

**SUBSTITUTE FOR
SENATE BILL NO. 754**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 626, 681, 684, 1230d, 1277, 1288, 1310a, 1525,
1535a, 1539b, 1561, 1711, and 1751 (MCL 380.626, 380.681, 380.684,
380.1230d, 380.1277, 380.1288, 380.1310a, 380.1525, 380.1535a,
380.1539b, 380.1561, 380.1711, and 380.1751), sections 681 and 684
as amended by 2007 PA 45, sections 1230d, 1535a, and 1539b as
amended by 2006 PA 680, section 1277 as amended by 1997 PA 179,
section 1310a as amended by 2000 PA 230, section 1525 as amended by
2004 PA 596, section 1561 as amended by 2009 PA 204, and sections
1711 and 1751 as amended by 2008 PA 1, and by adding section 1281b;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 626. (1) Except as provided in subsection (2), **BY JULY 1**
2 **OF EACH ODD-NUMBERED YEAR** the intermediate school board shall
3 prepare **AND PUBLISH** a map of the intermediate school district ~~as of~~
4 ~~July 1, 1977, and biennially on July 1 thereafter,~~ showing by
5 district lines the boundaries of each constituent district **AND**
6 **SHALL SUBMIT A COPY OF THE MAP TO THE CLERK OF EACH TOWNSHIP AND**
7 **CITY LOCATED IN THE INTERMEDIATE SCHOOL DISTRICT, TO THE SECRETARY**
8 **OF EACH CONSTITUENT DISTRICT, AND TO THE SECRETARY OF STATE.** In the
9 period intervening between publication dates, the intermediate
10 school board shall report each boundary change to the principal
11 officers of the affected municipalities and townships ~~, the state~~
12 ~~board, and the secretary of state. One copy of the map shall be~~
13 ~~filed biennially, beginning July 1, 1977, or as soon as possible~~
14 ~~thereafter, with each of the clerks of the respective townships and~~
15 ~~cities, 1 copy with the secretary of each constituent district, 1~~
16 ~~copy with the state board, and 1 copy with the secretary of state.~~

17 (2) An intermediate school board ~~shall not be~~ **IS NOT** required
18 to prepare or ~~file~~ **SUBMIT** a new map of the intermediate school
19 district if the boundaries of its constituent districts have not
20 changed ~~subsequent to~~ **SINCE** the last ~~filing~~ **SUBMISSION.**

21 Sec. 681. (1) An intermediate school district may establish an
22 area career and technical education program and operate the program
23 under sections 681 to 690 if approved by a majority of the
24 intermediate school electors of the intermediate school district
25 voting on the question. The election shall be called and conducted
26 in accordance with this act and the Michigan election law. The
27 establishment of the area career and technical education program

1 may be rescinded by the same process.

2 (2) The question of establishing an area career and technical
3 education program may be submitted to the intermediate school
4 electors of an intermediate school district at a regular school
5 election or at a special election held in each of the constituent
6 districts. Subject to section 641 of the Michigan election law, MCL
7 168.641, the intermediate school board shall determine the date of
8 the election and shall give notice to the school district filing
9 official at least 60 days in advance of the date the ballot
10 question is to be submitted to the intermediate school electors.

11 (3) The ballot for referring the question of adopting sections
12 681 to 690 and establishing an area career and technical education
13 program to the intermediate school electors of an intermediate
14 school district shall be substantially in the following form:

15 "Shall _____ (legal name of intermediate school
16 district), state of Michigan, come under sections 681 to 690 of the
17 revised school code and establish an area career and technical
18 education program which is designed to encourage the operation of
19 area career and technical education programs if the annual property
20 tax levied for this purpose is limited to _____ mills?

21 Yes ()

22 No ()".

23 (4) Beginning in 1995, and subject to section 625b, the number
24 of mills of ad valorem property taxes an intermediate school board
25 may levy for area career and technical education program operating
26 purposes under sections 681 to 690 is limited to the following:

27 (a) If the intermediate school district did not levy any

1 millage in 1993 for area career and technical education program
2 operating purposes under sections 681 to 690, the intermediate
3 school board, with the approval of the intermediate school
4 electors, may levy not more than 1 mill for those purposes.

5 (b) If the intermediate school district levied millage in 1993
6 for area career and technical education program operating purposes
7 under sections 681 to 690, the intermediate school board, with the
8 approval of the intermediate school electors, may levy mills for
9 those purposes at a rate not to exceed 1.5 times the number of
10 mills authorized for those purposes in the intermediate school
11 district in 1993. Approval of the intermediate school electors is
12 not required for the levy under this subdivision of previously
13 authorized mills until that authorization expires.

14 (5) An intermediate school district that levies a tax for area
15 career and technical education program operating purposes shall not
16 use proceeds from the tax for any purpose other than area career
17 and technical education program operating purposes and shall submit
18 to the department of treasury a copy of the audit report from the
19 audit of the intermediate school district conducted under section
20 622a. If the department of treasury determines from the audit
21 report that the proceeds from the tax have been used for a purpose
22 other than area career and technical education program operating
23 purposes, as defined under subsection (7), the department of
24 treasury shall notify the intermediate school district of that
25 determination. If the intermediate school district disputes the
26 determination or claims that the situation has been corrected,
27 within 15 days after receipt of the determination the intermediate

1 school district may submit an appeal of the determination to the
2 department of treasury. Within 90 days after receipt of the appeal,
3 the department of treasury shall consider the appeal and make a
4 determination of whether the initial determination was correct or
5 incorrect and of whether the situation has been corrected. If the
6 department of treasury finds that the initial determination was
7 correct and that the situation has not been corrected, then the
8 department of treasury shall file a copy of the report with the
9 attorney general. The attorney general shall review the report and,
10 if the attorney general considers it appropriate, shall commence or
11 direct the prosecuting attorney for the county in which the
12 violations occurred to commence appropriate proceedings against the
13 intermediate school board or the official or employee. These
14 proceedings shall include at least a civil action in a court of
15 competent jurisdiction for the recovery of any public money
16 determined by the audit to have been illegally expended and for the
17 recovery of any public property determined by the audit to have
18 been converted or misappropriated.

19 (6) If the attorney general determines from a report filed
20 under subsection (5) that an intermediate school district has
21 misspent tax proceeds as described in subsection (5) and notifies
22 the intermediate school district of this determination, the
23 intermediate school district shall repay to its area career and
24 technical education program operating fund an amount equal to the
25 amount the department of treasury determined under subsection (5)
26 has been used for a purpose other than area career and technical
27 education program operating purposes. The intermediate school

1 district shall make this repayment from funds of the intermediate
2 school district that lawfully may be used for making such a
3 repayment.

4 (7) For the purposes of subsections (5) and (6), not later
5 than January 1, 2008, the department and the department of
6 treasury, in consultation with intermediate school districts, shall
7 develop and make available to intermediate school districts a
8 definition of area career and technical education program operating
9 purposes.

10 (8) An intermediate school district shall not hold more than 2
11 elections in a calendar year concerning the authorization of a
12 millage rate for area career and technical education program
13 operating purposes under sections 681 to 690.

14 (9) Within 30 days after receiving the audit results, an
15 intermediate school district shall publish the results of any audit
16 conducted concerning the area career and technical education
17 program on the intermediate school district's website. The results
18 shall remain posted on the website for at least 6 months.

19 **(10) THE STATE BOARD IS THE SOLE AGENCY RESPONSIBLE FOR THE**
20 **SUPERVISION AND ADMINISTRATION OF CAREER AND TECHNICAL EDUCATION IN**
21 **THIS STATE WITH AUTHORITY TO ACCEPT FEDERAL FUNDING FOR CAREER AND**
22 **TECHNICAL EDUCATION AND WITH THE RESPONSIBILITY TO ADMINISTER THE**
23 **REQUIREMENTS FOR CAREER AND TECHNICAL EDUCATION UNDER FEDERAL AND**
24 **STATE LAW.**

25 Sec. 684. (1) An intermediate school board in which an area
26 career and technical education program has been established may
27 operate area career and technical education programs or may

1 contract with local school districts or with community colleges for
2 the operation of the programs or with a private degree-granting
3 postsecondary institution if the intermediate school district is
4 not within a community college district and if there existed on or
5 before July 1, 1992 a written agreement for the operation of such a
6 program. Area career and technical education programs operated
7 under sections 681 to 690 shall be submitted for review of the
8 representatives of the constituent districts of the intermediate
9 school district at an annual budget review meeting held on or
10 before June 1 under section 624.

11 (2) An intermediate school board may expend area career and
12 technical education funds for the operation of area career and
13 technical education programs for instructional, support, and
14 administrative costs associated with providing career and technical
15 education activities, including, but not limited to, staff
16 salaries, wages, and benefits for career and technical education
17 programs only; information and awareness activities; acquisition
18 and rental of real property; construction of buildings; acquisition
19 of equipment and supplies; and maintenance, repair, and replacement
20 of buildings, lands, equipment, and supplies. An intermediate
21 school board shall not expend area career and technical education
22 funds for purposes other than those set forth in sections 681 to
23 690. An intermediate school board must obtain state approval to use
24 state or federal career and technical education funds. Expenditure
25 of vocational education millage revenue for the purposes allowed
26 under this subsection shall be determined by the intermediate
27 school board. However, if the millage revenue is commingled with

1 state or federal funds, then the intermediate school district must
2 obtain state approval to use the commingled funds. If an audit by
3 or on behalf of the department determines that an intermediate
4 school board has expended area career and technical education funds
5 for a purpose other than those set forth in sections 681 to 690,
6 the intermediate school district is subject to the measures under
7 section 681(5) and (6).

