

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5802

(As passed the House, June 1, 2000)

(As amended by the Senate, June 8, 2000)

Page 1 (1 of 2)

A bill to amend 1976 PA 451, entitled "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, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; 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, by amending sections 371, 372, 373, 374a, 402, 1310, 1310a, 1311a, and 1473 (MCL 380.371, 380.372, 380.373, 380.374a, 380.402, 380.1310, 380.1310a, 380.1311a, and 380.1473), sections 371, 372, 373, and 374a as added and section 402 as amended by 1999 PA 10, sections 1310 and 1310a as added by 1999 PA 102, section 1311a as added by 1999 PA 104, and section 1473 as added by 1996 PA 159, and by adding sections 1280b, 1282a, and 1531e and part 20B.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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 ~~mavor~~ CHIEF EXECUTIVE OFFICER of the city, ~~in which~~ VILLAGE, OR TOWNSHIP WITH THE GREATEST POPULATION AS OF THE MOST RECENT DECENNIAL CENSUS LOCATED WITHIN THE BOUNDARIES OF A qualifying school district. ~~is located.~~

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

Sec. 372. (1) Not later than ~~30 days after the effective date of the amendatory act that added this part~~ 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 OUALIFYING SCHOOL DISTRICT BECOMES A SCHOOL DISTRICT OF THE FIRST CLASS, the mavor 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 mavor.

(b) For a period of 5 years after the ~~effective date of the amendatory act that added this part~~ DATE OF THE INITIAL APPOINTMENT OF THE MEMBERS OF THE SCHOOL REFORM BOARD APPOINTED UNDER

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802 as amended June 8, 2000 page 1 (2 of 4)

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 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.

Sec. 373. (1) Beginning on the effective date of the amendatory act that added this part OR 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 unless and until a new school board is elected under section 375. However, until the expiration of each individual member's current term, 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 the effective date of the amendatory act that added this part OR 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

HB 5802, As Passed Senate, June 8, 2000

would otherwise apply to the school board of the qualifying school district or to the chief executive officer apply to the school reform board, and the school reform board immediately may exercise all the powers and duties otherwise vested by law in the board of

House Bill No. 5802 as amended by June 8, 2000 page 1 (3 of 4)

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 the effective date of the amendatory act that added this part OR 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.

HB 5802, As Passed Senate, June 8, 2000

(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.

House Bill No. 5802 as amended June 8, 2000 page 1 (4 of 4)

(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.

(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.

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 ~~the~~ A city, VILLAGE, OR TOWNSHIP in which ANY PORTION OF the qualifying school district is located.

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 ~~single~~ first class school district governed by this part.

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

2

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

3

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

4

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

5

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

6

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

7

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

9

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

04184'99 * (H-3) R-1

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

10

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

11

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

12

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

04184'99 * (H-3) R-1

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

13

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

16 SEC. 1280B. (1) SUBJECT TO SUBSECTION (2), THE BOARD OF A
17 SCHOOL DISTRICT, OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY
18 THAT OPERATES ANY OF GRADES 1 TO 5, SHALL ADMINISTER EACH SCHOOL
19 YEAR TO ALL PUPILS IN GRADES 1 TO 5 A NATIONALLY-RECOGNIZED
20 NORM-REFERENCED TEST OR ANOTHER ASSESSMENT, WHICH MAY INCLUDE A
21 LOCALLY-ADOPTED ASSESSMENT, APPROVED BY THE SUPERINTENDENT OF
22 PUBLIC INSTRUCTION AT THE REQUEST OF THE SCHOOL DISTRICT OR
23 PUBLIC SCHOOL ACADEMY.

24 (2) A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAY USE THE
25 MICHIGAN LITERACY PROGRESS PROFILE TO ASSESS LITERACY IN GRADES 1
26 TO 3 AS PART OF ITS COMPLIANCE WITH SUBSECTION (1).

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

15

1 (3) IF A SCHOOL IS DESIGNATED FOR PARTICIPATION IN THE
2 NATIONAL ASSESSMENT OF EDUCATION PROGRESS PROGRAM, THE SCHOOL
3 SHALL PARTICIPATE AS DESIGNATED.

