

**SUBSTITUTE FOR
SENATE BILL NO. 730**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 6, 504, 524, 605, 701, 1296, 1311, 1311g, 1321, 1701, 1701a, 1711, 1723, 1724, 1751, 1752, 1756, 1757, and 1761 (MCL 380.4, 380.6, 380.504, 380.524, 380.605, 380.701, 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, and 1724 as amended by 2003 PA 299, sections 504 and 1701a as amended by 1994 PA 416, section 524 as added by 2003 PA 179, section 605 as amended by 1985 PA 86, section 1311 as amended by 1999 PA 23, 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.

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.

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,

1 regardless of previous classification, or a school district of
2 the first class.

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

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

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

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

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

27 (7) "Special education programs and services" means

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

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

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

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

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

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

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

1 (14) ~~(13)~~—"The state school aid act of 1979" means the state
2 school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

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

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

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

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

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

25 Sec. 524. (1) An urban high school academy may be located in
26 all or part of an existing public school building. Except as
27 otherwise provided in this subsection, an urban high school

1 academy shall not operate at a site other than the single site
2 requested for the configuration of grades that will use the site,
3 as specified in the contract. However, an authorizing body may
4 include a provision in the contract allowing an urban high school
5 academy to operate the same configuration of grades at more than
6 1 site. If an urban high school academy operates the same
7 configuration of grades at more than 1 site, each of those sites
8 shall be considered to be operated under a separate contract, and
9 the operation shall be equivalent to the issuance of a contract,
10 for the purposes of the limitation in section 522(2) on the
11 number of contracts that may be issued under this part. For the
12 purposes of this subsection, if an urban high school academy
13 operates classes at more than 1 location, the urban high school
14 academy shall be considered to be operating at a single site if
15 all of the locations are within a 1-mile radius of the urban high
16 school academy's central administrative office and if the total
17 number of pupils enrolled in any particular grade at all of the
18 locations does not exceed 125.

19 (2) An urban high school academy shall not charge tuition.
20 Except as otherwise provided in this section, an urban high
21 school academy shall not discriminate in its pupil admissions
22 policies or practices on the basis of intellectual or athletic
23 ability, measures of achievement or aptitude, status as a
24 ~~handicapped person~~ **STUDENT WITH A DISABILITY**, or any other basis
25 that would be illegal if used by a school district. However, an
26 urban high school academy may limit admission to pupils who are
27 within a particular range of age or grade level or on any other

1 basis that would be legal if used by a school district and may
2 give enrollment priority as provided in subsection (4).

3 (3) Except for a foreign exchange student who is not a
4 United States citizen, an urban high school academy shall not
5 enroll a pupil who is not a resident of this state. Enrollment in
6 an urban high school academy shall be open to all pupils who
7 reside in this state who meet the admission policy. Subject to
8 subsection (4), if there are more applications to enroll in the
9 urban high school academy than there are spaces available, pupils
10 shall be selected to attend using a random selection process. An
11 urban high school academy shall allow any pupil who was enrolled
12 in the urban high school academy in the immediately preceding
13 school year to enroll in the urban high school academy in the
14 appropriate grade unless the appropriate grade is not offered at
15 that urban high school academy.

16 (4) An urban high school academy may give enrollment
17 priority to 1 or more of the following:

18 (a) A sibling of a pupil enrolled in the urban high school
19 academy.

20 (b) A child of a person who is employed by or at the urban
21 high school academy or who is on the board of directors of the
22 urban high school academy. As used in this subdivision, "child"
23 includes an adopted child or a legal ward.

24 (5) Subject to the terms of the contract authorizing the
25 urban high school academy, an urban high school academy shall
26 include at least grades 9 through 12 within 5 years after
27 beginning operations and may include other grades or any

1 configuration of those grades, including kindergarten and early
2 childhood education, as specified in its contract. If specified
3 in its contract, an urban high school academy may also operate an
4 adult basic education program, adult high school completion
5 program, or general education development testing preparation
6 program.

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

15 (2) A constituent district, by resolution of its board, may
16 transfer and become constituent to another contiguous
17 intermediate school district if approval is given by each
18 intermediate school board affected. The intermediate school board
19 shall take final action within 60 days after receiving a
20 resolution. If an intermediate school district from which a
21 constituent district wishes to transfer has fewer than 4,000
22 constituent district pupils and fails to take action or denies a
23 transfer, the inaction or decision may be appealed to the ~~state~~
24 ~~board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION** using the procedures
25 described in section 971. ~~of this act.~~ If the intermediate school
26 district to which transfer is proposed has adopted by referendum
27 a program for financing special education programs for

1 ~~handicapped persons~~ **STUDENTS WITH A DISABILITY**, or has bonded
2 indebtedness outstanding for special education building
3 facilities, the ~~registered~~ school electors of the constituent
4 district to be transferred shall vote on the acceptance of those
5 sections and the assumption of the district's pro rata share of
6 bonded indebtedness outstanding for special education facilities
7 for ~~handicapped persons~~ **STUDENTS WITH A DISABILITY**.

