, addressing at least all of the following:

(*i*) Initial notification and reporting by school officials.

(*ii*) The information to be provided by school officials.

(*iii*) Initial response by law enforcement agencies, which shall be specifically tailored for incidents in progress, incidents not in progress, and incidents involving delayed reporting. School officials shall be consulted to determine the extent of law enforcement involvement required by the situation.

(*iv*) Custody of actors.

(d) The amount and nature of assistance to be provided by school officials, and the scope of their involvement in law enforcement procedures. This provision shall require school officials to notify the parent or legal guardian of a minor pupil who is a victim or witness when law enforcement authorities interview the pupil.

(e) Any other matters that will facilitate reporting of incidents affecting school safety and the exchange of other information affecting school safety.

(3) If school officials of a school district determine that an incident has occurred at school that is required to be reported to law enforcement agencies according to the statewide school safety information policy under this section, the superintendent of the school district, or his or her designee, immediately shall report that finding to the appropriate state or local law enforcement agency in the manner prescribed in the statewide school safety information policy.

(4) If provided in the statewide school safety information policy under this section, a local law enforcement agency that has jurisdiction over a school building of a school district shall report to the school officials of the school building incidents reported to the law enforcement agency that allege the commission of a crime and that, according to the incident report, either occurred on school property or within 1,000 feet of the school property or involved a pupil or staff member of the school as a victim or alleged perpetrator. Upon request by a law enforcement agency, school officials shall provide the law enforcement agency with any information the law enforcement agency determines it needs to provide this report to school officials.

(5) If provided in the statewide school safety information policy under this section, the prosecuting attorney of a county shall notify a school district located in whole or in part in that county of any criminal or juvenile court action initiated or taken against a pupil of the school district, including, but not limited to, convictions, adjudications, and dispositions. This notification shall be made to either the school district superintendent or to the intermediate superintendent of the intermediate school district in which the county is located, as provided in the policy or by local agreement. If the notification is made to the intermediate superintendent, the intermediate superintendent shall forward the information to the superintendent of the school district in which the pupil is enrolled. Upon receipt of information under this subsection, a school district superintendent shall share the information with appropriate

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school building personnel. The prosecuting attorney may inquire of each school age individual involved in a court action described in this subsection whether the individual is a pupil in a school district and, if so, in which school district.

(6) If provided for in the statewide school safety information policy under this section, the appropriate court shall inform an appropriate school administrator of the name of the individual assigned to monitor a convicted or adjudicated youth attending a public school and of how that individual may be contacted.

(7) A school board, county prosecutor, and local law enforcement agency may enter into a local agreement or take other measures to facilitate the sharing of school safety information or to promote school safety if the agreement or other measures are consistent with the statewide school safety information policy.

(8) A school board shall cooperate with local law enforcement agencies to ensure that detailed and accurate building plans, blueprints, and site plans, as appropriate, for each school building operated by the school board are provided to the appropriate local law enforcement agency.

(9) Reporting of information by a school district or school personnel under this section is subject to section 444 of subpart 4 of part C of the general education provisions act, Title IV of Public Law 90-247, 20 U.S.C. 1232g, commonly referred to as the family educational rights and privacy act of 1974.

(10) If a pupil is involved in an incident reported to law enforcement according to the statewide school safety information policy under this section, then upon request by school officials, the pupil's parent or legal guardian shall execute any waivers or consents necessary to allow school officials access to school, court, or other pertinent records of the pupil concerning the incident and action taken as a result of the incident.

(11) As used in this section:

(a) “At school” means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

(b) “School board” and “school district” mean those terms as defined in section 1311a.

History: Add. 1999, Act 102, Imd. Eff. July 6, 1999.

Popular name: Act 451

380.1309 Conduct constituting suspension; action by teacher; report; supervision; conference; return by student; adoption of local policy by school board; definitions.

Sec. 1309. (1) If a teacher in a public school has good reason to believe that a pupil's conduct in a class, subject, or activity constitutes conduct for which the pupil may be suspended from a class, subject, or activity according to the local policy required under subsection (2), the teacher may cause the pupil to be suspended from the class, subject, or activity for up to 1 full school day. The teacher shall immediately report the suspension and the reason for the suspension to the school principal and send the pupil to the school principal or the school principal's designee for appropriate action. If that action requires the continued presence of the pupil at school, the pupil shall be under appropriate supervision. As soon as possible after a suspension under this section, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor, school psychologist, or school social worker shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. During a suspension under this section, the pupil shall not be returned that school day to the class, subject, or activity from which he or she was suspended without the concurrence of the teacher of the class, subject, or activity and the school principal.

(2) A school board shall adopt a local policy specifying the types of conduct for which a pupil may be suspended from a class, subject, or activity by a teacher under this section. This policy shall be included in the school board's code of student conduct.

(3) As used in this section:

(a) “School board” means that term as defined in section 1311a.

(b) “School principal” means the chief administrator of a school.

History: Add. 1999, Act 103, Imd. Eff. July 6, 1999.

Popular name: Act 451

380.1310 Physical assault at school against another pupil; expulsion required; alternative education; definitions.

Sec. 1310. (1) If a pupil enrolled in grade 6 or above commits a physical assault at school against another pupil and the physical assault is reported to the school board, school district superintendent, or building principal, then the school board or the designee of the school board as described in section 1311(1) on behalf of the school board shall suspend or expel the pupil from the school district for up to 180 school days. A district superintendent or

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building principal who receives a report described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a school district is not required to allow an individual expelled from another school district under this section to attend school in the school district during the expulsion.

(2) If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled under this section and pursuant to section 1311(2) or 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office for safe schools about the program or school and the types of pupils it serves. The office for safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

(3) As used in this section:

(a) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

(b) "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.

(c) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.

(d) "School district" means a school district, a local act school district, an intermediate school district, or a public school academy.

History: Add. 1999, Act 102, Imd. Eff. July 6, 1999;—Am. 2000, Act 230, Imd. Eff. June 27, 2000.

Popular name: Act 451

380.1310a Report.

Sec. 1310a. (1) At least annually, each school board shall prepare and submit to the superintendent of public instruction, in the form and manner prescribed by the superintendent of public instruction, a report stating the number of pupils expelled from the school district during the immediately preceding school year, with a brief description of the incident that caused each expulsion.

(2) In order to obtain an accurate local and statewide picture of school crime and to develop the partnerships necessary to plan and implement school safety programs, at least annually, each school board shall report to the superintendent of public instruction, in the form and manner prescribed by the superintendent of public instruction, incidents of crime occurring at school within the school district. In determining the form and manner of this report, the superintendent of public instruction shall consult with local and intermediate school districts and law enforcement officials. The reporting shall include at least crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes including, but not limited to, theft and vandalism. For a property crime, the report shall include an estimate of the cost to the school district resulting from the property crime. The school crime reporting requirements of this subsection are intended to do all of the following:

(a) Help policymakers and program designers at the local and state levels develop appropriate prevention and intervention programs.

(b) Provide the continuous assessment tools needed for revising and refining school safety programs.

(c) Assist schools and school districts to identify the most pressing safety issues confronting their school communities, to direct resources appropriately, and to enhance campus safety through prevention and intervention strategies.

(d) Foster the creation of partnerships among schools, school districts, state agencies, communities, law enforcement, and the media to prevent further crime and violence and to assure a safe learning environment for every pupil.

(3) Each school building shall collect and keep current on a weekly basis the information required for the report under subsection (2) and must provide that information, within 7 days, upon request. At least annually, each school board shall make a copy disaggregated by school building, of the most recent report for the school district under subsection (2) available to the parent or legal guardian of each pupil enrolled in the school district.

(4) As used in this section, "school board" and "school district" mean those terms as defined in section 1310.

History: Add. 1999, Act 102, Imd. Eff. July 6, 1999;—Am. 2000, Act 230, Imd. Eff. June 27, 2000.

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Popular name: Act 451

380.1311 Suspension or expulsion of pupils.

Sec. 1311. (1) Subject to subsection (2), the school board, or the school district superintendent, a school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is handicapped, and the school district has not evaluated the pupil in accordance with rules of the state board to determine if the student is handicapped, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with section 1711.

(2) If a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, or commits criminal sexual conduct in a school building or on school grounds, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (5). However, a school board is not required to expel a pupil for possessing a weapon if the pupil establishes in a clear and convincing manner at least 1 of the following:

(a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.

(b) The weapon was not knowingly possessed by the pupil.

(c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.

(d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

(3) If an individual is expelled pursuant to subsection (2), the expelling school district shall enter on the individual's permanent record that he or she has been expelled pursuant to subsection (2). Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled pursuant to subsection (2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311*l*, an individual expelled pursuant to subsection (2) is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (5). Except as otherwise provided by law, a program operated for individuals expelled pursuant to subsection (2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual expelled from a school district pursuant to subsection (2) is not placed in an alternative education program or strict discipline academy, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(v) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil expelled pursuant to subsection (2) than the amount of the foundation allowance the school district receives for the pupil under section 20 of the state school aid act of 1979, MCL 388.1620.

(4) If a school board expels an individual pursuant to subsection (2), the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(5) The parent or legal guardian of an individual expelled pursuant to subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 60 school days after the date of expulsion. For an individual who

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was enrolled in grade 5 or below at the time of the expulsion and who has been expelled pursuant to subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time. For an individual who was in grade 6 or above at the time of expulsion, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) An individual who was in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 90 school days after the date of expulsion. An individual who was in grade 5 or below at the time of the expulsion and who has been expelled pursuant to subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 10 school days after the date of the expulsion. An individual who was in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.

(c) It is the responsibility of the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, of the individual to prepare and submit the petition. A school board is not required to provide any assistance in preparing the petition. Upon request by a parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual, a school board shall make available a form for a petition.

(d) Not later than 10 school days after receiving a petition for reinstatement under this subsection, a school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual. The committee shall consist of 2 school board members, 1 school administrator, 1 teacher, and 1 parent of a pupil in the school district. During this time the superintendent of the school district may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

(e) Not later than 10 school days after all members are appointed, the committee described in subdivision (d) shall review the petition and any supporting information and information provided by the school district and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:

(*i*) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.

(*ii*) The extent to which reinstatement of the individual would create a risk of school district liability or individual liability for the school board or school district personnel.

(*iii*) The age and maturity of the individual.

(*iv*) The individual's school record before the incident that caused the expulsion.

(*v*) The individual's attitude concerning the incident that caused the expulsion.

(*vi*) The individual's behavior since the expulsion and the prospects for remediation of the individual.

(*vii*) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.

(f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

(g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

(6) A school board or school administrator that complies with subsection (2) is not liable for damages for expelling a pupil pursuant to subsection (2), and the authorizing body of a public school academy is not liable for damages for expulsion of a pupil by the public school academy pursuant to subsection (2).

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(7) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (5).

(8) This section does not diminish the due process rights under federal law of a pupil who has been determined to be eligible for special education programs and services.

(9) If a pupil expelled from a public school district pursuant to subsection (2) is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or alternative education program shall immediately become eligible for the prorated share of either the public school academy or operating school district's foundation allowance or the expelling school district's foundation allowance, whichever is higher.

(10) If an individual is expelled pursuant to subsection (2), it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable alternative educational program and to enroll the individual in such a program during the expulsion. The office of safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled pursuant to subsection (2) and pursuant to section 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office of safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

(11) As used in this section:

(a) "Arson" means a felony violation of chapter X of the Michigan penal code, 1931 PA 328, MCL 750.71 to 750.80.

(b) "Criminal sexual conduct" means a violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

(c) "Dangerous weapon" means that term as defined in section 1313.

(d) "Firearm" means that term as defined in section 921 of title 18 of the United States Code, 18 U.S.C. 921.

(e) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.

(f) "School district" means a school district, a local act school district, an intermediate school district, or a public school academy.

(g) "Weapon free school zone" means that term as defined in section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1994, Act 328, Eff. Jan. 1, 1995;—Am. 1995, Act 250, Imd. Eff. Jan. 2, 1996;—Am. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

380.1311a Assault by pupil against employee, volunteer, or contractor; expulsion required; alternative services; referral; reinstatement; immunity from liability; petition for reinstatement form; rights of pupils eligible for special education programs and services; eligibility of school for prorated share of foundation allowance; report of assaults; responsibility for enrollment in educational program; definitions.

Sec. 1311a. (1) If a pupil enrolled in grade 6 or above commits a physical assault at school against a person employed by or engaged as a volunteer or contractor by the school board and the physical assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the assault, by another person on the victim's behalf, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (5). A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board.

(2) If a pupil enrolled in grade 6 or above commits a verbal assault, as defined by school board policy, at school against a person employed by or engaged as a volunteer or contractor by the school board and the verbal assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the verbal assault, by another person on the victim's behalf, or if a pupil enrolled in grade 6 or above makes a bomb threat or similar threat directed at a school building, other school property, or a school-related event, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall suspend or expel the pupil from the school district for a period of time as determined in the

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discretion of the school board or its designee. A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a school district is not required to allow an individual expelled from another school district under this subsection to attend school in the school district during the expulsion.

(3) If an individual is permanently expelled pursuant to this section, the expelling school district shall enter on the individual's permanent record that he or she has been permanently expelled pursuant to this section. Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled pursuant to this section and section 1311(2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311*l*, an individual permanently expelled pursuant to this section is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (5). Except as otherwise provided by law, a program operated for individuals expelled pursuant to this section and section 1311(2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual permanently expelled from a school district pursuant to this section is not placed in an alternative education program or strict discipline academy, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(*v*) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil permanently expelled pursuant to this section than the amount of the foundation allowance the school district receives for the pupil under section 20 of the state school aid act of 1979, MCL 388.1620.

(4) If a school board permanently expels an individual pursuant to this section, the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(5) The parent or legal guardian of an individual permanently expelled pursuant to this section or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) The individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) The individual shall not be reinstated before the expiration of 180 school days after the date of expulsion.

(c) It is the responsibility of the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, of the individual to prepare and submit the petition. A school board is not required to provide any assistance in preparing the petition. Upon request by a parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual, a school board shall make available a form for a petition.

(d) Not later than 10 school days after receiving a petition for reinstatement under this subsection, a school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual. The committee shall consist of 2 school board members, 1 school administrator, 1 teacher, and 1 parent of a pupil in the school district. During this time the superintendent of the school district may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

(e) Not later than 10 school days after all members are appointed, the committee described in subdivision (d) shall review the petition and any supporting information and information provided by the school district and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:

(*i*) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.

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(*ii*) The extent to which reinstatement of the individual would create a risk of school district or individual liability for the school board or school district personnel.

(*iii*) The age and maturity of the individual.

(*iv*) The individual's school record before the incident that caused the expulsion.

(*v*) The individual's attitude concerning the incident that caused the expulsion.

(*vi*) The individual's behavior since the expulsion and the prospects for remediation of the individual.

(*vii*) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.

(f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

(g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

(6) A school board or school administrator that complies with this section is not liable for damages for suspending or expelling a pupil pursuant to this section, and the authorizing body of a public school academy is not liable for damages for suspension or expulsion of a pupil by the public school academy pursuant to this section.

(7) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (5). The department may designate the form used for a petition for reinstatement under section 1311 as a form that may be used under this section.

(8) This section does not diminish the due process rights under federal law of a pupil who has been determined to be eligible for special education programs and services.

(9) If a pupil expelled from a school district pursuant to this section is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or the alternative education program is immediately eligible for the prorated share of either the public school academy's or operating school district's foundation allowance or the expelling school district's foundation allowance, whichever is higher.

(10) A school board or its designee shall report all assaults described in subsection (1) or (2) to appropriate state or local law enforcement officials and prosecutors as provided in the statewide school safety information policy under section 1308.

(11) If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled pursuant to this section and pursuant to section 1311(2), and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office for safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

(12) As used in this section:

(a) “At school” means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

(b) “Physical assault” means intentionally causing or attempting to cause physical harm to another through force or violence.

(c) “School board” means a school board, intermediate school board, or the board of directors of a public school academy.

(d) “School district” means a school district, a local act school district, an intermediate school district, or a public

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school academy.

History: Add. 1999, Act 104, Imd. Eff. July 6, 1999;—Am. 2000, Act 230, Imd. Eff. June 27, 2000.

Popular name: Act 451

380.1311b Strict discipline academy; powers; definitions.

Sec. 1311b. (1) A strict discipline academy is a public school under section 2 of article VIII of the state constitution of 1963, is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for the purposes of section 1225, and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. A strict discipline academy is a body corporate and is a governmental agency. The powers granted to a strict discipline academy under sections 1311b to 1311*l* constitute the performance of essential public purposes and governmental functions of this state.

(2) As used in sections 1311b to 1311*l*:

(a) "Authorizing body" means any of the following that issues a contract as provided in sections 1311b to 1311 *l*:

(*i*) The board of a school district that operates grades K to 12.

(*ii*) An intermediate school board.

(*iii*) The board of a community college.

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

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

(c) "Community college" means a community college organized under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or a federal tribally controlled community college that is recognized under the tribally controlled community college assistance act of 1978, Public Law 95-471, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

(d) "Contract" means the executive act taken by an authorizing body that evidences the authorization of a strict discipline academy and that establishes, subject to the constitutional powers of the state board and applicable law, the written instrument executed by an authorizing body conferring certain rights, franchises, privileges, and obligations on a strict discipline academy, as provided by sections 1311b to 1311*l*, and confirming the status of a strict discipline academy as a public school in this state.

(e) "Entity" means a partnership, nonprofit or business corporation, labor organization, or any other association, corporation, trust, or other legal entity.

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

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

380.1311c Strict discipline academy; report; evaluation; contents.

Sec. 1311c. Not later than 1 year after the effective date of this section, and at least annually thereafter, the state board shall submit a comprehensive report, with findings and recommendations, to the house and senate committees on education. The report shall evaluate strict discipline academies generally, including, but not limited to, an evaluation of whether strict discipline academies are fulfilling the purposes specified in former section 511(1). The report also shall contain, for each strict discipline academy, a copy of the academy's mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, and number of and comments on supervisory visits by the authorizing body.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

380.1311d Strict discipline academy; organization of corporation; authorizing body; application; oversight; suspension of power; fees; presumption of legal organization.

Sec. 1311d. (1) A strict discipline academy shall be organized and administered under the direction of a board of directors in accordance with sections 1311b to 1311*l* and with bylaws adopted by the board of directors. A strict discipline academy corporation created to operate a strict discipline academy shall be organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, except that the strict discipline academy corporation is not required to comply with sections 170 to 177 of 1931 PA 327, MCL 450.170 to 450.177. To the extent disqualified under the state or federal constitution, a strict discipline academy shall not be organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a

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church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more strict discipline academies under sections 1311b to 1311*l*:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not issue a contract for a strict discipline academy to operate outside the school district's boundaries, and a strict discipline academy authorized by the board of a school district shall not operate outside that school district's boundaries.

(b) An intermediate school board. However, the board of an intermediate school district shall not issue a contract for a strict discipline academy to operate outside the intermediate school district's boundaries, and a strict discipline academy authorized by the board of an intermediate school district shall not operate outside that intermediate school district's boundaries.

(c) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a strict discipline academy to operate in a school district organized as a school district of the first class, a strict discipline academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a strict discipline academy to operate outside the boundaries of the community college district, and a strict discipline academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 strict discipline academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a strict discipline academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years.

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

(3) To obtain a contract to organize and operate 1 or more strict discipline academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application shall include at least all of the following:

(a) Identification of the applicant for the contract.

(b) Subject to the resolution adopted by the authorizing body under section 1311e, a list of the proposed members of the board of directors of the strict discipline academy and a description of the qualifications and method for appointment or election of members of the board of directors.

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

(*i*) The name of the proposed strict discipline academy.

(*ii*) The purposes for the strict discipline academy corporation that will operate the strict discipline academy. This language shall provide that the strict discipline academy is established pursuant to sections 1311b to 1311*l* and that the strict discipline academy corporation is a governmental entity.

(*iii*) The name of the authorizing body.

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

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

(d) A copy of the proposed bylaws of the strict discipline academy.

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

(*i*) The governance structure of the strict discipline academy.

(*ii*) A copy of the educational goals of the strict discipline academy and the curricula to be offered and methods of pupil assessment to be used by the strict discipline academy. To the extent applicable, the progress of the pupils in the strict discipline academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

(*iii*) The admission policy and criteria to be maintained by the strict discipline academy. The admission policy and criteria shall comply with section 1311g. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a strict discipline academy is being created and adequate information on the admission policy, criteria, and process.

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

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

(*vi*) The type of pupils to be enrolled in the strict discipline academy, as described in section 1311g(3) and (4).

(f) Descriptions of staff responsibilities and of the strict discipline academy's governance structure.

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(g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the strict discipline academy will be located.

(h) An agreement that the strict discipline academy will comply with the provisions of sections 1311b to 1311*l* and, subject to the provisions of these sections, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.

(i) For a strict discipline academy authorized by a school district, an assurance that employees of the strict discipline academy will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not strict discipline academies.

(j) A description of and address for the proposed physical plant in which the strict discipline academy will be located.

(4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each strict discipline academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the authorizing body can certify that the strict discipline academy is in compliance with statute, rules, and the terms of the contract.

(5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more strict discipline academies operating under a contract issued by the authorizing body, the state board may suspend the power of the authorizing body to issue new contracts to organize and operate strict discipline academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension.

(6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a strict discipline academy in an amount that exceeds a combined total of 3% of the total state school aid received by the strict discipline academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a strict discipline academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the strict discipline academy.

(7) A strict discipline academy shall be presumed to be legally organized if it has exercised the franchises and privileges of a strict discipline academy for at least 2 years.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

380.1311e Strict discipline academy; issuance of contract by authorizing body; placement of question on ballot; submission of contract and application to state board; selection, term, and number of members of board of directors; contract requirements; compliance with applicable law; immunity; exemption from tax; property acquisition and condemnation.

Sec. 1311e. (1) An authorizing body is not required to issue a contract to any person or entity. Contracts for strict discipline academies shall be issued on a competitive basis taking into consideration the resources available for the proposed strict discipline academy, the population to be served by the proposed strict discipline academy, and the educational goals to be achieved by the proposed strict discipline academy.

(2) If a person or entity applies to the board of a school district for a contract to organize and operate 1 or more strict discipline academies within the boundaries of the school district and the board does not issue the contract, the person or entity may petition the board to place the question of issuing the contract on the ballot to be decided by the school electors of the school district. The petition shall contain all of the information required to be in the contract application under section 1311d and shall be signed by a number of school electors of the school district equal to at least 15% of the total number of school electors of that school district. The petition shall be filed with the secretary of the board. If the board receives a petition meeting the requirements of this subsection, the board shall place the question of issuing the contract on the ballot at its next annual school election held at least 60 days after receiving the petition. If a majority of the school electors of the school district voting on the question vote to issue the contract, the board shall issue the contract.

(3) Within 10 days after issuing a contract for a strict discipline academy, the board of the authorizing body shall submit to the state board a copy of the contract and of the application under section 1311d.

(4) An authorizing body shall adopt a resolution establishing the method of selection, length of term, and number of members of the board of directors of each strict discipline academy subject to its jurisdiction.

(5) A contract issued to organize and administer a strict discipline academy shall contain at least all of the following:

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(a) The educational goals the strict discipline academy is to achieve and the methods by which it will be held accountable. To the extent applicable, the pupil performance of a strict discipline academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

(b) A description of the method to be used to monitor the strict discipline academy's compliance with applicable law and its performance in meeting its targeted educational objectives.

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

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

(e) For a strict discipline academy authorized by a school district, an agreement that employees of the strict discipline academy will be covered by the collective bargaining agreements that apply to employees of the school district employed in similar classifications in schools that are not strict discipline academies.

(f) Procedures for revoking the contract and grounds for revoking the contract, including at least the grounds listed in section 1311 *l*.

(g) A description of and address for the proposed physical plant in which the strict discipline academy will be located.

(h) Requirements and procedures for financial audits. The financial audits shall be conducted at least annually by a certified public accountant in accordance with generally accepted governmental auditing principles.

(6) A strict discipline academy shall comply with all applicable law, including all of the following:

(a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(b) The freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(c) 1947 PA 336, MCL 423.201 to 423.217.

(d) 1965 PA 166, MCL 408.551 to 408.558.

(e) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and 1274.

(f) Except for part 6a, all provisions of this act that explicitly apply to public school academies established under part 6a.

(7) A strict discipline academy and its incorporators, board members, officers, employees, and volunteers have governmental immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An authorizing body and its board members, officers, and employees are immune from civil liability, both personally and professionally, for any acts or omissions in authorizing a strict discipline academy if the authorizing body or the person acted or reasonably believed he or she acted within the authorizing body's or the person's scope of authority.

(8) A strict discipline academy is exempt from all taxation on its earnings and property. Instruments of conveyance to or from a strict discipline academy are exempt from all taxation including taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. A strict discipline academy may not levy ad valorem property taxes or any other tax for any purpose. However, operation of 1 or more strict discipline academies by a school district or intermediate school district does not affect the ability of the school district or intermediate school district to levy ad valorem property taxes or any other tax.