4 (4) AN ELEMENTARY SCHOOL THAT IS NOT IN COMPLIANCE WITH SUB-
5 SECTION (1) OR A SCHOOL THAT DOES NOT COMPLY WITH SUBSECTION (3)
6 SHALL NOT BE ACCREDITED UNDER SECTION 1280.

7 SEC. 1282A. IN ORDER TO COMPLY WITH SECTION 1282(2), IF A
8 PUPIL IN GRADE 3 FAILS BY THE END OF THAT SCHOOL YEAR TO MEET
9 STANDARDS FOR BASIC LITERACY SKILLS OR FOR BASIC MATHEMATICS
10 SKILLS, AS ESTABLISHED AND PUBLISHED BY THE SUPERINTENDENT OF
11 PUBLIC INSTRUCTION, THE BOARD OF THE PUPIL'S SCHOOL DISTRICT
12 SHALL PROVIDE THE PUPIL WITH THE OPPORTUNITY TO ATTEND SUMMER
13 SCHOOL IN LANGUAGE ARTS OR MATHEMATICS, AS APPLICABLE, BEFORE
14 GRADE 4. FOR THE PURPOSES OF THIS SECTION, A PUPIL'S LITERACY
15 SKILLS AND MATHEMATICS SKILLS SHALL BE MEASURED BY EITHER THE
16 MICHIGAN LITERACY PROGRESS PROFILE OR ANOTHER ASSESSMENT ADOPTED
17 BY THE SCHOOL DISTRICT FOR THIS PURPOSE AND APPROVED BY THE
18 SUPERINTENDENT OF PUBLIC INSTRUCTION.

19 Sec. 1310. (1) If a pupil enrolled in grade 6 or above com-
20 mits a physical assault at school against another pupil and the
21 physical assault is reported to the school board, school district
22 superintendent, or building principal, THEN the school board OR
23 THE DESIGNEE OF THE SCHOOL BOARD AS DESCRIBED IN SECTION 1311(1)
24 ON BEHALF OF THE SCHOOL BOARD shall SUSPEND OR expel the pupil
25 from the school district for up to 180 school days. A district
26 superintendent or building principal who receives a report
27 described in this subsection shall forward the report to the

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

16

1 school board. Notwithstanding section 1147, a school district is
2 not required to allow an individual expelled from another school
3 district under this section to attend school in the school dis-
4 trict during the expulsion.

5 (2) If an individual is expelled pursuant to this section,
6 it is the responsibility of that individual and of his or her
7 parent or legal guardian to locate a suitable educational program
8 and to enroll the individual in such a program during the
9 expulsion. The office for safe schools in the department shall
10 compile information on and catalog existing alternative education
11 programs or schools and nonpublic schools that may be open to
12 enrollment of individuals expelled under this section and pursu-
13 ant to section 1311(2) or 1311a, and shall periodically distrib-
14 ute this information to school districts for distribution to
15 expelled individuals. A school board that establishes an alter-
16 native education program or school described in this subsection
17 shall notify the office for safe schools about the program or
18 school and the types of pupils it serves. The office for safe
19 schools also shall work with and provide technical assistance to
20 school districts, authorizing bodies for public school academies,
21 and other interested parties in developing these types of alter-
22 native education programs or schools in geographic areas that are
23 not being served.

24 (3) As used in this section:

25 (a) "At school" means in a classroom, elsewhere on school
26 premises, on a school bus or other school-related vehicle, or at

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

17

1 a school-sponsored activity or event whether or not it is held on
2 school premises.

3 (b) "Physical assault" means intentionally causing or
4 attempting to cause physical harm to another through force or
5 violence.

6 (c) "School board" means a school board, intermediate school
7 board, or the board of directors of a public school academy.

8 (d) "School district" means a school district, a local act
9 school district, an intermediate school district, or a public
10 school academy.

11 Sec. 1310a. (1) At least annually, each school board shall
12 prepare and submit to the superintendent of public instruction,
13 in the form and manner prescribed by the superintendent of public
14 instruction, a report stating the number of pupils expelled from
15 the school district during the immediately preceding school year,
16 with a brief description of the incident that caused each
17 expulsion.

