

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 730**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 4, 6, 504, 605, 701, 859, 861, 1296, 1311,
1311g, 1321, 1701, 1701a, 1711, 1723, 1724, 1751, 1752, 1756,
1757, and 1761 (MCL 380.4, 380.6, 380.504, 380.605, 380.701,
380.859, 380.861, 380.1296, 380.1311, 380.1311g, 380.1321,
380.1701, 380.1701a, 380.1711, 380.1723, 380.1724, 380.1751,
380.1752, 380.1756, 380.1757, and 380.1761), section 4 as amended
by 2005 PA 61, sections 6, 701, 859, 861, and 1724 as amended by
2003 PA 299, sections 504 and 1701a as amended by 1994 PA 416,
section 605 as amended by 1985 PA 86, section 1311 as amended by
2007 PA 138, section 1311g as amended by 2007 PA 21, section 1321
as amended by 1990 PA 163, section 1723 as amended by 2004 PA
415, and section 1752 as added by 2006 PA 186, and by adding
section 504c; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

9 (2) ~~(3)~~ "Intermediate school board" means the board of an
10 intermediate school district.

11 (3) ~~(4)~~ "Intermediate school district" means a corporate
12 body established under part 7.

13 (4) ~~(5)~~ "Intermediate school district election" means an
14 election called by an intermediate school board and held on the
15 date of the regular school elections of constituent districts or
16 on a date determined by the intermediate school board under
17 ~~section 642 or 642a of the Michigan election law, MCL 168.642 and~~
18 ~~168.642a~~ **THE MICHIGAN ELECTION LAW.**

19 (5) ~~(6)~~ "Intermediate school elector" means a person who is
20 a school elector of a constituent district and who is registered
21 in the city or township in which the person resides.

22 (6) ~~(7)~~ "Intermediate superintendent" means the
23 superintendent of an intermediate school district.

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

1 the first class.

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

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

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

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

17 (6) "Special education personnel" means persons engaged in
18 and having professional responsibility for ~~the training, care,~~
19 ~~and education of handicapped persons~~ **STUDENTS WITH A DISABILITY**
20 in special education programs and services including, but not
21 limited to, teachers, aides, school social workers, diagnostic
22 personnel, physical therapists, occupational therapists,
23 audiologists, teachers of speech and language, instructional
24 media-curriculum specialists, mobility specialists, teacher
25 consultants, supervisors, and directors.

26 (7) "Special education programs and services" means
27 educational and training services designed for ~~handicappers~~

1 **STUDENTS WITH A DISABILITY** and operated by local school
 2 districts, local act school districts, intermediate school
 3 districts, the Michigan ~~school~~ **SCHOOLS** for the deaf and blind,
 4 the department of community health, the ~~family independence~~
 5 ~~agency~~ **DEPARTMENT OF HUMAN SERVICES**, or a combination of these,
 6 and ancillary professional services for ~~handicappers~~ **STUDENTS**
 7 **WITH A DISABILITY** rendered by agencies approved by the state
 8 board. The programs shall include vocational training, but need
 9 not include academic programs of college or university level.

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

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

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

19 (11) **"STUDENT WITH A DISABILITY" MEANS THAT TERM AS DEFINED**
 20 **IN R 340.1702 OF THE MICHIGAN ADMINISTRATIVE CODE.**

21 (12) ~~(11)~~ "Department" means the department of education
 22 created and operating under sections 300 to 305 of the executive
 23 organization act of 1965, 1965 PA 380, MCL 16.400 to 16.405.

24 (13) ~~(12)~~ "State school aid" means allotments from the
 25 general appropriating act for the purpose of aiding in the
 26 support of the public schools of the state.

27 (14) ~~(13)~~ "The state school aid act of 1979" means the state

1 school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

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

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

17 (3) Except for a foreign exchange student who is not a
18 United States citizen, a public school academy shall not enroll a
19 pupil who is not a resident of this state. Enrollment in the
20 public school academy may be open to all individuals who reside
21 in this state who meet the admission policy and shall be open to
22 all pupils who reside within the geographic boundaries, if any,
23 of the authorizing body as described in section 502(2)(a) to (c)
24 who meet the admission policy, except that admission to a public
25 school academy authorized by the board of a community college to
26 operate, or operated by the board of a community college, on the
27 grounds of a federal military installation, as described in

1 section 502(2)(c), shall be open to all pupils who reside in the
2 county in which the federal military installation is located. For
3 a public school academy authorized by a state public university,
4 enrollment shall be open to all pupils who reside in this state
5 who meet the admission policy. If there are more applications to
6 enroll in the public school academy than there are spaces
7 available, pupils shall be selected to attend using a random
8 selection process. However, a public school academy may give
9 enrollment priority to a sibling of a pupil enrolled in the
10 public school academy. A public school academy shall allow any
11 pupil who was enrolled in the public school academy in the
12 immediately preceding school year to enroll in the public school
13 academy in the appropriate grade unless the appropriate grade is
14 not offered at that public school academy.

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

24 **SEC. 504C. WITH THE APPROVAL OF ITS AUTHORIZING BODY, A**
25 **PUBLIC SCHOOL ACADEMY MAY TRANSFER ITS ENROLLED PUPILS TO ANOTHER**
26 **PUBLIC SCHOOL. A PUBLIC SCHOOL ACADEMY THAT TRANSFERS ITS PUPILS**
27 **UNDER THIS SECTION MAY ALSO TRANSFER ITS PROPERTY, INCLUDING, BUT**

1 NOT LIMITED TO, PROPERTY DESCRIBED IN SECTION 18B OF THE STATE
2 SCHOOL AID ACT OF 1979, MCL 388.1618B, TO THE OTHER PUBLIC SCHOOL
3 THAT RECEIVES THE TRANSFERRED PUPILS. IF A PUBLIC SCHOOL ACADEMY
4 TRANSFERS ITS PUPILS TO ANOTHER PUBLIC SCHOOL UNDER THIS SECTION,
5 ALL OF THE FOLLOWING APPLY:

6 (A) THE OTHER PUBLIC SCHOOL MAY GIVE ENROLLMENT PRIORITY TO
7 THESE PUPILS, IN ADDITION TO ANY OTHER ENROLLMENT PRIORITY IT MAY
8 GIVE UNDER THIS ACT.