8 (3) The intermediate school board shall ensure that all of the
9 following are met:

10 (a) The intermediate school board shall notify the department
11 at the time the area career and technical education program is
12 established.

13 (b) In order to be responsive to local workforce needs,
14 emerging technologies, and local demand occupations, the
15 intermediate school district shall establish a program advisory
16 committee pursuant to administrative guidelines established by the
17 office of career and technical preparation within the department.
18 At least a majority of the members of the program advisory
19 committee shall be representatives from business and industry.

20 (c) The program shall collect career and technical education
21 information data and distribute that data to the appropriate state
22 department or departments and to the program advisory committee.

23 **FOR THE PURPOSES OF THIS SUBDIVISION, THE DEPARTMENT OR CEPI SHALL**
24 **ONLY REQUIRE AN INTERMEDIATE SCHOOL DISTRICT TO REPORT INFORMATION**
25 **THAT IS NOT ALREADY AVAILABLE FROM THE FINANCIAL INFORMATION**
26 **DATABASE MAINTAINED BY CEPI.**

27 (d) The intermediate school district shall submit its career

1 and technical education plan to the department in the form and
2 manner prescribed by the department. **FOR THE PURPOSES OF THIS**
3 **SUBDIVISION, THE DEPARTMENT OR CEPI SHALL ONLY REQUIRE AN**
4 **INTERMEDIATE SCHOOL DISTRICT TO REPORT INFORMATION THAT IS NOT**
5 **ALREADY AVAILABLE FROM THE FINANCIAL INFORMATION DATABASE**
6 **MAINTAINED BY CEPI.**

7 (4) The department may monitor career and technical education
8 programs funded with state or federal funding based upon feedback
9 from the program advisory committee and predetermined state or
10 federal skills standards that include student outcomes.

11 (5) The department, in consultation with the appropriate
12 career and technical education professionals, shall develop a
13 process for expedited state approval of programs that recognize
14 local workforce needs, emerging technologies, and local demand
15 occupations.

16 (6) If there is a community college that offers career and
17 technical preparation programs within the intermediate school
18 district, the intermediate school board shall collaborate with the
19 community college to minimize duplication of programs.

20 (7) An area career and technical education program shall allow
21 participation by public school academy and nonpublic school pupils
22 to the same extent as pupils of constituent districts.

23 (8) An intermediate school board operating under sections 681
24 to 690 may expend funds received under section 683 for the costs of
25 a special election held to renew or increase the millage limit on
26 the annual property tax levied for area career and technical
27 education purposes.

1 (9) The treasurer of an intermediate school board shall pay
2 out area career and technical education funds on order of the
3 intermediate school board.

4 **(10) AS USED IN THIS SECTION, "CEPI" MEANS THE CENTER FOR**
5 **EDUCATIONAL PERFORMANCE AND INFORMATION CREATED IN SECTION 94A OF**
6 **THE STATE SCHOOL AID ACT OF 1979, MCL 388.1694A.**

7 Sec. 1230d. (1) If a person who is employed in any capacity by
8 a school district, intermediate school district, public school
9 academy, or nonpublic school; who has applied for a position with a
10 school district, intermediate school district, public school
11 academy, or nonpublic school and has had an initial criminal
12 history check under section 1230 or criminal records check under
13 section 1230a; or who is regularly and continuously working under
14 contract in a school district, intermediate school district, public
15 school academy, or nonpublic school, is charged with a crime listed
16 in section 1535a(1) or 1539b(1) or a violation of a substantially
17 similar law of another state, a political subdivision of this state
18 or another state, or of the United States, the person shall report
19 to the department and to the school district, intermediate school
20 district, public school academy, or nonpublic school that he or she
21 has been charged with the crime. All of the following apply to this
22 reporting requirement:

23 (a) The person shall make the report on a form prescribed by
24 the department.

25 (b) The person shall submit the report to the department and
26 to the superintendent of the school district or intermediate school
27 district or chief administrator of the public school academy or

1 nonpublic school.

2 (c) The person shall submit the report within 3 business days
3 after being arraigned for the crime.

4 (2) If a person who is employed in any capacity by or is
5 regularly and continuously working under contract in a school
6 district, intermediate school district, public school academy, or
7 nonpublic school enters a plea of guilt or no contest to or is the
8 subject of a finding of guilt by a judge or jury of any crime after
9 having been initially charged with a crime described in section
10 1535a(1) or 1539b(1), then the person immediately shall disclose to
11 the court, on a form prescribed by the state court administrative
12 office, that he or she is employed by or regularly and continuously
13 working under contract in a school district, intermediate school
14 district, public school academy, or nonpublic school. The person
15 shall immediately provide a copy of the form to the prosecuting
16 attorney in charge of the case, to the superintendent of public
17 instruction, and to the superintendent or chief administrator of
18 the school district, intermediate school district, public school
19 academy, or nonpublic school.

20 (3) A person who violates subsection (1) or (2) is guilty of a
21 crime, as follows:

22 (a) If the person violates either subsection (1) or (2) and
23 the crime involved in the violation is a misdemeanor that is a
24 listed offense or is a felony, the person is guilty of a felony
25 punishable by imprisonment for not more than 2 years or a fine of
26 not more than \$2,000.00, or both.

27 (b) If the person violates either subsection (1) or (2) and

1 the crime involved in the violation is a misdemeanor that is not a
2 listed offense, the person is guilty of a misdemeanor punishable by
3 imprisonment for not more than 1 year or a fine of not more than
4 \$1,000.00, or both.

5 (4) A person who violates subsection (1) or (2) may be
6 discharged from his or her employment or have his or her contract
7 terminated. If the board of a school district or intermediate
8 school district or board of directors of a public school academy
9 finds, after providing notice and the opportunity for a hearing,
10 that a person employed by the school district, intermediate school
11 district, or public school academy has violated subsection (1) or
12 (2), the board or board of directors may discharge the person from
13 his or her employment. ~~However, if a collective bargaining~~
14 ~~agreement that applies to the affected person is in effect as of~~
15 ~~January 1, 2006, and if that collective bargaining agreement is not~~
16 ~~in compliance with this subsection, then this subsection does not~~
17 ~~apply to that school district, intermediate school district, or~~
18 ~~public school academy until after the expiration of that collective~~
19 ~~bargaining agreement.~~

20 (5) If a person submits a report that he or she has been
21 charged with a crime, as required under subsection (1), and the
22 person is subsequently not convicted of any crime after the
23 completion of judicial proceedings resulting from that charge, then
24 the person may request the department and the school district,
25 intermediate school district, public school academy, or nonpublic
26 school to delete the report from its records concerning the person.
27 Upon receipt of the request from the person and of documentation

1 verifying that the person was not convicted of any crime after the
2 completion of judicial proceedings resulting from that charge, the
3 department or a school district, intermediate school district,
4 public school academy, or nonpublic school shall delete the report
5 from its records concerning the person.

6 (6) If the prosecuting attorney in charge of a case receives a
7 form as provided under subsection (2), the prosecuting attorney
8 shall notify the superintendent of public instruction and the
9 superintendent or chief administrator of any school district,
10 intermediate school district, public school academy, or nonpublic
11 school in which the person is employed by forwarding a copy of the
12 form to each of them not later than 7 days after receiving the
13 form. If the court receives a form as provided under subsection
14 (2), the court shall notify the superintendent of public
15 instruction and the superintendent or chief administrator of any
16 school district, intermediate school district, public school
17 academy, or nonpublic school in which the person is employed by
18 forwarding to each of them a copy of the form and information
19 regarding the sentence imposed on the person not later than 7 days
20 after the date of sentencing, even if the court is maintaining the
21 file as a nonpublic record.

22 (7) The department of ~~information~~ technology, **MANAGEMENT, AND**
23 **BUDGET** shall work with the department and the department of state
24 police to develop and implement an automated program that does a
25 comparison of the department's list of registered educational
26 personnel, and of any other list maintained by the department of
27 individuals employed or regularly and continuously working under

1 contract in a school, with the conviction information received by
2 the department of state police. This comparison shall only include
3 individuals who are actually school employees at the time of the
4 comparison or who are regularly and continuously working under
5 contract at the time of the comparison. Unless otherwise prohibited
6 by law, this comparison shall include convictions contained in a
7 nonpublic record. The department and the department of state police
8 shall perform this comparison during January and June of each year
9 until July 1, 2008. The department of state police shall take all
10 reasonable and necessary measures using the available technology to
11 ensure the accuracy of this comparison before transmitting the
12 information under this subsection to the department. The department
13 shall take all reasonable and necessary measures using the
14 available technology to ensure the accuracy of this comparison
15 before notifying a school district, intermediate school district,
16 public school academy, or nonpublic school of a conviction. If a
17 comparison discloses that a person on the department's list of
18 registered educational personnel has been convicted of a crime, or
19 if the department is otherwise notified by the department of state
20 police that such a person has been convicted of a crime, the
21 department shall notify the superintendent or chief administrator
22 and the board or governing body of the school district,
23 intermediate school district, public school academy, or nonpublic
24 school in which the person is employed of that conviction.