18 (2) In order to obtain an accurate local and statewide pic-
19 ture of school crime and to develop the partnerships necessary to
20 plan and implement school safety programs, at least annually,
21 each school board shall report to the superintendent of public
22 instruction, in the form and manner prescribed by the superinten-
23 dent of public instruction, incidents of crime occurring at
24 school within the school district. In determining the form and
25 manner of this report, the superintendent of public instruction
26 shall consult with local and intermediate school districts and
27 law enforcement officials. The reporting shall include at least

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802 as amended June 8, 2000

18

1 crimes involving physical violence, gang-related activity,
2 illegal possession of a controlled substance or controlled sub-
3 stance analogue, or other intoxicant, trespassing, and property
4 crimes including, but not limited to, theft and vandalism. For a
5 property crime, the report shall include an estimate of the cost
6 to the school district resulting from the property crime. The
7 school crime reporting requirements of this subsection are
8 intended to do all of the following:

9 (a) Help policymakers and program designers at the local and
10 state levels develop appropriate prevention and intervention
11 programs.

12 (b) Provide the continuous assessment tools needed for
13 revising and refining school safety programs.

14 (c) Assist schools and school districts to identify the most
15 pressing safety issues confronting their school communities, to
16 direct resources appropriately, and to enhance campus safety
17 through prevention and intervention strategies.

18 (d) Foster the creation of partnerships among schools,
19 school districts, state agencies, communities, law enforcement,
20 and the media to prevent further crime and violence and to assure
21 a safe learning environment for every pupil.

22 (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 ~~once each semester~~ ANNUALLY, each school
23 board shall ~~provide~~ MAKE a copy DISAGGREGATED BY SCHOOL BUILDING,
of the most recent report
24 ~~under subsection (2) available~~ for the school district UNDER
25 SUBSECTION (2) AVAILABLE to the parent or legal guardian of each
26 pupil enrolled in the school district.

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

19

1 (4) As used in this section, "school board" and "school
2 district" mean those terms as defined in section 1310.

3 Sec. 1311a. (1) If a pupil enrolled in grade 6 or above
4 commits a physical assault at school against a person employed by
5 or engaged as a volunteer or contractor by the school board and
6 the physical assault is reported to the school board, school dis-
7 trict superintendent, or building principal by the victim or, if
8 the victim is unable to report the assault, by another person on
9 the victim's behalf, then the school board, or the designee of
10 the school board as described in section 1311(1) on behalf of the
11 school board, shall expel the pupil from the school district per-
12 manently, subject to possible reinstatement under
13 subsection (5). A district superintendent or building principal
14 who receives a report described in this subsection shall forward
15 the report to the school board.

16 (2) If a pupil enrolled in grade 6 or above commits a verbal
17 assault, as defined by school board policy, at school against a
18 person employed by or engaged as a volunteer or contractor by the
19 school board and the verbal assault is reported to the school
20 board, school district superintendent, or building principal by
21 the victim or, if the victim is unable to report the verbal
22 assault, by another person on the victim's behalf, or if a pupil
23 enrolled in grade 6 or above makes a bomb threat or similar
24 threat directed at a school building, other school property, or a
25 school-related event, then the school board, or the designee of
26 the school board as described in section 1311(1) on behalf of the
27 school board, shall SUSPEND OR expel the pupil from the school

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

20

1 district for ~~up to 180 school days~~ A PERIOD OF TIME AS
2 DETERMINED IN THE DISCRETION OF THE SCHOOL BOARD OR ITS
3 DESIGNEE. A district superintendent or building principal who
4 receives a report described in this subsection shall forward the
5 report to the school board. Notwithstanding section 1147, a
6 school district is not required to allow an individual expelled
7 from another school district under this subsection to attend
8 school in the school district during the expulsion.

9 (3) If an individual is permanently expelled pursuant to
10 ~~subsection (1)~~ THIS SECTION, the expelling school district
11 shall enter on the individual's permanent record that he or she
12 has been permanently expelled pursuant to ~~subsection (1)~~ THIS
13 SECTION. Except if a school district operates or participates
14 cooperatively in an alternative education program appropriate for
15 individuals expelled pursuant to ~~subsection (1)~~ THIS SECTION
16 and section 1311(2) and in its discretion admits the individual
17 to that program, and except for a strict discipline academy
18 established under sections 1311b to 1311l, an individual per-
19 manently expelled pursuant to ~~subsection (1)~~ THIS SECTION is
20 expelled from all public schools in this state and the officials
21 of a school district shall not allow the individual to enroll in
22 the school district unless the individual has been reinstated
23 under subsection (5). Except as otherwise provided by law, a
24 program operated for individuals expelled pursuant to ~~subsection~~
25 ~~(1)~~ THIS SECTION and section 1311(2) shall ensure that those
26 individuals are physically separated at all times during the
27 school day from the general pupil population. If an individual