9 (B) A PUPIL WHO IS TRANSFERRED IS NOT REQUIRED TO ACTUALLY
10 ENROLL IN THE OTHER SCHOOL, BUT MAY EXERCISE ANY EDUCATIONAL
11 CHOICE ALLOWED UNDER LAW.

12 Sec. 605. (1) If constituent districts of more than 1
13 intermediate school district are reorganized into a single school
14 district, the reorganized school district shall be constituent to
15 the intermediate school district designated by the board of the
16 reorganized school district. If a decision is not reached within
17 30 days after the effective date of the reorganization of the
18 constituent districts, the determination shall be made by the
19 ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION.**

20 (2) A constituent district, by resolution of its board, may
21 transfer and become constituent to another contiguous
22 intermediate school district if approval is given by each
23 intermediate school board affected. The intermediate school board
24 shall take final action within 60 days after receiving a
25 resolution. If an intermediate school district from which a
26 constituent district wishes to transfer has fewer than 4,000
27 constituent district pupils and fails to take action or denies a

1 transfer, the inaction or decision may be appealed to the ~~state~~
2 ~~board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION** using the procedures
3 described in section 971. ~~of this act.~~ If the intermediate school
4 district to which transfer is proposed has adopted by referendum
5 a program for financing special education programs for
6 ~~handicapped persons~~ **STUDENTS WITH A DISABILITY**, or has bonded
7 indebtedness outstanding for special education building
8 facilities, the ~~registered~~ school electors of the constituent
9 district to be transferred shall vote on the acceptance of those
10 sections and the assumption of the district's pro rata share of
11 bonded indebtedness outstanding for special education facilities
12 for ~~handicapped persons~~ **STUDENTS WITH A DISABILITY**.

13 (3) If the intermediate school district to which transfer is
14 proposed has established an area vocational-technical education
15 program by referendum, or has bonded indebtedness outstanding for
16 area vocational-technical education facilities, the ~~registered~~
17 school electors of the district to be transferred shall vote on
18 the acceptance of those sections and the assumption of the
19 district's pro rata share of bonded indebtedness outstanding for
20 area vocational-technical education facilities.

21 (4) The transfer is effective only if the applicable issues
22 relating to special education programs, area vocational-technical
23 education programs, and bonded indebtedness for special education
24 and area vocational-technical facilities are approved at an
25 election in the constituent district proposing transfer at which
26 all applicable issues are submitted and receive favorable
27 majorities.

1 (5) The territory of a constituent district of an
2 intermediate school district having bonded indebtedness for
3 special education facilities or area vocational-technical
4 education facilities ~~which~~ **THAT** is transferred to another
5 intermediate school district shall remain as a part of the
6 intermediate school district from which transferred for the
7 purpose of levying debt retirement taxes for the bonded
8 indebtedness until the bonds are redeemed or sufficient funds are
9 available in the debt retirement funds for that purpose. The
10 transferred constituent district shall be a constituent district
11 of the intermediate school district to which transferred for all
12 other purposes.

13 Sec. 701. (1) Two or more adjoining intermediate school
14 districts may combine to form a single intermediate school
15 district when the reorganization is approved by a majority of the
16 **SCHOOL** electors of each intermediate school district voting on
17 the question in the regular school elections of the constituent
18 districts.

19 (2) The question of combining intermediate school districts
20 may be submitted by a resolution of the intermediate school
21 boards meeting in joint session.

22 (3) The question shall be submitted if petitions signed by a
23 number of school electors of each intermediate school district
24 equal to not less than 5% of the number of pupil memberships on
25 the latest pupil membership count day of the combined constituent
26 districts of the intermediate school district are filed with the
27 school district filing official. Within 30 days after receiving

1 sufficient petitions, the school district filing official shall
2 notify the secretary of the intermediate school district and the
3 secretary shall apply for approval to the superintendent of
4 public instruction. The school district filing official shall
5 submit the question in accordance with section 661 at the next
6 regular school election after the superintendent of public
7 instruction approves the merger.

8 (4) The ballots for a ballot question under this section
9 shall be in substantially the following form:

10 "Shall the following intermediate school districts be
11 organized as a single intermediate school district?

12 (List names of intermediate school districts)

13 Yes ()

14 No ()".

15 (5) If the consolidation is approved by a majority of the
16 school electors voting on the question in each of the
17 participating intermediate school districts, the reorganization
18 is effective in the combined intermediate school districts 30
19 days after the regular school election at which the question is
20 submitted. The reorganized intermediate school district is a
21 single intermediate school district subject to this part.

22 (6) The members of the intermediate school boards of the
23 original intermediate school districts shall act as an interim
24 board until a board of the combined intermediate school district
25 is elected. The interim board has all the powers and duties of an
26 intermediate school board under this part. The person chosen by
27 the interim intermediate school board as intermediate

1 superintendent shall serve only until a successor is chosen by
2 the elected intermediate school board. The secretary of the
3 intermediate school board having the largest number of pupils in
4 membership in its combined constituent districts at the time of
5 reorganization shall call a meeting of the members of the interim
6 intermediate school board for the purpose of organization within
7 15 days after the effective date of the reorganization. The
8 school district filing official shall provide for the election of
9 a board of the reorganized intermediate school district under
10 chapter XIV of the Michigan election law, MCL 168.301 to ~~168.315~~
11 **168.316**. At the first election, there shall be elected 3 members
12 of a board for 6 years, 2 for 4 years, and 2 for 2 years. Their
13 successors shall be elected biennially for terms of 6 years.