(9) A strict discipline academy may acquire by purchase, gift, devise, lease, sublease, installment purchase agreement, land contract, option, or by any other means, hold and own in its own name buildings and other property for school purposes, and interests therein, and other real and personal property, including, but not limited to, interests in property subject to mortgages, security interests, or other liens, necessary or convenient to fulfill its purposes. For the purposes of condemnation, a strict discipline academy may proceed under the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75, excluding sections 6 to 9 of that act, MCL 213.56 to 213.59, or other applicable statutes, but only with the express, written permission of the authorizing body in each instance of condemnation and only after just compensation has been determined and paid.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

380.1311f Levy of taxes or issuance of bonds by school district.

Sec. 1311f. If a school district or intermediate school district applies for and obtains a contract to operate 1 or more strict discipline academies under sections 1311b to 1311*l*, the power of the school district or intermediate school district to levy taxes for any purpose under this act is not affected by the operation of a strict discipline academy by the school district or intermediate school district. Revenue from taxes levied by a school district or intermediate school district under this act or bonds issued by a school district or intermediate school district under this act may be used to support the operation or facilities of a strict discipline academy operated by the school district or intermediate school district in the same manner as that revenue may be used under this act by the school

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district or intermediate school district to support school district or intermediate school district operations and facilities. This section does not authorize a school district or intermediate school district to levy taxes or to issue bonds for any purpose that is not otherwise authorized under this act.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

380.1311g Strict discipline academy; location; tuition; admission policies or practices; enrollment; types of students; individuals committed to high-security or medium-security juvenile facility; residence requirements; age of pupils or grades.

Sec. 1311g. (1) A strict discipline academy may be located in all or part of an existing public school building. Except for a strict discipline academy that includes pupils who are the responsibility of a county juvenile agency, a strict discipline academy shall not operate at a site other than the single site requested for the configuration of grades that will use the site, as specified in the application required under section 1311d and in the contract.

(2) A strict discipline academy shall not charge tuition. Except as otherwise provided in subsection (5), a strict discipline academy shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, or any other basis that would be illegal if used by a school district. However, a strict discipline academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district.

(3) A strict discipline academy shall be established under sections 1311b to 1311*l* specifically for enrolling 1 or more of the following types of pupils:

(a) Pupils placed in the strict discipline academy by a court or by the family independence agency or a county juvenile agency under the direction of a court.

(b) Pupils who have been expelled under section 1311(2).

(c) Pupils who have been expelled under section 1311a or another provision of this act.

(d) Other expelled pupils referred to the strict discipline academy by that pupil's school and placed in the strict discipline academy by the pupil's parent or legal guardian.

(4) In addition to the types of pupils specified in subsection (3), a strict discipline public school academy shall be open for enrollment of a special education pupil who does not meet the requirements of subsection (3) if the special education pupil's individualized educational planning committee recommends that the special education pupil be placed in the strict discipline public school academy. As used in this subsection, “individualized educational planning committee” means that term as defined in R 340.1701a of the Michigan administrative code or an individualized education program team as defined in section 614 of part B of title VI of the individuals with disabilities education act, Public Law 91-230, 20 U.S.C. 1414.

(5) A strict discipline academy shall enroll only 1 or more of the types of pupils described in subsection (3) or (4). A strict discipline academy is not required to keep any group of pupils described in subsection (3) or (4) physically separated from another group of those pupils, as might otherwise be required under section 1311, section 1311a, or another provision of this act.

(6) Strict discipline academies are not intended to enroll or otherwise be used to educate individuals who are committed to a high-security or medium-security juvenile facility operated by the family independence agency or another state department or agency. Further, if the family independence agency, department of corrections, or another state department or agency has custody of or jurisdiction over a child, that state department or agency has the financial responsibility for educating the child.

(7) Except for a foreign exchange student who is not a United States citizen, a strict discipline academy shall not enroll a pupil who is not a resident of this state. Enrollment in the strict discipline academy may be open to all individuals who reside in this state who meet the admission policy under subsections (3) and (4) and shall be open to all pupils who reside within the geographic boundaries, if any, of the authorizing body as described in section 1311d who meet the admission policy under subsections (3) and (4), except that admission to a strict discipline academy authorized by the board of a community college to operate, or operated by the board of a community college, on the grounds of a federal military installation, as described in section 1311d, shall be open to all pupils who reside in the county in which the federal military installation is located who meet the admission policy under subsections (3) and (4). For a strict discipline academy authorized by a state public university, enrollment shall be open to all pupils who reside in this state who meet the admission policy under subsections (3) and (4). If there are more applications to enroll in the strict discipline academy than there are spaces available, pupils shall be selected to attend using a random selection process. However, a strict discipline academy may give enrollment priority to a sibling of a pupil enrolled in the strict discipline academy. A strict discipline academy shall allow any pupil who

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was enrolled in the strict discipline academy in the immediately preceding school year to enroll in the strict discipline academy in the appropriate grade unless the appropriate grade is not offered at that strict discipline academy.

(8) A strict discipline academy may include any grade up to grade 12 or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract. The authorizing body may approve amendment of a contract with respect to ages of pupils or grades offered.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

380.1311h Strict discipline academy; additional powers.

Sec. 1311h. In addition to other powers set forth in sections 1311b to 1311*l*, a strict discipline academy may take action to carry out the purposes for which it was incorporated under sections 1311b to 1311*l*, including, but not limited to, all of the following:

(a) To sue and be sued in its name.

(b) To acquire, hold, and own in its own name real and personal property, or interests in real or personal property, for educational purposes by purchase, gift, grant, devise, bequest, lease, sublease, installment purchase agreement, land contract, option, or condemnation, and subject to mortgages, security interests, or other liens; and to sell or convey the property as the interests of the strict discipline academy require.

(c) To receive and disburse funds for lawful purposes.

(d) To enter into binding legal agreements with persons or entities as necessary for the operation, management, and maintenance of the strict discipline academy.

(e) To incur temporary debt in accordance with section 1225.

(f) To solicit and accept any grants or gifts for educational purposes and to establish or permit to be established on its behalf 1 or more nonprofit corporations the purpose of which is to assist the strict discipline academy in the furtherance of its public purposes.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

380.1311i School district subject to court desegregation order.

Sec. 1311i. If a strict discipline academy is operated by a school district that is subject to a court desegregation order, pupil selection at the strict discipline academy is subject to that order.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

380.1311j Use of certificated and noncertificated teachers; teaching techniques or methods.

Sec. 1311j. (1) Except as otherwise provided by law, a strict discipline academy shall use certificated teachers according to state board or superintendent of public instruction rule.

(2) A strict discipline academy operated by a state public university or community college may use noncertificated individuals to teach as follows:

(a) If the strict discipline academy is operated by a state public university, the strict discipline academy may use as a classroom teacher in any grade a faculty member who is employed full-time by the state public university and who has been granted institutional tenure, or has been designated as being on tenure track, by the state public university.

(b) For a strict discipline academy operated by a community college, the strict discipline academy may use as a classroom teacher a full-time member of the community college faculty who has at least 5 years' experience at that community college in teaching the subject matter that he or she is teaching at the strict discipline academy.

(c) In any other situation in which a school district is permitted under this act to use noncertificated teachers.

(3) A strict discipline academy may develop and implement new teaching techniques or methods or significant revisions to known teaching techniques or methods, and shall report those to the authorizing body and state board to be made available to the public. A strict discipline academy may use any instructional technique or delivery method that may be used by a school district.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

380.1311k Personnel.

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Sec. 1311k. A strict discipline academy, with the approval of the authorizing body, may employ or contract with personnel as necessary for the operation of the strict discipline academy, prescribe their duties, and fix their compensation.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

380.1311*l* Authorizing body as fiscal agent; revocation of contract.

Sec. 1311*l*. (1) The authorizing body for a strict discipline academy is the fiscal agent for the strict discipline academy. A state school aid payment for a strict discipline academy shall be paid to the authorizing body that is the fiscal agent for that strict discipline academy, which shall then forward the payment to the strict discipline academy. An authorizing body has the responsibility to oversee a strict discipline academy's compliance with the contract and all applicable law. A contract issued under sections 1311b to 1311*l* may be revoked by the authorizing body that issued the contract if the authorizing body determines that 1 or more of the following has occurred:

(a) Failure of the strict discipline academy to abide by and meet the educational goals set forth in the contract.

(b) Failure of the strict discipline academy to comply with all applicable law.

(c) Failure of the strict discipline academy to meet generally accepted public sector accounting principles.

(d) The existence of 1 or more other grounds for revocation as specified in the contract.

(2) The decision of an authorizing body to revoke a contract under this section is solely within the discretion of the authorizing body, is final, and is not subject to review by a court or any state agency. An authorizing body that revokes a contract under this section is not liable for that action to the strict discipline academy, strict discipline academy corporation, a pupil of the strict discipline academy, the parent or guardian of a pupil of the strict discipline academy, or any other person.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999.

Popular name: Act 451

380.1312 "Corporal punishment" defined; infliction of corporal punishment by employee, volunteer, or contractor; exercise of necessary reasonable physical force; liability; violation; deference given to reasonable good-faith judgments; development, implementation, and enforcement of code of student conduct; model list of alternatives to use of corporal punishment; authority permitting corporal punishment void.

Sec. 1312. (1) As used in this section, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.

(2) Corporal punishment does not include physical pain caused by reasonable physical activities associated with athletic training.

(3) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy shall not inflict or cause to be inflicted corporal punishment upon any pupil under any circumstances.

(4) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy may use reasonable physical force upon a pupil as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a pupil as may be necessary for 1 or more of the following:

(a) To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district or public school academy functions within a school or at a school-related activity, if that pupil has refused to comply with a request to refrain from further disruptive acts.

(b) For self-defense or the defense of another.

(c) To prevent a pupil from inflicting harm on himself or herself.

(d) To quell a disturbance that threatens physical injury to any person.

(e) To obtain possession of a weapon or other dangerous object upon or within the control of a pupil.

(f) To protect property.

(5) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy who exercises necessary reasonable physical force upon a pupil, or upon another person of school age in a school-related setting, as described in subsection (4) is not liable in a civil action for damages arising from the use of that physical force and is presumed not to have violated subsection (3) by the use of that physical force. This subsection does not alter or limit a person's immunity from liability provided under 1964 PA

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170, MCL 691.1401 to 691.1415.

(6) A person who willfully or through gross negligence violates subsection (3) or who willfully or through gross negligence violates subsection (4) may be appropriately disciplined by his or her school board or public school academy. This subsection does not limit a school board's or public school academy's authority to discipline an employee for a violation of its own policies.

(7) In determining whether an employee, volunteer, or contractor has acted in accordance with subsection (4), deference shall be given to reasonable good-faith judgments made by that person.

(8) A local or intermediate school district or a public school academy shall develop and implement a code of student conduct and shall enforce its provisions with regard to pupil misconduct in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school sponsored activity or event whether or not it is held on school premises.

(9) The department shall develop a model list of alternatives to the use of corporal punishment. This model list shall be developed in consultation with organizations that represent the interests of teachers, school employees, school boards, school administrators, pupils, parents, and child advocates, plus any other organization that the state board of education may wish to consult. The department shall send this model list to each school district, public school academy, and intermediate school district in the state and to each nonpublic school in the state that requests it. A local or intermediate school board or public school academy shall approve and cause to be distributed to each employee, volunteer, and contractor a list of alternatives to the use of corporal punishment. Upon request, the department of education shall provide assistance to schools in the development of programs and materials to implement this section.

(10) Any resolution, bylaw, rule, policy, ordinance, or other authority permitting corporal punishment is void.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1988, Act 521, Eff. Mar. 30, 1989;—Am. 1992, Act 6, Imd. Eff. Mar. 10, 1992;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2000, Act 461, Imd. Eff. Jan. 10, 2001.

Popular name: Act 451

380.1313 Dangerous weapon found in possession of pupil; report; confiscation by school official; determination of legal owner; “dangerous weapon” defined.

Sec. 1313. (1) If a dangerous weapon is found in the possession of a pupil while the pupil is in attendance at school or a school activity or while the pupil is enroute to or from school on a school bus, the superintendent of the school district or intermediate school district, or his or her designee, immediately shall report that finding to the pupil's parent or legal guardian and the local law enforcement agency.

(2) If a school official finds that a dangerous weapon is in the possession of a pupil as described in subsection (1), the school official may confiscate the dangerous weapon or shall request a law enforcement agency to respond as soon as possible and to confiscate the dangerous weapon. If a school official confiscates a dangerous weapon under this subsection, the school official shall give the dangerous weapon to a law enforcement agency and shall not release the dangerous weapon to any other person, including the legal owner of the dangerous weapon. A school official who complies in good faith with this section is not civilly or criminally liable for that compliance.

(3) A law enforcement agency that takes possession of a dangerous weapon under subsection (2) shall check all available local and state stolen weapon and stolen property files and the national crime information center stolen gun and property files to determine the legal owner of the dangerous weapon. If the dangerous weapon is a pistol, the law enforcement agency also shall check the state pistol registration records to determine the legal owner. If the law enforcement agency is able to determine the legal owner of the dangerous weapon, and if the legal owner did not knowingly provide the dangerous weapon to the pupil or lawfully provided the dangerous weapon to the pupil but did not know or have reason to know that the pupil would possess the dangerous weapon while in attendance at school or a school activity or while en route to or from school on a school bus, the law enforcement agency shall send by certified mail to the legal owner a notice that the agency is in possession of the dangerous weapon and that the legal owner has 90 days from receipt of the notice to claim the dangerous weapon.

(4) As used in this section, “dangerous weapon” means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

History: Add. 1987, Act 211, Imd. Eff. Dec. 22, 1987;—Am. 1995, Act 76, Eff. Aug. 1, 1995.

Popular name: Act 451

380.1316 Public school fraternity, sorority, or secret society prohibited; definition.

Sec. 1316. (1) A school official or a board of a school district shall not authorize, support, or permit the creation and existence of a public school fraternity, sorority, or secret society.

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(2) A fraternity, sorority, or secret society is declared an obstruction to education and inimical to the public welfare.

(3) As used in this section, a "public school fraternity, sorority, or secret society" means an organization whose active membership is composed wholly or in part of pupils of the public schools of this state enrolled in 1 or more of the 12 grades and perpetuating itself by taking in additional members from the pupils enrolled in the public schools on the basis of the decision of its membership, rather than upon the right of a pupil who is qualified by the regulations of the school to be a member of and take part in class or group exercises, subjects required by the course of study, or program of school activities fostered and promoted by the board and superintendent of schools or by the board and intermediate superintendent for a school not employing a superintendent of schools.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1317 Public school employee or volunteer; prohibited conduct; exceptions; penalties; definitions.

Sec. 1317. (1) Except as otherwise provided in subsection (2), a public school employee or volunteer shall not do any of the following:

(a) Knowingly sell, market, distribute, or promote the use of a dietary supplement that contains a performance-enhancing compound to a pupil with whom the public school employee or volunteer has contact as part of his or her duties as a public school employee or activities as a public school volunteer.

(b) Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound by a pupil with whom the public school employee or volunteer has contact as part of his or her duties as a public school employee or activities as a public school volunteer.

(2) This section does not prohibit a public school employee or volunteer from doing any of the following:

(a) Providing, endorsing, or promoting the use of a dietary supplement that contains a performance-enhancing compound to, or suggesting the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound by, the public school employee's or volunteer's own child.

(b) Selling, marketing, distributing, or promoting the use of a dietary supplement that contains a performance-enhancing compound to, or endorsing or suggesting the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound by, a pupil as part of an activity that meets all of the following:

(*i*) Does not occur on school property or at a school-related function.

(*ii*) Is entirely separate from any aspect of the public school employee's employment as a public school employee or public school volunteer's activities as a public school volunteer.

(*iii*) Does not in any way involve information about or contacts with a pupil that the public school employee or volunteer has had direct or indirect access to through any aspect of the public school employee's employment as a public school employee or public school volunteer's activities as a public school volunteer.

(3) A person who violates this section is subject to the penalties under section 1804.

(4) As used in this section:

(a) "Dietary supplement" means that term as defined in section 201 of the federal food, drug, and cosmetic act, chapter 675, 52 Stat. 1040, 21 U.S.C. 321.

(b) "Performance-enhancing compound" means a manufactured product for oral ingestion, intranasal application, or inhalation that meets both of the following:

(*i*) Contains a stimulant, amino acid, hormone precursor, herb or other botanical, or any other substance that is not an essential vitamin or mineral.

(*ii*) Is intended to increase athletic or intellectual performance, promote muscle growth, or increase an individual's endurance or capacity for exercise.

(c) "Public school employee" means a person employed by a school district, local act school district, intermediate school district, or public school academy. For the purposes of this section, public school employee also includes a person performing services on behalf of a school district, local act school district, intermediate school district, or public school academy pursuant to a contract.

(d) "Public school volunteer" means a person serving as a volunteer in any capacity in a public school.

History: Add. 1999, Act 187, Eff. Feb. 23, 2000.

Popular name: Act 451

380.1321 Transportation for pupils; requirements; payment.

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Sec. 1321. (1) Subject to the balance of this section, the board of a school district providing transportation for its resident pupils, other than handicapped pupils transported under article 3 or other pupils who cannot safely walk to school, shall provide transportation for each resident public or nonpublic school pupil if all of the following requirements are met:

(a) The school district provides transportation for the elementary school level, middle or junior high school level, or high school level, as defined by the local school board, in which the pupil is enrolled.

(b) The pupil is a person for whom the school district is eligible to receive state school aid for transportation.

(c) The pupil is attending either the public or the nearest state approved nonpublic school in the school district to which the pupil is eligible to be admitted.

(2) Transportation provided under subsection (1) shall be without charge to the resident pupil, the parent, guardian, or person standing in loco parentis to the pupil.

(3) A school district is not required to transport or pay for transportation of a resident pupil living within 1-1/2 miles, by the nearest traveled route, to the public or state approved nonpublic school in which the pupil is enrolled. A school district is not required to transport or pay for the transportation of a resident pupil attending a nonpublic school who lives in an area less than 1-1/2 miles from a public school in which public school pupils are not transported, except that the school district is required to transport or pay for the transportation of the resident pupil from the public school within the area to the nonpublic school the pupil attends.

(4) A school district is not required to transport or pay for the transportation of resident pupils to state approved nonpublic schools located outside the district unless the school district transports some of its resident pupils, other than handicapped pupils under article 3, to public schools located outside the district, in which case the school district shall transport or pay for the transportation of resident pupils attending a state approved nonpublic school at least to the distance of the public schools located outside the district to which the district transports resident pupils and in the same general direction.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 20, Imd. Eff. Mar. 4, 1982;—Am. 1990, Act 163, Imd. Eff. July 2, 1990.

Popular name: Act 451

380.1322 Transportation for pupils; routes; rules; construction of section; vehicles.

Sec. 1322. (1) A pupil attending public school or the nearest state approved nonpublic school available, to which nonpublic school the pupil may be admitted, shall be transported along the regular routes as determined by the board to public and state approved nonpublic schools. Transportation to public and the nearest state approved nonpublic school located within or outside the district to which nonpublic school the pupil is eligible to be admitted shall be provided under the rules promulgated by the state board. Rules shall not require the transportation or payment for transportation for nonpublic school pupils on days when public school pupils are not transported.

(2) This section shall not be construed to require or permit transportation of pupils to a state approved nonpublic school attending in the elementary grades when transportation is furnished by the school district for secondary pupils only, nor to require or permit the transportation of pupils to a state approved nonpublic school attending the secondary grades when transportation is furnished by the district for elementary pupils only.

(3) Vehicles used for the transportation of pupils shall be adequate and of ample capacity.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 340.281 et seq. of the Michigan Administrative Code.

380.1323 Transportation of nonpublic school pupils to and from auxiliary service sites; payment of costs; applicability of subsection (1).

Sec. 1323. (1) Except as otherwise provided in this section, the board of a school district that provides auxiliary services to pupils pursuant to section 1296 shall provide transportation from the nonpublic school to and from the site where the auxiliary services are provided to resident and nonresident nonpublic school pupils receiving those services, to the extent the reasonable costs of the transportation of nonspecial education pupils are paid for by the state, except for pupils whose transportation costs are being reimbursed under section 71 of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being section 388.1671 of the Michigan Compiled Laws.

(2) The board of a school district that does not provide transportation for public school pupils, other than special education pupils, is not required to transport nonpublic school pupils to and from auxiliary service sites for nonspecial education auxiliary services.

(3) The requirements of subsection (1) do not apply if the superintendent of public instruction determines that a school district is in substantial compliance with section 1296 without the provision of transportation between the

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nonpublic school and the site where the auxiliary services are provided.

History: Add. 1986, Act 151, Imd. Eff. July 3, 1986.

Popular name: Act 451

380.1324 Transportation for pupils; contracts; price.

Sec. 1324. The board of a school district or board of directors of a public school academy may enter into a contract with the board of another school district or board of directors of a public school academy or with private persons to furnish transportation for nonresident pupils attending public and state approved nonpublic schools located within the school district or in other school districts. The price paid for the transportation shall not be less than the actual cost of the transportation to the school district or public school academy furnishing transportation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 416, Eff. Mar. 30, 1995.

Popular name: Act 451

380.1325 School district, intermediate school district, or consortium of districts contracting with other districts to provide transportation for pupils.

Sec. 1325. (1) A school district, intermediate school district, or consortium consisting of any combination of local or intermediate districts may contract with the board of another district to provide transportation for the pupils of the other district either within or outside the other district.

(2) For purposes of providing the transportation, and subject to the requirements of this act for school buildings, supplies, and vehicles, a local or intermediate district or consortium that enters into a contract with another district to provide transportation as described in subsection (1) may do 1 or more of the following:

(a) Acquire 1 or more sites, acquire or construct 1 or more buildings, or improve or enlarge 1 or more existing buildings.

(b) Furnish, equip, operate, and maintain 1 or more buildings.

(c) Acquire school buses, other school vehicles, and related supplies.

History: Add. 1992, Act 140, Imd. Eff. July 15, 1992.

Popular name: Act 451

380.1331 Repealed. 1990, Act 189, Eff. Aug. 15, 1990.

Compiler's note: The repealed section pertained to transportation of pupils to educational programs at fairs, health clinics, and educational functions.

Popular name: Act 451

380.1332 Transportation for pupils; nonmandatory and noncredit events; fees; rules; additional school buses; insurance.

Sec. 1332. (1) The board of a school district may collect a fee for transporting pupils enrolled in grades K to 12 to or from nonmandatory and noncredit events sponsored by the school district. Fees charged shall cover expenses for the trips involved, under rules promulgated by the state board.

(2) A board of education shall not purchase additional school buses for the sole purpose of implementing this section.

(3) Insurance to indemnify the school district, its officers, or employees against liability for damages arising out of the use of school buses shall be obtained before fees or fares are charged.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 340.241 et seq. of the Michigan Administrative Code.

380.1333 Transportation of senior citizens, retired or disabled persons, or members of nonprofit organization to activities, events, or outings; cost; transportation of persons other than pupils to school-sponsored events; fee; insurance; priority; purchase of additional school buses; agreement; definition; rules.

Sec. 1333. (1) Pursuant to an agreement made under subsection (4), the board of a school district may permit the use of a school bus, which is not otherwise being used for school purposes, by an organization or group for purposes of transporting senior citizens or retired or disabled persons, or by a nonprofit organization for purposes of transporting its members, to or from an activity, event, or outing, if the board determines that suitable or economically feasible public or private transportation is not available for this purpose. Mileage, insurance, and other costs may be paid by the group or organization or may be waived by the board of the school district.

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(2) The board of a school district may permit the use of a school bus for the purposes of transporting persons other than pupils to school-sponsored events. The board may collect a fee for transporting persons other than pupils to or from school-sponsored events to cover expenses for the trips involved. Insurance to indemnify the school district, its officers, or employees against liability for damages arising out of the use of school buses shall be obtained before persons other than pupils are transported and fees charged. The pupils of the district should be given first priority for any transportation furnished by the board.

(3) The board of a school district shall not purchase additional school buses for the sole purpose of implementing this section.

(4) A local unit of government, including a city, county, village, or township, may enter into an agreement with a board of a school district within its area for the use of school buses to transport senior citizens or retired or disabled persons or members of a nonprofit organization, subject to the same terms and conditions provided in subsection (1).

(5) As used in this section, "nonprofit organization" means any 1 of the following:

(a) A corporation organized under the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws.

(b) A corporation to which the nonprofit corporation act applies as provided in sections 121 and 123 of Act No. 162 of the Public Acts of 1982, being sections 450.2121 and 450.2123 of the Michigan Compiled Laws.

(c) A group, society, organization, or association organized to carry out any lawful purpose not involving pecuniary profit or gain for its officers, trustees, or members.

(6) The state board shall promulgate rules to implement this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1980, Act 277, Imd. Eff. Oct. 8, 1980;—Am. 1982, Act 306, Imd. Eff. Oct. 13, 1982;—Am. 1989, Act 159, Eff. Mar. 13, 1990.

Popular name: Act 451
Administrative rules: R 340.231 et seq. of the Michigan Administrative Code.

380.1334 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to boarding of pupils.
Popular name: Act 451

380.1335 Boarding schools; licensing and regulation.

Sec. 1335. The state board shall license and regulate boarding schools.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451
Administrative rules: R 340.481 et seq. of the Michigan Administrative Code.