25 (8) If a school district, intermediate school district, public
26 school academy, or nonpublic school receives a report under this
27 section of a conviction, within 60 days after receiving the report

1 the school district, intermediate school district, public school
2 academy, or nonpublic school shall submit to the department in the
3 form and manner prescribed by the department a report detailing the
4 information received and any action taken as a result by the school
5 district, intermediate school district, public school academy, or
6 nonpublic school. The department shall maintain a copy of this
7 report for at least 6 years.

8 (9) As used in this section:

9 (a) "At school" means in a classroom, elsewhere on school
10 property, or on a school bus or other school-related vehicle.

11 (b) "Felony" means that term as defined in section 1 of
12 chapter I of the code of criminal procedure, 1927 PA 175, MCL
13 761.1.

14 (c) "Listed offense" means that term as defined in section 2
15 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

16 (d) "Regularly and continuously work under contract" means any
17 of the following:

18 (i) To work at school on a more than intermittent or sporadic
19 basis as an owner or employee of an entity that has a contract with
20 a school district, intermediate school district, public school
21 academy, or nonpublic school to provide food, custodial,
22 transportation, counseling, or administrative services, or to
23 provide instructional services to pupils or related and auxiliary
24 services to special education pupils.

25 (ii) To work at school on a more than intermittent or sporadic
26 basis as an individual under a contract with a school district,
27 intermediate school district, public school academy, or nonpublic

1 school to provide food, custodial, transportation, counseling, or
2 administrative services, or to provide instructional services to
3 pupils or related and auxiliary services to special education
4 pupils.

5 (e) "School property" means that term as defined in section 33
6 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

7 Sec. 1277. (1) Considering criteria established by the state
8 board, in addition to the requirements specified in section 1280
9 for accreditation under that section, if the board of a school
10 district wants all of the schools of the school district to be
11 accredited under section 1280, the board shall adopt and implement
12 and, not later than September 1 each year, shall make available to
13 the department a copy of a 3- to 5-year school improvement plan and
14 continuing school improvement process for each school within the
15 school district. The school improvement plans shall include, but
16 are not limited to, a mission statement, goals based on student
17 academic objectives for all students, curriculum alignment
18 corresponding with those goals, evaluation processes, staff
19 development, development and utilization of community resources and
20 volunteers, the role of adult and community education, libraries
21 and community colleges in the learning community, and building
22 level decision making. School board members, school building
23 administrators, teachers and other school employees, pupils,
24 parents of pupils attending that school, and other residents of the
25 school district shall be invited and allowed to voluntarily
26 participate in the development, review, and evaluation of the
27 district's school improvement plans. Upon request of the board of a

1 school district, the department and the intermediate school
2 district shall assist the school district in the development and
3 implementation of district school improvement plans. Educational
4 organizations may also provide assistance for these purposes.
5 School improvement plans described in this section shall be updated
6 annually by each school and by the board of the school district.

7 (2) School improvement plans shall include at least all of the
8 following additional matters:

9 (a) Goals centered on student academic learning.

10 (b) Strategies to accomplish the goals.

11 (c) Evaluation of the plan.

12 (d) Development of alternative measures of assessment that
13 will provide authentic assessment of pupils' achievements, skills,
14 and competencies.

15 (e) Methods for effective use of technology as a way of
16 improving learning and delivery of services and for integration of
17 evolving technology in the curriculum.

18 (f) Ways to make available in as many fields as practicable
19 opportunities for structured on-the-job learning, such as
20 apprenticeships and internships, combined with classroom
21 instruction.

22 (3) Each intermediate school board shall adopt and implement
23 and, not later than September 1 each year, shall make available to
24 the department a copy of a 3- to 5-year intermediate school
25 district school improvement plan and continuing school improvement
26 process for the intermediate school district. Constituent and
27 intermediate school board members, school building administrators,

1 teachers and other school employees, pupils, parents of pupils, and
2 residents of the intermediate school district shall be invited and
3 allowed to voluntarily participate in the development, review, and
4 evaluation of the intermediate school district's school improvement
5 plan. Upon request of the intermediate school board, the department
6 shall assist the intermediate school district in the development
7 and implementation of an intermediate school district school
8 improvement plan. An intermediate school district school
9 improvement plan described in this section shall be updated
10 annually by the intermediate school board. An intermediate school
11 district school improvement plan shall include at least all of the
12 following:

13 (a) Methods to assist districts in improving pupils' academic
14 learning.

15 (b) Assurance that all pupils have reasonable access to all
16 programs offered by the intermediate school district, including,
17 but not limited to, transportation if necessary.

18 (c) A plan for professional development that supports academic
19 learning.

20 (d) Methods to assist school districts in integrating applied
21 academics and career and employability skills into all curricular
22 areas.

23 (e) Ways to make available in as many fields as practicable
24 opportunities for structured on-the-job learning, such as
25 apprenticeships and internships, combined with classroom
26 instruction.

27 (f) Collaborative efforts with supporting agencies that

1 enhance academic learning.

2 (g) Long-range cost containment measures, including additional
3 services that might be provided at reduced costs by the
4 intermediate school district or through cooperative programs, and
5 cost reduction programs such as interdistrict cooperation in
6 special education and other programs and services.

7 (h) To the extent that it would improve school effectiveness,
8 specific recommendations on consolidation or enhanced interdistrict
9 cooperation, or both, along with possible sources of revenue.

10 (i) Evaluation of the plan.

11 ~~——(4) The state board shall annually review a random sampling of~~
12 ~~school improvement plans. Based on its review, the state board~~
13 ~~shall annually submit a report on school improvement activities~~
14 ~~planned and accomplished by each of the school districts and~~
15 ~~intermediate school districts that were part of the sampling to the~~
16 ~~senate and house committees that have the responsibility for~~
17 ~~education legislation.~~

18 **SEC. 1281B. ALL OF THE FOLLOWING APPLY TO REPORTS REQUIRED TO**
19 **BE SUBMITTED UNDER THIS ACT BY THE STATE BOARD, SUPERINTENDENT OF**
20 **PUBLIC INSTRUCTION, DEPARTMENT, DEPARTMENT OF TREASURY, CENTER FOR**
21 **EDUCATIONAL PERFORMANCE AND INFORMATION, OR ANY OTHER STATE**
22 **DEPARTMENT OR AGENCY:**

23 (A) THE STATE BOARD, SUPERINTENDENT OF PUBLIC INSTRUCTION,
24 DEPARTMENT, DEPARTMENT OF TREASURY, CENTER FOR EDUCATIONAL
25 PERFORMANCE AND INFORMATION, OR ANY OTHER STATE DEPARTMENT OR
26 AGENCY SHALL NOT REQUIRE, OR PROMULGATE A RULE REQUIRING, A NEW
27 REPORT TO BE SUBMITTED UNLESS STATE OR FEDERAL LAW SPECIFICALLY

Senate Bill No. 754 as amended April 27, 2016

1 REQUIRES OR AUTHORIZES THE REPORT.

2 (B) THE STATE BOARD, SUPERINTENDENT OF PUBLIC INSTRUCTION,
3 DEPARTMENT, DEPARTMENT OF TREASURY, CENTER FOR EDUCATIONAL
4 PERFORMANCE AND INFORMATION, OR ANY OTHER STATE DEPARTMENT OR
5 AGENCY SHALL NOT REQUIRE, OR PROMULGATE A RULE REQUIRING, ANY
6 MODIFICATIONS OR ADDITIONS TO A REPORT THAT, AS OF THE EFFECTIVE
7 DATE OF THIS SECTION, IS ALREADY REQUIRED TO BE SUBMITTED UNLESS

8 <<1 OR BOTH OF THE FOLLOWING APPLY:

(i) STATE>> OR FEDERAL LAW SPECIFICALLY REQUIRES OR AUTHORIZES
THE

9 MODIFICATION OR ADDITION.

<<(ii) THE MODIFICATION OR ADDITION WILL REDUCE OR ELIMINATE A
REPORTING REQUIREMENT.>>

10 (C) IF THE STATE BOARD, SUPERINTENDENT OF PUBLIC INSTRUCTION,
11 DEPARTMENT, DEPARTMENT OF TREASURY, CENTER FOR EDUCATIONAL
12 PERFORMANCE AND INFORMATION, OR ANY OTHER STATE DEPARTMENT OR
13 AGENCY REQUIRES, OR PROMULGATES A RULE REQUIRING, A NEW REPORT OR
14 ADDITIONAL INFORMATION TO BE SUBMITTED UNDER THE CONDITIONS
15 SPECIFIED UNDER SUBDIVISIONS (A) AND (B), THE STATE BOARD,
16 SUPERINTENDENT OF PUBLIC INSTRUCTION, DEPARTMENT, DEPARTMENT OF
17 TREASURY, CENTER FOR EDUCATIONAL PERFORMANCE AND INFORMATION, OR
18 OTHER STATE DEPARTMENT OR AGENCY SHALL ENSURE THAT THE NEW REPORT
19 OR ADDITIONAL INFORMATION MAY BE SUBMITTED ELECTRONICALLY.