14 (7) The reorganized intermediate school district shall
15 operate as a single intermediate school district from the
16 effective date of the reorganization. Within 10 days after the
17 reorganization, all accounts of the reorganized intermediate
18 school districts shall be audited in the manner established by
19 the interim intermediate school board. The contracts of the
20 intermediate superintendents in force on the effective date of
21 reorganization continue in effect until the time of their
22 termination except as to position as intermediate
23 superintendents.

24 (8) If, before reorganization of the intermediate school
25 districts each of the combining intermediate school districts
26 adopted special education programs by referendum as provided in
27 part 30 and approved the same annual property tax rates for the

1 education of ~~handicapped persons~~ **STUDENTS WITH A DISABILITY**, the
 2 special education programs and the annual property tax rates
 3 shall continue in effect in the reorganized intermediate school
 4 district.

5 Sec. 859. (1) The ballot question shall be in substantially
 6 the following form:

7 "Shall the territory of the following school districts be
 8 united to form 1 school district?"

9 (Names of school districts to be consolidated listed here)

10 Yes ()

11 No ()".

12 (2) The affirmative vote of a majority of the school
 13 electors voting on the question in each of the election units is
 14 necessary to effect the consolidation of the school districts.
 15 The consolidation is ~~effective as of the date of the official~~
 16 ~~canvass~~ **TAKES EFFECT JULY 1 AFTER THE ELECTION.**

17 (3) If the consolidation becomes effective, expenses
 18 incurred for the election in each election unit shall be
 19 certified to the board of the consolidated school district. The
 20 school board of the consolidated school district shall pay
 21 election reimbursements from the funds of the consolidated school
 22 district. If the proposition to consolidate is not approved, the
 23 intermediate school board shall determine the expenses of the
 24 election held in the election unit operating less than 12 grades
 25 and apportion the required reimbursements equally among the
 26 school districts of the election unit. Each school board of the
 27 election unit shall pay the apportionment to the local unit of

1 government that conducted the election.

2 Sec. 861. Within 10 days after the date of the official
3 canvass of the consolidation election, the intermediate school
4 board of the intermediate school district containing the
5 territory of the consolidated school district shall appoint
6 school electors of the school district in the number required by
7 ~~the classification of the school district~~ **SECTION 11A** to act as a
8 board for the school district. **THIS BOARD SHALL CONTINUE TO**
9 **OPERATE THE AFFECTED SCHOOL DISTRICTS AS SEPARATE SCHOOL**
10 **DISTRICTS UNTIL THE EFFECTIVE DATE OF THE CONSOLIDATION.** If a
11 consolidated school district includes territory in more than 1
12 intermediate school district, the appointment shall be made by
13 the intermediate school board of each intermediate school
14 district acting jointly as a single board. Within 7 days after
15 appointment, each member shall file with the intermediate
16 superintendent an acceptance of the office, accompanied by a
17 written affidavit setting forth the fact of eligibility for
18 office. Each appointed board member shall hold office until
19 January 1, or, if the consolidated school district's regular
20 election is in May, until July 1, next following appointment. A
21 new board shall be elected at the first regular school election
22 held after the effective date of consolidation in the manner
23 prescribed by law for the election of a first board.

24 Sec. 1296. The board of a school district that provides
25 auxiliary services specified in this section to its resident
26 pupils in the elementary and secondary grades shall provide the
27 same auxiliary services on an equal basis to pupils in the

1 elementary and secondary grades at nonpublic schools. The board
 2 may use state school aid to pay for the auxiliary services. The
 3 auxiliary services shall include health and nursing services and
 4 examinations; street crossing guards services; national defense
 5 education act testing services; teacher of speech and language
 6 services; school social work services; school psychological
 7 services; teacher consultant services for ~~handicapped pupils~~
 8 **STUDENTS WITH A DISABILITY** and other ancillary services for ~~the~~
 9 ~~handicapped~~ **STUDENTS WITH A DISABILITY**; remedial reading; and
 10 other services determined by the legislature. Auxiliary services
 11 shall be provided under rules promulgated by the ~~state board~~
 12 **SUPERINTENDENT OF PUBLIC INSTRUCTION**.

13 Sec. 1311. (1) Subject to subsection (2), the school board,
 14 or the school district superintendent, a school building
 15 principal, or another school district official if designated by
 16 the school board, may authorize or order the suspension or
 17 expulsion from school of a pupil guilty of gross misdemeanor or
 18 persistent disobedience if, in the judgment of the school board
 19 or its designee, as applicable, the interest of the school is
 20 served by the authorization or order. If there is reasonable
 21 cause to believe that the pupil is ~~eligible for special education~~
 22 ~~programs and services~~ **A STUDENT WITH A DISABILITY**, and the school
 23 district has not evaluated the pupil in accordance with rules of
 24 the ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION** to determine
 25 if the ~~student is eligible for special education programs and~~
 26 ~~services~~ **PUPIL IS A STUDENT WITH A DISABILITY**, the pupil shall be
 27 evaluated immediately by the intermediate school district of

1 which the school district is constituent in accordance with
2 section 1711.