380.1336 Repealed. 1990, Act 189, Eff. Aug. 15, 1990.

Compiler's note: The repealed section pertained to transportation routes and walking distances for pupils.
Popular name: Act 451

380.1341 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to purchase of station wagons, passenger vans, and school bus.
Popular name: Act 451

380.1341a, 380.1341b Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to cost of purchasing pupil transportation vehicles, school buses, and rehabilitating school buses, and an additional allowance for vehicle rental and amortization.
Popular name: Act 451

380.1342 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to operation, storage, maintenance, and repair of school buses.
Popular name: Act 451

380.1343, 380.1344 Repealed. 1990, Act 189, Eff. Aug. 15, 1990.

Compiler's note: The repealed sections pertained to safety specifications for and painting of school buses.
Popular name: Act 451

380.1346 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to camps for recreational and instructional purposes.

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Popular name: Act 451

380.1347 United States flag; purchase; size; appliances; display.

Sec. 1347. The board of each school district shall purchase a United States flag of a size of not less than 4 feet 2 inches by 8 feet, flag staff, and the necessary appliances therefor, and shall display the flag upon the staff which shall be erected on each public school building or on a conspicuous place upon the school grounds at all times during school hours, inclement weather excepted, in which case the flag shall be prominently displayed within the school building.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1348, 380.1349 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to information between community and board and contract with yearbook photographer.

Popular name: Act 451

PART 17
BONDS AND NOTES

******** 380.1351 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.1351.amended ********

380.1351 Borrowing money and issuing bonds; purposes; limitations; bonds or notes as full faith and credit tax limited obligations.

Sec. 1351. (1) Until May 1, 1994, a school district may borrow money and issue bonds of the district to defray all or a part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurnishing, equipping, or reequipping school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities, or parts of or additions to those facilities; acquiring, preparing, developing, or improving sites, or parts of or additions to sites, for school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities; purchasing school buses; participating in the administrative costs of an urban renewal program through which the school district desires to acquire a site or addition to a site for school purposes; refunding all or part of existing bonded indebtedness; or accomplishing a combination of the purposes set forth in this subsection. In addition, until December 31, 1991 a school district may borrow money and issue bonds to defray all or part of the cost of purchasing textbooks.

(2) Except as otherwise provided in this subsection, a school district shall not borrow money or issue bonds for a sum that, together with the total outstanding bonded indebtedness of the district, exceeds 5% of the state equalized valuation of the taxable property within the district, unless the proposition of borrowing the money or issuing the bonds is submitted to a vote of the school electors of the district at an annual or special election and approved by the majority of the school electors voting on the question. Regardless of the amount of outstanding bonded indebtedness of the school district, a vote of the school electors is not necessary in order to issue bonds for a purpose described in section 1274a or to issue bonds under section 11i of the state school aid act of 1979, 1979 PA 94, MCL 388.1611i. For the purposes of this subsection, bonds issued under section 11i of the state school aid act of 1979, 1979 PA 94, MCL 388.1611i, shall not be included in computing the total outstanding bonded indebtedness of a school district.

(3) A school district shall not issue bonds under this part for an amount greater than 15% of the total assessed valuation of the district, except as provided in section 1356. A bond qualified under section 16 of article IX of the state constitution of 1963 and implementing legislation shall not be included for purposes of calculating the 15% limitation. Bonds issued under this part are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, except that bonds issued for a purpose described in section 1274a may be sold at a public or publicly negotiated sale at the time or times, at the price or prices, and at a discount as determined by the board of the school district.

(4) Bonds or notes issued by a school district or intermediate school district under this part or section 442, 629, or 1274a shall be full faith and credit tax limited obligations of the district pledging the general funds, voted and

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allocated tax levies, or any other money available for such a purpose and shall not allow or provide for the levy of additional millage for payment of the bond or note without a vote of the qualified electorate of the district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1985, Act 22, Imd. Eff. May 20, 1985;—Am. 1990, Act 352, Imd. Eff. Dec. 26, 1990;—Am. 1997, Act 152, Imd. Eff. Dec. 22, 1997;—Am. 2002, Act 67, Imd. Eff. Mar. 15, 2002.

Popular name: Act 451

******** 380.1351.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.1351.amended Borrowing money and issuing bonds; purposes; limitations; bonds or notes as full faith and credit tax limited obligations.

Sec. 1351. (1) Until May 1, 1994, a school district may borrow money and issue bonds of the district to defray all or a part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurnishing, equipping, or reequipping school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities, or parts of or additions to those facilities; acquiring, preparing, developing, or improving sites, or parts of or additions to sites, for school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities; purchasing school buses; participating in the administrative costs of an urban renewal program through which the school district desires to acquire a site or addition to a site for school purposes; refunding all or part of existing bonded indebtedness; or accomplishing a combination of the purposes set forth in this subsection. In addition, until December 31, 1991 a school district may borrow money and issue bonds to defray all or part of the cost of purchasing textbooks.

(2) Except as otherwise provided in this subsection, a school district shall not borrow money or issue bonds for a sum that, together with the total outstanding bonded indebtedness of the district, exceeds 5% of the state equalized valuation of the taxable property within the district, unless the proposition of borrowing the money or issuing the bonds is submitted to a vote of the school electors of the district at a regular or special school election and approved by the majority of the school electors voting on the question. Regardless of the amount of outstanding bonded indebtedness of the school district, a vote of the school electors is not necessary in order to issue bonds for a purpose described in section 1274a or to issue bonds under section 11i of the state school aid act of 1979, MCL 388.1611i. For the purposes of this subsection, bonds issued under section 11i of the state school aid act of 1979, MCL 388.1611i, shall not be included in computing the total outstanding bonded indebtedness of a school district.

(3) A school district shall not issue bonds under this part for an amount greater than 15% of the total assessed valuation of the district, except as provided in section 1356. A bond qualified under section 16 of article IX of the state constitution of 1963 and implementing legislation shall not be included for purposes of calculating the 15% limitation. Bonds issued under this part are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, except that bonds issued for a purpose described in section 1274a may be sold at a public or publicly negotiated sale at the time or times, at the price or prices, and at a discount as determined by the board of the school district.

(4) Bonds or notes issued by a school district or intermediate school district under this part or section 442, 629, or 1274a shall be full faith and credit tax limited obligations of the district pledging the general funds, voted and allocated tax levies, or any other money available for such a purpose and shall not allow or provide for the levy of additional millage for payment of the bond or note without a vote of the qualified electorate of the district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 1985, Act 22, Imd. Eff. May 20, 1985;—Am. 1990, Act 352, Imd. Eff. Dec. 26, 1990;—Am. 1997, Act 152, Imd. Eff. Dec. 22, 1997;—Am. 2002, Act 67, Imd. Eff. Mar. 15, 2002;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.1351a Borrowing money and issuing bonds.

Sec. 1351a. (1) Beginning with bonds issued after May 1, 1994, a school district shall not borrow money and issue bonds of the district under section 1351(1). However, a school district may borrow money and issue bonds of the district to defray all or a part of the cost of purchasing, erecting, completing, remodeling, or equipping or reequipping, except for equipping or reequipping for technology, school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities, or parts of or additions to those facilities; furnishing or refurnishing new or remodeled school buildings; acquiring, preparing, developing, or improving sites, or parts of or additions to sites, for school buildings, including library buildings, structures, athletic fields, playgrounds, or other

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facilities; purchasing school buses; acquiring, installing, or equipping or reequipping school buildings for technology; or accomplishing a combination of the purposes set forth in this subsection. Section 1351(2) to (4) applies to bonds issued under this section.

(2) The proceeds of bonds issued under this section or under section 11i of the state school aid act of 1979, 1979 PA 94, MCL 388.1611i, shall be used for capital expenditures and to pay costs of bond issuance, and shall not be used for maintenance costs. Except as otherwise provided in this subsection, a school district that issues bonds under this section or under section 11i of the state school aid act of 1979, 1979 PA 94, MCL 388.1611i, shall have an independent audit, using generally accepted accounting principles, of its bonding activities under these sections conducted within 120 days after completion of all projects financed by the proceeds of the bonds and shall submit the audit report to the department of treasury. For bonds issued under section 11i of the state school aid act of 1979, 1979 PA 94, MCL 388.1611i, the independent audit required under this subsection may be conducted and submitted with the annual report required under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(3) A school district shall not borrow money and issue notes or bonds under this section to defray all or part of the costs of any of the following:

(a) Upgrades to operating system or application software.

(b) Media, including diskettes, compact discs, video tapes, and disks, unless used for the storage of initial operating system software or customized application software included in the definition of technology under this section.

(c) Training, consulting, maintenance, service contracts, software upgrades, troubleshooting, or software support.

(4) A resident of a school district has standing to bring suit against the school district to enforce the provisions of this section in a court having jurisdiction.

(5) As used in this section, “technology” means any of the following:

(a) Hardware and communication devices that transmit, receive, or compute information for pupil instructional purposes.

(b) The initial purchase of operating system software or customized application software, or both, accompanying the purchase of hardware and communication devices under subdivision (a).

(c) The costs of design and installation of the hardware, communication devices, and initial operating system software or customized application software authorized under this subsection.

History: Add. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 278, Imd. Eff. July 11, 1994;—Am. 1997, Act 152, Imd. Eff. Dec. 22, 1997;—Am. 2002, Act 65, Imd. Eff. Mar. 15, 2002.

Popular name: Act 451

380.1351b Appreciation or sale at discount.

Sec. 1351b. Beginning with bonds issued after May 1, 1995, bonds issued under section 1351a shall not in whole or in part appreciate in principal amount or be sold at a discount of more than 10%.

History: Add. 1994, Act 278, Imd. Eff. July 11, 1994.

Popular name: Act 451

380.1352 Borrowing money or issuing bonds; contract for legal representation.

Sec. 1352. The board of a school district or intermediate school district shall not contract for legal representation by an attorney or law firm in connection with borrowing money and issuing bonds under this act unless the board or intermediate school board does all of the following:

(a) Requests from the attorney or law firm and obtains before entering into the contract disclosure of whether the attorney or law firm also represents the underwriter of the bonds or any other party involved in the bond issue.

(b) If the disclosure under subdivision (a) indicates that the attorney or law firm represents the underwriter or another party involved in the bond issue, consents by majority vote of the board or intermediate school board to entering into the contract notwithstanding the attorney's or law firm's representation of the underwriter or other party as well as the board or intermediate school board.

(c) In its contract with the attorney or law firm, requires the attorney or law firm to submit itemized billings on at least a monthly basis that itemize at least time and services provided and any payments made by the attorney or law firm to third parties in connection with representation of the board or intermediate school board.

History: Add. 1994, Act 278, Imd. Eff. July 11, 1994.

Popular name: Act 451

380.1356 Operating deficit; notes or bonds; determining amount of deficit; resolution; pledge of

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security; maturity; interest; installments; redemption; valid and binding general obligations; payment; use of proceeds; review and approval of budget.

Sec. 1356. (1) Notwithstanding section 1351, a school district that has an operating or projected operating deficit in excess of $100.00 per membership pupil may borrow and issue its negotiable interest bearing notes or bonds for the purpose of funding the deficit in accordance with this section. This authority is in addition to and not in derogation of any power granted to a school district by any other provision of this act. However, except for the purpose of funding an operating or projected operating deficit resulting from a state tax tribunal order or a court order, a school district shall not initiate the procedures to borrow money or issue notes or bonds under this section after January 1, 1994.

(2) Before a board of a school district issues notes or bonds under this section, the board shall provide by resolution for the submission of the following certified and substantiated information to the department of treasury:

(a) There exists or will exist an operating deficit in the school district in excess of $100.00 per membership pupil.

(b) During or before the fiscal year in which the application is made, the school district has made every available effort to offset the deficit, including submission of a question to the school electors of the district to increase the rate of ad valorem property taxes levied in the school district.

(c) The school district has a plan approved by the school board that outlines actions to be taken to balance future expenditures with anticipated revenues.

(3) The existence of the operating or projected operating deficit and the amount of the operating or projected operating deficit shall be determined by the department of treasury, using normal school accounting practices. If a financial audit is required to arrive at a conclusive determination as to the amount of the deficit, the state treasurer shall charge all necessary expenses for the audit, including per diem and travel expenses, to the school district, and the school district shall make payment to the state treasurer for these expenses. The determination by the department of treasury is final and conclusive as to the existence of an operating or projected operating deficit, the amount of the deficit, and the amount of the deficit per membership pupil.

(4) The notes or bonds may be issued in 1 or more series by resolution adopted by the school board, which resolution in each case shall make reference to the determination of the department of treasury. The amount of a note or bond issued shall not exceed the amount of the operating deficit as shown by the determination.

(5) The school district shall pledge as secondary security for the notes or bonds future state school aid payments, if any, and other funds of the district legally available as security.

(6) The notes or bonds shall mature serially with annual maturities not more than 10 years from their date and shall bear interest, payable annually or semiannually, at a rate or rates not exceeding a rate determined by the school board in the school district's borrowing resolution. The first principal installment on the notes or bonds shall be due not more than 18 months from the date of the notes or bonds, and a principal installment on the notes shall not be less than 1/3 of the principal amount of a subsequent principal installment. The notes or bonds may be made subject to redemption before maturity with or without premium in a manner and at times provided in the resolution authorizing the issuance of the notes or bonds.

(7) Notes or bonds issued under this section are valid and binding general obligations of the school district, it being the intent and purpose that the notes or bonds and the interest on the notes or bonds be promptly paid when due from the first money available to the district not pledged for other indebtedness and except to the extent that the use is restricted by the state constitution of 1963 or the laws of the United States.

(8) Except as otherwise provided in this section, bonds and notes issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(9) The proceeds of the sale of notes authorized under this section, after payment of the costs of issuance of the notes or bonds and interest on the notes or bonds for a period not to exceed 9 months, shall be used solely for the purpose of paying necessary operating expenses of the school district, including the payment of principal of and interest on notes or bonds of the school district issued for operating purposes under this or any other act.

(10) A board of a school district that borrows pursuant to subsections (1) to (9) shall submit its budget for review and approval to the department of education. The department of education shall take necessary steps, subject to the school district's contracts and statutory obligations, to assure that the expenditures of a school district that receives money under this part shall not exceed revenues on an annual basis and that the school district maintains a balanced budget.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1981, Act 143, Imd. Eff. Nov. 3, 1981;—Am. 1983, Act 118, Imd. Eff. July 18, 1983;—Am. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 2002, Act 181, Imd. Eff. Apr. 23, 2002.

Popular name: Act 451

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******** 380.1361 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.1361.amended ********

380.1361 Bonds; election; ballot; surplusage.

Sec. 1361. (1) School district elections upon the issuance of bonds shall be held and conducted as elections in registration districts in accordance with part 13. Members of the board of education shall not serve on a board of election inspectors.

(2) The question shall be submitted by ballot in substantially the following form:

"Shall .....

(here state the legal name of the school district)

county/or counties of and state of Michigan, borrow the sum of

not to exceed .....dollars ($).....

and issue its bonds therefor, for the purpose of

Yes ( )

No ( )"

(3) Anything contained in the ballot not specified in this section shall be considered surplusage and of no legal effect.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.1361.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.1361.amended Bonds; election; ballot; surplusage.

Sec. 1361. (1) School district elections upon the issuance of bonds shall be held and conducted in accordance with this act and chapter XIV of the Michigan election law, MCL 168.301 to 168.315. Members of the school board shall not serve on a board of election inspectors.

(2) The question shall be submitted by ballot in substantially the following form:

"Shall _____, county/or counties of

(here state the legal name of the school district)

_____ and state of Michigan, borrow the sum of not to exceed

_____ dollars ($ _____) and issue its bonds therefor, for

the purpose of _____?

Yes ( )

No ( )".

(3) Anything contained in the ballot not specified in this section shall be considered surplusage and of no legal effect.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

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380.1362 Bonds; issuance; conditions prescribed by school district board.

Sec. 1362. (1) The board of a school district that votes to borrow a sum of money may issue the bonds of the district.

(2) The board shall prescribe all of the following:

(a) The form of the bonds.

(b) The amount of the bonds, which shall not be less than $50.00 each.

(c) The time for payment of the bonds.

(d) The interest rates on the bonds.

(e) The manner in which the president and secretary of the board shall execute the bonds.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 68, Imd. Eff. Mar. 15, 2002.

Popular name: Act 451

380.1363 School districts subject to revised municipal finance act; handling moneys received to discharge indebtedness.

Sec. 1363. Money raised by taxes or otherwise received by a school district for the purpose of paying and discharging the principal and interest of the indebtedness is subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 69, Imd. Eff. Mar. 15, 2002.

Popular name: Act 451

380.1364 Tax for payment of principal and interest.

Sec. 1364. The board of a school district which borrows money shall impose an annual tax on the taxable property in the district for the purpose of paying the principal borrowed, or a part thereof, and the interest thereon, to be levied and collected as other school taxes are levied and collected.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1371 Debt retirement fund; duties of treasurer.

Sec. 1371. The treasurer of the board of education shall have custody of money, securities, and other evidences of value belonging or pertaining to the debt retirement fund and shall pay out money of the fund, or transfer the securities or evidences of value therein, only upon the order of a majority of the members elected to and serving on the board, and upon a written order of the president and secretary of the board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1372 Debt retirement fund; record of moneys; securities, and transactions; reports.

Sec. 1372. The treasurer of a board of education shall keep a proper record of the moneys and securities on hand in the debt retirement fund and of the transactions relating thereto. The treasurer shall periodically, and when requested by the board, make a complete report concerning the same. The proper officers of the school district shall make reports concerning the transactions relating to the debt retirement fund as may be required by the state board or other authority in connection with the handling of the funds of the school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

PART 18
TUITION PUPILS

380.1401 Admission of nonresident pupils; determination of tuition rates; collection of tuition; limitations on tuition.

Sec. 1401. (1) The board of a school district may admit nonresident pupils to the schools of the district. The board shall determine the rates of tuition of the nonresident pupils and shall collect the tuition.

(2) Tuition for grades K to 6 shall not exceed 25% more than the operation cost per capita for the number of pupils in membership in grades K to 12.

(3) Tuition for grades 7 to 12 shall not exceed 12-1/2% more than 115% of the operation cost per capita for the

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number of pupils in membership in grades K to 12.

(4) In a school district not maintaining grades above the eighth grade, the tuition shall not exceed 25% more than the operation cost per capita for the number of pupils in membership in grades K to 8.

(5) The operation costs and membership figures of the preceding fiscal year shall be used. The per capita cost used shall not include moneys expended for school sites, school building construction, equipment, payment of bonds, or other purposes not properly included in operation costs as determined by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1406 High school tuition; payment; expense of transportation; discontinuance of high school; agreement.

Sec. 1406. (1) The board of a school district which does not maintain grades above the eighth grade shall pay the tuition of a pupil, resident of the district who has completed the eighth grade, to a school district maintaining a high school which is approved for the collection of high school tuition by the state board. The board of a school district which maintains grades above the eighth grade, which are not approved for the collection of tuition by the state board, may pay the tuition of a pupil resident of the district and eligible to attend the unapproved grades, to a school district approved for the grade attended for the collection of tuition by the state board. The board shall pay the expense of daily transportation during school days for pupils attending high school in other districts.

(2) If directed by a majority vote of the school electors, the board of a school district maintaining a legal high school under section 1407 shall discontinue the high school. The board shall pay the tuition and transportation for its high school pupils to other districts, upon agreement with each board of the school districts of attendance.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1407 “High school” defined.

Sec. 1407. A high school approved for the collection of high school tuition shall be a school district operating grades above the eighth grade having 1 of the following:

(a) Twelve grades with at least 3 teachers devoting their entire teaching time to the work of the seventh to twelfth grades.

(b) Twelve grades with at least 2 teachers devoting their entire teaching time to the work of the ninth to twelfth grades.

(c) Nine grades with at least 1 teacher devoting the teacher's entire teaching time to the work of the seventh to ninth grades.

(d) Ten grades with at least 1 teacher devoting the teacher's entire teaching time to the work of the ninth and tenth grades, or the eighth to tenth grades.

(e) Eleven grades with at least 2 teachers devoting their teaching time to the work of the ninth to eleventh grades, or the eighth to eleventh grades.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1408 High school tuition; payment; eligibility of pupils.

Sec. 1408. High school tuition for pupils who have completed 8 grades of work as evidenced by the written statement of the superintendent of the school district in which the pupils reside, or by the written statement of the intermediate superintendent for pupils residing in a district not employing a superintendent, shall be paid by the board of the resident district by agreement with the board of the district of attendance.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1411 Legal high schools and school districts in border states; payment of tuition and transportation; elementary grades; vocational-technical courses; state aid.

Sec. 1411. (1) In a state bordering on this state, the nearest and the next nearest approved high schools by the nearest traveled road, to the residence of a parent or guardian of a pupil of this state qualified to have tuition paid under section 1406 shall be considered legal high schools to which a school district not maintaining a legal high school is permitted to pay high school tuition and transportation if the high school maintains a school year of at least 9 months. If the eligible pupil desires to attend the high school in a border state, the entire tuition and

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transportation shall be paid as provided for the paying of the tuition and transportation to high schools in this state. If elementary grades are maintained in connection with the high school in a state bordering on this state, it shall be considered a legal school with which the board of a school district which votes to discontinue elementary grades wholly or in part may pay elementary tuition and transportation.

(2) A school district in a state bordering this state, which maintains a class for special instruction of a vocational-technical education approved by the state board for residents of this state, shall be considered a legal school district with which the board of a school district which does not maintain the specialized instruction may contract to enroll resident pupils. The board shall pay for tuition and transportation of resident students as approved by the state board. While in attendance at an approved vocational-technical course the pupils may be counted in the resident district's membership for state aid under school district child accounting rules of this state.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1415 Use of general funds or state school aid for payment of tuition and transportation.

Sec. 1415. (1) The board of a school district may use general funds or funds received from state school aid for the purpose of paying tuition and transportation to another school district or districts of resident pupils, even though the grades in which the pupils may be enrolled are maintained within the district.

(2) The board of a school district may use general funds or state school aid for the purpose of paying tuition and transportation to another school district or districts of pupils in cases where the pupils live nearer established bus lines of another district or nearer by the nearest travelled road to the school in another district than to the school in their own district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1416 Crediting school taxes on tuition and transportation.

Sec. 1416. If nonresident pupils, their parents, or guardians pay school taxes in a school district and the pupils are admitted to schools in the district, the amount of the total current school taxes shall be credited on the pupils' tuition and transportation in a sum not to exceed the amount of the tuition and transportation. The pupils, their parents, or guardians shall be required to pay tuition and transportation only for the difference therein.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

PART 19
TEXTBOOKS

380.1421 “Textbook” defined.

Sec. 1421. As used in this part, “textbook” means a book which is selected and approved by the board of a school district and which contains a presentation of principles of a subject, or which is a literary work relevant to the study of a subject required for the use of classroom pupils.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1422 Selection, approval, purchase, and use of textbooks; textbooks as property of school district; loaning textbooks to pupils; deposit.

Sec. 1422. (1) The board of each school district shall select, approve, and purchase the textbooks to be used by the pupils of the schools on the subjects taught in the district.

(2) The textbooks shall be the property of the school district purchasing them and shall be loaned to pupils without charge. A board may require a reasonable and refundable deposit on textbooks.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1431 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to purchase of textbooks.

Popular name: Act 451

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380.1432—380.1436 Repealed. 1990, Act 258, Imd. Eff. Oct. 15, 1990.

Compiler's note: The repealed sections pertained to contracts and bonds.
Popular name: Act 451

380.1437 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to sale of textbooks by unlawful inducement.
Popular name: Act 451

PART 20
LIBRARIES

******** 380.1451 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.1451.amended ********

380.1451 Public library; establishment; tax for support and maintenance; levy and collection; rate of tax authorized or voted; election.

Sec. 1451. (1) A school district other than a primary school district, by a majority vote of the school electors at an annual or special election, may establish a public library.

(2) The school electors of a school district in which a library is established may vote a district tax for the support of the public library at an annual or special election of the district. The board of the school district may vote a tax for the maintenance and support of the public library.

(3) A tax authorized or voted under this part shall be levied and collected in the same manner as other school district taxes are levied and collected.

(4) The millage allowed under this section may be levied without a vote of the school electors of the school district until the millage authorization expires. The rate of a tax authorized or voted under this section shall not exceed the number of mills levied by the school district under this section in 1993 that were not included in the operating millage reported by the school district to the department as of April 1, 1993 or the number of mills levied by the school district under this section in 1993 that the school district does not want considered as operating millage reported by the school district as of April 1, 1994, whichever is greater.

(5) The board of a school district shall not hold an election to levy mills under this section after December 31, 1993.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 258, Imd. Eff. July 5, 1994.
Popular name: Act 451

******** 380.1451.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.1451.amended Public library; establishment; tax for support and maintenance; levy and collection; rate of tax authorized or voted; election.

Sec. 1451. (1) A school district, by a majority vote of the school electors at a regular or special school election, may establish a public library.

(2) The school electors of a school district in which a library is established may vote a district tax for the support of the public library at a regular or special school election of the district. The board of the school district may vote a tax for the maintenance and support of the public library.

(3) A tax authorized or voted under this part shall be levied and collected in the same manner as other school district taxes are levied and collected.

(4) The millage allowed under this section may be levied without a vote of the school electors of the school district until the millage authorization expires. The rate of a tax authorized or voted under this section shall not exceed the number of mills levied by the school district under this section in 1993 that were not included in the operating millage reported by the school district to the department as of April 1, 1993 or the number of mills levied by the school district under this section in 1993 that the school district does not want considered as operating

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millage reported by the school district as of April 1, 1994, whichever is greater.