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

21

1 permanently expelled from a school district pursuant to
2 ~~subsection (1)~~ THIS SECTION is not placed in an alternative
3 education program or strict discipline academy, the school dis-
4 trict may provide, or may arrange for the intermediate school
5 district to provide, appropriate instructional services to the
6 individual at home. The type of services provided shall meet the
7 requirements of section 6(4)(v) of the state school aid act of
8 1979, MCL 388.1606, and the services may be contracted for in the
9 same manner as services for homebound pupils under section 109 of
10 the state school aid act of 1979, MCL 388.1709. This subsection
11 does not require a school district to expend more money for pro-
12 viding services for a pupil permanently expelled pursuant to
13 ~~subsection (1)~~ THIS SECTION than the amount of the foundation
14 allowance the school district receives for the pupil under sec-
15 tion 20 of the state school aid act of 1979, MCL 388.1620.

16 (4) If a school board PERMANENTLY expels an individual pur-
17 suant to this section, the school board shall ensure that, within
18 3 days after the expulsion, an official of the school district
19 refers the individual to the appropriate county department of
20 social services or county community mental health agency and
21 notifies the individual's parent or legal guardian or, if the
22 individual is at least age 18 or is an emancipated minor, noti-
23 fies the individual of the referral.

24 (5) The parent or legal guardian of an individual per-
25 manently expelled pursuant to ~~subsection (1)~~ THIS SECTION or,
26 if the individual is at least age 18 or is an emancipated minor,
27 the individual may petition the expelling school board for

1 reinstatement of the individual to public education in the school
2 district. If the expelling school board denies a petition for
3 reinstatement, the parent or legal guardian or, if the individual
4 is at least age 18 or is an emancipated minor, the individual may
5 petition another school board for reinstatement of the individual
6 in that other school district. All of the following apply to
7 reinstatement under this subsection:

8 (a) The individual's parent or legal guardian or, if the
9 individual is at least age 18 or is an emancipated minor, the
10 individual may initiate a petition for reinstatement at any time
11 after the expiration of 150 school days after the date of
12 expulsion.

13 (b) The individual shall not be reinstated before the expi-
14 ration of 180 school days after the date of expulsion.

15 (c) It is the responsibility of the parent or legal guardian
16 or, if the individual is at least age 18 or is an emancipated
17 minor, of the individual to prepare and submit the petition. A
18 school board is not required to provide any assistance in prepar-
19 ing the petition. Upon request by a parent or legal guardian or,
20 if the individual is at least age 18 or is an emancipated minor,
21 by the individual, a school board shall make available a form for
22 a petition.

23 (d) Not later than 10 school days after receiving a petition
24 for reinstatement under this subsection, a school board shall
25 appoint a committee to review the petition and any supporting
26 information submitted by the parent or legal guardian or, if the
27 individual is at least age 18 or is an emancipated minor, by the

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

23

1 individual. The committee shall consist of 2 school board
2 members, 1 school administrator, 1 teacher, and 1 parent of a
3 pupil in the school district. During this time the superinten-
4 dent of the school district may prepare and submit for considera-
5 tion by the committee information concerning the circumstances of
6 the expulsion and any factors mitigating for or against
7 reinstatement.

8 (e) Not later than 10 school days after all members are
9 appointed, the committee described in subdivision (d) shall
10 review the petition and any supporting information and informa-
11 tion provided by the school district and shall submit a recommen-
12 dation to the school board on the issue of reinstatement. The
13 recommendation shall be for unconditional reinstatement, for con-
14 ditional reinstatement, or against reinstatement, and shall be
15 accompanied by an explanation of the reasons for the recommenda-
16 tion and of any recommended conditions for reinstatement. The
17 recommendation shall be based on consideration of all of the fol-
18 lowing factors:

19 (i) The extent to which reinstatement of the individual
20 would create a risk of harm to pupils or school personnel.

21 (ii) The extent to which reinstatement of the individual
22 would create a risk of school district or individual liability
23 for the school board or school district personnel.