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

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

23 (5) The territory of a constituent district of an
24 intermediate school district having bonded indebtedness for
25 special education facilities or area vocational-technical
26 education facilities ~~which~~ **THAT** is transferred to another
27 intermediate school district shall remain as a part of the

1 intermediate school district from which transferred for the
2 purpose of levying debt retirement taxes for the bonded
3 indebtedness until the bonds are redeemed or sufficient funds are
4 available in the debt retirement funds for that purpose. The
5 transferred constituent district shall be a constituent district
6 of the intermediate school district to which transferred for all
7 other purposes.

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

14 (2) The question of combining intermediate school districts
15 may be submitted by a resolution of the intermediate school
16 boards meeting in joint session.

17 (3) The question shall be submitted if petitions signed by a
18 number of school electors of each intermediate school district
19 equal to not less than 5% of the number of pupil memberships on
20 the latest pupil membership count day of the combined constituent
21 districts of the intermediate school district are filed with the
22 school district filing official. Within 30 days after receiving
23 sufficient petitions, the school district filing official shall
24 notify the secretary of the intermediate school district and the
25 secretary shall apply for approval to the superintendent of
26 public instruction. The school district filing official shall
27 submit the question in accordance with section 661 at the next

1 regular school election after the superintendent of public
2 instruction approves the merger.

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

5 "Shall the following intermediate school districts be
6 organized as a single intermediate school district?

7 (List names of intermediate school districts)

8 Yes ()

9 No ()".

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

17 (6) The members of the intermediate school boards of the
18 original intermediate school districts shall act as an interim
19 board until a board of the combined intermediate school district
20 is elected. The interim board has all the powers and duties of an
21 intermediate school board under this part. The person chosen by
22 the interim intermediate school board as intermediate
23 superintendent shall serve only until a successor is chosen by
24 the elected intermediate school board. The secretary of the
25 intermediate school board having the largest number of pupils in
26 membership in its combined constituent districts at the time of
27 reorganization shall call a meeting of the members of the interim

1 intermediate school board for the purpose of organization within
2 15 days after the effective date of the reorganization. The
3 school district filing official shall provide for the election of
4 a board of the reorganized intermediate school district under
5 chapter XIV of the Michigan election law, MCL 168.301 to ~~168.315~~
6 **168.316**. At the first election, there shall be elected 3 members
7 of a board for 6 years, 2 for 4 years, and 2 for 2 years. Their
8 successors shall be elected biennially for terms of 6 years.

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

19 (8) If, before reorganization of the intermediate school
20 districts each of the combining intermediate school districts
21 adopted special education programs by referendum as provided in
22 part 30 and approved the same annual property tax rates for the
23 education of ~~handicapped persons~~ **STUDENTS WITH A DISABILITY**, the
24 special education programs and the annual property tax rates
25 shall continue in effect in the reorganized intermediate school
26 district.

27 Sec. 1296. The board of a school district that provides

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

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

1 ~~handicapped~~ **A STUDENT WITH A DISABILITY**, the pupil shall be
2 evaluated immediately by the intermediate school district of
3 which the school district is constituent in accordance with
4 section 1711.

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

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

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

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

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

26 (3) If an individual is expelled pursuant to subsection (2),
27 the expelling school district shall enter on the individual's

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

1 school district receives for the pupil **AS CALCULATED** under
2 section 20 of the state school aid act of 1979, MCL 388.1620.

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

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

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

1 after the expiration of 60 school days after the date of
2 expulsion. For an individual who was enrolled in grade 5 or below
3 at the time of the expulsion and who has been expelled pursuant
4 to subsection (2) for a reason other than possessing a firearm or
5 threatening another person with a dangerous weapon, the parent or
6 legal guardian or, if the individual is at least age 18 or is an
7 emancipated minor, the individual may initiate a petition for
8 reinstatement at any time. For an individual who was in grade 6
9 or above at the time of expulsion, the parent or legal guardian
10 or, if the individual is at least age 18 or is an emancipated
11 minor, the individual may initiate a petition for reinstatement
12 at any time after the expiration of 150 school days after the
13 date of expulsion.