(5) The board of a school district shall not hold an election to levy mills under this section after December 31, 1993.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 312, Eff. Mar. 15, 1994;—Am. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.1451a Repealed. 1994, Act 258, Imd. Eff. July 5, 1994.

Compiler's note: The repealed section pertained to millage renewal or additional millage for operation of library.
Popular name: Act 451

380.1452 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to libraries.
Popular name: Act 451

380.1456 Repealed. 1977, Act 43, Imd. Eff. June 29, 1977.

Compiler's note: The repealed section pertained to donation or sale of library books.
Popular name: Act 451

PART 20A
COLLEGE LEVEL EQUIVALENT COURSES AND CREDIT

380.1471 Definitions.

Sec. 1471. As used in this part:

(a) "College level equivalent course" means a course offered in high school, for which a pupil receives high school credit, that is taught at a postsecondary instruction level and is designed to prepare a pupil for a college level equivalent credit examination in a particular subject area.

(b) "College level equivalent credit examination" means an examination that is administered by an independent testing service and that is used by colleges and universities generally to award postsecondary credit for achievement of a particular score.

History: Add. 1996, Act 159, Eff. July 1, 1996.

Popular name: Act 451

380.1472 College level equivalent courses; information to be provided; records to be included in pupil portfolios.

Sec. 1472. (1) The board of a school district or public school academy shall ensure that, as part of the process of planning the pupil's schedule for an upcoming school year, each pupil in grade 8 or higher is provided with general information about college level equivalent courses and with specific information about appropriate college level equivalent courses available for the pupil.

(2) If a school district or public school academy maintains pupil portfolios for high school pupils, each pupil's portfolio shall include, in addition to the other records in the portfolio, all academic records and correspondence relating to the pupil's participation in a college level equivalent course or enrollment in a postsecondary course under the postsecondary enrollment options act.

History: Add. 1996, Act 159, Eff. July 1, 1996.

Popular name: Act 451

380.1473 Manner of providing courses.

Sec. 1473. (1) The board of a school district, board of directors of a public school academy, or governing board of a nonpublic school shall consider providing college level equivalent courses either directly, through an intermediate district program, or by agreement in a consortium or cooperative program.

(2) If a public school pupil successfully completes a college level equivalent course that is offered by electronic means, including, but not limited to, the internet, digital broadcast, or satellite network, and is offered by a school district, a regionally accredited college or university, or the Michigan virtual high school described in section 1481, and if the pupil has been sponsored in this process by a certificated teacher employed by the pupil's school district or public school academy, the school district or public school academy in which the pupil is enrolled shall do all of

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the following:

(a) Grant appropriate high school credit for completion of the course.

(b) Count that credit toward the graduation and subject area requirements of the school district or public school academy.

History: Add. 1996, Act 159, Eff. July 1, 1996;—Am. 2000, Act 230, Imd. Eff. June 27, 2000.

Popular name: Act 451

380.1474 College level equivalent course directory.

Sec. 1474. (1) The state board annually shall publish and distribute to school districts and public school academies, and upon request to nonpublic high schools, a college level equivalent course directory. Subject to subsection (2), the college level equivalent course directory shall list postsecondary institutions in the state that grant college level equivalent credit and, for each of those postsecondary institutions, shall describe the institution's college level equivalent credit policy and detail the specific courses and number of credits for which college level equivalent credit may be granted and the college level equivalent credit examination that must be completed and the score that must be achieved to qualify for college level equivalent credit for each of the courses.

(2) The state board shall not include information about a particular postsecondary institution in the college level equivalent course directory unless the chief academic officer of the institution, or his or her designee, reviews the information before publication and verifies in writing that it is accurate.

History: Add. 1996, Act 159, Eff. July 1, 1996.

Popular name: Act 451

380.1475 Federal tribally controlled community college board; requirements for participation in certain activities.

Sec. 1475. A federal tribally controlled community college board may provide college level courses or participate in other activities under this act only if all of the following are in effect:

(a) The members of the board of the federal tribally controlled community college execute the constitutional oath of office as a public officer of the state of Michigan.

(b) The members of the board of the federal tribally controlled community college certify to the state department of education that the members will act as a public educational body or officer of this state subject only to the constitution and laws of this state in exercising the powers or carrying out the functions and that their functions are under the exclusive control of the state.

(c) A member of the board of the federal tribally controlled community college acting as a public officer under this section shall be subject to removal or suspension by the superintendent of public instruction for violating the provisions of this section.

(d) This section does not authorize the use of any funds appropriated for a community college district established under the community college act, 1966 PA 331, MCL 389.11 to 389.84.

History: Add. 2000, Act 231, Imd. Eff. June 27, 2000.

Popular name: Act 451

PART 20B
MICHIGAN VIRTUAL HIGH SCHOOL

380.1481 Michigan virtual university; goals; course offerings; duties; participation; funding; technical assistance.

Sec. 1481. (1) Not later than the beginning of the 2000-2001 school year, the Michigan virtual university shall develop, implement, and operate the Michigan virtual high school, as described in this section.

(2) The Michigan virtual high school shall have the following goals:

(a) Significantly expand curricular offerings for high schools across this state through agreements with school districts or licenses from other recognized providers.

(b) Create a statewide instructional model using interactive multimedia tools delivered by electronic means, including, but not limited to, the internet, digital broadcast, or satellite network, for distributed learning at the high school level.

(c) Provide pupils with opportunities to develop skills and competencies through on-line learning.

(d) Offer high school teachers opportunities to learn new skills and strategies for developing and delivering

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instructional services.

(e) Accelerate this state's ability to respond to current and emerging educational demands.

(f) Grant high school diplomas through a dual enrollment method with school districts.

(g) Act as a broker for college level equivalent courses, as defined in section 1471, and dual enrollment courses from postsecondary education institutions.

(3) The Michigan virtual high school course offerings shall include, but are not limited to, all of the following:

(a) Information technology courses.

(b) College level equivalent courses, as defined in section 1471.

(c) Courses and dual enrollment opportunities.

(d) At-risk programs and services.

(e) General education development test preparation courses for adjudicated youth.

(f) Special interest courses.

(g) Professional development programs and services for teachers.

(4) In addition to its other duties under this section, the Michigan virtual university shall work with the department and other appropriate state agencies to explore the development and delivery of a full curriculum for migrant pupils that would be available through distance learning. The Michigan virtual university and the department shall submit a joint report on their findings under this subsection to the legislature not later than 1 year after the effective date of this section.

(5) Nonpublic school students and home-schooled children may participate in course offerings of the Michigan virtual high school to the same extent they are allowed to participate in school district course offerings under this act and the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

(6) The Michigan virtual university shall fund the Michigan virtual high school from appropriations made for this purpose and may also use funds received from other sources. The department shall provide technical assistance as requested by the Michigan virtual university for the purposes of this section.

History: Add. 2000, Act 230, Imd. Eff. June 27, 2000.

Popular name: Act 451

PART 21
HEALTH AND PHYSICAL EDUCATION

380.1501 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to definition of sex education.

Popular name: Act 451

380.1502 Health and physical education; establishment; course in physical education required; extracurricular athletics as meeting requirement.

Sec. 1502. (1) Health and physical education for pupils of both sexes shall be established and provided in all public schools of this state. Subject to subsection (2), each pupil attending public school in this state who is physically fit and capable of doing so shall take the course in physical education.

(2) A school district may credit a pupil's participation in extracurricular athletics or other extracurricular activities involving physical activity as meeting the physical education requirement for the pupil under subsection (1).

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

Popular name: Act 451

380.1503 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to health and physical education.

Popular name: Act 451

380.1504 Compulsory physical examination or medical treatment not authorized.

Sec. 1504. This act shall not be construed to authorize compulsory physical examination or compulsory medical treatment of pupils.

History: Add. 1996, Act 287, Imd. Eff. June 17, 1996.

Popular name: Act 451

380.1506 Program of instruction in reproductive health; supervision; request to excuse pupil

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from attendance; "reproductive health" defined.

Sec. 1506. (1) A program of instruction in reproductive health shall be supervised by a registered physician, a registered nurse, or other person certified by the state board as qualified. Upon the written request of a pupil or the pupil's parent or guardian, a pupil shall be excused, without penalty or loss of academic credit, from attending classes in which the subject of reproductive health is under discussion.

(2) As used in subsection (1) and sections 1507 and 1508, "reproductive health" means that state of an individual's well-being which involves the reproductive system and its physiological, psychological, and endocrinological functions.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977.

Popular name: Act 451

380.1507 Instruction in sex education; instructors, facilities, and equipment; stressing abstinence from sex; elective class; notice to parent or guardian; request to excuse pupil from attendance; qualifications of teacher; sex education advisory board; public hearing; distribution of family planning drug or device prohibited; "family planning," "class," and "course" defined.

Sec. 1507. (1) The board of a school district may engage qualified instructors and provide facilities and equipment for instruction in sex education, including family planning, human sexuality, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life. Instruction may also include the subjects of reproductive health and the recognition, prevention, and treatment of sexually transmitted disease. Subject to subsection (7) and section 1507b, the instruction described in this subsection shall stress that abstinence from sex is a responsible and effective method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease and is a positive lifestyle for unmarried young people.

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

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

(4) Upon the written request of a pupil or the pupil's parent or legal guardian, a pupil shall be excused, without penalty or loss of academic credit, from attending a class described in subsection (1).

(5) A school district that provides a class as permitted by subsection (1) shall offer the instruction by teachers qualified to teach health education. A school district shall not offer this instruction unless a sex education advisory board is established by the board of the school district. The board of a school district shall determine terms of service for the sex education advisory board, the number of members to serve on the advisory board, and a membership selection process that reasonably reflects the school district population, and shall appoint 2 co-chairs for the advisory board, at least 1 of whom is a parent of a child attending a school operated by the school district. At least 1/2 of the members of the sex education advisory board shall be parents who have a child attending a school operated by the school district, and a majority of these parent members shall be individuals who are not employed by a school district. The board of a school district shall include pupils of the school district, educators, local clergy, and community health professionals on the sex education advisory board. Written or electronic notice of a sex education advisory board meeting shall be sent to each member at least 2 weeks before the date of the meeting. The advisory board shall do all of the following:

(a) Establish program goals and objectives for pupil knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases. This subdivision does not prohibit a school district from establishing additional program goals and objectives that are not contrary to this section, section 1169, or section 1507b.

(b) Review the materials and methods of instruction used and make recommendations to the board of the school district for implementation. The advisory board shall take into consideration the school district's needs, demographics, and trends, including, but not limited to, teenage pregnancy rates, sexually transmitted disease rates, and incidents of student sexual violence and harassment.

(c) At least once every 2 years, evaluate, measure, and report the attainment of program goals and objectives established under subdivision (a). The board of a school district shall make the resulting report available to parents in the school district.

(6) Before adopting any revisions in the materials or methods used in instruction under this section, including,

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but not limited to, revisions to provide for the teaching of abstinence from sex as a method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease, the board of a school district shall hold at least 2 public hearings on the proposed revisions. The hearings shall be held at least 1 week apart and public notice of the hearings shall be given in the manner required under section 1201 for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to section 1169.

(7) A person shall not dispense or otherwise distribute in a public school or on public school property a family planning drug or device.

(8) As used in this section, "family planning" means the use of a range of methods of fertility regulation to help individuals or couples avoid unplanned pregnancies; bring about wanted births; regulate the intervals between pregnancies; and plan the time at which births occur in relation to the age of parents. It may include the study of fetology. It may include marital and genetic information. Clinical abortion shall not be considered a method of family planning, nor shall abortion be taught as a method of reproductive health.

(9) As used in this section and sections 1506 and 1507a:

(a) "Class" means an instructional period of limited duration within a course of instruction and includes an assembly or small group presentation.

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

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977;—Am. 1981, Act 87, Imd. Eff. July 2, 1981;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 2004, Act 165, Imd. Eff. June 24, 2004.

Popular name: Act 451

380.1507a Notice of excuse from class; enrollment.

Sec. 1507a. If a parent or legal guardian of a pupil files with the public school in which the pupil is enrolled a continuing written notice that the pupil is to be excused from a class described in section 1507, the pupil shall not be enrolled in a class described in section 1507 unless the parent or legal guardian submits a written authorization for that enrollment.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1507b Sex education and instruction; curriculum requirements.

Sec. 1507b. (1) Instruction under section 1507 in sex education and instruction under section 1169 on human immunodeficiency virus infection and acquired immunodeficiency syndrome shall emphasize that abstinence from sex is a positive lifestyle for unmarried young people because abstinence is the only protection that is 100% effective against unplanned pregnancy, sexually transmitted disease, and sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome.

(2) Material and instruction in the sex education curriculum under section 1507 that discusses sex shall be age-appropriate, shall not be medically inaccurate, and shall do at least all of the following:

(a) Discuss the benefits of abstaining from sex until marriage and the benefits of ceasing sex if a pupil is sexually active.

(b) Include a discussion of the possible emotional, economic, and legal consequences of sex.

(c) Stress that unplanned pregnancy and sexually transmitted diseases are serious possibilities of sex that are not fully preventable except by abstinence.

(d) Advise pupils of the laws pertaining to their responsibility as parents to children born in and out of wedlock.

(e) Ensure that pupils are not taught in a way that condones the violation of the laws of this state pertaining to sexual activity, including, but not limited to, sections 158, 335a, 338, 338a, 338b, and 520b to 520e of the Michigan penal code, 1931 PA 328, MCL 750.158, 750.335a, 750.338, 750.338a, 750.338b, and 750.520b to 750.520e.

(f) Teach pupils how to say "no" to sexual advances and that it is wrong to take advantage of, harass, or exploit another person sexually.

(g) Teach refusal skills and encourage pupils to resist pressure to engage in risky behavior.

(h) Teach that the pupil has the power to control personal behavior. Pupils shall be taught to base their actions on reasoning, self-discipline, a sense of responsibility, self-control, and ethical considerations such as respect for self and others.

(i) Provide instruction on healthy dating relationships and on how to set limits and recognize a dangerous environment.

(j) Provide information for pupils about how young parents can learn more about adoption services and about the provisions of the safe delivery of newborns law, chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1

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to 712.20.

(k) Include information clearly informing pupils that having sex or sexual contact with an individual under the age of 16 is a crime punishable by imprisonment and that 1 of the other results of being convicted of this crime is to be listed on the sex offender registry on the internet for up to 25 years.

(3) This section does not prohibit a public school from offering sex education with behavioral risk reduction strategies, as defined by law, that are not 100% effective against unplanned pregnancy, sexually transmitted disease, and sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome.

History: Add. 2004, Act 165, Imd. Eff. June 24, 2004.

Popular name: Act 451

380.1508—380.1522 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to duties of state board, recreation and playground facilities, community swimming pools, and athletic events.

Popular name: Act 451

PART 21A
PROFESSIONAL DEVELOPMENT

380.1525 Funds to support professional development and education; use; approval of annual plan; disapproval of funding.

Sec. 1525. (1) State and federal funds appropriated by the legislature to support professional development and education may be used for the following:

(a) Professional development programs for administrators and teachers. These programs shall emphasize the improvement of teaching and pupils' learning of academic core curriculum objectives, as measured by Michigan educational assessment program and other criterion - reference assessments; collaborative decision-making; site-based management; the process of school improvement; instructional leadership; and the use of data and assessment instruments to improve teaching and learning for all pupils.

(b) A biennial education policy leadership institute. The state board shall organize and convene a biennial education policy leadership institute for the governor, the lieutenant governor, the state board, the state superintendent, the legislature, and the presidents of the state board approved teacher education institutions, and the staff of each as may be considered appropriate, to examine the most current public education policy issues and initiatives and the appropriate role of policy leaders.

(c) A statewide academy for school leadership established by the state board.

(d) A principal leadership academy. The department, in collaboration with statewide associations of school principals, shall establish the principal leadership academy. The principal leadership academy shall consist of training for school principals that is conducted by other school principals who have a record of demonstrated success in improving pupil performance. The department shall solicit input from school district superintendents and intermediate superintendents to compile a list of successful school principals who would likely be effective in conducting the training at the principal leadership academy and shall select school principals to conduct the training from this list. The training shall include all aspects of successful school leadership, including at least all of the following:

(*i*) Strategies for increasing parental involvement.

(*ii*) Strategies for engaging community support and involvement.

(*iii*) Creative problem-solving.

(*iv*) Financial decision-making.

(*v*) Management rights and techniques.

(*vi*) Other strategies for improving school leadership to achieve better pupil performance.

(e) Community leadership development. The state board, in conjunction with intermediate school districts, shall conduct a leadership development training program in each school district for members of the community.

(f) Promotion of high educational standards. The state board, in collaboration with the business community and educators, shall coordinate and assist in the promotion of a statewide public education and information program concerning the need to achieve world class educational standards in the public schools of this state.

(g) Sabbatical leaves. School districts shall provide sabbatical leaves for up to 1 academic year for selected master teachers who aid in professional development.

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(h) Any other purpose authorized in the appropriation for professional development in the state school aid act of 1979.

(2) In order to receive professional development funding described in subsection (1), each school district and intermediate school district shall prepare and submit to the state board for approval an annual professional development plan.

(3) The state board may disapprove for state funding proposed professional development that the state board finds to be 1 or more of the following:

(a) Not in furtherance of core academic curriculum needs.

(b) Not constituting serious, informed innovation.

(c) Of generally inferior overall quality or depth regardless of who sponsors or conducts the education or training.

(d) Not in compliance with the requirements of section 1526.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2003, Act 202, Imd. Eff. Nov. 14, 2003.

Popular name: Act 451

380.1526 Teacher in first 3 years of employment; assignment to master teacher; intensive professional development induction.

Sec. 1526. For the first 3 years of his or her employment in classroom teaching, a teacher shall be assigned by the school in which he or she teaches to 1 or more master teachers, or college professors or retired master teachers, who shall act as a mentor or mentors to the teacher. During the 3-year period, the teacher shall also receive intensive professional development induction into teaching, based on a professional development plan that is consistent with the requirements of section 3a of article II of Act No. 4 of the Public Acts of the Extra Session of 1937, being section 38.83a of the Michigan Compiled Laws, including classroom management and instructional delivery. During the 3-year period, the intensive professional development induction into teaching shall consist of at least 15 days of professional development, the experiencing of effective practices in university-linked professional development schools, and regional seminars conducted by master teachers and other mentors.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1526a Training to be included in professional development.

Sec. 1526a. Training in teaching 1 or more college level equivalent courses may be included in the professional development plan, and in the required 15 days of professional development, under section 1526.

History: Add. 1996, Act 159, Eff. July 1, 1996.

Popular name: Act 451

380.1527 Teacher professional development; number of days.

Sec. 1527. The board of each school district, intermediate school district, or public school academy shall provide at least 1 day of teacher professional development in the 1997-1998 school year, at least 2 days of teacher professional development in the 1998-1999 school year, at least 3 days of teacher professional development in the 1999-2000 school year, at least 4 days of teacher professional development in the 2000-2001 school year, and at least 5 days of teacher professional development in the 2001-2002 school year and each school year after the 2001-2002 school year. Professional development days provided under this section shall not be counted toward the professional development required under section 1526.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

PART 22
SCHOOL PERSONNEL CERTIFICATES AND PERMITS

380.1531 Requirements for issuing licenses and certificates for teachers and endorsements as qualified counselors and teachers of foreign languages in elementary grades; development, selection, and use of basic skills examination, subject area examination, and elementary certification examination; reading credit requirements; teaching certificate from another state; definitions; rules; issuing continuing education certificate.

Sec. 1531. (1) Except as provided in this act, the superintendent of public instruction shall determine the

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requirements for and issue all licenses and certificates for teachers, including preprimary teachers, and the requirements for an endorsement of teachers as qualified counselors and an endorsement of teachers for teaching a foreign language in an elementary grade in the public schools of the state.

(2) Except as otherwise provided in this act, the superintendent of public instruction shall only issue a teaching certificate to a person who has passed appropriate examinations as follows:

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

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

(3) Except as otherwise provided in this act, the superintendent of public instruction shall issue a Michigan teaching certificate to a person holding a certificate from another state or a teaching degree from an out-of-state teacher preparation institution who applies for a Michigan teaching certificate only if the person passes appropriate examinations as follows:

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

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

(4) Except as otherwise provided in this act, the superintendent of public instruction shall only issue a teaching certificate to a person who has met the elementary or secondary, as applicable, reading credit requirements established under superintendent of public instruction rule. Not later than 1 year after the effective date of the amendatory act that added this subsection, the superintendent of public instruction, in cooperation with appropriate curriculum specialists and teacher educators, shall revise existing reading standards to recognize reading disorders and to enable teachers to make referrals for instruction and support for pupils with reading disorders.

(5) Subject to subsection (7), if a person holding a teaching certificate from another state applies to the superintendent of public instruction for a Michigan teaching certificate and meets the requirements of this subsection, the superintendent of public instruction shall issue to the person a Michigan professional education teaching certificate and applicable endorsements comparable to those the person holds in the other state, without requiring the person to pass a basic skills examination or the applicable subject area examination otherwise required under subsection (2) or (3). To be eligible to receive a Michigan professional education teaching certificate under this subsection, a person shall provide evidence satisfactory to the department that he or she meets all of the following requirements:

(a) Has taught successfully for at least 3 years in a position for which the person's teaching certification from the other state was valid.

(b) Has earned, after his or her initial certification in another state, at least 18 semester credit hours in a planned course of study at an institution of higher education approved by the superintendent of public instruction or has earned, at any time, a master's or doctoral degree approved by the superintendent of public instruction.

(c) Has met the elementary or secondary, as applicable, reading credit requirement established under superintendent of public instruction rule.

(6) A person who receives a teaching certificate and endorsement or endorsements under subsection (5) is eligible to receive 1 or more additional endorsements comparable to endorsements the person holds in another state only if the person passes the appropriate subject area examinations required under subsection (2) or (3).

(7) The superintendent of public instruction shall deny a Michigan teaching certificate to a person described in subsection (5) for fraud, material misrepresentation, or concealment in the person's application for a certificate or for a conviction for which a person's teaching certificate may be revoked under section 1535a.

(8) The department, based upon criteria recommended pursuant to subsection (10), shall provide to approved teacher education institutions guidelines and criteria approved by the superintendent of public instruction for use in the development or selection of a basic skills examination and approved guidelines and criteria for use in the development or selection of subject area examinations.

(9) For the purposes of this section, the superintendent of public instruction, based upon criteria recommended

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pursuant to subsection (10), shall develop, select, or develop and select 1 or more basic skills examinations and subject area examinations. In addition, the superintendent of public instruction, based upon criteria recommended pursuant to subsection (10), shall approve an elementary certification examination and a reading subject area examination.

(10) The superintendent of public instruction shall appoint an 11-member teacher examination advisory committee comprised of representatives of approved teacher education institutions and Michigan education organizations and associations. Not more than 1/2 of the members comprising this committee shall be certified teachers. This committee shall recommend criteria to be used by the superintendent of public instruction in the development, selection, or development and selection of 1 or more basic skills examinations, and criteria to be used by the superintendent of public instruction in the development, selection, or development and selection of subject area examinations. In addition, the committee shall recommend guidelines for the use and administration of those examinations. The basic skills examinations referred to in this subsection may be developed by the superintendent of public instruction or selected by the superintendent of public instruction from commercially or university developed examinations. In addition, an approved teacher education institution, pursuant to guidelines and criteria described in subsection (8), may develop an examination at its own expense for approval by the superintendent of public instruction. An approved teacher education institution that develops its own examination is liable for any litigation that results from the use of its examination.

(11) The superintendent of public instruction shall appoint a 7-member standing technical advisory council comprised of persons who are experts in measurement and assessment. This council shall advise the superintendent of public instruction and the teacher examination committee on the validity, reliability, and other technical standards of the examinations that will be used or are being used and of the administration and use of those examinations.

(12) Not later than November 30 of each year, the superintendent of public instruction shall submit in writing a report on the development or selection and use of the basic skills examination, the elementary certification examination, and the subject area examinations to the house and senate education committees. The report shall also contain a financial statement regarding revenue received from the assessment of fees levied pursuant to subsection (14) and the amount of and any purposes for which that revenue was expended.

(13) The basic skills examination, the elementary certification examination, and the subject area examinations required by this section may be taken at different times during an approved teacher preparation program, but the basic skills examination must be passed before a person is enrolled for student teaching and the elementary certification examination and the subject area examinations, as applicable, must be passed before a person is recommended for certification.

(14) The department, or if approved by the superintendent of public instruction, a private testing service, may assess fees for taking the basic skills examination, elementary certification examination, and the subject area examinations. The fees, which shall be set by the superintendent of public instruction, shall not exceed $50.00 for a basic skills examination or $75.00 for an elementary certification examination or a subject area examination. However, if a subject area examination for vocational education includes a performance examination, an additional fee may be assessed for taking the performance examination, not to exceed the actual cost of administering the performance examination. Fees received by the department shall be expended solely for administrative expenses that it incurs in implementing this section.

(15) If a person holding a teaching certificate from another state applies for a Michigan teaching certificate and meets all requirements for the Michigan teaching certificate except passage of the appropriate examinations under subsection (3), the superintendent of public instruction shall issue a nonrenewable temporary teaching certificate, good for 1 year, to the person. The superintendent of public instruction shall not issue a Michigan teaching certificate to the person after expiration of the temporary teaching certificate unless the person passes appropriate examinations as described in subsection (3).

