

HOUSE BILL No. 5193

December 17, 2015, Introduced by Reps. Garcia, Kelly, Price, Chatfield, Yonker, Barrett,
Somerville, Callton, Greig and Tedder and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1284a and 1284b (MCL 380.1284a and 380.1284b),
section 1284a as added by 2007 PA 101 and section 1284b as amended
by 2006 PA 235.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1284a. (1) ~~Not later than July 1, 2008, an AN~~
2 intermediate school district, in cooperation with its constituent
3 districts, shall adopt a common school calendar to apply to all of
4 its constituent districts and to its intermediate school district
5 programs. The intermediate school district shall post the common
6 school calendar on its website. The common school calendar shall
7 meet all of the following:

- 8 (a) Shall be in compliance with sections 1284 and 1284b.
9 (b) Shall identify the dates for each school year when school

1 will not be in session for a winter holiday break and a spring
2 break. The common school calendar shall identify these dates
3 specifically for at least the next 5 school years, but may describe
4 these dates more generally for school years thereafter as long as
5 the dates may be readily determined.

6 (2) Beginning with the 2008-2009 school year, except as
7 otherwise provided in this section, the board of each constituent
8 district and the intermediate school board shall ensure that its
9 school calendar complies with the common school calendar adopted
10 under subsection (1).

11 (3) In addition to the requirements under subsection (1), a
12 common school calendar adopted under subsection (1) is encouraged
13 to identify common dates for professional development days.

14 ~~—— (4) If a collective bargaining agreement that provides a~~
15 ~~complete school calendar is in effect for employees of a school~~
16 ~~district or intermediate school district as of the effective date~~
17 ~~of this section, and if that school calendar is not in compliance~~
18 ~~with the common school calendar adopted under subsection (1), then~~
19 ~~subsection (2) does not apply to that school district or~~
20 ~~intermediate school district until after the expiration of that~~
21 ~~collective bargaining agreement.~~

22 (4) ~~(5) If as of the effective date of this section~~ **OCTOBER 1,**
23 **2007** an intermediate school district or school district is
24 operating a year-round school or program or is operating a school
25 that is an international baccalaureate academy that provides 1,160
26 hours of pupil instruction per school year, then subsection (2)
27 does not apply to that school or program. If after ~~the effective~~

1 ~~date of this section~~ OCTOBER 1, 2007 an intermediate school
2 district or school district begins operating a year-round school or
3 program, the intermediate school district or school district may
4 apply to the superintendent of public instruction for a waiver from
5 the requirements of subsection (2) for that school or program. **A**
6 **SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT SHALL NOT APPLY FOR**
7 **A WAIVER UNDER THIS SUBSECTION UNLESS THE BOARD OF THE SCHOOL**
8 **DISTRICT OR INTERMEDIATE SCHOOL DISTRICT HAS HELD AT LEAST 1 PUBLIC**
9 **HEARING TO DISCUSS THE PROPOSED ALTERNATIVE SCHOOL CALENDAR FOR THE**
10 **SCHOOL OR PROGRAM AND WHETHER OR NOT TO APPLY FOR THE WAIVER.** The
11 application shall be in writing in the form and manner prescribed
12 by the department and shall provide justification for the school or
13 program to operate on a calendar that differs from the common
14 school calendar adopted under subsection (1). Upon application, if
15 the superintendent of public instruction determines that a school
16 or program is a bona fide year-round school or program established
17 for educational reasons and that there is sufficient justification
18 for the school or program to operate on a calendar that differs
19 from the common school calendar adopted under subsection (1), the
20 superintendent of public instruction shall grant the waiver. The
21 superintendent of public instruction shall establish standards for
22 determining a bona fide year-round school or program for the
23 purposes of this subsection. **HOWEVER, IF A SCHOOL OR PROGRAM MEETS**
24 **ANY OF THE FOLLOWING, THE SUPERINTENDENT OF PUBLIC INSTRUCTION**
25 **SHALL CONSIDER THE SCHOOL OR PROGRAM TO BE A BONA FIDE YEAR-ROUND**
26 **SCHOOL OR PROGRAM AND SHALL GRANT THE WAIVER:**

27 (A) IS ON THE SAME CALENDAR AS AN INSTITUTION OF HIGHER

1 EDUCATION AND SHARES FACILITIES, FACULTY, OR COURSES WITH THE
2 HIGHER EDUCATION INSTITUTION.

3 (B) OPERATES ON A SCHOOL CALENDAR THAT INCLUDES A SUMMER BREAK
4 THAT IS NOT GREATER THAN 8 WEEKS FOR THE FIRST 2 SCHOOL YEARS
5 BEGINNING AFTER THE DATE OF THE APPLICATION AND IS NOT GREATER THAN
6 6 WEEKS FOR SUBSEQUENT SCHOOL YEARS.