3 (2) If a pupil possesses in a weapon free school zone a
4 weapon that constitutes a dangerous weapon, commits arson in a
5 school building or on school grounds, or commits criminal sexual
6 conduct in a school building or on school grounds, the school
7 board, or the designee of the school board as described in
8 subsection (1) on behalf of the school board, shall expel the
9 pupil from the school district permanently, subject to possible
10 reinstatement under subsection (5). However, a school board is
11 not required to expel a pupil for possessing a weapon if the
12 pupil establishes in a clear and convincing manner at least 1 of
13 the following:

14 (a) The object or instrument possessed by the pupil was not
15 possessed by the pupil for use as a weapon, or for direct or
16 indirect delivery to another person for use as a weapon.

17 (b) The weapon was not knowingly possessed by the pupil.

18 (c) The pupil did not know or have reason to know that the
19 object or instrument possessed by the pupil constituted a
20 dangerous weapon.

21 (d) The weapon was possessed by the pupil at the suggestion,
22 request, or direction of, or with the express permission of,
23 school or police authorities.

24 (3) If an individual is expelled pursuant to subsection (2),
25 the expelling school district shall enter on the individual's
26 permanent record that he or she has been expelled pursuant to
27 subsection (2). Except if a school district operates or

1 participates cooperatively in an alternative education program
2 appropriate for individuals expelled pursuant to subsection (2)
3 and in its discretion admits the individual to that program, and
4 except for a strict discipline academy established under sections
5 1311b to 1311l, an individual expelled pursuant to subsection (2)
6 is expelled from all public schools in this state and the
7 officials of a school district shall not allow the individual to
8 enroll in the school district unless the individual has been
9 reinstated under subsection (5). Except as otherwise provided by
10 law, a program operated for individuals expelled pursuant to
11 subsection (2) shall ensure that those individuals are physically
12 separated at all times during the school day from the general
13 pupil population. If an individual expelled from a school
14 district pursuant to subsection (2) is not placed in an
15 alternative education program or strict discipline academy, the
16 school district may provide, or may arrange for the intermediate
17 school district to provide, appropriate instructional services to
18 the individual at home. The type of services provided shall meet
19 the requirements of section 6(4)(u) of the state school aid act
20 of 1979, MCL 388.1606, and the services may be contracted for in
21 the same manner as services for homebound pupils under section
22 109 of the state school aid act of 1979, MCL 388.1709. This
23 subsection does not require a school district to expend more
24 money for providing services for a pupil expelled pursuant to
25 subsection (2) than the amount of the foundation allowance the
26 school district receives for the pupil **AS CALCULATED** under
27 section 20 of the state school aid act of 1979, MCL 388.1620.

1 (4) If a school board expels an individual pursuant to
2 subsection (2), the school board shall ensure that, within 3 days
3 after the expulsion, an official of the school district refers
4 the individual to the appropriate county department of social
5 services or county community mental health agency and notifies
6 the individual's parent or legal guardian or, if the individual
7 is at least age 18 or is an emancipated minor, notifies the
8 individual of the referral.

9 (5) The parent or legal guardian of an individual expelled
10 pursuant to subsection (2) or, if the individual is at least age
11 18 or is an emancipated minor, the individual may petition the
12 expelling school board for reinstatement of the individual to
13 public education in the school district. If the expelling school
14 board denies a petition for reinstatement, the parent or legal
15 guardian or, if the individual is at least age 18 or is an
16 emancipated minor, the individual may petition another school
17 board for reinstatement of the individual in that other school
18 district. All of the following apply to reinstatement under this
19 subsection:

20 (a) For an individual who was enrolled in grade 5 or below
21 at the time of the expulsion and who has been expelled for
22 possessing a firearm or threatening another person with a
23 dangerous weapon, the parent or legal guardian or, if the
24 individual is at least age 18 or is an emancipated minor, the
25 individual may initiate a petition for reinstatement at any time
26 after the expiration of 60 school days after the date of
27 expulsion. For an individual who was enrolled in grade 5 or below

1 at the time of the expulsion and who has been expelled pursuant
2 to subsection (2) for a reason other than possessing a firearm or
3 threatening another person with a dangerous weapon, the parent or
4 legal guardian or, if the individual is at least age 18 or is an
5 emancipated minor, the individual may initiate a petition for
6 reinstatement at any time. For an individual who was in grade 6
7 or above at the time of expulsion, the parent or legal guardian
8 or, if the individual is at least age 18 or is an emancipated
9 minor, the individual may initiate a petition for reinstatement
10 at any time after the expiration of 150 school days after the
11 date of expulsion.

12 (b) An individual who was in grade 5 or below at the time of
13 the expulsion and who has been expelled for possessing a firearm
14 or threatening another person with a dangerous weapon shall not
15 be reinstated before the expiration of 90 school days after the
16 date of expulsion. An individual who was in grade 5 or below at
17 the time of the expulsion and who has been expelled pursuant to
18 subsection (2) for a reason other than possessing a firearm or
19 threatening another person with a dangerous weapon shall not be
20 reinstated before the expiration of 10 school days after the date
21 of the expulsion. An individual who was in grade 6 or above at
22 the time of the expulsion shall not be reinstated before the
23 expiration of 180 school days after the date of expulsion.

24 (c) It is the responsibility of the parent or legal guardian
25 or, if the individual is at least age 18 or is an emancipated
26 minor, of the individual to prepare and submit the petition. A
27 school board is not required to provide any assistance in

1 preparing the petition. Upon request by a parent or legal
2 guardian or, if the individual is at least age 18 or is an
3 emancipated minor, by the individual, a school board shall make
4 available a form for a petition.

5 (d) Not later than 10 school days after receiving a petition
6 for reinstatement under this subsection, a school board shall
7 appoint a committee to review the petition and any supporting
8 information submitted by the parent or legal guardian or, if the
9 individual is at least age 18 or is an emancipated minor, by the
10 individual. The committee shall consist of 2 school board
11 members, 1 school administrator, 1 teacher, and 1 parent of a
12 pupil in the school district. During this time the superintendent
13 of the school district may prepare and submit for consideration
14 by the committee information concerning the circumstances of the
15 expulsion and any factors mitigating for or against
16 reinstatement.