24 (iii) The age and maturity of the individual.

25 (iv) The individual's school record before the incident that
26 caused the expulsion.

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

24

1 (v) The individual's attitude concerning the incident that
2 caused the expulsion.

3 (vi) The individual's behavior since the expulsion and the
4 prospects for remediation of the individual.

5 (vii) If the petition was filed by a parent or legal guardi-
6 an, the degree of cooperation and support that has been provided
7 by the parent or legal guardian and that can be expected if the
8 individual is reinstated, including, but not limited to, recep-
9 tiveness toward possible conditions placed on the reinstatement.

10 (f) Not later than the next regularly scheduled board meet-
11 ing after receiving the recommendation of the committee under
12 subdivision (e), a school board shall make a decision to uncondi-
13 tionally reinstate the individual, conditionally reinstate the
14 individual, or deny reinstatement of the individual. The deci-
15 sion of the school board is final.

16 (g) A school board may require an individual and, if the
17 petition was filed by a parent or legal guardian, his or her
18 parent or legal guardian to agree in writing to specific condi-
19 tions before reinstating the individual in a conditional
20 reinstatement. The conditions may include, but are not limited
21 to, agreement to a behavior contract, which may involve the indi-
22 vidual, parent or legal guardian, and an outside agency; partici-
23 pation in or completion of an anger management program or other
24 appropriate counseling; periodic progress reviews; and specified
25 immediate consequences for failure to abide by a condition. A
26 parent or legal guardian or, if the individual is at least age 18
27 or is an emancipated minor, the individual may include proposed

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

25

1 conditions in a petition for reinstatement submitted under this
2 subsection.

3 (6) A school board or school administrator that complies
4 with this section is not liable for damages for SUSPENDING OR
5 expelling a pupil pursuant to this section, and the authorizing
6 body of a public school academy is not liable for damages for
7 SUSPENSION OR expulsion of a pupil by the public school academy
8 pursuant to this section.

9 (7) The department shall develop and distribute to all
10 school districts a form for a petition for reinstatement to be
11 used under subsection (5). The department may designate the form
12 used for a petition for reinstatement under section 1311 as a
13 form that may be used under this section.

14 (8) This section does not diminish the due process rights
15 under federal law of a pupil who has been determined to be eligi-
16 ble for special education programs and services.

17 (9) If a pupil expelled from a school district pursuant to
18 this section is enrolled by a public school district sponsored
19 alternative education program or a public school academy during
20 the period of expulsion, the public school academy or the alter-
21 native education program is immediately eligible for the prorated
22 share of either the public school academy's or operating school
23 district's foundation allowance or the expelling school
24 district's foundation allowance, whichever is higher.

25 (10) A school board or its designee shall report all
26 assaults described in subsection (1) or (2) to appropriate state
27 or local law enforcement officials and prosecutors as provided in

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

26

1 the statewide school safety information policy under section
2 1308.

3 (11) If an individual is expelled pursuant to this section,
4 it is the responsibility of that individual and of his or her
5 parent or legal guardian to locate a suitable educational program
6 and to enroll the individual in such a program during the
7 expulsion. The office for safe schools in the department shall
8 compile information on and catalog existing alternative education
9 programs or schools and nonpublic schools that may be open to
10 enrollment of individuals expelled pursuant to this section and
11 pursuant to section 1311(2), and shall periodically distribute
12 this information to school districts for distribution to expelled
13 individuals. A school board that establishes an alternative edu-
14 cation program or school described in this subsection shall
15 notify the office of safe schools about the program or school and
16 the types of pupils it serves. The office for safe schools also
17 shall work with and provide technical assistance to school dis-
18 tricts, authorizing bodies for public school academies, and other
19 interested parties in developing these types of alternative edu-
20 cation programs or schools in geographic areas that are not being
21 served.

22 (12) As used in this section:

23 (a) "At school" means in a classroom, elsewhere on school
24 premises, on a school bus or other school-related vehicle, or at
25 a school-sponsored activity or event whether or not it is held on
26 school premises.

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

27

1 (b) "Physical assault" means intentionally causing or
2 attempting to cause physical harm to another through force or
3 violence.

4 (c) "School board" means a school board, intermediate school
5 board, or the board of directors of a public school academy.

6 (d) "School district" means a school district, a local act
7 school district, an intermediate school district, or a public
8 school academy.