(16) As used in this section:

(a) “Basic skills examination” means an examination developed or selected by the superintendent of public instruction or developed pursuant to subsection (10) by an approved teacher education institution for the purpose of demonstrating the applicant's knowledge and understanding of basic language and mathematical skills and other skills necessary for the certificate sought, and for determining whether or not an applicant is eligible for a provisional Michigan teaching certificate.

(b) “Elementary certification examination” means a comprehensive examination for elementary certification that has been developed or selected by the superintendent of public instruction for demonstrating the applicant's knowledge and understanding of the core subjects normally taught in elementary classrooms and for determining

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whether or not an applicant is eligible for an elementary level teaching certificate.

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

(17) The superintendent of public instruction shall promulgate rules for the implementation of this section.

(18) Notwithstanding any rule to the contrary, the superintendent of public instruction shall continue to issue state elementary or secondary continuing education certificates pursuant to R 390.1132(1) of the Michigan administrative code to persons who completed the requirements of that rule by December 31, 1992 and who apply for that certificate not later than March 15, 1994. If the superintendent of public instruction has issued a state elementary or secondary professional education certificate to a person described in this section, the superintendent of public instruction shall consider the person to have a state elementary or secondary, as applicable, continuing education certificate.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977;—Am. 1978, Act 613, Imd. Eff. Jan. 6, 1979;—Am. 1986, Act 267, Imd. Eff. Dec. 19, 1986;—Am. 1992, Act 282, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2000, Act 497, Imd. Eff. Jan. 11, 2001.

Popular name: Act 451

380.1531a Positions requiring valid teaching certificate.

Sec. 1531a. Beginning July 1, 1990, a person who is employed by the department of education, the department of mental health, the department of social services, or the department of corrections in a position the state board determines to be equivalent to a position with a school district or intermediate school district as a superintendent, principal, assistant principal, other person whose primary responsibility is administering instructional programs, or chief business official shall possess a valid teaching certificate.

History: Add. 1990, Act 161, Imd. Eff. July 2, 1990.

Popular name: Act 451

380.1531b Student teaching; teacher preparation program.

Sec. 1531b. Beginning July 1, 1995, before an individual may engage in student teaching in a school in this state, the individual or the college or university in which the individual is or was enrolled for teacher preparation shall demonstrate to the satisfaction of the school or school district that the teacher preparation program requires of individuals who student teach at least all of the following:

(a) High academic achievement.

(b) Demonstration of successful group work with children as a condition for admission to the teacher preparation curriculum.

(c) Knowledge of research-based teaching.

(d) Working knowledge of modern technology and use of computers.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

Popular name: Act 451

380.1531c Fast-track teacher preparation program.

Sec. 1531c. The state board shall develop and approve, and advocate to state universities that they adopt, an expedited "fast-track" teacher preparation program to be available to individuals who have outstanding academic credentials, who are exceptionally gifted performers or artists, or who are outstanding professionals expert in their fields of endeavor.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

Popular name: Act 451

380.1531d First aid and cardiopulmonary resuscitation; requirements for teacher certification.

Sec. 1531d. (1) Beginning July 1, 2004, the superintendent of public instruction shall not issue an initial teaching certificate to a person unless the person presents evidence satisfactory to the superintendent of public instruction that the person meets 1 of the following:

(a) Has successfully completed a course approved by the department in first aid and cardiopulmonary resuscitation, including a test demonstration on a mannequin, and has successfully completed instruction approved by the department in foreign body airway obstruction management, and holds valid certification in these topics issued by the American red cross, American heart association, or a comparable organization or institution approved

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by the department.

(b) Has physical limitations that make it impracticable for the person to complete the instruction and obtain the required certification under subdivision (a).

(2) A person who meets the requirements described in subsection (1)(a) and who performs first aid, cardiopulmonary resuscitation, or foreign body airway obstruction management on another person in the course of his or her employment as a teacher is not liable in a civil action for damages resulting from an act or omission occurring in that performance except an act or omission constituting gross negligence or willful and wanton misconduct.

(3) This section does not create a duty to act on the part of a person who holds the certification described in subsection (1)(a).

History: Add. 2003, Act 18, Imd. Eff. June 10, 2003.

Popular name: Act 451

380.1531e Professional education certificate.

Sec. 1531e. (1) Notwithstanding any other provision of this act or a rule to the contrary, if a person earns a provisional teaching certificate and that certificate lapses before the person completes the requirements for a professional education certificate, and if a school district or public school academy applies to the department on that person's behalf for another provisional teaching certificate within 10 years after the person's initial provisional teaching certificate lapsed, the department shall issue a new provisional teaching certificate to the person. This new provisional teaching certificate shall be valid for 2 years and may not be renewed. The person shall have this 2-year period to complete the requirements for a professional education certificate, and the department shall credit toward the requirements for a professional education certificate any continuing education or other requirements completed while the person's initial teaching certificate was valid.

(2) This section applies to a person described in subsection (1) regardless of whether the person's provisional teaching certificate lapsed before or after the effective date of this section.

(3) This section does not apply to a person convicted of a crime described in section 1535a.

History: Add. 2000, Act 230, Imd. Eff. June 27, 2000.

Popular name: Act 451

380.1532 Validity of teaching certificate; recording of teaching certificate; oath or affirmation; nullification of teaching certificate.

Sec. 1532. (1) Before a teaching certificate is valid in this state, the holder shall record the certificate in the office of the intermediate superintendent or of the superintendent of schools of the school district in which the holder expects to teach.

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

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

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

(4) Except as provided in this act, the teaching certificate shall not be nullified except by the state board and for a cause that would have initially justified the withholding of the certificate.

(5) Upon the request of a teacher, the state board immediately shall nullify that teacher's teaching certificate. Upon the request of a teacher, the state board may nullify 1 or more endorsements on the teaching certificate, or a grade level certification included in the teaching certificate if the grade level certification has not been used for 10 or more years. The state board shall not reinstate, reissue, or renew a teaching certificate, endorsement on a teaching certificate, or a grade level certification that has been nullified pursuant to this subsection.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1988, Act 503, Imd. Eff. Dec. 29, 1988;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1533 Teacher's certificate; age requirement.

Sec. 1533. A certificate qualifying a person to teach in the public schools of this state shall not be granted to a person who is not at least 18 years of age. A certificate granted in contravention of this section is void.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

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Popular name: Act 451

380.1534 Limited teaching certificate for hearing impaired person.

Sec. 1534. A hearing impaired person who has completed all of the requirements for certification under this act, other than the student teaching experience with hearing students, and who is verified as having successfully completed the student teaching experience in a special program serving hearing impaired students, at that person's request shall be issued by the state department of education a teaching certificate limited to teaching hearing impaired students in appropriate programs.

History: Add. 1978, Act 608, Imd. Eff. Jan. 5, 1979.

Popular name: Act 451

380.1535 Teacher considered certificated and holder of valid teacher's certificate; time.

Sec. 1535. For purposes of endorsement or recertification, a teacher shall be considered certificated and the holder of a valid teacher's certificate on the completion date of the requirements of a teacher education college, as defined by the college catalog of courses, until such time as the certification is confirmed or rejected by the state board of education.

History: Add. 1983, Act 118, Imd. Eff. July 18, 1983.

Popular name: Act 451

380.1535a Conviction of teacher for certain crimes; notice of right to hearing; suspension of teaching certificate; summary suspension; findings for action under subsection (1) or (2); reinstatement, continued suspension, or permanent revocation of teaching certificate; effect of reversal of conviction on final appeal; notice of conviction; evidence of conviction; failure to complete hearing procedures; report; construction of section; rules; definitions.

Sec. 1535a. (1) Subject to subsection (2), if a person who holds a teaching certificate that is valid in this state has been convicted of a crime described in this subsection, within 10 working days after receiving notice of the conviction the superintendent of public instruction shall notify the person in writing that his or her teaching certificate may be suspended because of the conviction and of his or her right to a hearing before the superintendent of public instruction. The hearing shall be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the person does not avail himself or herself of this right to a hearing within 15 working days after receipt of this written notification, the teaching certificate of that person shall be suspended. If a hearing takes place, the superintendent of public instruction shall complete the proceedings and make a final decision and order within 120 working days after receiving the request for a hearing. Subject to subsection (2), the superintendent of public instruction may suspend the person's teaching certificate based upon the issues and evidence presented at the hearing. This subsection applies to any of the following crimes:

(a) Any felony.

(b) Any of the following misdemeanors:

(*i*) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.

(*ii*) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.

(*iii*) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.

(*iv*) A misdemeanor violation of section 7410 of the public health code, 1978 PA 368, MCL 333.7410.

(*v*) A violation of section 115, 141a, 145a, 335a, or 359 of the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.145a, 750.335a, and 750.359, or a misdemeanor violation of section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.145d.

(*vi*) A misdemeanor violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701.

(2) If a person who holds a teaching certificate that is valid in this state has been convicted of a crime described in this subsection, the superintendent of public instruction shall find that the public health, safety, or welfare requires emergency action and shall order summary suspension of the person's teaching certificate under section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292, and shall subsequently provide an opportunity for a hearing as provided under that section. This subsection does not limit the superintendent of public instruction's ability to order summary suspension of a person's teaching certificate for a reason other than described in this subsection. This subsection applies to conviction of any of the following crimes:

(a) Criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, or an attempt to

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commit criminal sexual conduct in any degree.

(b) Felonious assault on a child, child abuse in the first degree, or an attempt to commit child abuse in the first degree.

(c) Cruelty, torture, or indecent exposure involving a child.

(d) A violation of section 7401(2)(a)(*i*), 7403(2)(a)(*i*), 7410, or 7416 of the public health code, 1978 PA 368, MCL 333.7401, 333.7403, 333.7410, and 333.7416.

(e) A violation of section 83, 89, 91, 145a, 316, 317, or 529 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.89, 750.91, 750.145a, 750.316, 750.317, and 750.529, or a felony violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d.

(f) Any other crime listed in subsection (1), if the superintendent of public instruction determines the public health, safety, or welfare requires emergency action based on the circumstances underlying the conviction.

(3) The superintendent of public instruction after a hearing shall not take action against a person's teaching certificate under subsection (1) or (2) unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state. Further, the superintendent of public instruction may take action against a person's teaching certificate under subsection (1) or (2) based on a conviction that occurred before the effective date of the amendatory act that added this subsection if the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state.

(4) After the completion of a person's sentence, the person may request a hearing before the superintendent of public instruction on reinstatement of his or her teaching certificate. Based upon the issues and evidence presented at the hearing, the superintendent of public instruction may reinstate, continue the suspension of, or permanently revoke the person's teaching certificate. The superintendent of public instruction shall not reinstate a person's teaching certificate unless the superintendent of public instruction finds that the person is currently fit to serve in an elementary or secondary school in this state and that reinstatement of the person's teaching certificate will not adversely affect the health, safety, and welfare of pupils.

(5) All of the following apply to a person described in this section whose conviction is reversed upon final appeal:

(a) The person's teaching certificate shall be reinstated upon his or her notification to the superintendent of public instruction of the reversal.

(b) If the suspension of the person's teaching certificate under this section was the sole cause of his or her discharge from employment, the person shall be reinstated, upon his or her notification to the appropriate local or intermediate school board of the reversal, with full rights and benefits, to the position he or she would have had if he or she had been continuously employed.

(6) Not later than 15 days after the date of the conviction, the prosecuting attorney in charge of a case in which a person who holds a teaching certificate was convicted of a crime described in subsection (1) or (2) and the court that convicted the person shall notify the superintendent of public instruction, and any public school, school district, intermediate school district, or nonpublic school in which the person is employed, of that conviction, of the name and address of the person convicted, and of the sentence imposed on the person. A prosecuting attorney in charge of a case in which a person is convicted of a crime described in subsection (1) or (2) and a court that convicts a person of a crime described in subsection (1) or (2) shall inquire whether the person holds a teaching certificate.

(7) Not later than 5 working days after receiving notification of a person's conviction from the prosecuting attorney or the court under subsection (6), the superintendent of public instruction shall request the court that convicted the person to provide a certified copy of the judgment of conviction and sentence to the superintendent of public instruction and shall pay any fees required by the court. The court shall provide this certified copy within 5 working days after receiving the request and fees under this section.

(8) If the superintendent of a school district or intermediate school district, the chief administrative officer of a nonpublic school, the president of the board of a school district or intermediate school district, or the president of the governing board of a nonpublic school is notified by a prosecuting attorney or court or learns through an authoritative source that a person who holds a teaching certificate and who is employed by the school district, intermediate school district, or nonpublic school has been convicted of a crime described in subsection (1) or (2), the superintendent, chief administrative officer, or board president shall notify the superintendent of public instruction of that conviction within 15 days after learning of the conviction.

(9) For the purposes of this section, a certified copy of the judgment of conviction and sentence is conclusive

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evidence of conviction of a crime described in this section. For the purposes of this section, conviction of a crime described in this section is considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for suspension or revocation of the person's teaching certificate.

(10) For any hearing under subsection (1), if the superintendent of public instruction does not complete the hearing procedures and make a final decision and order within 120 working days after receiving the request for the hearing, as required under subsection (1), the superintendent of public instruction shall submit a report detailing the reasons for the delay to the standing committees and appropriations subcommittees of the senate and house of representatives that have jurisdiction over education and education appropriations. The failure of the superintendent of public instruction to complete the hearing procedures and make a final decision and order within this 120 working day time limit, or the failure of any other official or agency to meet a time limit prescribed in this section, does not affect the validity of an action taken under this section affecting a person's teaching certificate.

(11) Beginning 3 months after the effective date of the amendatory act that added this subsection, the superintendent of public instruction shall submit to the legislature a quarterly report of all final actions he or she has taken under this section affecting a person's teaching certificate during the preceding quarter. The report shall contain at least all of the following with respect to each person whose teaching certificate has been affected:

(a) The person's name, as it appears on the teaching certificate.

(b) The school district, intermediate school district, public school academy, or nonpublic school in which the person was employed at the time of the conviction, if any.

(c) The offense for which the person was convicted and the date of the offense and date of the conviction.

(d) Whether the action taken by the superintendent of public instruction was a summary suspension, suspension due to failure to request a hearing, suspension, revocation, or reinstatement of the teaching certificate.

(12) Not later than 6 months after the effective date of the amendatory act that added this subsection, the superintendent of public instruction shall submit to the legislature an inventory report with information on all final actions taken under this section for the time period from March 30, 1988 until the effective date of the amendatory act that added this subsection. The report shall contain at least all of the information required in the quarterly report under subsection (11) with respect to each person whose teaching certificate was affected during that time period. If the superintendent of public instruction determines that the information required for the report is not available for any portion of that time period, the superintendent of public instruction shall include with the report a detailed explanation of the information that is not available and the reasons why the information is not available.

(13) This section does not do any of the following:

(a) Prohibit a person who holds a teaching certificate from seeking monetary compensation from a school board or intermediate school board if that right is available under a collective bargaining agreement or another statute.

(b) Limit the rights and powers granted to a school district or intermediate school district under a collective bargaining agreement, this act, or another statute to discipline or discharge a person who holds a teaching certificate.

(14) The superintendent of public instruction may promulgate, as necessary, rules to implement this section pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(15) As used in this section:

(a) “Conviction” means a judgment entered by a court upon a plea of guilty, guilty but mentally ill, or nolo contendere or upon a jury verdict or court finding that a defendant is guilty or guilty but mentally ill.

(b) “Prosecuting attorney” means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

History: Add. 1987, Act 61, Eff. Mar. 30, 1988;—Am. 1990, Act 35, Imd. Eff. Mar. 22, 1990;—Am. 1992, Act 99, Imd. Eff. June 23, 1992;—Am. 1994, Act 144, Imd. Eff. June 2, 1994;—Am. 1995, Act 97, Imd. Eff. June 22, 1995;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 51, Imd. Eff. Apr. 1, 2004.

Popular name: Act 451

380.1536, 380.1536a Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to school administrator certificate and positions requiring valid school administrator certificate.

Popular name: Act 451

380.1538 Fees for evaluation of application; validity of certificate, permit, authorization,

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endorsement, approval, or certain renewals.

Sec. 1538. (1) An applicant shall pay to the department of education, as a condition of having the application evaluated for conformance with the application requirements, the following fees:

(a) Original application fee	In-State Applicant	Out-of-State Applicant
(*i*) Provisional teaching certificate	$125.00	$175.00
(*ii*) Continuing teaching certificate	125.00	
(*iii*) Professional teaching certificate	125.00	
(*iv*) Vocational temporary authorization	125.00	
(*v*) Full vocation authorization	125.00	
(*vi*) Occupational education certificate	125.00	
(*vii*) Additional teaching certificate endorsement	50.00	
(*viii*) Substitute teacher permit	25.00	
(*ix*) Full-year teacher permit	25.00	
(*x*) Emergency permit	25.00	
(*xi*) Annual vocational authorization	25.00	
(*xii*) Duplicate certificate or authorization	10.00	
(*xiii*) School psychologist certificate	125.00	175.00
(*xiv*) Parent cooperative preschool certificate	50.00	
(*xv*) Temporary special education approval	50.00	
(*xvi*) School administrator certificate for persons eligible for certificate on July 1, 1988	75.00	
(*xvii*) School administrator certificate for persons eligible for certificate after July 1, 1988	125.00	175.00

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(*xviii*) School administrator endorsement.....	50.00
(*xix*) School administrator permit.....	125.00

(b) Renewal or reinstatement application fee	In-State Applicant
(*i*) Provisional teaching certificate.....	$ 75.00
(*ii*) Continuing teaching certificate.....	125.00
(*iii*) Continuing teaching certificate reinstatement.....	50.00
(*iv*) Professional teaching certificate.....	125.00
(*v*) Vocational temporary authorization.....	75.00
(*vi*) Full vocational authorization.....	125.00
(*vii*) Occupational education certificate.....	125.00
(*viii*) School psychologist certificate.....	125.00
(*ix*) School administrator certificate.....	125.00

(2) Except as otherwise provided by an administrative rule in effect on October 1, 1988, or as otherwise provided by law, a certificate, permit, authorization, endorsement, or approval, and the renewal of a certificate, certificate reinstatement, or authorization issued pursuant to subsection (1) is valid for 5 years.

History: Add. 1988, Act 339, Imd. Eff. Oct. 18, 1988.

Popular name: Act 451

380.1539 Teacher-administrator preparation and certification fund; establishment; administration; deposit of fees; receipt of revenue; expenditures; carryover of unexpended money; transfer to general fund.

Sec. 1539. (1) A teacher-administrator preparation and certification fund is established in the department of treasury to be administered by the department of education.

(2) The department of education shall receive and forward to the state treasurer for deposit in the teacher-administrator preparation and certification fund all fees collected under section 1538. The teacher-administrator preparation and certification fund may receive as revenue money from any other source, as appropriated by the legislature.

(3) The revenue in the teacher-administrator preparation and certification fund shall be expended for the operation of the teacher preparation and certification program and the administrator preparation and certification program and for teacher and administrator professional development and other quality-related activities.

(4) Money in the teacher-administrator preparation and certification fund that is unexpended at the end of the state fiscal year shall be carried over to the succeeding state fiscal year, shall not revert to the general fund, and shall be expended as provided in subsection (3).

(5) For the state fiscal year ending September 30, 2004, $1,000,000.00 is transferred from the teacher-administrator preparation and certification fund to the unappropriated balance of the general fund for the state fiscal year ending September 30, 2004.

History: Add. 1988, Act 339, Imd. Eff. Oct. 18, 1988;—Am. 2004, Act 76, Imd. Eff. Apr. 21, 2004.

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Popular name: Act 451

380.1539a Repealed. 2004, Act 51, Imd. Eff. Apr. 1, 2004.

Compiler's note: The repealed section pertained to conviction of school administrator for certain crimes.
Popular name: Act 451

380.1539b Conviction of person holding board approval for certain crimes; notice of right to hearing; suspension; summary suspension; reinstatement, continued suspension, or permanent revocation of state board approval; notice of conviction; evidence of conviction; failure to complete hearing procedures; report; construction of section; rules; definitions.

Sec. 1539b. (1) Subject to subsection (2), if a person who holds state board approval has been convicted of a crime described in this subsection, within 10 working days after receiving notice of the conviction the superintendent of public instruction shall notify the person in writing that his or her state board approval may be suspended because of the conviction and of his or her right to a hearing before the superintendent of public instruction. The hearing shall be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the person does not avail himself or herself of this right to a hearing within 15 working days after receipt of this written notification, the person's state board approval shall be suspended. If a hearing takes place, the superintendent of public instruction shall complete the proceedings and make a final decision and order within 120 working days after receiving the request for a hearing. Subject to subsection (2), the superintendent of public instruction may suspend the person's state board approval, based upon the issues and evidence presented at the hearing. This subsection applies to any of the following crimes:

(a) Any felony.

(b) Any of the following misdemeanors:

(*i*) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree.

(*ii*) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree.

(*iii*) A misdemeanor involving cruelty, torture, or indecent exposure involving a child.

(*iv*) A misdemeanor violation of section 7410 of the public health code, 1978 PA 368, MCL 333.7410.

(*v*) A violation of section 115, 141a, 145a, 335a, or 359 of the Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.145a, 750.335a, and 750.359, or a misdemeanor violation of section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.145d.

(*vi*) A misdemeanor violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701.

(2) If a person who holds state board approval has been convicted of a crime described in this subsection, the superintendent of public instruction shall find that the public health, safety, or welfare requires emergency action and shall order summary suspension of the person's state board approval under section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292, and shall subsequently provide an opportunity for a hearing as required under that section. This subsection does not limit the superintendent of public instruction's ability to order summary suspension of a person's state board approval for a reason other than described in this subsection. This subsection applies to conviction of any of the following crimes:

(a) Criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, or an attempt to commit criminal sexual conduct in any degree.

(b) Felonious assault on a child, child abuse in the first degree, or an attempt to commit child abuse in the first degree.

(c) Cruelty, torture, or indecent exposure involving a child.

(d) A violation of section 7401(2)(a)(*i*), 7403(2)(a)(*i*), 7410, or 7416 of the public health code, 1978 PA 368, MCL 333.7401, 333.7403, 333.7410, and 333.7416.

(e) A violation of section 83, 89, 91, 145a, 316, 317, or 529 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.89, 750.91, 750.145a, 750.316, 750.317, and 750.529, or a felony violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d.

(f) Any other crime listed in subsection (1), if the superintendent of public instruction determines the public health, safety, or welfare requires emergency action based on the circumstances underlying the conviction.

(3) The superintendent of public instruction after a hearing shall not take action against a person's state board approval under subsection (1) or (2) unless the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this

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state or that the conviction demonstrates that the person is unfit to teach in an elementary or secondary school in this state. Further, the superintendent of public instruction may take action against a person's state board approval under subsection (1) or (2) based on a conviction that occurred before the effective date of the amendatory act that added this subsection if the superintendent of public instruction finds that the conviction is reasonably and adversely related to the person's present fitness to serve in an elementary or secondary school in this state.

(4) After the completion of the person's sentence, the person may request a hearing before the superintendent of public instruction on reinstatement of his or her state board approval. Based upon the issues and evidence presented at the hearing, the superintendent of public instruction may reinstate, continue the suspension of, or permanently revoke the person's state board approval. The superintendent of public instruction shall not reinstate a person's state board approval unless the superintendent of public instruction finds that the person is currently fit to serve in an elementary or secondary school in this state and that reinstatement of the person's state board approval will not adversely affect the health, safety, and welfare of pupils.

(5) All of the following apply to a person described in this section whose conviction is reversed upon final appeal:

(a) The person's state board approval shall be reinstated upon his or her notification to the superintendent of public instruction of the reversal.

(b) If the suspension of the state board approval was the sole cause of his or her discharge from employment, the person shall be reinstated upon his or her notification to the appropriate local or intermediate school board of the reversal, with full rights and benefits, to the position he or she would have had if he or she had been continuously employed.

(6) Not later than 15 days after the date of the conviction, the prosecuting attorney in charge of a case in which a person who holds state board approval was convicted of a crime described in subsection (1) or (2) and the court that convicted the person shall notify the superintendent of public instruction, and any public school, school district, intermediate school district, or nonpublic school in which the person is employed, of that conviction, of the name and address of the person convicted, and of the sentence imposed on the person. A prosecuting attorney in charge of a case in which a person is convicted of a crime described in subsection (1) or (2), and a court that convicts a person of a crime described in subsection (1) or (2) shall inquire whether the person holds state board approval. The superintendent of public instruction shall make available to prosecuting attorneys and courts a list of school occupations that commonly require state board approval.

(7) Not later than 5 working days after receiving notification of a person's conviction from the prosecuting attorney or the court under subsection (6), the superintendent of public instruction shall request the court that convicted the person to provide a certified copy of the judgment of conviction and sentence to the superintendent of public instruction and shall pay any fees required by the court. The court shall provide this certified copy within 5 working days after receiving the request and fees under this section.

(8) If the superintendent of a school district or intermediate school district, the chief administrative officer of a nonpublic school, the president of the board of a school district or intermediate school district, or the president of the governing board of a nonpublic school is notified by a prosecuting attorney or court or learns through an authoritative source that a person who holds state board approval and who is employed by the school district, intermediate school district, or nonpublic school has been convicted of a crime described in subsection (1) or (2), the superintendent, chief administrative officer, or board president shall notify the superintendent of public instruction of that conviction within 15 days after learning of the conviction.