20 Sec. 1288. ~~(1) Each~~ IF PARTICIPATING IN A COURSE OR VISITING A
21 COURSE WOULD RESULT IN A PUPIL, TEACHER, OR VISITOR BEING EXPOSED
22 TO DANGER OF PHYSICAL HARM, EACH pupil and teacher participating in
23 ~~a~~ THE course ~~included in this section~~ AND EACH VISITOR TO THE
24 COURSE shall wear industrial quality eye-~~PERSONAL~~ protective
25 devices, which have been sanitized prior to use, ~~if exposure to~~
26 ~~danger exists~~ while participating in OR VISITING the course OR
27 PARTICIPATING IN OR VISITING SAFETY TRAINING REQUIRED FOR THE

1 COURSE. The board OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
2 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY shall
3 furnish the PROTECTIVE devices for pupils, teachers, and visitors
4 to the classrooms, ~~or~~ laboratories, AND FIELD SITES USED FOR THE
5 COURSE OR TRAINING. ~~The courses for which protective devices are~~
6 ~~required are:~~

7 ~~—— (a) Vocational or industrial arts shops or laboratories~~
8 ~~involving the use of or working with hot molten metals; milling,~~
9 ~~sawing, turning, shaping, grinding, cutting, or stamping of solid~~
10 ~~materials; heat treatment, tempering, or kiln firing of metal or~~
11 ~~other materials; gas or electric arc welding; repair or servicing~~
12 ~~of vehicles; or caustic or explosive materials.~~

13 ~~—— (b) Chemical or combined chemical physical laboratory work~~
14 ~~involving acid, caustic, or explosive chemicals or hot liquids or~~
15 ~~solids.~~

16 ~~—— (2) The state board shall promulgate rules to enforce this~~
17 ~~section.~~

18 ~~—— (3) As used in this section, "industrial quality eye~~
19 ~~protective device" means a device meeting the standards of the~~
20 ~~American standard safety code for head, eye, and respiratory~~
21 ~~protection, Z87.1-1968, promulgated by the American standards~~
22 ~~association, incorporated.~~

23 Sec. 1310a. (1) At least annually, each school board shall
24 prepare and submit to the superintendent of public instruction, in
25 the form and manner prescribed by the superintendent of public
26 instruction, a report stating the number of pupils expelled from
27 the school district during the immediately preceding school year,

1 with a brief description of the incident that caused each
2 expulsion.

3 (2) In order to obtain an accurate local ~~and statewide~~ picture
4 of school crime and to develop the partnerships necessary to plan
5 and implement school safety programs, at least annually, each
6 school board shall ~~report to the superintendent of public~~
7 ~~instruction,~~ **POST ON ITS WEBSITE**, in the form and manner prescribed
8 by the superintendent of public instruction, incidents of crime
9 occurring at school within the school district. In determining the
10 form and manner of this report, the superintendent of public
11 instruction shall consult with local and intermediate school
12 districts and law enforcement officials. The reporting shall
13 include at least crimes involving physical violence, gang-related
14 activity, illegal possession of a controlled substance or
15 controlled substance analogue, or other intoxicant, trespassing,
16 and property crimes including, but not limited to, theft and
17 vandalism. For a property crime, the report shall include an
18 estimate of the cost to the school district resulting from the
19 property crime. The school crime reporting requirements of this
20 subsection are intended to do all of the following:

21 (a) Help policymakers and program designers ~~at the local and~~
22 ~~state levels~~ develop appropriate prevention and intervention
23 programs.

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

26 (c) Assist schools and school districts to identify the most
27 pressing safety issues confronting their school communities, to

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1 direct resources appropriately, and to enhance campus safety
2 through prevention and intervention strategies.

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

7 (3) Each school building shall collect and keep current on a
8 weekly basis the information required for the report under
9 subsection (2) and must provide that information, within 7 days,
10 upon request. At least annually, each school board shall make a
11 copy disaggregated by school building, of the most recent report
12 for the school district under subsection (2) available to the
13 parent or legal guardian of each pupil enrolled in the school
14 district.

15 (4) As used in this section, "AT SCHOOL", "school board", and
16 "school district" mean those terms as defined in section 1310.

17 Sec. 1525. (1) State and federal funds appropriated by the
18 legislature to support professional development and education may
19 be used for the following:

20 (a) Professional development programs for administrators and
21 teachers. These programs shall emphasize the improvement of
22 teaching and pupils' learning of academic core curriculum
23 objectives, as measured by <<Michigan educational assessment program,
THE MICHIGAN STUDENT TEST OF EDUCATIONAL PROGRESS (M-STEP),>>
24 the Michigan merit examination, and other criterion - reference
25 assessments; collaborative decision-making; site-based management;
26 the process of school improvement; instructional leadership; and
27 the use of data and assessment instruments to improve teaching and

1 learning for all pupils.

2 (b) A biennial education policy leadership institute. The
3 state board shall organize and convene a biennial education policy
4 leadership institute for the governor, the lieutenant governor, the
5 state board, the state superintendent, the legislature, and the
6 presidents of the state board approved teacher education
7 institutions, and the staff of each as may be considered
8 appropriate, to examine the most current public education policy
9 issues and initiatives and the appropriate role of policy leaders.

10 (c) A statewide academy for school leadership established by
11 the state board.

12 (d) A principal leadership academy. The department, in
13 collaboration with statewide associations of school principals,
14 shall establish the principal leadership academy. The principal
15 leadership academy shall consist of training for school principals
16 that is conducted by other school principals who have a record of
17 demonstrated success in improving pupil performance. The department
18 shall solicit input from school district superintendents and
19 intermediate superintendents to compile a list of successful school
20 principals who would likely be effective in conducting the training
21 at the principal leadership academy and shall select school
22 principals to conduct the training from this list. The training
23 shall include all aspects of successful school leadership,
24 including at least all of the following:

25 (i) Strategies for increasing parental involvement.

26 (ii) Strategies for engaging community support and
27 involvement.

1 (iii) Creative problem-solving.

2 (iv) Financial decision-making.

3 (v) Management rights and techniques.

4 (vi) Other strategies for improving school leadership to
5 achieve better pupil performance.

6 (e) Community leadership development. The state board, in
7 conjunction with intermediate school districts, shall conduct a
8 leadership development training program in each school district for
9 members of the community.

10 (f) Promotion of high educational standards. The state board,
11 in collaboration with the business community and educators, shall
12 coordinate and assist in the promotion of a statewide public
13 education and information program concerning the need to achieve
14 world class educational standards in the public schools of this
15 state.

16 (g) Sabbatical leaves. School districts shall provide
17 sabbatical leaves for up to 1 academic year for selected master
18 teachers who aid in professional development.

19 (h) Any other purpose authorized in the appropriation for
20 professional development in the state school aid act of 1979.

21 ~~——(2) In order to receive professional development funding~~
22 ~~described in subsection (1), each school district and intermediate~~
23 ~~school district shall prepare and submit to the state board for~~
24 ~~approval an annual professional development plan.~~

25 (2) ~~(3)~~The state board may disapprove for state funding
26 proposed professional development that the state board finds to be
27 1 or more of the following:

1 (a) Not in furtherance of core academic curriculum needs.

2 (b) Not constituting serious, informed innovation.

3 (c) Of generally inferior overall quality or depth regardless
4 of who sponsors or conducts the education or training.

5 (d) Not in compliance with the requirements of section 1526.

6 Sec. 1535a. (1) Subject to subsection (2), if a person who
7 holds a teaching certificate that is valid in this state has been
8 convicted of a crime described in this subsection, within 10
9 working days after receiving notice of the conviction the
10 superintendent of public instruction shall notify the person in
11 writing that his or her teaching certificate may be suspended
12 because of the conviction and of his or her right to a hearing
13 before the superintendent of public instruction. The hearing shall
14 be conducted as a contested case under the administrative
15 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. If the
16 person does not avail himself or herself of this right to a hearing
17 within 15 working days after receipt of this written notification,
18 the teaching certificate of that person shall be suspended. If a
19 hearing takes place, the superintendent of public instruction shall
20 complete the proceedings and make a final decision and order within
21 120 working days after receiving the request for a hearing. Subject
22 to subsection (2), the superintendent of public instruction may
23 suspend the person's teaching certificate based upon the issues and
24 evidence presented at the hearing. This subsection applies to any
25 of the following crimes:

26 (a) Any felony.

27 (b) Any of the following misdemeanors:

1 (i) Criminal sexual conduct in the fourth degree or an attempt
2 to commit criminal sexual conduct in the fourth degree.

3 (ii) Child abuse in the third or fourth degree or an attempt
4 to commit child abuse in the third or fourth degree.

5 (iii) A misdemeanor involving cruelty, torture, or indecent
6 exposure involving a child.

7 (iv) A misdemeanor violation of section 7410 of the public
8 health code, 1978 PA 368, MCL 333.7410.

9 (v) A violation of section 115, 141a, 335a, or 359 of the
10 Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.335a,
11 and 750.359, or a misdemeanor violation of section 81, 81a, or 145d
12 of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and
13 750.145d.

14 (vi) A misdemeanor violation of section 701 of the Michigan
15 liquor control code of 1998, 1998 PA 58, MCL 436.1701.

16 (vii) Any misdemeanor that is a listed offense.

17 (c) A violation of a substantially similar law of another
18 state, of a political subdivision of this state or another state,
19 or of the United States.

20 (2) If a person who holds a teaching certificate that is valid
21 in this state has been convicted of a crime described in this
22 subsection, the superintendent of public instruction shall find
23 that the public health, safety, or welfare requires emergency
24 action and shall order summary suspension of the person's teaching
25 certificate under section 92 of the administrative procedures act
26 of 1969, 1969 PA 306, MCL 24.292, and shall subsequently provide an
27 opportunity for a hearing as provided under that section. This

1 subsection does not limit the superintendent of public
2 instruction's ability to order summary suspension of a person's
3 teaching certificate for a reason other than described in this
4 subsection. This subsection applies to conviction of any of the
5 following crimes:

6 (a) Criminal sexual conduct in any degree, assault with intent
7 to commit criminal sexual conduct, or an attempt to commit criminal
8 sexual conduct in any degree.