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

26 (c) It is the responsibility of the parent or legal guardian
27 or, if the individual is at least age 18 or is an emancipated

1 minor, of the individual to prepare and submit the petition. A
2 school board is not required to provide any assistance in
3 preparing the petition. Upon request by a parent or legal
4 guardian or, if the individual is at least age 18 or is an
5 emancipated minor, by the individual, a school board shall make
6 available a form for a petition.

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

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

1 reinstatement. The recommendation shall be based on consideration
2 of all of the following factors:

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

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

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

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

11 (v) The individual's attitude concerning the incident that
12 caused the expulsion.

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

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

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

27 (g) A school board may require an individual and, if the

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

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

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

22 (8) This section does not diminish ~~the due process~~ **ANY**
23 rights under federal law of a pupil who has been determined to be
24 eligible for special education programs and services.

25 (9) If a pupil expelled from a public school district
26 pursuant to subsection (2) is enrolled by a public school
27 district sponsored alternative education program or a public

1 school academy during the period of expulsion, the public school
2 academy or alternative education program shall immediately become
3 eligible for the prorated share of either the public school
4 academy or operating school district's foundation allowance or
5 the expelling school district's foundation allowance, whichever
6 is higher.

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

26 (11) As used in this section:

27 (a) "Arson" means a felony violation of chapter X of the

1 Michigan penal code, 1931 PA 328, MCL 750.71 to 750.80.

2 (b) "Criminal sexual conduct" means a violation of section
3 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931
4 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

5 (c) "Dangerous weapon" means that term as defined in section
6 1313.

7 (d) "Firearm" means that term as defined in section 921 of
8 title 18 of the United States Code, 18 ~~U.S.C.~~ **USC** 921.

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

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

14 (g) "Weapon free school zone" means that term as defined in
15 section 237a of the Michigan penal code, 1931 PA 328, MCL
16 750.237a.

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

25 (2) A strict discipline academy shall not charge tuition.
26 Except as otherwise provided in subsection (5), a strict
27 discipline academy shall not discriminate in its pupil admissions

1 policies or practices on the basis of intellectual or athletic
2 ability, measures of achievement or aptitude, status as a
3 ~~handicapped person~~ **STUDENT WITH A DISABILITY**, or any other basis
4 that would be illegal if used by a school district. However, a
5 strict discipline academy may limit admission to pupils who are
6 within a particular range of age or grade level or on any other
7 basis that would be legal if used by a school district.

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

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

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

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

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

25 (4) In addition to the types of pupils specified in
26 subsection (3), a strict discipline public school academy shall
27 be open for enrollment of a special education pupil who does not

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

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

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

24 (7) Except for a foreign exchange student who is not a
25 United States citizen, a strict discipline academy shall not
26 enroll a pupil who is not a resident of this state. Enrollment in
27 the strict discipline academy may be open to all individuals who

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

1 (8) A strict discipline academy may include any grade up to
2 grade 12 or any configuration of those grades, including
3 kindergarten and early childhood education, as specified in its
4 contract. The authorizing body may approve amendment of a
5 contract with respect to ages of pupils or grades offered.

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

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

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

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

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

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

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

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

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

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

1 (A) ~~(b)~~ Require each intermediate school board to submit a
 2 plan pursuant to section 1711, in accordance with ~~the state plan~~
 3 **SPECIAL EDUCATION RULES**, to be approved by the ~~state board~~
 4 **SUPERINTENDENT OF PUBLIC INSTRUCTION**.

5 (B) ~~(c)~~ Promulgate rules setting forth the requirements of
 6 the plans and procedures for submitting them.

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

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

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

25 (b) Contract for the delivery of a special education program
 26 or service, in accordance with the intermediate school district
 27 plan in compliance with section 1701. Under the contract the

1 intermediate school board may operate special education programs
2 or services and furnish transportation services and room and
3 board.

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

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

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

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

1 by the ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION.**

2 (g) Have the authority to place in appropriate special
3 education programs or services a ~~handicapped person~~ **STUDENT WITH**
4 **A DISABILITY** for whom a constituent district is required to
5 provide special education programs or services under section
6 1751.

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

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

25 (j) Receive the report of a parent or guardian or, with the
26 consent of a parent or guardian, receive the report of a licensed
27 physician, registered nurse, social worker, or school or other

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

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

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

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

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

1 Yes ()

2 No ()".

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

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

16 Yes ()

17 No ()".

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

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

27 (b) Contract with its intermediate school board, another
28 intermediate school board, another local school district board,

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

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

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

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

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

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

1 (3) Each program or service operated or contracted for by a
2 local school district shall be in accordance with the
3 intermediate school district's plan established pursuant to
4 section 1711.

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

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

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

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

1 ~~blind and the Michigan school for the deaf~~ **AND BLIND.**

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

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