(9) For the purposes of this section, a certified copy of the judgment of conviction and sentence is conclusive evidence of conviction of a crime described in this section. For the purposes of this section, conviction of a crime described in this section is considered to be reasonably and adversely related to the ability of the person to serve in an elementary or secondary school and is sufficient grounds for suspension or revocation of the person's state board approval.

(10) For any hearing under subsection (1), if the superintendent of public instruction does not complete the hearing procedures and make a final decision and order within 120 working days after receiving the request for the hearing, as required under subsection (1), the superintendent of public instruction shall submit a report detailing the reasons for the delay to the standing committees and appropriations subcommittees of the senate and house of representatives that have jurisdiction over education and education appropriations. The failure of the superintendent of public instruction to complete the hearing procedures and make a final decision and order within this 120 working day time limit, or the failure of any other official or agency to meet a time limit prescribed in this section, does not affect the validity of an action taken under this section affecting a person's state board approval.

(11) Beginning 3 months after the effective date of the amendatory act that added this subsection, the

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superintendent of public instruction shall submit to the legislature a quarterly report of all final actions he or she has taken under this section affecting a person's state board approval during the preceding quarter. The report shall contain at least all of the following with respect to each person whose state board approval has been affected:

(a) The person's name, as it appears on the state board approval.

(b) The school district, intermediate school district, public school academy, or nonpublic school in which the person was employed at the time of the conviction, if any.

(c) The offense for which the person was convicted and the date of the offense and date of the conviction.

(d) Whether the action taken by the superintendent of public instruction was a summary suspension, suspension due to failure to request a hearing, suspension, revocation, or reinstatement of the state board approval.

(12) Not later than 6 months after the effective date of the amendatory act that added this subsection, the superintendent of public instruction shall submit to the legislature an inventory report with information on all final actions taken under this section for the time period from June 23, 1992 until the effective date of the amendatory act that added this subsection. The report shall contain at least all of the information required in the quarterly report under subsection (11) with respect to each person whose state board approval was affected during that time period. If the superintendent of public instruction determines that the information required for the report is not available for any portion of that time period, the superintendent of public instruction shall include with the report a detailed explanation of the information that is not available and the reasons why the information is not available.

(13) This section does not do any of the following:

(a) Prohibit a person who holds state board approval from seeking monetary compensation from a school board or intermediate school board if that right is available under a collective bargaining agreement or another statute.

(b) Limit the rights and powers granted to a school district or intermediate school district under a collective bargaining agreement, this act, or another statute to discipline or discharge a person who holds state board approval.

(c) Exempt a person who holds state board approval from the operation of section 1535a if the person holds a certificate subject to that section.

(d) Limit the ability of a state licensing body to take action against a person's license or registration for the same conviction.

(14) The superintendent of public instruction may promulgate, as necessary, rules to implement this section pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(15) As used in this section:

(a) “Conviction” means a judgment entered by a court upon a plea of guilty, guilty but mentally ill, or nolo contendere or upon a jury verdict or court finding that a defendant is guilty or guilty but mentally ill.

(b) “Prosecuting attorney” means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

(c) “State board approval” means a license, certificate, approval not requiring a teaching certificate, or other evidence of qualifications to hold a particular position in a school district or intermediate school district or in a nonpublic school, other than a teacher's certificate subject to section 1535a, that is issued to a person by the state board or the superintendent of public instruction under this act or a rule promulgated under this act.

History: Add. 1992, Act 99, Imd. Eff. June 23, 1992;—Am. 1994, Act 144, Imd. Eff. June 2, 1994;—Am. 1995, Act 97, Imd. Eff. June 22, 1995;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 2004, Act 51, Imd. Eff. Apr. 1, 2004.

Popular name: Act 451

PART 23
COUNT OF RESIDENT CHILDREN

380.1540 Repealed. 1977, Act 43, Imd. Eff. June 29, 1977.

Compiler's note: The repealed section pertained to count of children residing in district.
Popular name: Act 451

380.1541 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to school census.
Popular name: Act 451

380.1542—380.1544 Repealed. 1977, Act 43, Imd. Eff. June 29, 1977.

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Compiler's note: The repealed sections pertained to duties of census enumerator, children placed in licensed homes or homes of relatives, and verification and filing of census.

Popular name: Act 451

380.1551 Repealed. 1977, Act 43, Imd. Eff. June 29, 1977.

Compiler's note: The repealed section pertained to alternate procedures for obtaining name, age, and address of children and handicapped persons.

Popular name: Act 451

PART 24
COMPULSORY SCHOOL ATTENDANCE

380.1561 Compulsory attendance at public school; enrollment dates; exceptions.

Sec. 1561. (1) Except as otherwise provided in this section, every parent, guardian, or other person in this state having control and charge of a child from the age of 6 to the child's sixteenth birthday shall send that child to a public school during the entire school year. The child's attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled. In a school district that maintains school during the entire calendar year and in which the school year is divided into quarters, a child is not required to attend the public school more than 3 quarters in 1 calendar year, but a child shall not be absent for 2 or more consecutive quarters.

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

(3) A child is not required to attend a public school in any of the following cases:

(a) The child is attending regularly and is being taught in a state approved nonpublic school, which teaches subjects comparable to those taught in the public schools to children of corresponding age and grade, as determined by the course of study for the public schools of the district within which the nonpublic school is located.

(b) The child is less than 9 years of age and does not reside within 2-1/2 miles by the nearest traveled road of a public school. If transportation is furnished for pupils in the school district of the child's residence, this subdivision does not apply.

(c) The child is age 12 or 13 and is in attendance at confirmation classes conducted for a period of 5 months or less.

(d) The child is regularly enrolled in a public school while in attendance at religious instruction classes for not more than 2 class hours per week, off public school property during public school hours, upon written request of the parent, guardian, or person in loco parentis under rules promulgated by the state board.

(e) The child has graduated from high school or has fulfilled all requirements for high school graduation.

(f) The child is being educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar.

(4) For a child being educated at the child's home by his or her parent or legal guardian, exemption from the requirement to attend public school may exist under either subsection (3)(a) or (3)(f), or both.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996;—Am. 1996, Act 339, Eff. July 1, 1996.

Constitutionality: Shared time instruction of sectarian, nonpublic school students in and of itself is not violative of the Establishment Clause even where benefits to religion appear substantial; it is only where it is clear that the program was motivated wholly by religious considerations that a conflict with the clause would exist. Snyder v. Charlotte Schools, 421 Mich. 517, 365 N.W.2d 151 (1984).

Shared time instruction clearly is not intended to benefit one or all religions; rather, the purpose is secular: to provide educational opportunities at public schools for all resident school-age children whether they attend public or religious or secular nonpublic schools. Snyder v. Charlotte Schools, 421 Mich. 517, 365 N.W.2d 151 (1984).

Popular name: Act 451

Administrative rules: R 340.71 et seq. of the Michigan Administrative Code.

380.1565 Providing opportunity to observe time in silent meditation; guidelines.

Sec. 1565. The board of education of a school district may by resolution provide the opportunity during each school day to allow students who wish to do so, the opportunity to observe time in silent meditation. The state board shall develop guidelines which a school board may use in the implementation of this section.

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History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977.

Popular name: Act 451

380.1571 Attendance officers; acceptance and oath of office; surety bond; powers and duties; list of teachers and superintendent.

Sec. 1571. (1) The intermediate school board shall select 1 or more persons to act as attendance officers for the intermediate school district. An attendance officer shall file with the secretary of the intermediate school board an acceptance and oath of office, and a surety bond in the sum of $1,000.00.

(2) The board of a school district having a pupil membership of 1,000 or more on the latest pupil membership count day may employ attendance officers. An attendance officer employed by a board of education shall give a surety bond to the board in the sum of $1,000.00.

(3) An attendance officer of an intermediate school district or a local school district shall have the powers of a deputy sheriff within the district or the intermediate school district while performing official duties. An intermediate school district attendance officer shall perform the duties of the office in each constituent district in which the local board does not employ an attendance officer.

(4) At the opening of the schools the intermediate superintendent shall furnish the intermediate attendance officer with a list of the teachers and superintendents employed in constituent districts other than those employing an attendance officer.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1576 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to attendance report.

Popular name: Act 451

380.1577 Attendance report; school district other than primary school district.

Sec. 1577. The secretary of the board of a school district other than a primary school district at the opening of school shall furnish a copy of the last school census to the superintendent of schools, or the teacher or teachers if no superintendent is employed in the district, together with the name and address of the attendance officer who has jurisdiction in the district. At the opening of school the superintendent, teacher, or teachers shall compare the census list with the enrollment of the school, and shall report to the proper attendance officer the names and addresses of parents or other persons in parental relation to a child of compulsory attendance age not in regular attendance at the public schools, and names of parents or others in parental relation to a child not enrolled in the school and whose name is not included in the census.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1578 Attendance report; nonpublic schools.

Sec. 1578. The appropriate authority of each nonpublic school at the beginning of the school year shall furnish the superintendent of schools of the district in which the nonpublic school is situated or the intermediate superintendent:

(a) The name and age of each child who is enrolled at the school.

(b) The number or name of the school district and the city or township and county in which the parent, guardian, or person in parental relation resides.

(c) The name and address of the parent, guardian, or other person in parental relation.

(d) The name and age of each child enrolled in the school who is not in regular attendance.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1586 Nonattendance at school; notice; investigation; discussion of irregular attendance, failing work, or behavior problems with parent.

Sec. 1586. (1) The attendance officer shall investigate each case of nonattendance at school when notified by a teacher, superintendent, intermediate superintendent, or other person of a violation of this part. If the child complained of is not exempt from public school attendance under the conditions listed in section 1561, the attendance officer shall proceed immediately in the manner provided in this part.

(2) If a child is repeatedly absent from school without valid excuse, or is failing in schoolwork or gives evidence

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of behavior problems, and attempts to confer with the parent or other person in parental relationship to the child fail, the superintendent of schools, or the intermediate superintendent in a district which does not employ a superintendent, may request the attendance officer to notify the parent or other person in parental relationship by registered mail to come to the school or to a place designated at a time specified to discuss the child's irregularity in attendance, failing work, or behavior problems with the proper school authorities.

(3) The superintendent, or the teacher in a district which does not employ a superintendent, shall provide information concerning the nonattendance of each nonresident pupil to the intermediate superintendent of the intermediate school district in which the nonresident pupil resides. The intermediate attendance officer, when notified by the intermediate superintendent or superintendent of schools, shall investigate and proceed in all cases of nonattendance of nonresident pupils in the same manner provided in this part for enforcing attendance of pupils attending schools in districts in which they reside.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1587 Failure to send child to school; notice to parent; notice of noncompliance.

Sec. 1587. If a parent or other person in parental relation fails to send a child under his or her control to the public school or other school listed under section 1561, the attendance officer, upon receiving notice from proper authority of that fact, shall give written notice in person or by registered mail to the parent or other person in parental relation requiring the child to appear at the public school or other school on the next regular school day following the receipt of notice, and to continue in regular and consecutive attendance in school. The attendance officer shall notify the intermediate superintendent or superintendent of schools of the service of notice. The intermediate superintendent or superintendent of schools shall notify the attendance officer of the failure on the part of the parent or other person in parental relation to comply with the notice.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1588 Complaint against parent; warrant; hearing; determination.

Sec. 1588. The attendance officer, after giving the formal notice prescribed in section 1587, shall determine whether the parent or other person in parental relation has complied with the notice. The attendance officer shall make a complaint against the parent or other person in parental relation having the legal charge and control of the child who fails to comply to the court having jurisdiction in the county of residence for refusal or neglect to send the child to school. The court shall issue a warrant upon the complaint and shall proceed to hear and determine it in the same manner as is provided for other cases under its jurisdiction.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1589 Furnishing assistance and information to attendance officer.

Sec. 1589. School officers, superintendents, administrators, and teachers shall give assistance and furnish information to aid an attendance officer in the performance of official duties.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1596 Ungraded school or department for juvenile disorderly persons; classifications.

Sec. 1596. (1) The board of a school district other than a primary school district may establish 1 or more ungraded schools for the instruction of certain pupils classified in subsection (2). The board may require the pupils to attend an ungraded school or a department of the school as the board directs.

(2) The following cases of persons, aged 7 to the sixteenth birthday residing in the school district shall be deemed juvenile disorderly persons and in the judgment of the proper school authorities may be assigned to the ungraded school or department:

(a) Class 1, habitual truants from the school in which they are enrolled as pupils.

(b) Class 2, children who, while attending school, are incorrigibly turbulent, disobedient, and insubordinate, or who are immoral in conduct.

(c) Class 3, children who are not attending school and who habitually frequent streets and other public places, having no lawful business, employment, or occupation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

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Popular name: Act 451

380.1597 Repealed. 1978, Act 90, Eff. June 1, 1978.

Compiler's note: The repealed section pertained to work permits for minors 16 years of age.
Popular name: Act 451

380.1599 Noncompliance of parent as misdemeanor; penalty.

Sec. 1599. A parent or other person in parental relation who fails to comply with this part is guilty of a misdemeanor, punishable by a fine of not less than $5.00 nor more than $50.00, or imprisonment for not less than 2 nor more than 90 days, or both.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

PART 25
COMMUNITY COLLEGES OPERATED BY SCHOOL DISTRICTS

380.1601 "Community college" defined.

Sec. 1601. As used in this part, "community college" includes a junior college established prior to June 14, 1955.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1602 Community college of district school system; establishment; approval of state board.

Sec. 1602. The board of a first class school district or other school district having a population of more than 10,000, after having secured the approval of the state board, may establish collegiate and noncollegiate courses of study. These collegiate courses, except in school districts of the first class, shall not embrace more than 2 years of collegiate work. The courses, collectively and exclusive of the regular K to 12 grades, shall be known and designated as the community college of the district school system.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1602a Taxes levied for operation of community college.

Sec. 1602a. (1) The board of a school district operating a community college under this part may levy taxes for the operation of the community college at a millage rate not to exceed the number of mills determined by the department to equal the number of mills authorized under section 1211 as of the effective date of the amendatory act that added this section for operating the community college and reported to the department for the purpose of compiling the activity classification structure data under section 204 of Act No. 163 of the Public Acts of 1993. The millage allowed under this subsection may be levied without a vote of the school electors of the school district until the millage authorization expires.

(2) With the approval of the school electors of the school district, the board of a school district may renew the millage authorized under subsection (1) or levy additional millage for the operation of the community college, or both.

History: Add. 1993, Act 312, Eff. Mar. 15, 1994.

Popular name: Act 451

380.1603 Community college; joint establishment and operation; procedures and regulations.

Sec. 1603. (1) The boards of 2 or more school districts may provide for the joint establishment and operation of a community college by adopting mutually agreeable procedures and regulations as to administration, financial support, and other necessary regulations. The procedures and regulations shall be approved by the state board.

(2) If the combined population of the school districts is less than 10,000, joint establishment of a community college shall be approved by the school electors of each district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1604 Contract with district maintaining community college for attendance of other school district residents; qualifications, tuition, and transportation.

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Sec. 1604. A board of a school district may contract with the board of another school district maintaining a community college or another community college board for the attendance of school district residents who possess the qualifications for enrollment in the college, pay the tuition in whole or in part of the students for periods of time and covering courses agreed upon by the contracting districts, and provide transportation to and from the college for residents enrolling in the college.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1605 Discontinuance of community college; disposition of property; settlement of accounts and obligations.

Sec. 1605. (1) If a school district is operating a community college and a community college district is established and operated under Act No. 331 of the Public Acts of 1966, as amended, being sections 389.1 to 389.195 of the Michigan Compiled Laws, which community college district includes the territory of the school district or a major portion thereof, the board of the school district, with the approval of the state board, may discontinue the community college.

(2) If a community college is discontinued, the board of education may:

(a) Give real and personal property of the school district appropriate for community college use to the community college district, or sell it to the community college district at prices and on terms satisfactory to the school board, the community college district, and the state board, and execute and deliver contracts, deeds, and instruments of conveyance.

(b) Sell the real or personal property used by the community college no longer deemed necessary for school district purposes or for community college purposes, at prices and on terms satisfactory to the board, and execute and deliver contracts, deeds, and instruments of conveyance.

(c) Settle accounts and obligations which may arise on account of the community college district taking over the community college.

(d) Rent or lease real or personal property of the school district to the community college district for times and terms as may be mutually agreed upon and contracted for.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1606 Acquisition of lands and buildings; borrowing money; issuance of bonds or other obligations; repayment; terms of bonds; nature of debt.

Sec. 1606. A school district operating a community college under this part may acquire lands and acquire or erect and equip buildings and maintain them to be used as residence halls, apartments, dining facilities, student centers, parking facilities, and health centers. The school district may finance the acquisition by borrowing money and issuing bonds or other obligations under terms and provisions as it deems best, including the right to refund the bonds or obligations. The school district shall obligate itself for the repayment of bonds or other obligations, together with interest, solely out of the income and revenues from the facilities or other facilities acquired, or from allocations and pledges of fees and charges required to be paid by students enrolling in the college, or a combination thereof. The bonds shall not exceed 50 years, and shall not constitute a debt of the state or a political subdivision of the state.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1606a Transfer of title of property to obtain capital financing for improvements; building school building upon leased site.

Sec. 1606a. (1) The board of a school district that operates a community college under this part may transfer title of real or personal property owned by the school district to the state building authority in order to obtain capital financing from the state building authority for improvements to the property, even though the property continues to be required and used for community college or other school district purposes. The board of the school district shall give proper deeds, bills of sale, or other instruments necessary to pass title to the property.

(2) Notwithstanding section 1263, the board of a school district that operates a community college may build or contract to build a school building for the community college upon a site for which the school district has a lease from the state building authority of less than 50 years.

History: Add. 1993, Act 37, Imd. Eff. May 13, 1993.

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Popular name: Act 451

380.1606b Board of school district operating community college; establishment of department of public safety; grant of authority to public safety officers; public hearings; public safety advisory committee.

Sec. 1606b. (1) The board of a school district operating a community college under this part may establish a department of public safety for that community college for the protection of persons and property.

(2) If the board of the school district establishes a department of public safety under subsection (1), the board may grant to the public safety officers the authority of peace or law enforcement officers.

(3) Before granting the powers and authority provided under subsection (2), the board shall conduct not less than 2 public hearings.

(4) The board shall not grant the powers and authority described in subsection (2) unless that board creates a public safety advisory committee. The public safety advisory committee shall be comprised of 2 members of the faculty and 2 members of the staff of the community college. The public safety advisory committee shall receive and address grievances by persons against the public safety officers or against the public safety department of that community college. The committee may recommend to the board or the administration of that community college that disciplinary measures be taken against a public safety officer or police officer who is found responsible for misconduct in office.

History: Add. 1998, Act 52, Imd. Eff. Mar. 31, 1998.

Popular name: Act 451

380.1606c Public safety officers or police officers; jurisdiction.

Sec. 1606c. (1) The jurisdiction of public safety officers or police officers granted powers and authority under section 1606b shall include all property owned or leased by the community college in this state and extends to the public right-of-way traversing or contiguous to that property.

(2) The jurisdiction of public safety officers or police officers under subsection (1) is limited to the protection of persons and property on the property of that community college unless a response is made off campus at the specific request of another law enforcement agency or under a mutual aid agreement with another law enforcement agency.

History: Add. 1998, Act 52, Imd. Eff. Mar. 31, 1998.

Popular name: Act 451

380.1606d Public safety officers or police officers; minimum standards.

Sec. 1606d. Public safety officers or police officers of a community college to whom the powers and authority of a peace or law enforcement officer are granted under section 1606b shall meet the minimum standards of the Michigan law enforcement officers training council act of 1965, 1965 PA 203, MCL 28.601 to 28.616.

History: Add. 1998, Act 52, Imd. Eff. Mar. 31, 1998.

Popular name: Act 451

380.1606e Monthly uniform crime reports.

Sec. 1606e. The public safety department of each community college shall submit monthly uniform crime reports pertaining to crimes within the department's jurisdiction to the department of state police in the same manner as uniform crime reports are submitted under section 1 of 1968 PA 319, MCL 28.251.

History: Add. 1998, Act 52, Imd. Eff. Mar. 31, 1998.

Popular name: Act 451

380.1607 Contribution by local governmental unit to support of community college; uniform tuition and fees.

Sec. 1607. A county, township, or other governmental unit, by action of its governing body may contribute annually toward the support of a community college maintained by a school district pursuant to this part. Tuition and fees charged by the school district for enrollment in the community college shall be uniform throughout a county, township, or governmental unit making an annual contribution to the community college.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

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PART 26
SCHOOL TAXES

380.1611 Certification of school property taxes; approval of city governing body; assessment, spread, and collection of taxes; remittance of collections; expenses; limitations; powers and duties of city officers; school taxes as lien; penalties, interest, and collection charges.

Sec. 1611. (1) Upon the approval of the city governing body before January 1, 1983, the board of a school district or intermediate school district situated in whole or in part in a city may certify either the total or 1/2 of the levy of school property taxes on the city portion of the school district or intermediate school district. If certified, or if approval of the city governing body is not given before January 1, 1983 and a city agrees or elects pursuant to section 1613 to collect either the total or 1/2 of the levy of school taxes on the taxable property of the city portion of the school district or intermediate school district, the appropriate officials of that city in which the school district or intermediate school district is located shall assess, spread, and collect these school taxes and shall remit the collections to the school district or intermediate school district as provided in Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

(2) Except where a city assessed and collected school taxes pursuant to this section prior to December 31, 1974, reasonable expenses incurred by the city in assessing and collecting the school taxes, to the extent that those expenses are in addition to the expenses of assessing and collecting other taxes at the same time and, except as otherwise agreed to by the city and school district or intermediate school district, exceed the amount of any fee and charge imposed by the city on collection of the school taxes, shall be billed to and paid by the school board of education or intermediate school board. However, if these additional reasonable expenses are allowed by this section to a city exercising its option under section 1613(3), the following limitations shall apply:

(a) These additional reasonable expenses shall not exceed the amount specified in the statement required by section 1613(4)(b) as the actual cost of collection in addition to fees and charges authorized by section 1613(4)(g) that the treasurer of the school district, intermediate school district, or county has determined to be imposed.

(b) The total reasonable expenses, without deduction because the expense is part of the expense of assessing and collecting other taxes at the same time and including fees and charges imposed by the city on the collection of the school taxes, shall not exceed the amount specified in the statement required by section 1613(4)(b) as the aggregate amount of the costs of collection the district has determined to incur itself or the county treasurer may receive from district payments and from fees and charges imposed pursuant to section 1613(4)(g).

(3) In proceedings for the assessment, spreading, and collection of taxes for school purposes in the school district or intermediate school district, and for the receipt and disbursement of money belonging to the school district or intermediate district, the city assessing officer, city clerk, and city treasurer of the city in which the school district or intermediate school district is situated shall have like powers and duties as prescribed by the laws of this state for township supervisors, township clerks, and township treasurers.

(4) School taxes collected by a city shall become a lien against the property on which assessed in the same manner and on the same date as city taxes or, if the city approves the collection of school taxes on a date other than the date it collects the city taxes, on July 1. The school taxes which are collected with the city taxes shall be subject to the same penalties, interest, and collection charges as city taxes and shall be returned as delinquent to the county treasurer in the same manner and with the same interest, penalties, and fees as city taxes are returned. School taxes collected by a city pursuant to this section on a date other than a date it collects city taxes shall be subject to the same fees and charges a city may impose under section 44 of Act No. 206 of the Public Acts of 1893, being section 211.44 of the Michigan Compiled Laws. School taxes collected pursuant to this section on or before September 14 of each year by a city that collects school taxes on a date other than the date it collects city taxes shall be without interest, but such taxes collected after September 14 in each year shall bear interest at the rate imposed by section 59 of Act No. 206 of the Public Acts of 1893, being section 211.59 of the Michigan Compiled Laws, on delinquent property tax levies which became a lien in the same year. All interest and penalties that are imposed prior to the date these taxes are returned delinquent and that are attributable to school taxes other than collection fees shall belong to the school district or intermediate school district. The collection fees if imposed shall be retained by the city.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 20, Imd. Eff. May 27, 1977;—Am. 1981, Act 87, Imd. Eff. July 2, 1981;—Am. 1982, Act 333, Imd. Eff. Dec. 16, 1982.

Popular name: Act 451

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380.1612 Certification of school property taxes; approval of township board; preparing and furnishing assessment and tax rolls; collection warrant; collection and remittance; expenses; limitations; school taxes as lien; fees and charges; interest and penalties; applicable law.

Sec. 1612. (1) Upon the approval of a township board before January 1, 1983, the board of a school district or intermediate school district may certify either the total or 1/2 of the levy of school property taxes on the township portion of the school district or intermediate school district. If certified, or if approval of the township board is not given before January 1, 1983 and pursuant to section 1613 a township elects or agrees to collect either the total or 1/2 of the total school taxes of a school district or intermediate school district located in the township, the township supervisor before June 30 of each year shall prepare the assessment and tax rolls and furnish these rolls to each affected township treasurer with the supervisor's collection warrant attached thereto. Each township treasurer shall proceed to collect the taxes and remit the collections to the school district or intermediate school district as provided in Act No. 206 of the Public Acts of 1893, as amended, being sections 211.1 to 211.157 of the Michigan Compiled Laws. Except where a township assessed and collected school taxes pursuant to this section prior to December 31, 1974, reasonable expenses incurred by the township in assessing and collecting the school taxes, to the extent that the expenses are in addition to the expenses of assessing and collecting any other taxes at the same time and, except as otherwise agreed to by the township and school district or intermediate school district, exceed the amount of any fees and charges imposed by the township on collection of the school taxes, shall be billed to and paid by the school board or intermediate school board. However, if these additional reasonable expenses are allowed by this section to a township exercising its option under section 1613(3), the following limitations shall apply:

(a) These additional reasonable expenses shall not exceed the amount specified in the statement required by section 1613(4)(b) as the actual cost of collection in addition to fees and charges authorized by section 1613(4)(g) that the treasurer of the school district, intermediate school district, or county has determined to be imposed.