9 (b) Felonious assault on a child, child abuse in the first
10 degree, or an attempt to commit child abuse in the first degree.

11 (c) Cruelty, torture, or indecent exposure involving a child.

12 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410,
13 or 7416 of the public health code, 1978 PA 368, MCL 333.7401,
14 333.7403, 333.7410, and 333.7416.

15 (e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316,
16 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328,
17 MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316,
18 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony
19 violation of section 145d of the Michigan penal code, 1931 PA 328,
20 MCL 750.145d.

21 (f) A violation of section 158 of the Michigan penal code,
22 1931 PA 328, MCL 750.158, if a victim is an individual less than 18
23 years of age.

24 (g) Except for a juvenile disposition or adjudication, a
25 violation of section 338, 338a, or 338b of the Michigan penal code,
26 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an
27 individual less than 18 years of age.

1 (h) A violation of section 349 of the Michigan penal code,
2 1931 PA 328, MCL 750.349, if a victim is an individual less than 18
3 years of age.

4 (i) An offense committed by a person who was, at the time of
5 the offense, a sexually delinquent person as defined in section 10a
6 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

7 (j) Any other crime that is a listed offense.

8 (k) An attempt or conspiracy to commit an offense listed in
9 subdivision (a), (e), (f), (g), (h), (i), or (j).

10 (l) A violation of a substantially similar law of another
11 state, of a political subdivision of this state or another state,
12 or of the United States.

13 (m) Any other crime listed in subsection (1), if the
14 superintendent of public instruction determines the public health,
15 safety, or welfare requires emergency action based on the
16 circumstances underlying the conviction.

17 (3) All of the following apply to any proceedings affecting a
18 person's teaching certificate under this section:

19 (a) The superintendent of public instruction shall appoint a
20 designee to perform the investigatory and prosecutorial functions
21 involved in the proceedings. However, the superintendent of public
22 instruction must approve any settlement, conditional agreement, or
23 other decision not to proceed with charges.

24 (b) Any final action that affects the status of a person's
25 teaching certificate shall be taken by the superintendent of public
26 instruction.

27 (c) The superintendent of public instruction after a hearing

1 shall not take action against a person's teaching certificate under
2 subsection (1) or (2) unless the superintendent of public
3 instruction finds that the conviction is reasonably and adversely
4 related to the person's present fitness to serve in an elementary
5 or secondary school in this state or that the conviction
6 demonstrates that the person is unfit to teach in an elementary or
7 secondary school in this state. Further, the superintendent of
8 public instruction may take action against a person's teaching
9 certificate under subsection (1) or (2) based on a conviction that
10 occurred before April 1, 2004 if the superintendent of public
11 instruction finds that the conviction is reasonably and adversely
12 related to the person's present fitness to serve in an elementary
13 or secondary school in this state or that the conviction
14 demonstrates that the person is unfit to teach in an elementary or
15 secondary school in this state. For the purposes of this section,
16 conviction of a listed offense is reasonably and adversely related
17 to the person's fitness to serve in an elementary or secondary
18 school in this state and demonstrates that the person is unfit to
19 teach in an elementary or secondary school in this state.

20 (4) If a person who has entered a plea of guilt or no contest
21 to or who is the subject of a finding of guilt by a judge or jury
22 of a crime listed in subsection (2) has been suspended from active
23 performance of duty by a public school, school district,
24 intermediate school district, or nonpublic school during the
25 pendency of proceedings under this section, the public school,
26 school district, intermediate school district, or nonpublic school
27 employing the person shall discontinue the person's compensation

1 until the superintendent of public instruction has made a final
2 determination of whether or not to suspend or revoke the person's
3 teaching certificate. If the superintendent of public instruction
4 does not suspend or revoke the person's teaching certificate, the
5 public school, school district, intermediate school district, or
6 nonpublic school shall make the person whole for lost compensation,
7 without interest. ~~However, if a collective bargaining agreement is~~
8 ~~in effect as of January 1, 2006 for employees of a school district,~~
9 ~~intermediate school district, or public school academy, and if the~~
10 ~~terms of that collective bargaining agreement are inconsistent with~~
11 ~~this subsection, then this subsection does not apply to that school~~
12 ~~district, intermediate school district, or public school academy~~
13 ~~until after the expiration of that collective bargaining agreement.~~

14 (5) Except as otherwise provided in this subsection, after the
15 completion of a person's sentence, the person may request a hearing
16 on reinstatement of his or her teaching certificate. Based upon the
17 issues and evidence presented at the hearing, the superintendent of
18 public instruction may reinstate, continue the suspension of, or
19 permanently revoke the person's teaching certificate. The
20 superintendent of public instruction shall not reinstate a person's
21 teaching certificate unless the superintendent of public
22 instruction finds that the person is currently fit to serve in an
23 elementary or secondary school in this state and that reinstatement
24 of the person's teaching certificate will not adversely affect the
25 health, safety, and welfare of pupils. If a person's conviction was
26 for a listed offense, the person is not entitled to request a
27 hearing on reinstatement under this subsection, and the

1 superintendent of public instruction shall not reinstate the
2 person's teaching certificate under this subsection.

3 (6) All of the following apply to a person described in this
4 section whose conviction is reversed upon final appeal:

5 (a) The person's teaching certificate shall be reinstated upon
6 his or her notification to the superintendent of public instruction
7 of the reversal.

8 (b) If the suspension of the person's teaching certificate
9 under this section was the sole cause of his or her discharge from
10 employment, the person shall be reinstated, upon his or her
11 notification to the appropriate local or intermediate school board
12 of the reversal, with full rights and benefits, to the position he
13 or she would have had if he or she had been continuously employed.

14 (c) If the person's compensation was discontinued under
15 subsection (4), the public school, school district, intermediate
16 school district, or nonpublic school shall make the person whole
17 for lost compensation.

18 (7) If the prosecuting attorney in charge of a case receives a
19 form as provided under section 1230d, the prosecuting attorney
20 shall notify the superintendent of public instruction, and any
21 public school, school district, intermediate school district, or
22 nonpublic school in which the person is employed by forwarding a
23 copy of the form to each of them not later than 7 days after
24 receiving the form. If the court receives a form as provided under
25 section 1230d, the court shall notify the superintendent of public
26 instruction and any public school, school district, intermediate
27 school district, or nonpublic school in which the person is

1 employed by forwarding to each of them a copy of the form and
2 information regarding the sentence imposed on the person not later
3 than 7 days after the date of sentencing, even if the court is
4 maintaining the file as a nonpublic record.

5 (8) Not later than 7 days after receiving notification from
6 the prosecuting attorney or the court under subsection (7) or
7 learning through an authoritative source that a person who holds a
8 teaching certificate has been convicted of a crime listed in
9 subsection (1), the superintendent of public instruction shall
10 request the court to provide a certified copy of the judgment of
11 conviction and sentence or other document regarding the disposition
12 of the case to the superintendent of public instruction and shall
13 pay any fees required by the court. The court shall provide this
14 certified copy within 7 days after receiving the request and fees
15 under this section or after entry of the judgment or other
16 document, whichever is later, even if the court is maintaining the
17 judgment or other document as a nonpublic record.

18 (9) If the superintendent of a school district or intermediate
19 school district, the chief administrative officer of a nonpublic
20 school, the president of the board of a school district or
21 intermediate school district, or the president of the governing
22 board of a nonpublic school is notified or learns through an
23 authoritative source that a person who holds a teaching certificate
24 and who is employed by the school district, intermediate school
25 district, or nonpublic school has been convicted of a crime
26 described in subsection (1) or (2), the superintendent, chief
27 administrative officer, or board president shall notify the

1 superintendent of public instruction of that conviction within 15
2 days after learning of the conviction.

3 (10) For the purposes of this section, a certified copy of the
4 judgment of conviction and sentence is conclusive evidence of
5 conviction of a crime described in this section. For the purposes
6 of this section, conviction of a crime described in this section is
7 considered to be reasonably and adversely related to the ability of
8 the person to serve in an elementary or secondary school and is
9 sufficient grounds for suspension or revocation of the person's
10 teaching certificate.

11 (11) For any hearing under subsection (1), if the
12 superintendent of public instruction does not make a final decision
13 and order within 120 working days after receiving the request for
14 the hearing, as required under subsection (1), the superintendent
15 of public instruction shall submit a report detailing the reasons
16 for the delay to the standing committees and appropriations
17 subcommittees of the senate and house of representatives that have
18 jurisdiction over education and education appropriations. The
19 failure of the superintendent of public instruction to make a final
20 decision and order within this 120 working day time limit, or the
21 failure of any other official or agency to meet a time limit
22 prescribed in this section, does not affect the validity of an
23 action taken under this section affecting a person's teaching
24 certificate.

25 (12) ~~Beginning July 1, 2004, the~~ **THE** superintendent of public
26 instruction shall submit to the legislature ~~a quarterly~~ **AN ANNUAL**
27 report of all final actions he or she has taken under this section

1 affecting a person's teaching certificate during the preceding
2 ~~quarter.~~**YEAR.** The report shall contain at least all of the
3 following with respect to each person whose teaching certificate
4 has been affected:

5 (a) The person's name, as it appears on the teaching
6 certificate.