17 (e) Not later than 10 school days after all members are
18 appointed, the committee described in subdivision (d) shall
19 review the petition and any supporting information and
20 information provided by the school district and shall submit a
21 recommendation to the school board on the issue of reinstatement.
22 The recommendation shall be for unconditional reinstatement, for
23 conditional reinstatement, or against reinstatement, and shall be
24 accompanied by an explanation of the reasons for the
25 recommendation and of any recommended conditions for
26 reinstatement. The recommendation shall be based on consideration
27 of all of the following factors:

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

3 (ii) The extent to which reinstatement of the individual
4 would create a risk of school district liability or individual
5 liability for the school board or school district personnel.

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

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

9 (v) The individual's attitude concerning the incident that
10 caused the expulsion.

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

13 (vii) If the petition was filed by a parent or legal
14 guardian, the degree of cooperation and support that has been
15 provided by the parent or legal guardian and that can be expected
16 if the individual is reinstated, including, but not limited to,
17 receptiveness toward possible conditions placed on the
18 reinstatement.

19 (f) Not later than the next regularly scheduled board
20 meeting after receiving the recommendation of the committee under
21 subdivision (e), a school board shall make a decision to
22 unconditionally reinstate the individual, conditionally reinstate
23 the individual, or deny reinstatement of the individual. The
24 decision of the school board is final.

25 (g) A school board may require an individual and, if the
26 petition was filed by a parent or legal guardian, his or her
27 parent or legal guardian to agree in writing to specific

1 conditions before reinstating the individual in a conditional
2 reinstatement. The conditions may include, but are not limited
3 to, agreement to a behavior contract, which may involve the
4 individual, parent or legal guardian, and an outside agency;
5 participation in or completion of an anger management program or
6 other appropriate counseling; periodic progress reviews; and
7 specified immediate consequences for failure to abide by a
8 condition. A parent or legal guardian or, if the individual is at
9 least age 18 or is an emancipated minor, the individual may
10 include proposed conditions in a petition for reinstatement
11 submitted under this subsection.

12 (6) A school board or school administrator that complies
13 with subsection (2) is not liable for damages for expelling a
14 pupil pursuant to subsection (2), and the authorizing body of a
15 public school academy is not liable for damages for expulsion of
16 a pupil by the public school academy pursuant to subsection (2).

17 (7) The department shall develop and distribute to all
18 school districts a form for a petition for reinstatement to be
19 used under subsection (5).

20 (8) This section does not diminish any rights under federal
21 law of a pupil who has been determined to be eligible for special
22 education programs and services.

23 (9) If a pupil expelled from a public school district
24 pursuant to subsection (2) is enrolled by a public school
25 district sponsored alternative education program or a public
26 school academy during the period of expulsion, the public school
27 academy or alternative education program shall immediately become

1 eligible for the prorated share of either the public school
2 academy or operating school district's foundation allowance or
3 the expelling school district's foundation allowance, whichever
4 is higher.

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

24 (11) As used in this section:

25 (a) "Arson" means a felony violation of chapter X of the
26 Michigan penal code, 1931 PA 328, MCL 750.71 to 750.80.

27 (b) "Criminal sexual conduct" means a violation of section

1 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931
2 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

3 (c) "Dangerous weapon" means that term as defined in section
4 1313.

5 (d) "Firearm" means that term as defined in section 921 of
6 title 18 of the United States Code, 18 USC 921.

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

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

12 (g) "Weapon free school zone" means that term as defined in
13 section 237a of the Michigan penal code, 1931 PA 328, MCL
14 750.237a.

15 Sec. 1311g. (1) A strict discipline academy may be located
16 in all or part of an existing public school building. Except for
17 a strict discipline academy that includes pupils who are the
18 responsibility of a county juvenile agency, a strict discipline
19 academy shall not operate at a site other than the single site
20 requested for the configuration of grades that will use the site,
21 as specified in the application required under section 1311d and
22 in the contract.

23 (2) A strict discipline academy shall not charge tuition.
24 Except as otherwise provided in subsection (5), a strict
25 discipline academy shall not discriminate in its pupil admissions
26 policies or practices on the basis of intellectual or athletic
27 ability, measures of achievement or aptitude, status as a

1 ~~handicapped person~~ **STUDENT WITH A DISABILITY**, or any other basis
2 that would be illegal if used by a school district. However, a
3 strict discipline academy may limit admission to pupils who are
4 within a particular range of age or grade level or on any other
5 basis that would be legal if used by a school district.

6 (3) A strict discipline academy shall be established under
7 sections 1311b to 1311f specifically for enrolling 1 or more of
8 the following types of pupils:

9 (a) Pupils placed in the strict discipline academy by a
10 court or by the department of human services or a county juvenile
11 agency under the direction of a court.

12 (b) Pupils who have been expelled under section 1311(2).

13 (c) Pupils who have been expelled under section 1311a or
14 another provision of this act.

15 (d) Other pupils who have been expelled from school, or
16 pupils who have been suspended from school for a suspension that
17 is for a period in excess of 10 school days, and who are referred
18 to the strict discipline academy by that pupil's school and
19 placed in the strict discipline academy by the pupil's parent or
20 legal guardian. However, a suspended pupil shall be allowed to
21 attend the strict discipline academy only for the duration of the
22 suspension.