7 (C) IS A SCHOOL ON THE LIST UNDER SECTION 1280C(1) OF THE
8 PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS
9 DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC
10 SCHOOLS IN THIS STATE, SELECTS A MODEL THAT REQUIRES INCREASED
11 LEARNING TIME AS A CONDITION OF REFORM, AND HAS RECEIVED A WAIVER
12 OF THE COMMON SCHOOL CALENDAR REQUIREMENT.

13 (D) HAS ADOPTED A PLAN USED BY OR SIMILAR TO A PLAN USED BY
14 OTHER SCHOOLS OR PROGRAMS TO CONDUCT AN EXTENDED SCHOOL CALENDAR,
15 SUCH AS 45 DAYS ON AND 15 DAYS OFF, 60 DAYS ON AND 20 DAYS OFF, 60
16 DAYS ON AND 15 DAYS OFF, OR 90 DAYS ON AND 30 DAYS OFF.

17 (E) AS DETERMINED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION
18 UNDER SUBSECTION (5), OPERATES ON A BONA FIDE TRIMESTER SCHEDULE.

19 (5) ~~(6)~~—If an intermediate school district or school district
20 is operating or begins operating a school or program on a trimester
21 schedule, the intermediate school district or school district may
22 apply to the superintendent of public instruction for a waiver from
23 the requirements of subsection (2) for that school or program. The
24 application shall be in writing in the form and manner prescribed
25 by the department and shall provide justification for the school or
26 program to operate on a calendar that differs from the common
27 school calendar adopted under subsection (1). Upon application, if

1 the superintendent of public instruction determines that a school
2 or program is operating on a bona fide trimester schedule
3 established for educational reasons and that there is sufficient
4 justification for the school or program to operate on a calendar
5 that differs from the common school calendar adopted under
6 subsection (1), the superintendent of public instruction shall
7 grant the waiver. The superintendent of public instruction shall
8 establish standards for determining a bona fide trimester schedule
9 for the purposes of this subsection.

10 (6) ~~(7)~~—This section does not apply to a public school that
11 operates all of grades 6 to 12 at a single site, that aligns its
12 high school curriculum with advanced placement courses as the
13 capstone of the curriculum, and that ends its second academic
14 semester concurrently with the end of the advanced placement
15 examination period.

16 (7) ~~(8)~~—In addition to the other exceptions under this
17 section, the superintendent of public instruction may grant a
18 waiver from a requirement under this section for a school district
19 that applies for the waiver in writing in the form and manner
20 prescribed by the superintendent of public instruction and provides
21 sufficient justification for the waiver, as determined by the
22 superintendent of public instruction.

23 (8) ~~(9)~~—As used in this section:

24 (a) "Board" means the board of a school district or board of
25 directors of a public school academy.

26 (b) "Constituent district" means a constituent district of the
27 intermediate school district or a public school academy that is

1 located within the boundaries of the intermediate school district
2 and that receives services from the intermediate school district.

3 (c) "School district" means a school district or a public
4 school academy.

5 Sec. 1284b. ~~(1) Until subsection (2) applies to the school~~
6 ~~district, public school academy, or intermediate school district,~~
7 ~~the board of a school district or intermediate school district or~~
8 ~~board of directors of a public school academy shall ensure that the~~
9 ~~district's or public school academy's schools are not in session on~~
10 ~~the Friday before Labor day.~~

11 (1) ~~(2)~~ Except as otherwise provided in this section, the
12 board of a school district or intermediate school district or board
13 of directors of a public school academy shall ensure that the
14 district's or public school academy's school year does not begin
15 before Labor day. **DAY.**

16 ~~—— (3) If a collective bargaining agreement that provides a~~
17 ~~complete school calendar is in effect for employees of a school~~
18 ~~district, public school academy, or intermediate school district as~~
19 ~~of the effective date of the amendatory act that added subsection~~
20 ~~(2), and if that school calendar is not in compliance with~~
21 ~~subsection (2), then subsection (2) does not apply to that school~~
22 ~~district, public school academy, or intermediate school district~~
23 ~~until after the expiration of that collective bargaining agreement.~~

24 (2) ~~(4)~~ If a school district, intermediate school district, or
25 public school academy is operating a year-round school or program
26 as of September 29, 2005 or is operating as of that date a school
27 that is an international baccalaureate academy that provides 1,160