7 (b) The school district, intermediate school district, public
8 school academy, or nonpublic school in which the person was
9 employed at the time of the conviction, if any.

10 (c) The offense for which the person was convicted and the
11 date of the offense and date of the conviction.

12 (d) Whether the action taken by the superintendent of public
13 instruction was a summary suspension, suspension due to failure to
14 request a hearing, suspension, revocation, or reinstatement of the
15 teaching certificate.

16 (13) This section does not do any of the following:

17 (a) Prohibit a person who holds a teaching certificate from
18 seeking monetary compensation from a school board or intermediate
19 school board if that right is available under a collective
20 bargaining agreement or another statute.

21 (b) Limit the rights and powers granted to a school district
22 or intermediate school district under a collective bargaining
23 agreement, this act, or another statute to discipline or discharge
24 a person who holds a teaching certificate.

25 (14) The superintendent of public instruction may promulgate,
26 as necessary, rules to implement this section pursuant to the
27 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to

1 24.328.

2 (15) The department of ~~information-technology~~, **MANAGEMENT, AND**
3 **BUDGET** shall work with the department and the department of state
4 police to develop and implement an automated program that does a
5 comparison of the department's list of individuals holding a
6 teaching certificate or state board approval, and of any other list
7 maintained by the department of individuals employed or regularly
8 and continuously working under contract in a school, with the
9 conviction information received by the department of state police.
10 This comparison shall only include individuals who are actually
11 school employees at the time of the comparison or who are regularly
12 and continuously working under contract at the time of the
13 comparison. Unless otherwise prohibited by law, this comparison
14 shall include convictions contained in a nonpublic record. The
15 department and the department of state police shall perform this
16 comparison during January and June of each year until July 1, 2008.
17 The department of state police shall take all reasonable and
18 necessary measures using the available technology to ensure the
19 accuracy of this comparison before transmitting the information
20 under this subsection to the department. The department shall take
21 all reasonable and necessary measures using the available
22 technology to ensure the accuracy of this comparison before
23 notifying a school district, intermediate school district, public
24 school academy, or nonpublic school of a conviction. If a
25 comparison discloses that a person on the department's list of
26 individuals holding a teaching certificate or state board approval
27 has been convicted of a crime, or if the department is otherwise

1 notified by the department of state police that such a person has
2 been convicted of a crime, the department shall notify the
3 superintendent or chief administrator and the board or governing
4 body of the school district, intermediate school district, public
5 school academy, or nonpublic school in which the person is employed
6 of that conviction.

7 (16) As used in this section:

8 (a) "Conviction" means a judgment entered by a court upon a
9 plea of guilty, guilty but mentally ill, or nolo contendere or upon
10 a jury verdict or court finding that a defendant is guilty or
11 guilty but mentally ill.

12 (b) "Felony" means that term as defined in section 1 of
13 chapter I of the code of criminal procedure, 1927 PA 175, MCL
14 761.1.

15 (c) "Listed offense" means that term as defined in section 2
16 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

17 (d) "Prosecuting attorney" means the prosecuting attorney for
18 a county, an assistant prosecuting attorney for a county, the
19 attorney general, the deputy attorney general, an assistant
20 attorney general, a special prosecuting attorney, or, in connection
21 with the prosecution of an ordinance violation, an attorney for the
22 political subdivision that enacted the ordinance upon which the
23 violation is based.

24 (e) "Regularly and continuously work under contract" means
25 that term as defined in section 1230d.

26 Sec. 1539b. (1) Subject to subsection (2), if a person who
27 holds state board approval has been convicted of a crime described

1 in this subsection, within 10 working days after receiving notice
2 of the conviction the superintendent of public instruction shall
3 notify the person in writing that his or her state board approval
4 may be suspended because of the conviction and of his or her right
5 to a hearing before the superintendent of public instruction. The
6 hearing shall be conducted as a contested case under the
7 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
8 24.328. If the person does not avail himself or herself of this
9 right to a hearing within 15 working days after receipt of this
10 written notification, the person's state board approval shall be
11 suspended. If a hearing takes place, the superintendent of public
12 instruction shall complete the proceedings and make a final
13 decision and order within 120 working days after receiving the
14 request for a hearing. Subject to subsection (2), the
15 superintendent of public instruction may suspend the person's state
16 board approval, based upon the issues and evidence presented at the
17 hearing. This subsection applies to any of the following crimes:

18 (a) Any felony.

19 (b) Any of the following misdemeanors:

20 (i) Criminal sexual conduct in the fourth degree or an attempt
21 to commit criminal sexual conduct in the fourth degree.

22 (ii) Child abuse in the third or fourth degree or an attempt
23 to commit child abuse in the third or fourth degree.

24 (iii) A misdemeanor involving cruelty, torture, or indecent
25 exposure involving a child.

26 (iv) A misdemeanor violation of section 7410 of the public
27 health code, 1978 PA 368, MCL 333.7410.

1 (v) A violation of section 115, 141a, 335a, or 359 of the
2 Michigan penal code, 1931 PA 328, MCL 750.115, 750.141a, 750.335a,
3 and 750.359, or a misdemeanor violation of section 81, 81a, or 145d
4 of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and
5 750.145d.

6 (vi) A misdemeanor violation of section 701 of the Michigan
7 liquor control code of 1998, 1998 PA 58, MCL 436.1701.

8 (vii) Any misdemeanor that is a listed offense.

9 (c) A violation of a substantially similar law of another
10 state, of a political subdivision of this state or another state,
11 or of the United States.

12 (2) If a person who holds state board approval has been
13 convicted of a crime described in this subsection, the
14 superintendent of public instruction shall find that the public
15 health, safety, or welfare requires emergency action and shall
16 order summary suspension of the person's state board approval under
17 section 92 of the administrative procedures act of 1969, 1969 PA
18 306, MCL 24.292, and shall subsequently provide an opportunity for
19 a hearing as required under that section. This subsection does not
20 limit the superintendent of public instruction's ability to order
21 summary suspension of a person's state board approval for a reason
22 other than described in this subsection. This subsection applies to
23 conviction of any of the following crimes:

24 (a) Criminal sexual conduct in any degree, assault with intent
25 to commit criminal sexual conduct, or an attempt to commit criminal
26 sexual conduct in any degree.

27 (b) Felonious assault on a child, child abuse in the first

1 degree, or an attempt to commit child abuse in the first degree.

2 (c) Cruelty, torture, or indecent exposure involving a child.

3 (d) A violation of section 7401(2)(a)(i), 7403(2)(a)(i), 7410,
4 or 7416 of the public health code, 1978 PA 368, MCL 333.7401,
5 333.7403, 333.7410, and 333.7416.

6 (e) A violation of section 83, 89, 91, 145a, 145b, 145c, 316,
7 317, 350, 448, 455, or 529 of the Michigan penal code, 1931 PA 328,
8 MCL 750.83, 750.89, 750.91, 750.145a, 750.145b, 750.145c, 750.316,
9 750.317, 750.350, 750.448, 750.455, and 750.529, or a felony
10 violation of section 145d of the Michigan penal code, 1931 PA 328,
11 MCL 750.145d.

12 (f) A violation of section 158 of the Michigan penal code,
13 1931 PA 328, MCL 750.158, if a victim is an individual less than 18
14 years of age.

15 (g) Except for a juvenile disposition or adjudication, a
16 violation of section 338, 338a, or 338b of the Michigan penal code,
17 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an
18 individual less than 18 years of age.

19 (h) A violation of section 349 of the Michigan penal code,
20 1931 PA 328, MCL 750.349, if a victim is an individual less than 18
21 years of age.

22 (i) An offense committed by a person who was, at the time of
23 the offense, a sexually delinquent person as defined in section 10a
24 of the Michigan penal code, 1931 PA 328, MCL 750.10a.

25 (j) Any other crime that is a listed offense.

26 (k) An attempt or conspiracy to commit an offense listed in
27 subdivision (a), (e), (f), (g), (h), (i), or (j).

1 (l) A violation of a substantially similar law of another
2 state, of a political subdivision of this state or another state,
3 or of the United States.

4 (m) Any other crime listed in subsection (1), if the
5 superintendent of public instruction determines the public health,
6 safety, or welfare requires emergency action based on the
7 circumstances underlying the conviction.

8 (3) All of the following apply to any proceedings affecting a
9 person's state board approval under this section:

10 (a) The superintendent of public instruction shall appoint a
11 designee to perform the investigatory and prosecutorial functions
12 involved in the proceedings. However, the superintendent of public
13 instruction must approve any settlement, conditional agreement, or
14 other decision not to proceed with charges.

15 (b) Any final action that affects the status of a person's
16 state board approval shall be taken by the superintendent of public
17 instruction.

18 (c) The superintendent of public instruction after a hearing
19 shall not take action against a person's state board approval under
20 subsection (1) or (2) unless the superintendent of public
21 instruction finds that the conviction is reasonably and adversely
22 related to the person's present fitness to serve in an elementary
23 or secondary school in this state or that the conviction
24 demonstrates that the person is unfit to teach in an elementary or
25 secondary school in this state. Further, the superintendent of
26 public instruction may take action against a person's state board
27 approval under subsection (1) or (2) based on a conviction that

1 occurred before April 1, 2004 if the superintendent of public
2 instruction finds that the conviction is reasonably and adversely
3 related to the person's present fitness to serve in an elementary
4 or secondary school in this state. For the purposes of this
5 section, conviction of a listed offense is reasonably and adversely
6 related to the person's fitness to serve in an elementary or
7 secondary school in this state and demonstrates that the person is
8 unfit to teach in an elementary or secondary school in this state.