23 (4) In addition to the types of pupils specified in
24 subsection (3), a strict discipline public school academy shall
25 be open for enrollment of a special education pupil who does not
26 meet the requirements of subsection (3) if the special education
27 pupil's individualized education program team recommends that the

1 special education pupil be placed in the strict discipline public
2 school academy. As used in this subsection, "individualized
3 education program team" means that term as defined in section 614
4 of part B of title VI of the individuals with disabilities
5 education act, 20 USC 1414.

6 (5) A strict discipline academy shall enroll only 1 or more
7 of the types of pupils described in subsection (3) or (4). A
8 strict discipline academy is not required to keep any group of
9 pupils described in subsection (3) or (4) physically separated
10 from another group of those pupils, as might otherwise be
11 required under section 1311, section 1311a, or another provision
12 of this act.

13 (6) Strict discipline academies are not intended to enroll
14 or otherwise be used to educate individuals who are committed to
15 a high-security or medium-security juvenile facility operated by
16 the department of human services or another state department or
17 agency. Further, if the department of corrections or another
18 state department or agency other than the department of human
19 services has custody of or jurisdiction over a child, that state
20 department or agency has the financial responsibility for
21 educating the child.

22 (7) Except for a foreign exchange student who is not a
23 United States citizen, a strict discipline academy shall not
24 enroll a pupil who is not a resident of this state. Enrollment in
25 the strict discipline academy may be open to all individuals who
26 reside in this state who meet the admission policy under
27 subsections (3) and (4) and shall be open to all pupils who

1 reside within the geographic boundaries, if any, of the
2 authorizing body as described in section 1311d who meet the
3 admission policy under subsections (3) and (4), except that
4 admission to a strict discipline academy authorized by the board
5 of a community college to operate, or operated by the board of a
6 community college, on the grounds of a federal military
7 installation, as described in section 1311d, shall be open to all
8 pupils who reside in the county in which the federal military
9 installation is located who meet the admission policy under
10 subsections (3) and (4). For a strict discipline academy
11 authorized by a state public university, enrollment shall be open
12 to all pupils who reside in this state who meet the admission
13 policy under subsections (3) and (4). If there are more
14 applications to enroll in the strict discipline academy than
15 there are spaces available, pupils shall be selected to attend
16 using a random selection process. However, a strict discipline
17 academy may give enrollment priority to a sibling of a pupil
18 enrolled in the strict discipline academy. Except for a suspended
19 pupil who is attending the strict discipline academy for the
20 duration of the suspension, a strict discipline academy shall
21 allow any pupil who was enrolled in the strict discipline academy
22 in the immediately preceding school year to enroll in the strict
23 discipline academy in the appropriate grade unless the
24 appropriate grade is not offered at that strict discipline
25 academy.

26 (8) A strict discipline academy may include any grade up to
27 grade 12 or any configuration of those grades, including

1 kindergarten and early childhood education, as specified in its
2 contract. The authorizing body may approve amendment of a
3 contract with respect to ages of pupils or grades offered.

4 Sec. 1321. (1) Subject to the balance of this section, the
5 board of a school district providing transportation for its
6 resident pupils, other than ~~handicapped pupils~~ **STUDENTS WITH A**
7 **DISABILITY** transported under article 3 or other pupils who cannot
8 safely walk to school, shall provide transportation for each
9 resident public or nonpublic school pupil if all of the following
10 requirements are met:

11 (a) The school district provides transportation for the
12 elementary school level, middle or junior high school level, or
13 high school level, as defined by the local school board, in which
14 the pupil is enrolled.

15 (b) The pupil is a person for whom the school district is
16 eligible to receive state school aid for transportation.

17 (c) The pupil is attending either the public or the nearest
18 state approved nonpublic school in the school district to which
19 the pupil is eligible to be admitted.

20 (2) Transportation provided under subsection (1) shall be
21 without charge to the resident pupil, the parent, guardian, or
22 person standing in loco parentis to the pupil.

23 (3) A school district is not required to transport or pay
24 for transportation of a resident pupil living within 1-1/2 miles,
25 by the nearest traveled route, to the public or state approved
26 nonpublic school in which the pupil is enrolled. A school
27 district is not required to transport or pay for the

1 transportation of a resident pupil attending a nonpublic school
 2 who lives in an area less than 1-1/2 miles from a public school
 3 in which public school pupils are not transported, except that
 4 the school district is required to transport or pay for the
 5 transportation of the resident pupil from the public school
 6 within the area to the nonpublic school the pupil attends.

7 (4) A school district is not required to transport or pay
 8 for the transportation of resident pupils to state approved
 9 nonpublic schools located outside the district unless the school
 10 district transports some of its resident pupils, other than
 11 ~~handicapped pupils~~ **STUDENTS WITH A DISABILITY** under article 3, to
 12 public schools located outside the district, in which case the
 13 school district shall transport or pay for the transportation of
 14 resident pupils attending a state approved nonpublic school at
 15 least to the distance of the public schools located outside the
 16 district to which the district transports resident pupils and in
 17 the same general direction.

18 Sec. 1701. The ~~state board~~ **SUPERINTENDENT OF PUBLIC**
 19 **INSTRUCTION** shall **DO ALL OF THE FOLLOWING:**

20 ~~—— (a) Develop, establish, and continually evaluate and modify~~
 21 ~~in cooperation with intermediate school boards, a state plan for~~
 22 ~~special education which shall provide for the delivery of special~~
 23 ~~education programs and services designed to develop the maximum~~
 24 ~~potential of every handicapped person. The plan shall coordinate~~
 25 ~~all special education programs and services.~~

26 **(A)** ~~(b)~~ Require each intermediate school board to submit a
 27 plan pursuant to section 1711, in accordance with ~~the state plan~~

1 **SPECIAL EDUCATION RULES**, to be approved by the ~~state board~~
 2 **SUPERINTENDENT OF PUBLIC INSTRUCTION**.