9 PART ~~14A~~ 20A

10 COLLEGE LEVEL EQUIVALENT COURSES AND CREDIT

11 Sec. 1473. (1) The board of a school district, ~~or~~ BOARD
12 OF DIRECTORS OF A public school academy, or governing board of a
13 nonpublic school shall consider providing college level equiva-
14 lent courses either directly, through an intermediate district
15 program, or by agreement in a consortium or cooperative program.

16 (2) IF A PUBLIC SCHOOL PUPIL SUCCESSFULLY COMPLETES A COL-
17 LEGE LEVEL EQUIVALENT COURSE THAT IS OFFERED BY ELECTRONIC MEANS,
18 INCLUDING, BUT NOT LIMITED TO, THE INTERNET, DIGITAL BROADCAST,
19 OR SATELLITE NETWORK, AND IS OFFERED BY A SCHOOL DISTRICT, A
20 REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY, OR THE MICHIGAN VIR-
21 TUAL HIGH SCHOOL DESCRIBED IN SECTION 1481, AND IF THE PUPIL HAS
22 BEEN SPONSORED IN THIS PROCESS BY A CERTIFICATED TEACHER EMPLOYED
23 BY THE PUPIL'S SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY, THE
24 SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY IN WHICH THE PUPIL IS
25 ENROLLED SHALL DO ALL OF THE FOLLOWING:

26 (A) GRANT APPROPRIATE HIGH SCHOOL CREDIT FOR COMPLETION OF
27 THE COURSE.

04184'99 * (H-3)

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

28

1 (B) COUNT THAT CREDIT TOWARD THE GRADUATION AND SUBJECT AREA
2 REQUIREMENTS OF THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY.

3 PART 20B

4 MICHIGAN VIRTUAL HIGH SCHOOL

5 SEC. 1481. (1) NOT LATER THAN THE BEGINNING OF THE
6 2000-2001 SCHOOL YEAR, THE MICHIGAN VIRTUAL UNIVERSITY SHALL
7 DEVELOP, IMPLEMENT, AND OPERATE THE MICHIGAN VIRTUAL HIGH SCHOOL,
8 AS DESCRIBED IN THIS SECTION.

9 (2) THE MICHIGAN VIRTUAL HIGH SCHOOL SHALL HAVE THE FOLLOW-
10 ING GOALS:

11 (A) SIGNIFICANTLY EXPAND CURRICULAR OFFERINGS FOR HIGH
12 SCHOOLS ACROSS THIS STATE THROUGH AGREEMENTS WITH SCHOOL DIS-
13 TRICTS OR LICENSES FROM OTHER RECOGNIZED PROVIDERS.

14 (B) CREATE A STATEWIDE INSTRUCTIONAL MODEL USING INTERACTIVE
15 MULTIMEDIA TOOLS DELIVERED BY ELECTRONIC MEANS, INCLUDING, BUT
16 NOT LIMITED TO, THE INTERNET, DIGITAL BROADCAST, OR SATELLITE
17 NETWORK, FOR DISTRIBUTED LEARNING AT THE HIGH SCHOOL LEVEL.

18 (C) PROVIDE PUPILS WITH OPPORTUNITIES TO DEVELOP SKILLS AND
19 COMPETENCIES THROUGH ON-LINE LEARNING.

20 (D) OFFER HIGH SCHOOL TEACHERS OPPORTUNITIES TO LEARN NEW
21 SKILLS AND STRATEGIES FOR DEVELOPING AND DELIVERING INSTRUCTIONAL
22 SERVICES.

23 (E) ACCELERATE THIS STATE'S ABILITY TO RESPOND TO CURRENT
24 AND EMERGING EDUCATIONAL DEMANDS.

25 (F) GRANT HIGH SCHOOL DIPLOMAS THROUGH A DUAL ENROLLMENT
26 METHOD WITH SCHOOL DISTRICTS.

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802

29

1 (G) ACT AS A BROKER FOR COLLEGE LEVEL EQUIVALENT COURSES, AS
2 DEFINED IN SECTION 1471, AND DUAL ENROLLMENT COURSES FROM
3 POSTSECONDARY EDUCATION INSTITUTIONS.