9 (4) If a person who has entered a plea of guilt or no contest
10 to or who is the subject of a finding of guilt by a judge or jury
11 of a crime listed in subsection (2) has been suspended from active
12 performance of duty by a public school, school district,
13 intermediate school district, or nonpublic school during the
14 pendency of proceedings under this section, the public school,
15 school district, intermediate school district, or nonpublic school
16 employing the person shall discontinue the person's compensation
17 until the superintendent of public instruction has made a final
18 determination of whether or not to suspend or revoke the person's
19 state board approval. If the superintendent of public instruction
20 does not suspend or revoke the person's state board approval, the
21 public school, school district, intermediate school district, or
22 nonpublic school shall make the person whole for lost compensation,
23 without interest. ~~However, if a collective bargaining agreement is~~
24 ~~in effect as of January 1, 2006 for employees of a school district,~~
25 ~~intermediate school district, or public school academy, and if the~~
26 ~~terms of that collective bargaining agreement are inconsistent with~~
27 ~~this subsection, then this subsection does not apply to that school~~

1 ~~district, intermediate school district, or public school academy~~
2 ~~until after the expiration of that collective bargaining agreement.~~

3 (5) Except as otherwise provided in this subsection, after the
4 completion of the person's sentence, the person may request a
5 hearing on reinstatement of his or her state board approval. Based
6 upon the issues and evidence presented at the hearing, the
7 superintendent of public instruction may reinstate, continue the
8 suspension of, or permanently revoke the person's state board
9 approval. The superintendent of public instruction shall not
10 reinstate a person's state board approval unless the superintendent
11 of public instruction finds that the person is currently fit to
12 serve in an elementary or secondary school in this state and that
13 reinstatement of the person's state board approval will not
14 adversely affect the health, safety, and welfare of pupils. If a
15 person's conviction was for a listed offense, the person is not
16 entitled to request a hearing on reinstatement under this
17 subsection, and the superintendent of public instruction shall not
18 reinstate the person's state board approval under this subsection.

19 (6) All of the following apply to a person described in this
20 section whose conviction is reversed upon final appeal:

21 (a) The person's state board approval shall be reinstated upon
22 his or her notification to the superintendent of public instruction
23 of the reversal.

24 (b) If the suspension of the state board approval was the sole
25 cause of his or her discharge from employment, the person shall be
26 reinstated upon his or her notification to the appropriate local or
27 intermediate school board of the reversal, with full rights and

1 benefits, to the position he or she would have had if he or she had
2 been continuously employed.

3 (c) If the person's compensation was discontinued under
4 subsection (4), the public school, school district, intermediate
5 school district, or nonpublic school shall make the person whole
6 for lost compensation.

7 (7) If the prosecuting attorney in charge of a case receives a
8 form as provided under section 1230d, the prosecuting attorney
9 shall notify the superintendent of public instruction, and any
10 public school, school district, intermediate school district, or
11 nonpublic school in which the person is employed by forwarding a
12 copy of the form to each of them not later than 7 days after
13 receiving the form. If the court receives a form as provided under
14 section 1230d, the court shall notify the superintendent of public
15 instruction and any public school, school district, intermediate
16 school district, or nonpublic school in which the person is
17 employed by forwarding to each of them a copy of the form and
18 information regarding the sentence imposed on the person not later
19 than 7 days after the date of the sentencing, even if the court is
20 maintaining the file as a nonpublic record.

21 (8) Not later than 7 days after receiving notification from
22 the prosecuting attorney or the court under subsection (7) or
23 learning through an authoritative source that a person who holds
24 state board approval has been convicted of a crime listed in
25 subsection (1), the superintendent of public instruction shall
26 request the court to provide a certified copy of the judgment of
27 conviction and sentence or other document regarding the disposition

1 of the case to the superintendent of public instruction and shall
2 pay any fees required by the court. The court shall provide this
3 certified copy within 7 days after receiving the request and fees
4 under this section or after entry of the judgment or other
5 document, whichever is later, even if the court is maintaining the
6 judgment or other document as a nonpublic record.

7 (9) If the superintendent of a school district or intermediate
8 school district, the chief administrative officer of a nonpublic
9 school, the president of the board of a school district or
10 intermediate school district, or the president of the governing
11 board of a nonpublic school is notified or learns through an
12 authoritative source that a person who holds state board approval
13 and who is employed by the school district, intermediate school
14 district, or nonpublic school has been convicted of a crime
15 described in subsection (1) or (2), the superintendent, chief
16 administrative officer, or board president shall notify the
17 superintendent of public instruction of that conviction within 15
18 days after learning of the conviction.

19 (10) For the purposes of this section, a certified copy of the
20 judgment of conviction and sentence is conclusive evidence of
21 conviction of a crime described in this section. For the purposes
22 of this section, conviction of a crime described in this section is
23 considered to be reasonably and adversely related to the ability of
24 the person to serve in an elementary or secondary school and is
25 sufficient grounds for suspension or revocation of the person's
26 state board approval.

27 (11) For any hearing under subsection (1), if the

1 superintendent of public instruction does not make a final decision
2 and order within 120 working days after receiving the request for
3 the hearing, as required under subsection (1), the superintendent
4 of public instruction shall submit a report detailing the reasons
5 for the delay to the standing committees and appropriations
6 subcommittees of the senate and house of representatives that have
7 jurisdiction over education and education appropriations. The
8 failure of the superintendent of public instruction to make a final
9 decision and order within this 120 working day time limit, or the
10 failure of any other official or agency to meet a time limit
11 prescribed in this section, does not affect the validity of an
12 action taken under this section affecting a person's state board
13 approval.

14 (12) ~~Beginning July 1, 2004, the~~ **THE** superintendent of public
15 instruction shall submit to the legislature a ~~quarterly~~ **AN ANNUAL**
16 report of all final actions he or she has taken under this section
17 affecting a person's state board approval during the preceding
18 ~~quarter.~~ **YEAR.** The report shall contain at least all of the
19 following with respect to each person whose state board approval
20 has been affected:

21 (a) The person's name, as it appears on the state board
22 approval.

23 (b) The school district, intermediate school district, public
24 school academy, or nonpublic school in which the person was
25 employed at the time of the conviction, if any.

26 (c) The offense for which the person was convicted and the
27 date of the offense and date of the conviction.

1 (d) Whether the action taken by the superintendent of public
2 instruction was a summary suspension, suspension due to failure to
3 request a hearing, suspension, revocation, or reinstatement of the
4 state board approval.

5 (13) This section does not do any of the following:

6 (a) Prohibit a person who holds state board approval from
7 seeking monetary compensation from a school board or intermediate
8 school board if that right is available under a collective
9 bargaining agreement or another statute.

10 (b) Limit the rights and powers granted to a school district
11 or intermediate school district under a collective bargaining
12 agreement, this act, or another statute to discipline or discharge
13 a person who holds state board approval.

14 (c) Exempt a person who holds state board approval from the
15 operation of section 1535a if the person holds a certificate
16 subject to that section.

17 (d) Limit the ability of a state licensing body to take action
18 against a person's license or registration for the same conviction.

19 (14) The superintendent of public instruction may promulgate,
20 as necessary, rules to implement this section pursuant to the
21 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
22 24.328.

23 (15) The department of ~~information~~-technology, **MANAGEMENT, AND**
24 **BUDGET** shall work with the department and the department of state
25 police to develop and implement an automated program that does a
26 comparison of the department's list of individuals holding a
27 teaching certificate or state board approval, and of any other list

1 maintained by the department of individuals employed or regularly
2 and continuously working under contract in a school, with the
3 conviction information received by the department of state police.
4 This comparison shall only include individuals who are actually
5 school employees at the time of the comparison or who are regularly
6 and continuously working under contract at the time of the
7 comparison. Unless otherwise prohibited by law, this comparison
8 shall include convictions contained in a nonpublic record. The
9 department and the department of state police shall perform this
10 comparison during January and June of each year until July 1, 2008.
11 The department of state police shall take all reasonable and
12 necessary measures using the available technology to ensure the
13 accuracy of this comparison before transmitting the information
14 under this subsection to the department. The department shall take
15 all reasonable and necessary measures using the available
16 technology to ensure the accuracy of this comparison before
17 notifying a school district, intermediate school district, public
18 school academy, or nonpublic school of a conviction. If a
19 comparison discloses that a person on the department's list of
20 individuals holding a teaching certificate or state board approval
21 has been convicted of a crime, or if the department is otherwise
22 notified by the department of state police that such a person has
23 been convicted of a crime, the department shall notify the
24 superintendent or chief administrator and the board or governing
25 body of the school district, intermediate school district, public
26 school academy, or nonpublic school in which the person is employed
27 of that conviction.

1 (16) As used in this section:

2 (a) "Conviction" means a judgment entered by a court upon a
3 plea of guilty, guilty but mentally ill, or nolo contendere or upon
4 a jury verdict or court finding that a defendant is guilty or
5 guilty but mentally ill.

6 (b) "Felony" means that term as defined in section 1 of
7 chapter I of the code of criminal procedure, 1927 PA 175, MCL
8 761.1.