3 (B) ~~(e)~~—Promulgate rules setting forth the requirements of
 4 the plans and procedures for submitting them.

5 Sec. 1701a. For the purposes of ensuring that a ~~handicapped~~
 6 ~~person~~—**STUDENT WITH A DISABILITY** enrolled in a public school
 7 academy created under part 6a or 6b is provided with special
 8 education programs and services, the public school academy is
 9 considered to be a local school district under this article.

10 Sec. 1711. (1) The intermediate school board shall **DO ALL OF**
 11 **THE FOLLOWING**:

12 (a) Develop, establish, and continually evaluate and modify
 13 in cooperation with its constituent districts, a plan for special
 14 education ~~which shall provide~~—**THAT PROVIDES** for the delivery of
 15 special education programs and services designed to develop the
 16 maximum potential of each ~~handicapped person~~—**STUDENT WITH A**
 17 **DISABILITY** of whom the intermediate school board is required to
 18 maintain a record under subdivision (f). The plan shall
 19 coordinate the special education programs and services operated
 20 or contracted for by the constituent districts and shall be
 21 submitted to the ~~state board~~—**SUPERINTENDENT OF PUBLIC INSTRUCTION**
 22 for ~~its~~ approval.

23 (b) Contract for the delivery of a special education program
 24 or service, in accordance with the intermediate school district
 25 plan in compliance with section 1701. Under the contract the
 26 intermediate school board may operate special education programs
 27 or services and furnish transportation services and room and

1 board.

2 (c) Employ or engage special education personnel in
3 accordance with the intermediate school district plan, and
4 appoint a director of special education meeting the
5 qualifications and requirements of the rules promulgated by the
6 ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION**.

7 (d) Accept and use available funds or contributions from
8 governmental or private sources for the purpose of providing
9 special education programs and services consistent with this
10 article.

11 (e) Lease, purchase, or otherwise acquire vehicles, sites,
12 buildings, or portions thereof, and equip them for its special
13 education staff, programs, and services.

14 (f) Maintain a record of each ~~handicapped person~~ **STUDENT**
15 **WITH A DISABILITY** under 26 years of age, who is a resident of 1
16 of its constituent districts and who has not ~~completed a normal~~
17 ~~course of study and~~ graduated from high school, and the special
18 education programs or services in which the ~~handicapped person~~
19 **STUDENT WITH A DISABILITY** is participating on the fourth Friday
20 after Labor day and Friday before Memorial day. The sole basis
21 for determining the local school district in which a ~~handicapped~~
22 ~~person~~ **STUDENT WITH A DISABILITY** is a resident shall be the rules
23 promulgated by the ~~state board~~ **SUPERINTENDENT OF PUBLIC**
24 **INSTRUCTION** notwithstanding the provisions of section 1148. The
25 records shall be maintained in accordance with rules promulgated
26 by the ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION**.

27 (g) Have the authority to place in appropriate special

1 education programs or services a ~~handicapped person~~ **STUDENT WITH**
 2 **A DISABILITY** for whom a constituent district is required to
 3 provide special education programs or services under section
 4 1751.

5 (h) Investigate special education programs and services
 6 operated or contracted for by the intermediate school board or
 7 constituent district boards and report in writing failures to
 8 comply with the provisions of a contract, statute, or rule
 9 governing the special education programs and services or with the
 10 intermediate school district plan, to the local school district
 11 board and to the ~~state board~~ **SUPERINTENDENT OF PUBLIC**
 12 **INSTRUCTION**.

13 (i) Operate the special education programs or services or
 14 contract for the delivery of special education programs or
 15 services by local school district boards, in accordance with
 16 section 1702, as if a local school district under section 1751.
 17 The contract shall provide for items stated in section 1751 and
 18 shall be approved by the ~~state board~~ **SUPERINTENDENT OF PUBLIC**
 19 **INSTRUCTION**. The intermediate school board shall contract for the
 20 transportation, or room and board, or both, or persons
 21 participating in the program or service as if a local school
 22 district board under sections 1756 and 1757.

23 (j) Receive the report of a parent or guardian or, with the
 24 consent of a parent or guardian, receive the report of a licensed
 25 physician, registered nurse, social worker, or school or other
 26 appropriate professional personnel whose training and
 27 relationship to ~~handicapped persons~~ **STUDENTS WITH A DISABILITY**

1 provide competence to judge ~~same~~ **THEM** and who in good faith
 2 believes that a person under 26 years of age examined by the
 3 professional is or may be ~~handicapped~~ **A STUDENT WITH A**
 4 **DISABILITY**, and immediately evaluate the person pursuant to rules
 5 promulgated by the ~~state board~~ **SUPERINTENDENT OF PUBLIC**
 6 **INSTRUCTION**. A person making or filing this report or a local
 7 school district board shall not incur liability to a person by
 8 reason of filing the report or seeking the evaluation, unless
 9 lack of good faith is proven.

10 (k) Evaluate pupils in accordance with section 1311.

11 (2) The intermediate school board may expend up to 10% of
 12 the annual budget but not to exceed \$12,500.00, for special
 13 education programs approved by the intermediate school board
 14 without having to secure the approval of the ~~state board~~
 15 **SUPERINTENDENT OF PUBLIC INSTRUCTION**.

16 Sec. 1723. The ballot submitting the question of the
 17 adoption of sections 1722 to 1729 to the school electors of an
 18 intermediate school district shall be substantially in the
 19 following form:

20 "Shall the _____ (legal name of the intermediate
 21 school district), state of Michigan, come under sections 1722 to
 22 1729 of the revised school code, which are designed to encourage
 23 the education of ~~handicapped persons~~ **STUDENTS WITH A DISABILITY**,
 24 if the annual property tax levied for administration is limited
 25 to _____ mills?