(b) The total reasonable expenses, without deduction because the expense is part of the expense of assessing and collecting other taxes at the same time and including fees and charges imposed by the township on the collection of the school taxes, shall not exceed the amount specified in the statement required by section 1613(4)(b) as the aggregate amount of the costs of collection the district has determined to incur itself or the county treasurer may receive from district payments and from fees and charges imposed pursuant to section 1613(4)(g).

(2) School taxes collected by a township shall become a lien against the property on which assessed on July 1. Taxes collected on or before September 14 in each year shall be without interest. Taxes collected after September 14 of any year shall bear interest at the rate imposed by section 59 of Act No. 206 of the Public Acts of 1893, being section 211.59 of the Michigan Compiled Laws, on delinquent property tax levies which became a lien in the same year. The school taxes which are collected by a township shall be subject to the same fees and charges the township may impose under section 44 of Act No. 206 of the Public Acts of 1893, being section 211.44 of the Michigan Compiled Laws. All interest and penalties, other than collection fees, that are imposed prior to the date these taxes are returned delinquent and that are attributable to school taxes shall belong to the school district or intermediate school district. Interest and, to the extent permitted by section 44 of Act No. 206 of the Public Acts of 1893, fees shall be included in the delinquent tax rolls returned to the county treasurer as of March 1 of each year.

(3) Act No. 206 of the Public Acts of 1893, as amended, shall apply to proceedings in relation to the assessment, spreading, and collection of taxes for school purposes in the school district or intermediate school district, and to the powers and duties of the township supervisor and the township treasurer.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 20, Imd. Eff. May 27, 1977;—Am. 1982, Act 333, Imd. Eff. Dec. 16, 1982.

Popular name: Act 451

380.1613 Imposition of summer property tax levy; resolution; applicability; agreement to collect summer levy; request; notice of meeting; negotiation of reasonable collection expenses; collection of summer property tax levy by school district; notice; option to reconsider; applicable law; delivery of certified copy of assessment roll; cost; bonding; duration of agreement; current school tax collection fund; deposits and withdrawals; investment of surplus money; annual report; transfer or appropriation of fund money; using surplus to reduce costs; deferring collection of summer property taxes against certain property; publication and assistance requirements.

Sec. 1613. (1) By adoption of a resolution of its board before February 1, 1983, or before January 1 in any year thereafter, a school district or intermediate school district may determine to impose a summer property tax levy, which resolution by its terms may be applicable until revoked by the board of the school district or intermediate school district or for levies in any year specified therein. For each year such a resolution applies the school district

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or intermediate school district that has adopted the resolution shall request, before February 1, 1983 or before January 1 in any year thereafter, each city and township in which it is located to agree to collect the summer levy in that year of either the total or 1/2, as specified in the resolution, of the school property taxes. Notice of the meeting of the respective school district board or intermediate school district board at which this resolution will be offered for adoption shall be published by the district, not less than 6 days before holding the meeting, in a newspaper of general circulation in the school district or intermediate school district. This notice shall specify the time, date, and place of the public meeting, shall be not less than 8 vertical inches and 4 horizontal inches, shall be in not less than 12-point type, shall be preceded by a headline in not less than 18-point type stating "Notice of a public meeting to institute a summer property tax levy", shall contain a concise statement of the contents and purpose of the proposed resolution, and shall not be placed in that portion of the newspaper reserved for legal notices and classified advertisements. Upon receipt of the request, the governing body of the city or township shall negotiate the reasonable expenses for collection of the school district's or intermediate school district's summer property tax levy that the city or township may bill under section 1611 or 1612. If a city or township and the school district or intermediate school district reach an agreement within 30 days of receipt of the district's request for the collection of the district's summer property tax levy, including an agreement to the amount of reasonable expenses that the city or township may bill under section 1611 or 1612, section 1611 shall govern the other terms of a city's agreement and section 1612 shall govern the other terms of a township's agreement.

(2) If a city or township and the school district or intermediate school district fail to reach an agreement pursuant to subsection (1) for the collection of the summer property tax levy of a school district or intermediate school district subject to subsection (3), the school district or intermediate school district then may negotiate, until April 1, a proposed agreement with the county treasurer to collect its summer property tax levy against property located in that city or township. If a proposed agreement with the county treasurer has not been reached by April 1, the school district or intermediate school district may determine to serve as the property tax collecting unit and collect its own summer property tax levy against property in that city or township.

(3) If, pursuant to subsection (2), the school district or intermediate school district has determined to collect its own summer property tax levy or has reached a proposed agreement with a county treasurer on the collection of its summer property tax levy against property located in a city or township with which an agreement to collect this levy could not be made pursuant to subsection (1), the school district shall notify by April 15 that city or township of the terms of the statement required by subsection (4)(b) and the city or township shall have 15 days in which to exercise an option to collect the school district's or intermediate school district's summer property tax levy pursuant to the terms of section 1611 or 1612.

(4) Collection of all or part of a school district's or intermediate school district's property tax levy by a county treasurer or by the school district or intermediate school district shall comply with all of the following:

(a) Collection shall be either 1/2 or the total of the property tax levy against the properties, as specified for that year in the resolution of the district.

(b) The actual cost of the collection which the school district or intermediate school district has agreed to incur itself or to pay the county treasurer that is in addition to any fees imposed pursuant to subdivision (g), and the aggregate amount of costs of collection the district has agreed to incur or the county treasurer may receive from district payments and from fees and charges imposed pursuant to subdivision (g) shall be stated in writing and reported to the state treasurer.

(c) Before June 30 the county treasurer or, if the district is collecting its own summer property tax levy, the treasurer of the school district or intermediate school district shall spread the taxes being collected in terms of millages on the assessment roll, assess the amount of tax levied in proportion to the state equalized valuation, and prepare a tax roll which commands the appropriate treasurer to collect on July 1 the taxes indicated as due on the tax roll.

(d) Taxes authorized to be collected shall become a lien against the property on which assessed, and due from the owner of that property, on July 1.

(e) Taxes shall be collected on or before September 14 and all taxes and interest imposed pursuant to subdivision (f) unpaid before March 1 shall be returned as delinquent on March 1. Taxes delinquent under this subdivision shall be collected pursuant to Act No. 206 of the Public Acts of 1893, as amended.

(f) Interest shall be added to taxes collected after September 14 at that rate imposed by section 59 of Act No. 206 of the Public Acts of 1893, being section 211.59 of the Michigan Compiled Laws, on delinquent property tax levies which became a lien in the same year.

(g) All or a portion of fees or charges, or both, authorized under section 44 of Act No. 206 of the Public Acts of 1893, being section 211.44 of the Michigan Compiled Laws, may be imposed on taxes paid before March 1 and

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shall be retained by the treasurer actually performing the collection of the summer property tax levy of the school district or intermediate school district, regardless of whether all or part of these fees or charges, or both, have been waived by the township or city.

(5) An agreement for the collection of a summer property tax levy of a school district or intermediate school district with a county treasurer shall include a schedule for delivering collections to the school district or intermediate school district.

(6) To the extent applicable and consistent with the requirements of this section, the provisions of Act No. 206 of the Public Acts of 1893, shall apply to proceedings in relation to the assessment, spreading, and collection of taxes pursuant to this section. Additionally, in relation to the assessment, spreading, and collection of taxes pursuant to this section, the county treasurer or, if the district is collecting its own summer property tax levy, the treasurer of the school district or intermediate school district shall have powers and duties similar to those prescribed by Act No. 206 of the Public Acts of 1893, for township supervisors, township clerks, and township treasurers. However, this section shall not be considered to transfer any authority over the assessment of property.

(7) If a county treasurer or the treasurer of a school district or intermediate school district collects the summer property tax levy of the district, the township or city shall deliver by June 1 a certified copy of the assessment roll containing state equalized valuations for each parcel of taxable property in the township or city to the treasurer collecting the summer property tax levy of the school district or intermediate school district. The county treasurer or the treasurer of a school district or intermediate school district receiving this certified copy of the assessment roll shall remit the necessary cost incident to the reproduction of the assessment roll to the township or city.

(8) A county treasurer or treasurer of a school district or intermediate school district collecting taxes pursuant to this section shall be bonded for tax collection in the same amount and in the same manner as a township treasurer would be for undertaking the duties prescribed by this section.

(9) An agreement for the collection of a summer property tax levy between a school district or intermediate school district and a county may cover summer collections for 2 years. If an agreement covers summer collections for 2 years, the resolution and request required by subsection (1), the notice required by subsection (2), and the option to reconsider provided by subsection (3) shall not apply for summer collections in the second year.

(10) If collections are made pursuant to this section by a county treasurer or by the treasurer of a school district or intermediate school district, all payments from a school district or intermediate school district for collecting its summer property tax levy and all revenues generated from collection fees shall be deposited, when received or collected, in a current school tax collection fund, which fund shall be used by the county treasurer or treasurer of the school district or intermediate school district to pay for the cost of collecting the district's summer property tax levy. The current school tax collection fund shall be segregated from all other funds and once the current school tax collection fund has been established money shall not be withdrawn except upon an order, check, or draft of the collecting treasurer for the purpose of paying 1 or more of the following costs:

(a) The cost of special deputy treasurers and equipment directly involved in the collection of current property taxes.

(b) The cost of all services determined necessary by the collecting treasurer to collect the summer property tax levy of the school district or intermediate school district.

(c) The contract payments to any person, firm, or corporation employed by the collecting treasurer to assist in the collection of the current property taxes.

(11) All surplus money in a current school tax collection fund shall be invested by the collecting treasurer in any investment authorized by Act No. 20 of the Public Acts of 1943, being sections 129.91 to 129.93 of the Michigan Compiled Laws. The county treasurer and the treasurer of a school district or intermediate school district shall publish, on March 1 of the year after the treasurer first collects the summer property tax levy of a school district or intermediate school district and each year thereafter, an annual report on the status of the fund for the last year ending December 31. The report shall show the total charges, expenses, and year-end surplus.

(12) Money in the current school tax collection fund shall not be transferred to the general fund of the county, school district, or intermediate school district or made the subject of appropriation by the county, school district, or intermediate school district. Any surplus in a current school tax collection fund shall be used by the county treasurer, school district treasurer, or intermediate school district treasurer to reduce the following costs for the next summer property tax levy of a school district or intermediate school district that is collected by the county treasurer, school district treasurer, or intermediate school district treasurer:

(a) The costs of collection, in excess of fees and charges, incurred or paid pursuant to subsection (4)(b).

(b) The fees and charges imposed pursuant to subsection (4)(g).

(13) A city treasurer, township treasurer, county treasurer, school district treasurer, or intermediate school district

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treasurer that collects pursuant to this section, section 1611, or section 1612 the summer property tax levy of a school district or intermediate school district against property eligible for a deferral of summer property taxes under section 51 of Act No. 206 of the Public Acts of 1893, being section 211.51 of the Michigan Compiled Laws, and, if not otherwise eligible for deferral thereunder, against property classified as agricultural real property if the gross receipts of the agricultural or horticultural operations in the previous year or the average gross receipts of such operations in the previous 3 years are not less than the household income of the owner in the previous year shall defer the collection of these summer property taxes without penalty or interest until the following February 15 upon a filing by the taxpayer of an intent to defer with the property tax collecting treasurer in the same manner as provided by section 51 of Act No. 206 of the Public Acts of 1893. The treasurer of a city, township, school district, intermediate school district, or county who collects the summer property tax levy of a school district or intermediate school district also shall comply with the publication and assistance requirements of section 51 of Act No. 206 of the Public Acts of 1893, with respect to property eligible for a deferral under this subsection.

History: Add. 1982, Act 333, Imd. Eff. Dec. 16, 1982.

Popular name: Act 451

380.1614 Adoption of resolution to impose summer property tax levy as request of city or township for collection; effectiveness of district action to impose levy upon certain property; location; exception.

Sec. 1614. (1) Except as provided by subsection (2), the action by a school district or intermediate school district pursuant to section 1613 of adopting a resolution which determines to impose a summer property tax levy shall represent a request of each city and township in which the school district or intermediate school district is located to collect its summer property tax levy, but shall be effective to impose the summer property tax levy only upon property, taxable by the school district or intermediate school district, which is located in either of the following:

(a) The city or township that collects the levy.

(b) A city or township in which the county, school district, or intermediate school district collects the levy.

(2) If an intermediate school district adopts a resolution pursuant to section 1613 which determines to impose a summer property tax levy, that intermediate school district may restrict the areas in which the levy is imposed and collected to those areas in which a school district or city is concurrently imposing a summer property tax levy.

History: Add. 1983, Act 110, Imd. Eff. July 6, 1983.

Popular name: Act 451

380.1615 Summer property tax levy; compliance presumed; imposition of interest.

Sec. 1615. For the 1983 tax year only, a summer property tax levy of a school district or intermediate school district collected by a village or township shall be presumed to be in compliance with sections 1612, 1613, and 1614. Interest shall not be imposed on a summer property tax levy of a school district or intermediate school district collected by a village before March 1, 1984 for the 1983 tax year.

History: Add. 1984, Act 50, Imd. Eff. Apr. 12, 1984.

Popular name: Act 451

PART 27
CONDEMNATION

380.1621 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to determination by jury of just compensation for real estate.

Popular name: Act 451

380.1621a Exercise of eminent domain by school district or intermediate school district.

Sec. 1621a. A school district or intermediate school district has the power of eminent domain for acquiring title in fee or interest in sites for new schools, agricultural sites, athletic fields, parks, playgrounds, or other school facilities, or for the improvement or expansion of existing school facilities, and shall exercise that power according to the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

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380.1622—380.1634 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to acquisition of real estate.

Popular name: Act 451

PART 28
ACTIONS AND JUDGMENTS AGAINST SCHOOL DISTRICTS

380.1641 Service of process.

Sec. 1641. Service of process in an action or proceeding against a school district or an intermediate school district may be made upon the president, secretary, or treasurer of the board of the school district or the intermediate school board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1642 Judgment against school district; collection.

Sec. 1642. Execution shall not issue on a judgment against a school district or an intermediate school district, and an action shall not be brought to enforce a judgment. The judgment shall be collected in the manner prescribed in this part.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1643 Final judgment against school district; certification.

Sec. 1643. (1) If a final judgment is obtained against a school district or an intermediate school district and it is not removed to another court, the treasurer of the district or intermediate school district shall certify to the assessing officer of the township or municipality in which the district or intermediate school district is located and to the secretary of the district or intermediate school district the date and amount of the judgment, with the name of the person in whose favor the judgment was rendered. If the judgment is removed to another court the treasurer shall certify the judgment immediately after the final determination thereof against the school district or intermediate school district.

(2) If the treasurer fails to certify the judgment as required in subsection (1), the party obtaining the judgment or the party's executor, administrator, or assignee may file with the assessing officer of the proper city or township the certificate of the clerk of the court rendering the judgment, showing the facts which should have been certified by the treasurer.

(3) If the school district or intermediate school district against which a judgment is rendered is situated in 2 or more townships or municipalities, the certificate required in subsection (2) shall be delivered to the assessing officer of each township or municipality in which the district is situated.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1644 Assessing amount of judgment against property; interest; collection and return.

Sec. 1644. The assessing officer receiving a certificate of a judgment shall proceed to assess the amount thereof with interest from the date of the judgment to the time when the warrant for its collection will expire upon the taxable property in the school district or intermediate school district, placing the amount on the assessment roll in the column for school taxes. The judgment shall be collected and returned in the same manner as other taxes of the district or intermediate school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

ARTICLE 3

PART 29
SPECIAL EDUCATION PROGRAMS AND SERVICES; STATE BOARD

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380.1701 Duties of state board.

Sec. 1701. The state board shall:

(a) Develop, establish, and continually evaluate and modify in cooperation with intermediate school boards, a state plan for special education which shall provide for the delivery of special education programs and services designed to develop the maximum potential of every handicapped person. The plan shall coordinate all special education programs and services.

(b) Require each intermediate school board to submit a plan pursuant to section 1711, in accordance with the state plan, to be approved by the state board.

(c) Promulgate rules setting forth the requirements of the plans and procedures for submitting them.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 340.1701 et seq. and R 380.51 et seq. of the Michigan Administrative Code.

380.1701a Special education programs and services; public school academy as local school district.

Sec. 1701a. For the purposes of ensuring that a handicapped person enrolled in a public school academy created under part 6a or 6b is provided with special education programs and services, the public school academy is considered to be a local school district under this article.

History: Add. 1993, Act 284, Eff. Apr. 1, 1994;—Am. 1994, Act 416, Eff. Mar. 30, 1995.

Popular name: Act 451

380.1702 Special education programs and services; application for approval of noncomplying programs and services; notice of noncompliance; proof of compliance or emergency; directing provision of complying programs or services; funding; contributing; unreimbursed cost.

Sec. 1702. (1) If a local school district board claims the existence of an emergency due to extreme financial conditions because of insufficient operating funds or due to a severe classroom shortage, which emergency the local school district claims renders it unable to provide special education programs and services in compliance with section 1751, the local school district board shall apply in writing to the state board before July 1 of the particular school year for approval to provide special education programs or services which do not comply with section 1751. The state board may extend the filing date for good cause.

(2) In its application the local school district board shall demonstrate the need to provide noncomplying special education programs and services and shall include the proposed programs and services it is able to provide and the efforts to be undertaken to alleviate the emergency. If the state board finds an emergency exists in the local school district for the school year, the state board may approve the providing of noncomplying special education programs or services and prescribe conditions for those programs and services.

(3) If the state board determines that a local school district is not providing special education programs and services in compliance with section 1751, and the local school district has not obtained prior approval from the state board, the state board shall give the local school district board written notice of the noncompliance. Unless the local school district board submits proof of compliance or of an unforeseen emergency within 30 days after receipt of the notice, the state board shall direct the intermediate school board of which the local school district is constituent to provide complying programs or services. The state board shall direct the intermediate school board to provide only those programs or services which the state board determines the local school district is not providing in compliance with section 1751.

(4) Special education programs or services which the state board directs an intermediate school district to provide shall be funded as if provided by the local school district and the local school district board shall contribute to the intermediate school district the unreimbursed cost of the programs or services.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1703 Qualifications and requirements for special education personnel; rules relative to special education programs and services; review.

Sec. 1703. (1) Special education personnel shall meet the qualifications and requirements of rules promulgated by the state board.

(2) Curriculum, eligibility of specific persons for special education programs and services and for each particular

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program or service, review procedures regarding the placement of persons in the programs or services, size of classes, size of programs, quantity and quality of equipment, supplies and housing, adequacy of methods of instruction, and length and content of school day shall be in accordance with rules promulgated by the state board relative to special education programs and services.

(3) Not later than September 30, 1996, the state board shall conduct a review of all rules promulgated by the state board or department pertaining to special education. The review shall consider at least all of the following:

(a) The need to eliminate unnecessary separation and duplication between regular education and special education facilities, staff, programs, services, and pupils.

(b) Potential benefits from coordination between all relevant federal, state, regional, and local organization services, including public and private organization services, for pupils with special needs, and encouragement of the provision of comprehensive necessary services delivered by the most appropriate organization or person in the most cost-effective and programmatically effective manner.

(c) The advisability of simplification of rules or regulations and processes relating to identification of need and provision of services to special needs pupils, avoidance of barriers and cost and other penalties or discouragements to effective programming, and avoidance of requirements as to staff or program criteria that are not research based; allowing and encouraging reasonably flexible, workable, and, if appropriate, cooperatively operated comprehensive services, including reasonable endorsement or other qualification categories for personnel, to be delivered to pupils with related or similar special needs, as may be consistent with research.

(d) A goal of providing educational and training services in a manner that maximizes for the benefit of the pupil the combination of the provisions of this act and federal law relating to inclusion, while avoiding, to the degree reasonably possible, requiring by rule an overall increase in a program or service beyond that required before December 23, 1978.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

Administrative rules: R 340.1011 et seq.; R 340.1701 et seq.; and R 380.51 et seq. of the Michigan Administrative Code.

380.1704 Short title of section; standards for teachers of blind and visually impaired pupils; providing information advocating braille instruction; electronic file format versions of textbooks or braille versions; pupil with some remaining vision; instruction consistent with other pupils; definitions.

Sec. 1704. (1) This section shall be known and may be cited as the “blind pupil's Braille literacy law”.

(2) The department shall adopt Braille reading and writing standards for teachers of blind and visually impaired pupils and shall disseminate these standards to all school districts, intermediate school districts, and teacher preparation programs. These standards shall be included in the rules governing special education programs and services. In establishing these standards, the department shall consider the standards adopted by the national library service for the blind and physically handicapped of the United States library of congress.

(3) When a local or intermediate school district receives information from the department, or information that is approved by the department from a consumer organization that advocates for the blind, describing the benefits of instruction in Braille reading and writing, the local or intermediate school district shall provide this information to each person on the blind pupil's individualized educational planning committee.

(4) The department shall accept and respond to requests from local and intermediate school districts and shall work with textbook publishers to obtain electronic file format versions of textbooks or Braille versions of textbooks, or both. The department may also, on behalf of local and intermediate school districts, request and arrange for converting an electronic file format version of a textbook to a Braille version. The department shall process and make these requests in a timely manner.

(5) Upon request, a publisher of a textbook that is adopted for instructional use by a school district shall furnish the department with an electronic version of the textbook if the textbook is for a literary subject or, for a textbook for a nonliterary subject, if the technology is available to convert the textbook directly to a format compatible with Braille translation software. A publisher shall not charge a price for this electronic version that exceeds the price it charges for the print or electronic media version of the textbook.

(6) A local or intermediate school district or an individualized educational planning committee shall not deny a pupil the opportunity for instruction in Braille reading and writing solely because the pupil has some remaining vision.

(7) Instruction for blind pupils shall be consistent with the goals and standards established by this state for all pupils.

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(8) As used in this section:

(a) "Blind pupil" means a pupil who is determined to manifest 1 or more of the following:

(*i*) A visual acuity of 20/200 or less in the better eye after routine refractive correction.

(*ii*) A field of vision that is limited so that the widest diameter of the visual field subtends an angle not greater than 20 degrees.

(*iii*) A medically indicated expectation of visual deterioration that is expected to result in 1 or both of the conditions described in subparagraphs (*i*) and (*ii*).

(b) "Individualized education program" means that term as defined in section 614 of part B of title VI of the individuals with disabilities education act, Public Law 91-230, 20 U.S.C. 1414, or in R 340.1701A of the Michigan administrative code.

(c) "Individualized educational planning committee" means that term as defined in R 340.1701A of the Michigan administrative code or an individualized education program team as defined in section 614 of part B of title VI of the individuals with disabilities education act, Public Law 91-230, 20 U.S.C. 1414.

(d) "Textbook" includes a text published in electronic media that is used for instructional purposes.

History: Add. 2000, Act 129, Imd. Eff. May 30, 2000.

Popular name: Act 451

PART 30
SPECIAL EDUCATION PROGRAMS AND SERVICES; INTERMEDIATE SCHOOL BOARDS

380.1711 Duties of intermediate school board; expenditures.

Sec. 1711. (1) The intermediate school board shall:

(a) Develop, establish, and continually evaluate and modify in cooperation with its constituent districts, a plan for special education which shall provide for the delivery of special education programs and services designed to develop the maximum potential of each handicapped person of whom the intermediate school board is required to maintain a record under subdivision (f). The plan shall coordinate the special education programs and services operated or contracted for by the constituent districts and shall be submitted to the state board for its approval.

(b) Contract for the delivery of a special education program or service, in accordance with the intermediate school district plan in compliance with section 1701. Under the contract the intermediate school board may operate special education programs or services and furnish transportation services and room and board.

(c) Employ or engage special education personnel in accordance with the intermediate school district plan, and appoint a director of special education meeting the qualifications and requirements of the rules promulgated by the state board.

(d) Accept and use available funds or contributions from governmental or private sources for the purpose of providing special education programs and services consistent with this article.

(e) Lease, purchase, or otherwise acquire vehicles, sites, buildings, or portions thereof, and equip them for its special education staff, programs, and services.

(f) Maintain a record of each handicapped person under 26 years of age, who is a resident of 1 of its constituent districts and who has not completed a normal course of study and graduated from high school, and the special education programs or services in which the handicapped person is participating on the fourth Friday after Labor day and Friday before Memorial day. The sole basis for determining the local school district in which a handicapped person is a resident shall be the rules promulgated by the state board notwithstanding the provisions of section 1148. The records shall be maintained in accordance with rules promulgated by the state board.

(g) Have the authority to place in appropriate special education programs or services a handicapped person for whom a constituent district is required to provide special education programs or services under section 1751.

(h) Investigate special education programs and services operated or contracted for by the intermediate school board or constituent district boards and report in writing failures to comply with the provisions of a contract, statute, or rule governing the special education programs and services or with the intermediate school district plan, to the local school district board and to the state board.