9 (c) "Listed offense" means that term as defined in section 2
10 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

11 (d) "Prosecuting attorney" means the prosecuting attorney for
12 a county, an assistant prosecuting attorney for a county, the
13 attorney general, the deputy attorney general, an assistant
14 attorney general, a special prosecuting attorney, or, in connection
15 with the prosecution of an ordinance violation, an attorney for the
16 political subdivision that enacted the ordinance upon which the
17 violation is based.

18 (e) "Regularly and continuously work under contract" means
19 that term as defined in section 1230d.

20 (f) "State board approval" means a license, certificate,
21 approval not requiring a teaching certificate, or other evidence of
22 qualifications to hold a particular position in a school district
23 or intermediate school district or in a nonpublic school, other
24 than a teacher's certificate subject to section 1535a, that is
25 issued to a person by the state board or the superintendent of
26 public instruction under this act or a rule promulgated under this
27 act.

1 Sec. 1561. (1) Except as otherwise provided in this section,
2 for a child who turned age 11 before December 1, 2009 or who
3 entered grade 6 before 2009, the child's parent, guardian, or other
4 person in this state having control and charge of the child shall
5 send that child to a public school during the entire school year
6 from the age of 6 to the child's sixteenth birthday. Except as
7 otherwise provided in this section, for a child who turns age 11 on
8 or after December 1, 2009 or a child who was age 11 before that
9 date and enters grade 6 in 2009 or later, the child's parent,
10 guardian, or other person in this state having control and charge
11 of the child shall send the child to a public school during the
12 entire school year from the age of 6 to the child's eighteenth
13 birthday. The child's attendance shall be continuous and
14 consecutive for the school year fixed by the school district in
15 which the child is enrolled. In a school district that maintains
16 school during the entire calendar year and in which the school year
17 is divided into quarters, a child is not required to attend the
18 public school more than 3 quarters in 1 calendar year, but a child
19 shall not be absent for 2 or more consecutive quarters.

20 (2) A child becoming 6 years of age before December 1 shall be
21 enrolled on the first school day of the school year in which the
22 child's sixth birthday occurs, and a child becoming 6 years of age
23 on or after December 1 shall be enrolled on the first school day of
24 the school year following the school year in which the child's
25 sixth birthday occurs.

26 (3) A child is not required to attend a public school in any
27 of the following cases:

1 (a) The child is attending regularly and is being taught in a
2 state approved nonpublic school, which teaches subjects comparable
3 to those taught in the public schools to children of corresponding
4 age and grade, as determined by the course of study for the public
5 schools of the district within which the nonpublic school is
6 located.

7 (b) The child is less than 9 years of age and does not reside
8 within 2-1/2 miles by the nearest traveled road of a public school.
9 If transportation is furnished for pupils in the school district of
10 the child's residence, this subdivision does not apply.

11 (c) The child is age 12 or 13 and is in attendance at
12 confirmation classes conducted for a period of 5 months or less.

13 (d) The child is regularly enrolled in a public school while
14 in attendance at religious instruction classes for not more than 2
15 class hours per week, off public school property during public
16 school hours, upon written request of the parent, guardian, or
17 person in loco parentis. ~~under rules promulgated by the state~~
18 ~~board.~~

19 (e) The child has graduated from high school or has fulfilled
20 all requirements for high school graduation.

21 (f) The child is being educated at the child's home by his or
22 her parent or legal guardian in an organized educational program in
23 the subject areas of reading, spelling, mathematics, science,
24 history, civics, literature, writing, and English grammar.

25 (4) For a child being educated at the child's home by his or
26 her parent or legal guardian, exemption from the requirement to
27 attend public school may exist under either subsection (3)(a) or

1 (3) (f), or both.

2 (5) For a child who turns age 11 on or after December 1, 2009
3 or who was age 11 before that date and enters grade 6 in 2009 or
4 later, this section does not apply to the child if the child is at
5 least age 16 and the child's parent or legal guardian has provided
6 to school officials of the school district in which the child
7 resides a written notice that the child has the permission of the
8 parent or legal guardian to stop attending school.

9 Sec. 1711. (1) The intermediate school board shall do all of
10 the following:

11 (a) Develop, establish, and continually evaluate and modify in
12 cooperation with its constituent districts, a plan for special
13 education that provides for the delivery of special education
14 programs and services designed to ~~develop the maximum potential~~
15 **MEET THE INDIVIDUAL NEEDS** of each student with a disability of whom
16 the intermediate school board is required to maintain a record
17 under subdivision (f). The plan shall coordinate the special
18 education programs and services operated or contracted for by the
19 constituent districts and shall be submitted to the superintendent
20 of public instruction for approval.

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

26 (c) Employ or engage special education personnel in accordance
27 with the intermediate school district plan, and appoint a director

1 of special education meeting the qualifications and requirements of
2 the rules promulgated by the superintendent of public instruction.

3 (d) Accept and use available funds or contributions from
4 governmental or private sources for the purpose of providing
5 special education programs and services consistent with this
6 article.

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

10 (f) Maintain a record of each student with a disability under
11 26 years of age, who is a resident of 1 of its constituent
12 districts and who has not graduated from high school, and the
13 special education programs or services in which the student with a
14 disability is participating on the fourth Friday after Labor ~~day~~
15 **DAY** and Friday before Memorial ~~day~~—**DAY**. The sole basis for
16 determining the local school district in which a student with a
17 disability is a resident shall be the rules promulgated by the
18 superintendent of public instruction notwithstanding the provisions
19 of section 1148. The records shall be maintained in accordance with
20 rules promulgated by the superintendent of public instruction.

21 (g) Have the authority to place in appropriate special
22 education programs or services a student with a disability for whom
23 a constituent district is required to provide special education
24 programs or services under section 1751.

25 (h) Investigate special education programs and services
26 operated or contracted for by the intermediate school board or
27 constituent district boards and report in writing failures to

1 comply with the provisions of a contract, statute, or rule
2 governing the special education programs and services or with the
3 intermediate school district plan, to the local school district
4 board and to the superintendent of public instruction.

5 (i) Operate the special education programs or services or
6 contract for the delivery of special education programs or services
7 by local school district boards, in accordance with section 1702,
8 as if a local school district under section 1751. The contract
9 shall provide for items stated in section 1751 and shall be
10 approved by the superintendent of public instruction. The
11 intermediate school board shall contract for the transportation, or
12 room and board, or both, or persons participating in the program or
13 service as if a local school district board under sections 1756 and
14 1757.

15 (j) Receive the report of a parent or guardian or, with the
16 consent of a parent or guardian, receive the report of a licensed
17 physician, registered nurse, social worker, or school or other
18 appropriate professional personnel whose training and relationship
19 to students with a disability provide competence to judge them and
20 who in good faith believes that a person under 26 years of age
21 examined by the professional is or may be a student with a
22 disability, and immediately evaluate the person pursuant to rules
23 promulgated by the superintendent of public instruction. A person
24 making or filing this report or a local school district board shall
25 not incur liability to a person by reason of filing the report or
26 seeking the evaluation, unless lack of good faith is proven.

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

1 (2) The intermediate school board may expend up to 10% of the
2 annual budget but not to exceed \$12,500.00, for special education
3 programs approved by the intermediate school board without having
4 to secure the approval of the superintendent of public instruction.

5 Sec. 1751. (1) The board of a local school district shall
6 provide special education programs and services designed to ~~develop~~
7 ~~the maximum potential~~ **MEET THE INDIVIDUAL NEEDS** of each student
8 with a disability in its district on record under section 1711 for
9 whom an appropriate educational or training program can be provided
10 in accordance with the intermediate school district special
11 education plan, in either of the following ways or a combination
12 thereof:

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

14 (b) Contract with its intermediate school board, another
15 intermediate school board, another local school district board, an
16 adjacent school district board in a bordering state, the Michigan
17 schools for the deaf and blind, ~~the department of community health,~~
18 the department of **HEALTH AND** human services, or any combination
19 thereof, for delivery of the special education programs or
20 services, or with an agency approved by the superintendent of
21 public instruction for delivery of an ancillary professional
22 special education service. The intermediate school district of
23 which the local school district is constituent shall be a party to
24 each contract even if the intermediate school district does not
25 participate in the delivery of the program or services.

26 (2) A local school district contract for the provision of a
27 special education program or service shall provide specifically

1 for:

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

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

7 (c) The contribution to be made by the sending local school
8 district if the program or service is to be operated by another
9 party to the contract. The contribution shall be in accordance with
10 rules promulgated by the superintendent of public instruction.

11 (d) Other matters the parties consider appropriate.

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

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

18 (5) This section shall be construed to allow operation of
19 programs by departments of state government without local school
20 district contribution.

21 Enacting section 1. The following acts and parts of acts are
22 repealed:

23 (a) Sections 761, 1279, 1296, and 1333 of the revised school
24 code, 1976 PA 451, MCL 380.761, 380.1279, 380.1296, and 380.1333.

25 (b) Section 3 of 1965 PA 209, MCL 388.1033.

26 (c) 1966 PA 59, MCL 395.41 to 395.42.

27 (d) 1964 PA 230, MCL 388.671 to 388.674.

1 (e) 1964 PA 44, MCL 395.31 to 395.34.

2 (f) 1964 PA 28, MCL 395.21.

3 (g) 1962 PA 198, MCL 395.71 to 395.73.

4 (h) 1919 PA 149, MCL 395.1 to 395.10.

5 Enacting section 2. This amendatory act takes effect 90 days

6 after the date it is enacted into law.