4 (3) THE MICHIGAN VIRTUAL HIGH SCHOOL COURSE OFFERINGS SHALL
5 INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

6 (A) INFORMATION TECHNOLOGY COURSES.

7 (B) COLLEGE LEVEL EQUIVALENT COURSES, AS DEFINED IN SECTION
8 1471.

9 (C) COURSES AND DUAL ENROLLMENT OPPORTUNITIES.

10

11 (D) AT-RISK PROGRAMS AND SERVICES.

12 (E) GENERAL EDUCATION DEVELOPMENT TEST PREPARATION COURSES
13 FOR ADJUDICATED YOUTH.

14 (F) SPECIAL INTEREST COURSES.

15 (G) PROFESSIONAL DEVELOPMENT PROGRAMS AND SERVICES FOR
16 TEACHERS.

17 (4) IN ADDITION TO ITS OTHER DUTIES UNDER THIS SECTION, THE
18 MICHIGAN VIRTUAL UNIVERSITY SHALL WORK WITH THE DEPARTMENT AND
19 OTHER APPROPRIATE STATE AGENCIES TO EXPLORE THE DEVELOPMENT AND
20 DELIVERY OF A FULL CURRICULUM FOR MIGRANT PUPILS THAT WOULD BE
21 AVAILABLE THROUGH DISTANCE LEARNING. THE MICHIGAN VIRTUAL UNI-
22 VERSITY AND THE DEPARTMENT SHALL SUBMIT A JOINT REPORT ON THEIR
23 FINDINGS UNDER THIS SUBSECTION TO THE LEGISLATURE NOT LATER THAN
24 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.

25 (6) THE MICHIGAN VIRTUAL UNIVERSITY SHALL FUND THE MICHIGAN
26 VIRTUAL HIGH SCHOOL FROM APPROPRIATIONS MADE FOR THIS PURPOSE AND
27 MAY ALSO USE FUNDS RECEIVED FROM OTHER SOURCES. THE DEPARTMENT

HB 5802, As Passed Senate, June 8, 2000

House Bill No. 5802 as amended June 8, 2000

30

1 SHALL PROVIDE TECHNICAL ASSISTANCE AS REQUESTED BY THE MICHIGAN
2 VIRTUAL UNIVERSITY FOR THE PURPOSES OF THIS SECTION.

3 SEC. 1531E. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
4 ACT OR A RULE TO THE CONTRARY, IF A PERSON EARNS A PROVISIONAL
5 TEACHING CERTIFICATE AND THAT CERTIFICATE LAPSES BEFORE THE
6 PERSON COMPLETES THE REQUIREMENTS FOR A PROFESSIONAL EDUCATION
7 CERTIFICATE, AND IF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY
8 APPLIES TO THE DEPARTMENT ON THAT PERSON'S BEHALF FOR ANOTHER
9 PROVISIONAL TEACHING CERTIFICATE WITHIN 10 YEARS AFTER THE
10 PERSON'S INITIAL PROVISIONAL TEACHING CERTIFICATE LAPSED, THE
11 DEPARTMENT SHALL ISSUE A NEW PROVISIONAL TEACHING CERTIFICATE TO
12 THE PERSON. THIS NEW PROVISIONAL TEACHING CERTIFICATE SHALL BE
13 VALID FOR 2 YEARS AND MAY NOT BE RENEWED. THE PERSON SHALL HAVE
14 COMPLETE THE REQUIREMENTS FOR A PROFESSIONAL EDUCATION CERTIFI-
15 CATE, AND THE DEPARTMENT SHALL CREDIT TOWARD THE REQUIREMENTS FOR
16 A PROFESSIONAL EDUCATION CERTIFICATE ANY CONTINUING EDUCATION OR
17 OTHER REQUIREMENTS COMPLETED WHILE THE PERSON'S INITIAL TEACHING
18 CERTIFICATE WAS VALID.

19 (2) THIS SECTION APPLIES TO A PERSON DESCRIBED IN
20 SUBSECTION (1) REGARDLESS OF WHETHER THE PERSON'S PROVISIONAL
21 TEACHING CERTIFICATE LAPSED BEFORE OR AFTER THE EFFECTIVE DATE OF
22 THIS SECTION.

23 (3) THIS SECTION DOES NOT APPLY TO A PERSON CONVICTED OF A
24 CRIME DESCRIBED IN SECTION 1535A.

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.