(i) Operate the special education programs or services or contract for the delivery of special education programs or services by local school district boards, in accordance with section 1702, as if a local school district under section 1751. The contract shall provide for items stated in section 1751 and shall be approved by the state board. The

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intermediate school board shall contract for the transportation, or room and board, or both, or persons participating in the program or service as if a local school district board under sections 1756 and 1757.

(j) Receive the report of a parent or guardian or, with the consent of a parent or guardian, receive the report of a licensed physician, registered nurse, social worker, or school or other appropriate professional personnel whose training and relationship to handicapped persons provide competence to judge same and who in good faith believes that a person under 26 years of age examined by the professional is or may be handicapped, and immediately evaluate the person pursuant to rules promulgated by the state board. A person making or filing this report or a local school district board shall not incur liability to a person by reason of filing the report or seeking the evaluation, unless lack of good faith is proven.

(k) Evaluate pupils in accordance with section 1311.

(2) The intermediate school board may expend up to 10% of the annual budget but not to exceed $12,500.00, for special education programs approved by the intermediate school board without having to secure the approval of the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 340.1701 et seq. of the Michigan Administrative Code.

380.1716 Repealed. 1981, Act 87, Imd. Eff. July 2, 1981.

Compiler's note: The repealed section pertained to appointment and duties of committee to visit special education facilities.

Popular name: Act 451

******** 380.1722 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.1722.amended ********

380.1722 Adoption of §§ 380.1722 to 380.1729; submission of question; election; approval.

Sec. 1722. (1) The question of adopting sections 1722 to 1729 may be submitted to the school electors of an intermediate school district at an annual election or at a special election held in each of the constituent districts. Sections 1722 to 1729 shall be effective if approved by a majority of the school electors of an intermediate school district voting at an election called and conducted under sections 661 and 662.

(2) Sections 1722 to 1729 shall continue in effect in an intermediate school district reorganized pursuant to section 701.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

******** 380.1722.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.1722.amended Adoption of §§ 380.1722 to 380.1729; submission of question; election; approval.

Sec. 1722. (1) The question of adopting sections 1722 to 1729 may be submitted to the school electors of an intermediate school district at a regular school election or at a special election held in each of the constituent districts. Sections 1722 to 1729 shall be effective if approved by a majority of the school electors of an intermediate school district voting at an election called and conducted under section 661.

(2) Sections 1722 to 1729 shall continue in effect in an intermediate school district reorganized under section 701.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.1723 Adoption of §§ 380.1722 to 380.1729; form of ballot.

Sec. 1723. The ballot submitting the question of the adoption of sections 1722 to 1729 to the school electors of an intermediate school district shall be substantially in the following form:

"Shall the _____ (legal name of the intermediate school district), state of Michigan, come under sections 1722 to 1729 of the school code of 1976, which are designed to encourage the education of handicapped persons if

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the annual property tax levied for administration is limited to _____ mills?

Yes ( )

No ( )"

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977.

Popular name: Act 451

******** 380.1724 THIS SECTION IS AMENDED EFFECTIVE JANUARY 1, 2005: See 380.1724.amended ********

380.1724 Increasing millage limit; submission of question; election; form of ballot.

Sec. 1724. Subject to section 1724a, an intermediate school board operating under sections 1722 to 1729 may direct that the question of increasing the millage limit on the annual property tax levied for special education be submitted to the school electors of the intermediate school district. The election shall be called and held in the manner provided in sections 661 and 662. The ballot shall be substantially in the following form:

"Shall the _____mill limitation on the annual property tax previously approved by the electors of the _____ (legal name of the intermediate school district), state of Michigan, for the education of handicapped persons be increased by _____ mills?

Yes ( )

No ( )"

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 258, Imd. Eff. July 5, 1994.

Popular name: Act 451

******** 380.1724.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2005 ********

380.1724.amended Increasing millage limit; submission of question; election; form of ballot.

Sec. 1724. Subject to section 1724a, an intermediate school board operating under sections 1722 to 1729 may direct that the question of increasing the millage limit on the annual property tax levied for special education be submitted to the school electors of the intermediate school district. The election shall be called and held in the manner provided in section 661. The ballot shall be substantially in the following form:

"Shall the _____ mill limitation on the annual property tax previously

approved by the electors of the_____,

(legal name of the intermediate school district)

state of Michigan, for the education of handicapped persons be increased by _____

mills?

Yes ( )

No ( )".

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.1724a Property taxes levied by intermediate school district for special education.

Sec. 1724a. (1) Beginning in 1995, the board of an intermediate school district may levy ad valorem property taxes for special education purposes under sections 1722 to 1729 at a rate not to exceed 1.75 times the number of mills of those taxes authorized in the intermediate school district in 1993. All or part of the millage levied under this section may be renewed as provided in this article. Approval of the intermediate school electors is not required for the levy under this section of previously authorized mills until that authorization expires.

(2) An intermediate district shall not hold more than 2 elections in a calendar year concerning the authorization of a millage rate for special education purposes under sections 1722 to 1729.

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History: Add. 1994, Act 258, Imd. Eff. July 5, 1994.

Popular name: Act 451

380.1725 Special education budget; preparation; form; delivery.

Sec. 1725. An intermediate school board operating under sections 1722 to 1729 shall prepare annually a special education budget which shall be in the same form as that provided for local school districts. The budget shall be delivered to the county clerks of the counties in which the intermediate school district is located. The county clerk receiving the budget shall deliver it to the tax allocation board in the same manner as local school district budgets are handled.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1726 Special education budget; allocation of tax rates.

Sec. 1726. (1) County tax allocation boards shall receive special education budgets from their respective county clerks, shall treat them as local school district budgets are treated, and shall allocate tax rates to intermediate school districts for the purposes set forth in sections 1722 to 1729, except in counties which have established separate tax limitation millage rates pursuant to sections 5a to 5m of Act No. 62 of the Public Acts of 1933, as amended, being sections 211.205a to 211.205m of the Michigan Compiled Laws.

(2) The allocations shall be handled in the same manner as other allocations for local school districts.

(3) The allocations shall not be made within the 15 mill limitation but shall be within the charter limitations of section 6 of article 9 of the state constitution of 1963. The allocations shall not exceed the limit authorized by the election at which these sections becameeffective.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1727 Certification of tax levy; rate limitation; spreading amount on tax rolls; collection of taxes.

Sec. 1727. (1) An intermediate school board shall certify the amount of taxes to be levied for collection to the officials of the local property tax collecting unit. The certification shall be made in the same manner as local school districts certify tax levies but the rate certified for levy shall not exceed the amount allocated in counties which have not established separate tax limitation rates.

(2) On receipt of the tax certificate from the intermediate school board, the officials responsible for the levying and collection of taxes shall spread on the tax rolls a special education tax equal to the amount ordered spread, and shall collect the taxes in the same manner as other taxes are collected.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1984, Act 78, Imd. Eff. Apr. 18, 1984.

Popular name: Act 451

380.1727a Repealed. 1994, Act 258, Eff. Jan. 1, 1995.

Compiler's note: The repealed section pertained to taxes levied for special education.

Popular name: Act 451

380.1728 Payment of taxes collected; accounts and records.

Sec. 1728. Taxes collected by a city or township treasurer under section 1727 shall be paid to the treasurer of the intermediate school board pursuant to section 43 of the general property tax act, Act No. 206 of the Public Acts of 1893, being section 211.43 of the Michigan Compiled Laws, or to the county treasurers in the same manner as other county taxes are paid, and similar accounts and records shall be kept. The county treasurers shall pay the funds received under section 1727 to the treasurer of the intermediate school board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1984, Act 78, Imd. Eff. Apr. 18, 1984.

Popular name: Act 451

380.1729 Expenditure of funds; special education purposes; special election to renew or increase millage limit; order for payment.

Sec. 1729. (1) An intermediate school board operating under sections 1722 to 1729 shall expend funds received under section 1728 for special education purposes in accordance with rules promulgated by the state board.

(2) An intermediate school board operating under sections 1722 to 1729 may expend funds received under section 1728 for the costs of a special election held to renew or increase the millage limit on the annual property tax

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levied for special education purposes.

(3) Special education funds held by the treasurer of the intermediate school board shall be paid on order of the intermediate school board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1988, Act 468, Eff. Jan. 1, 1989.

Popular name: Act 451

Administrative rules: R 340.1701 et seq. of the Michigan Administrative Code.

380.1731 Borrowing money and issuing bonds; purposes; limitation.

Sec. 1731. (1) An intermediate school district may borrow money and issue bonds of the intermediate school district subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, to defray all or part of the costs of purchasing, erecting, completing, remodeling, improving, furnishing, refurnishing, equipping, or reequipping buildings for special education facilities; acquiring, preparing, developing, or improving sites, or parts of sites or additions to sites, for buildings and other special education facilities; refunding all or part of existing bonded indebtedness; or the accomplishment of a combination of the foregoing purposes.

(2) An intermediate school district shall not issue bonds for purposes of purchasing, erecting, completing, remodeling, improving, furnishing, refurnishing, equipping, or reequipping buildings for special education for an amount greater than 1.5% of the total assessed valuation of the intermediate school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 70, Imd. Eff. Mar. 15, 2002.

Popular name: Act 451

380.1732 Borrowing money and issuing bonds; form of ballot.

Sec. 1732. The ballot submitting the question of borrowing money for the purpose of issuing bonds under section 1731 shall be in substantially the following form:

"Shall_____

(legal name of the intermediate school district)

state of Michigan, borrow the sum of not to exceed $_____ and issue its bonds therefor, for the purpose of_____?

Yes ( )

No ( )"

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1741 Pupils carried in membership; state school aid; calculation of membership.

Sec. 1741. An intermediate school board operating or contracting for the operation of special education programs or services may carry pupils in membership in the same manner as a local school district and shall be entitled to its proportionate share of state school aid available for these programs. Membership shall be calculated on the basis provided in rules promulgated by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 340.1701 et seq. of the Michigan Administrative Code.

380.1742 Employment of additional personnel; requirement; rights and benefits; persons covered by agreement.

Sec. 1742. (1) When employing additional personnel to implement a special education program or service, the intermediate school board shall employ first an employee of a constituent district whose employment is discontinued because the constituent district is discontinuing a special education program or service for which the person was employed.

(2) Special education personnel employed under subsection (1) shall be entitled to all rights and benefits to which they would otherwise be entitled if they had been employed by the intermediate school board originally. The persons shall be entitled to all rights under Act No. 4 of the Public Acts of the Extra Session of 1937, as amended, being sections 38.71 to 38.191 of the Michigan Compiled Laws, to which they would have been entitled if employed originally by the intermediate school board, except that at the option of the controlling board, they may be subject to another probationary period of 1 year.

(3) This section shall not apply when the affected person is covered under an agreement which provides substantially the same benefits.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

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Popular name: Act 451

380.1743 Employment of additional personnel for programs and services previously provided by state agency; requirement; rights and benefits; probationary period.

Sec. 1743. (1) An intermediate school board in providing special education programs and services that were previously provided by a state agency within the intermediate school district shall, before employing any additional personnel for purposes of implementing the special education program or service, first employ a person of a state agency whose employment is discontinued because a state agency is discontinuing a special education program or service for which the person was employed.

(2) Special education personnel employed pursuant to subsection (1) shall be entitled to all the rights and benefits to which they would otherwise be entitled had they been employed by the intermediate school district originally. The persons shall be entitled to all rights under Act No. 4 of the Public Acts of the Extra Session of 1937, as amended, to which they would have been entitled if employed originally by the intermediate school board, except that they may, at the option of the controlling board, be subject to another probationary period of 1 year.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

PART 31
SPECIAL EDUCATION PROGRAMS AND SERVICES; LOCAL SCHOOL BOARDS

380.1751 Special education programs and services of local school district.

Sec. 1751. (1) The board of a local school district shall provide special education programs and services designed to develop the maximum potential of each handicapped person in its district on record under section 1711 for whom an appropriate educational or training program can be provided in accordance with the intermediate school district special education plan, in either of the following ways or a combination thereof:

(a) Operate the special education program or service.

(b) Contract with its intermediate school board, another intermediate school board, another local school district board, an adjacent school district board in a bordering state, the Michigan school for the blind, the Michigan school for the deaf, the department of mental health, the department of social services, or any combination thereof, for delivery of the special education programs or services, or with an agency approved by the state board for delivery of an ancillary professional special education service. The intermediate school district of which the local school district is constituent shall be a party to each contract even if the intermediate school district does not participate in the delivery of the program or services.

(2) A local school district contract for the provision of a special education program or service shall provide specifically for:

(a) Special education buildings, equipment, and personnel necessary for the operation of the subject program or service.

(b) Transportation or room and board, or both, for persons participating in the programs or services as required under sections 1756 and 1757.

(c) The contribution to be made by the sending local school district if the program or service is to be operated by another party to the contract. The contribution shall be in accordance with rules promulgated by the state board.

(d) Other matters which the parties deem appropriate.

(3) Each program or service operated or contracted for by a local school district shall be in accordance with the intermediate school district's plan established pursuant to section 1711.

(4) A local school district may provide additional special education programs and services not included in, or required by, the intermediate school district plan.

(5) This section shall be construed to allow operation of programs by departments of state government without local school district contribution.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 340.1806 of the Michigan Administrative Code.

380.1756 Transportation.

Sec. 1756. The board of a local school district shall provide by contract or agreement for the transportation of a

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handicapped person who would otherwise be unable to participate in an appropriate special education program or service operated or contracted for by the local school district under section 1751, except for a handicapped person in residence at facilities operated by the department of mental health or the department of social services. The board of a school district may provide for weekend transportation of a handicapped person in residence at the Michigan school for the blind and the Michigan school for the deaf.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1757 Room and board generally.

Sec. 1757. The board of a local school district shall provide by contract or otherwise for the room and board of a handicapped person who would otherwise be unable to participate in an appropriate special education program or service operated or contracted for by the local school district board pursuant to section 1751, except those operated by the Michigan school for the blind, the Michigan school for the deaf, the department of mental health, or the department of social services.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1761 Room and board; reimbursement.

Sec. 1761. The board of a local school district shall not solicit nor seek reimbursement from a handicapped person or person otherwise liable for the care of the handicapped person for cost of a special education program or service attributable to the expense for room and board. The board of a local school district shall have the right to reimbursement for room and board in an amount which may be paid reasonably by the person in accordance with rules promulgated by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 340.1701 et seq. of the Michigan Administrative Code.

380.1766 Employment of additional personnel; requirement; rights and benefits; persons covered by agreement.

Sec. 1766. (1) When employing additional personnel to implement special education programs and services, the board of a constituent district shall employ first an employee of the intermediate school district in which it is located whose employment is discontinued because the intermediate school district or state agency located within the district is discontinuing the special education program or service for which the person was employed.

(2) Special education personnel employed under subsection (1) shall be entitled to all rights and benefits to which they would otherwise be entitled had they been employed by the constituent school district originally. The persons shall be entitled to all rights under Act No. 4 of the Public Acts of the Extra Session of 1937, as amended, being sections 38.71 to 38.191 of the Michigan Compiled Laws, to which they would have been entitled if employed originally by the constituent district, except that at the option of the controlling board, they may be subject to another probationary period of 1 year.

(3) This section shall not apply when the affected person is covered under an agreement which provides substantially the same benefits.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

ARTICLE 4

PART 32
VIOLATIONS

380.1801 Neglecting or refusing to make reports or certify taxes; liability; action at law.

Sec. 1801. (1) A township clerk who neglects or refuses to make out and transmit the annual report containing the reports of the several school districts of the township, or other report which the law requires, within the time

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limited therefor shall be liable to pay the full amount lost by the township or any district or districts by the neglect or refusal, with interest thereon, to be recovered in an action at law.

(2) A township or city clerk who neglects or refuses to certify to the proper tax assessing officer taxes that have been reported as required by this act, and a tax assessing officer who wilfully neglects to assess the tax, shall be liable to the school district for the loss, to be recovered by the treasurer in the name of the district in an action at law.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1802 Neglecting or refusing to transmit report; liability; action at law.

Sec. 1802. A county clerk or intermediate superintendent who neglects or refuses to transmit to the state board a report which is required by law within the proper time shall be liable to pay each school district the full amount, with interest, which the district loses by the neglect or refusal, to be recovered in an action at law.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1803 Apportionment and distribution of money collected or received.

Sec. 1803. Money collected or received by a township or city treasurer under sections 1801 and 1802 shall be apportioned and distributed to the school district entitled thereto, in the manner and proportion that money lost by the neglect or refusal would have been apportioned and distributed.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1804 Neglecting or refusing to perform act; violations; penalty.

Sec. 1804. A school official or member of a school board or intermediate school board or other person who neglects or refuses to do or perform an act required by this act, or who violates or knowingly permits or consents to a violation of this act, is guilty of a misdemeanor punishable by a fine not more than $500.00, or imprisonment for not more than 3 months, or both.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1805 Acting as agent; receiving gift or reward; penalty.

Sec. 1805. (1) A superintendent of public instruction, intermediate superintendent, school officer, superintendent, principal, or teacher of schools shall not act as agent for an author, publisher, or seller of schoolbooks or school apparatus, or receive a gift or reward for his or her influence in recommending the purchase or use of a schoolbook, apparatus, or furniture in this state.

(2) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 3 months, or both.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1806 Neglecting or refusing to comply with act; dismissal; cancellation of contract.

Sec. 1806. The board of a school district or intermediate school district may dismiss from employment and cancel the contract of a superintendent, principal, or teacher who neglects or refuses to comply with this act.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1807 Violation of § 380.1316; penalty.

Sec. 1807. A school official or member of a school board, or other person violating or knowingly permitting or consenting to violation of section 1316 relating to fraternities, sororities, and secret societies is guilty of a misdemeanor, punishable by a fine of not less than $25.00 nor more than $100.00 for each offense.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1808 Disorderly conduct at meetings; penalty.

Sec. 1808. (1) If a person conducts himself or herself in a disorderly manner at a board of education meeting or a

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school district meeting and, after notice from the officer presiding, persists therein, the officer presiding may order the disorderly person to withdraw from the meeting, and on the person's refusal may order a law enforcement officer or other person to take the disorderly person into custody until the meeting is adjourned.

(2) A person who refuses to withdraw from the meeting on being so ordered, or a person who wilfully disturbs a school district meeting by rude and indecent behavior, by profane or indecent discourse, or in other ways makes a disturbance, is guilty of a misdemeanor punishable by a fine of not less than $2.00 nor more than $50.00, or by imprisonment for not more than 30 days, or both.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1809 Improper use of certain certificates or credentials as misdemeanor; penalties.

Sec. 1809. (1) In addition to any other penalty provided by law, a person who uses or attempts to use a teaching certificate that he or she knows is surrendered, suspended, revoked, nullified, fraudulently obtained, altered, or forged, or who uses or attempts to use as his or her own a valid teaching certificate that he or she knows is issued to another person, to obtain employment in a position requiring a valid teaching certificate or who remains employed in a position requiring a valid teaching certificate knowing that he or she does not hold a valid teaching certificate is guilty of a misdemeanor, punishable as follows:

(a) For the first offense, by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(b) For a second or subsequent offense, by imprisonment for not less than 93 days or more than 6 months, or a fine of not less than $500.00 or more than $1,000.00, or both.

(2) In addition to any other penalty provided by law, a person who uses or attempts to use a school administrator's certificate that he or she knows is surrendered, suspended, revoked, nullified, fraudulently obtained, altered, or forged, or who uses or attempts to use as his or her own a valid school administrator's certificate that he or she knows is issued to another person, to obtain employment as a school administrator or who remains employed in a position requiring a valid school administrator's certificate knowing that he or she does not hold a valid school administrator's certificate is guilty of a misdemeanor, punishable as follows:

(a) For the first offense, by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(b) For a second or subsequent offense, by imprisonment for not less than 93 days or more than 6 months, or a fine of not less than $500.00 or more than $1,000.00, or both.

(3) In addition to any other penalty provided by law, a person who uses or attempts to use a state board approval that he or she knows is surrendered, suspended, revoked, nullified, fraudulently obtained, altered, or forged, or who uses or attempts to use as his or her own a valid state board approval that he or she knows is issued to another person, to obtain employment in a position requiring a valid state board approval or who remains employed in a position requiring a valid state board approval knowing that he or she does not hold a valid state board approval is guilty of a misdemeanor, punishable as follows:

(a) For the first offense, by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(b) For a second or subsequent offense, by imprisonment for not less than 93 days or more than 6 months, or a fine of not less than $500.00 or more than $1,000.00, or both.

(4) In addition to any other penalty provided by law, a person who uses or attempts to use a college or university transcript or a certificate or other credential that he or she knows is fraudulently obtained, altered, or forged, or who uses or attempts to use as his or her own a college or university transcript or a certificate or other credential that he or she knows is that of another person, to obtain a teaching certificate, school administrator's certificate, or state board approval in this state is guilty of a misdemeanor, punishable as follows:

(a) For the first offense, by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(b) For a second or subsequent offense, by imprisonment for not less than 93 days or more than 6 months, or a fine of not less than $500.00 or more than $1,000.00, or both.

(5) The state board may refuse to issue or renew a teaching certificate, school administrator's certificate, or state board approval, or refuse to issue an endorsement for a teaching certificate or school administrator's certificate, to a person convicted of a violation of this section.

(6) As used in this section, “state board approval” means that term as defined in section 1539b.

History: Add. 1995, Act 96, Eff. Aug. 1, 1995.

Popular name: Act 451

380.1811 Illegal voting; penalty.

Sec. 1811. A person not legally entitled to vote who votes or attempts to vote at a school election or meeting is

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guilty of an offense punishable under chapter 35 of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.931 to 168.947 of the Michigan Compiled Laws.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1812 Refusal to give census information; false information; negligence of school census enumerator; penalty.

Sec. 1812. A person who refuses to give a school census enumerator the necessary information for the compiling of the census or who intentionally gives the enumerator false information as to the name or age of a school child or as to the names or residence of the parents or guardians of a school child, or a school census enumerator who performs the duties of an enumerator carelessly or negligently or includes in the census list names of school children who are not actually residents of the city or district, is guilty of a misdemeanor, punishable by a fine of not less than $5.00 nor more than $50.00, or imprisonment for not more than 20 days, or both.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1813 Violation of rule; penalty.

Sec. 1813. A member or employee of a board of a school district or intermediate school district, or other person who violates, or causes to be violated, a rule promulgated under section 1343 is guilty of a misdemeanor, punishable by a fine of not more than $100.00, or imprisonment for not more than 30 days, or both.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

Administrative rules: R 340.1201 et seq. of the Michigan Administrative Code.

PART 33
MISCELLANEOUS

380.1851 Repeal of acts and parts of acts.

Sec. 1851. The following acts and parts of acts are repealed:

(a) Act No. 169 of the Public Acts of 1927, being sections 388.131 to 388.134 of the Compiled Laws of 1970.

(b) Act No. 81 of the Public Acts of 1931, being sections 388.351 to 388.353 of the Compiled Laws of 1970.

(c) Sections 1 and 3 of Act No. 205 of the Public Acts of 1931, being sections 388.371 and 388.373 of the Compiled Laws of 1970.

(d) Act No. 238 of the Public Acts of 1939, being sections 388.321 and 388.322 of the Compiled Laws of 1970.

(e) Act No. 223 of the Public Acts of 1941, being sections 388.881 to 388.884 of the Compiled Laws of 1970.

(f) Act No. 254 of the Public Acts of 1945, being section 388.701 of the Compiled Laws of 1970.

(g) Act No. 19 of the Public Acts of the First Extra Session of 1946, being section 388.751 of the Compiled Laws of 1970.

(h) Act No. 269 of the Public Acts of 1955, as amended, being sections 340.1 to 340.984 of the Compiled Laws of 1970.

(i) Act No. 244 of the Public Acts of 1969, as amended, being sections 388.171a to 388.183 of the Compiled Laws of 1970.

(j) Act No. 242 of the Public Acts of 1970, being sections 388.391 to 388.394 of the Compiled Laws of 1970.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1851a Rules prohibited; condition.

Sec. 1851a. If the Michigan supreme court rules that sections 45 and 46 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.245 and 24.246 of the Michigan Compiled Laws, are unconstitutional, and a statute requiring legislative review of administrative rules is not enacted within 90 days after the Michigan supreme court ruling, the state board or the department shall not promulgate rules under this act.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: In separate opinions, the Michigan Supreme Court held that Section 45(8), (9), (10), and (12) and the second sentence of Section 46(1) ("An agency shall not file a rule ... until at least 10 days after the date of the certificate of approval by the committee or after the legislature adopts a concurrent resolution approving the rule.") of the Administrative Procedures Act of 1969, in providing for the Legislature's

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reservation of authority to approve or disapprove rules proposed by executive branch agencies, did not comply with the enactment and presentment requirements of Const 1963, Art 4, and violated the separation of powers provision of Const 1963, Art 3, and, therefore, were unconstitutional. These specified portions were declared to be severable with the remaining portions remaining effective. Blank v Department of Corrections, 462 Mich 103 (2000).

Popular name: Act 451

380.1852 Effective date.

Sec. 1852. This act shall take effect January 1, 1977.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.1853 Expired. 1976, Act 451, Eff. Jan. 1, 1978.

Compiler's note: The expired section continued certain school districts, programs, boards, and board members.

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