1 hours of pupil instruction per school year, then subsection ~~(2)~~—(1)
2 does not apply to that school or program. If a school district,
3 intermediate school district, or public school academy begins
4 operating a year-round school or program after September 29, 2005,
5 the school district, intermediate school district, or public school
6 academy may apply to the superintendent of public instruction for a
7 waiver from the requirements of subsection ~~(2)~~—(1). **A SCHOOL**
8 **DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY**
9 **SHALL NOT APPLY FOR A WAIVER UNDER THIS SUBSECTION UNLESS THE BOARD**
10 **OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF**
11 **DIRECTORS OF THE PUBLIC SCHOOL ACADEMY HAS HELD AT LEAST 1 PUBLIC**
12 **HEARING TO DISCUSS THE PROPOSED ALTERNATIVE SCHOOL CALENDAR FOR THE**
13 **SCHOOL OR PROGRAM AND WHETHER OR NOT TO APPLY FOR THE WAIVER.** Upon
14 application, if the superintendent of public instruction determines
15 that a school or program is a bona fide year-round school or
16 program established for educational reasons, the superintendent of
17 public instruction shall grant the waiver. The superintendent of
18 public instruction shall establish standards for determining a bona
19 fide year-round school or program for the purposes of this
20 subsection. **HOWEVER, IF A SCHOOL OR PROGRAM MEETS ANY OF THE**
21 **FOLLOWING, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL CONSIDER**
22 **THE SCHOOL OR PROGRAM TO BE A BONA FIDE YEAR-ROUND SCHOOL OR**
23 **PROGRAM AND SHALL GRANT THE WAIVER:**

24 (A) IS ON THE SAME CALENDAR AS AN INSTITUTION OF HIGHER
25 EDUCATION AND SHARES FACILITIES, FACULTY, OR COURSES WITH THE
26 HIGHER EDUCATION INSTITUTION.

27 (B) OPERATES ON A SCHOOL CALENDAR THAT INCLUDES A SUMMER BREAK

1 THAT IS NOT GREATER THAN 8 WEEKS FOR THE FIRST 2 SCHOOL YEARS
2 BEGINNING AFTER THE DATE OF THE APPLICATION AND IS NOT GREATER THAN
3 6 WEEKS FOR SUBSEQUENT SCHOOL YEARS.

4 (C) IS A SCHOOL ON THE LIST UNDER SECTION 1280C(1) OF THE
5 PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS
6 DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC
7 SCHOOLS IN THIS STATE, SELECTS A MODEL THAT REQUIRES INCREASED
8 LEARNING TIME AS A CONDITION OF REFORM, AND HAS RECEIVED A WAIVER
9 OF THE POST-LABOR DAY START REQUIREMENT.

10 (D) HAS ADOPTED A PLAN USED BY OR SIMILAR TO A PLAN USED BY
11 OTHER SCHOOLS OR PROGRAMS TO CONDUCT AN EXTENDED SCHOOL CALENDAR,
12 SUCH AS 45 DAYS ON AND 15 DAYS OFF, 60 DAYS ON AND 20 DAYS OFF, 60
13 DAYS ON AND 15 DAYS OFF, OR 90 DAYS ON AND 30 DAYS OFF.

14 (E) AS DETERMINED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION
15 UNDER SECTION 1284A(5), OPERATES ON A BONA FIDE TRIMESTER SCHEDULE.

16 (3) ~~(5)~~—If an intermediate school district contracts with a
17 constituent district or public school academy to provide programs
18 or services for pupils of the constituent district or public school
19 academy; operates a program or service within a building owned by a
20 constituent district or a public school academy located within the
21 intermediate school district's boundaries; or otherwise provides
22 instructional programs or services for pupils of a constituent
23 district or public school academy, and if the school district's or
24 public school academy's school year begins before Labor ~~day~~ **DAY**
25 under subsection ~~(3) or (4)~~, **(2)**, then the intermediate school
26 district may provide programs or services according to the school
27 district's or public school academy's calendar.

1 (4) ~~(6)~~—This section does not apply to a public school that
2 operates all of grades 6 to 12 at a single site, that aligns its
3 high school curriculum with advanced placement courses as the
4 capstone of the curriculum, and that ends its second academic
5 semester concurrently with the end of the advanced placement
6 examination period.

7 (5) ~~(7)~~—This section does not prohibit a school district,
8 intermediate school district, or public school academy from
9 offering or requiring professional development for its personnel
10 that is conducted before Labor ~~day~~**DAY**.

11 (6) ~~(8)~~—As used in this section, "Labor ~~day~~**DAY**" means the
12 first Monday in September.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.