26 Yes ()

27 No ()".

1 Sec. 1724. Subject to section 1724a, an intermediate school
 2 board operating under sections 1722 to 1729 may direct that the
 3 question of increasing the millage limit on the annual property
 4 tax levied for special education be submitted to the school
 5 electors of the intermediate school district. The election shall
 6 be called and held in the manner provided in section 661. The
 7 ballot shall be substantially in the following form:

8 "Shall the _____ mill limitation on the annual
 9 property tax previously approved by the electors of the
 10 _____, state of
 11 (legal name of the intermediate school district)
 12 Michigan, for the education of ~~handicapped persons~~ **STUDENTS**
 13 **WITH A DISABILITY** be increased by _____ mills?

14 Yes ()

15 No ()".

16 Sec. 1751. (1) The board of a local school district shall
 17 provide special education programs and services designed to
 18 develop the maximum potential of each ~~handicapped person~~ **STUDENT**
 19 **WITH A DISABILITY** in its district on record under section 1711
 20 for whom an appropriate educational or training program can be
 21 provided in accordance with the intermediate school district
 22 special education plan, in either of the following ways or a
 23 combination thereof:

24 (a) Operate the special education program or service.

25 (b) Contract with its intermediate school board, another
 26 intermediate school board, another local school district board,
 27 an adjacent school district board in a bordering state, the

1 Michigan ~~school~~ **SCHOOLS** for the blind, ~~the Michigan school for~~
 2 ~~the deaf~~ **AND BLIND**, the department of ~~mental~~ **COMMUNITY** health,
 3 the department of ~~social~~ **HUMAN** services, or any combination
 4 thereof, for delivery of the special education programs or
 5 services, or with an agency approved by the ~~state board~~
 6 **SUPERINTENDENT OF PUBLIC INSTRUCTION** for delivery of an ancillary
 7 professional special education service. The intermediate school
 8 district of which the local school district is constituent shall
 9 be a party to each contract even if the intermediate school
 10 district does not participate in the delivery of the program or
 11 services.

12 (2) A local school district contract for the provision of a
 13 special education program or service shall provide specifically
 14 for:

15 (a) Special education buildings, equipment, and personnel
 16 necessary for the operation of the subject program or service.

17 (b) Transportation or room and board, or both, for persons
 18 participating in the programs or services as required under
 19 sections 1756 and 1757.

20 (c) The contribution to be made by the sending local school
 21 district if the program or service is to be operated by another
 22 party to the contract. The contribution shall be in accordance
 23 with rules promulgated by the ~~state board~~ **SUPERINTENDENT OF**
 24 **PUBLIC INSTRUCTION**.

25 (d) Other matters ~~which the parties deem~~ **CONSIDER**
 26 appropriate.

27 (3) Each program or service operated or contracted for by a

1 local school district shall be in accordance with the
2 intermediate school district's plan established pursuant to
3 section 1711.

4 (4) A local school district may provide additional special
5 education programs and services not included in, or required by,
6 the intermediate school district plan.

7 (5) This section shall be construed to allow operation of
8 programs by departments of state government without local school
9 district contribution.

10 Sec. 1752. Beginning July 1, 2006, the board of a local
11 school district or other public agency responsible for providing
12 programs or services under this act to a ~~child~~**STUDENT** with a
13 disability is responsible for 75% of the costs of providing a due
14 process hearing pursuant to R 340.1882 of the Michigan
15 administrative code.

16 Sec. 1756. The board of a local school district shall
17 provide by contract or agreement for the transportation of a
18 ~~handicapped person~~**STUDENT WITH A DISABILITY** who would otherwise
19 be unable to participate in an appropriate special education
20 program or service operated or contracted for by the local school
21 district under section 1751, except for a ~~handicapped person~~
22 **STUDENT WITH A DISABILITY** in residence at facilities operated by
23 the department of ~~mental~~**COMMUNITY** health or the department of
24 ~~social~~**HUMAN** services. The board of a school district may provide
25 for weekend transportation of a ~~handicapped person~~**STUDENT WITH A**
26 **DISABILITY** in residence at the Michigan ~~school~~**SCHOOLS** for the
27 ~~blind and the Michigan school for the deaf~~ **AND BLIND**.

1 Sec. 1757. The board of a local school district shall
2 provide by contract or otherwise for the room and board of a
3 ~~handicapped person~~ **STUDENT WITH A DISABILITY** who would otherwise
4 be unable to participate in an appropriate special education
5 program or service operated or contracted for by the local school
6 district board pursuant to section 1751, except those operated by
7 the Michigan ~~school~~ **SCHOOLS** for the ~~blind, the Michigan school~~
8 ~~for the deaf~~ **AND BLIND**, the department of ~~mental~~ **COMMUNITY**
9 health, or the department of ~~social~~ **HUMAN** services.

10 Sec. 1761. The board of a local school district shall not
11 solicit nor seek reimbursement from a ~~handicapped person~~ **STUDENT**
12 **WITH A DISABILITY** or **ANOTHER** person otherwise liable for the care
13 of the ~~handicapped person~~ **STUDENT WITH A DISABILITY** for cost of a
14 special education program or service attributable to the expense
15 for room and board. The board of a local school district shall
16 have the right to reimbursement for room and board in an amount
17 which may be paid reasonably by the person in accordance with
18 rules promulgated by the ~~state board~~ **SUPERINTENDENT OF PUBLIC**
19 **INSTRUCTION**.

20 Enacting section 1. Section 504c of the revised school code,
21 1976 PA 451, MCL 380.504c, as added by this amendatory act, is
22 repealed effective December 31, 2008.