

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976
Part 16
BOARDS OF EDUCATION; POWERS AND DUTIES GENERALLY

380.1201 Board; business to be conducted at public meetings; validity of board actions; closed sessions; legal meetings; notice of meetings; signing of minutes; vice-president to act in absence of president.

Sec. 1201.

(1) The business that the board of a school district is authorized to perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. An act of the board is not valid unless the act is authorized at a meeting by a majority vote of the members elected or appointed to and serving on the board and a proper record is made of the vote.

(2) The board may hold closed sessions only as authorized by section 8 of the open meetings act, 1976 PA 267, MCL 15.268.

(3) A meeting at which all members are present, with or without proper notice to members of the board, and for which proper notice is given to the public pursuant to subsection (4), is considered a legal meeting for the transaction of business.

(4) The board shall give public notice of the time, date, and place of the meeting in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(5) The minutes of each board meeting shall be signed by the secretary. In the absence of the secretary, the president shall appoint a temporary secretary who shall sign the minutes of the meeting. The vice-president shall act in the absence of the president.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 2001, Act 27, Imd. Eff. June 22, 2001

Popular Name: Act 451

380.1202 Record of proceedings, accounts, and business; public records; inspection.

Sec. 1202.

The board of a school district shall maintain records of the proceedings of the board, the accounts of the treasurer, and the business of the district in an orderly manner. The records of the board shall be public records subject to inspection under section 492 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.492 of the Michigan Compiled Laws.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

380.1202a-380.1204 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed sections pertained to site-based decision making, financial reports, and audits.

Popular Name: Act 451

380.1203 Conflict of interest.

Sec. 1203.

(1) A member of the board of a school district or intermediate school district or board of directors of a public school academy who believes or has reason to believe that he or she has a conflict of interest with regard to a contract or other financial transaction that requires the approval of the board or board of directors shall abstain from voting on the contract or other financial transaction and shall disclose the specific conflict of interest. A member of the board of a school district or intermediate school district or board of directors of a public school academy is presumed to have a conflict of interest if the member or his or her family member has a financial interest, or a competing financial interest, in the contract or other financial transaction or is an employee of the school district, intermediate school district, or public school academy.

(2) A person serving as the legal counsel to the board of a school district or intermediate school district or board of directors of a public school academy, or otherwise acting as an advisor or consultant to the board or board of directors, who believes or has reason to believe that the person has a conflict of interest with regard to a contract or other financial transaction that requires the approval of the board or board of directors shall disclose the conflict of interest to the board or board of directors before the vote on the contract or other financial transaction. A person serving as the legal counsel to the board of a school district or intermediate school district or board of directors of a public school academy or otherwise acting as an advisor or consultant to the board or board of directors is presumed to have a conflict of interest if the person or his or her family member has a financial interest, or a competing financial interest, in the contract or other financial transaction.

(3) For the purposes of this section, if a member of the board of a school district or intermediate school district or board of directors of a public school academy, or a person serving as the legal counsel to the board or board of directors, has a child who is a pupil of the school district, intermediate school district, or public school academy, that relationship alone does not constitute a conflict of interest or financial interest in a contract or other financial transaction of the school district, intermediate school district, or public school academy.

(4) For the purposes of this section, an individual is not considered to have a financial interest in any of the following instances:

(a) A contract or other financial transaction between the school district, intermediate school district, or public school academy and any of the following:

(i) A corporation in which the individual is a stockholder owning 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owning stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.

(ii) A corporation in which a trust, if the individual is a beneficiary under the trust, owns 1% or less of the total stock outstanding in any class if the stock is not listed on a stock exchange or owns stock that has a present market value of \$25,000.00 or less if the stock is listed on a stock exchange.

(iii) A professional limited liability company organized pursuant to the Michigan limited liability company act, 1993 PA 23, MCL 450.4101 to 450.5200, if the individual is an employee but not a member of the company.

(b) A contract or other financial transaction between the school district, intermediate school district, or public school academy and any of the following:

(i) A corporation in which the individual is not a director, officer, or employee.

(ii) A firm, partnership, or other unincorporated association, in which the individual is not a partner, member, or employee.

(iii) A corporation or firm that has an indebtedness owed to the individual.

(c) A contract between an intermediate school district and a constituent district.

(d) A contract awarded to the lowest qualified bidder, upon receipt of sealed bids pursuant to a published notice for bids if the notice does not bar, except as authorized by law, any qualified person, firm, corporation, or trust from bidding. This subdivision does not apply to amendments or renegotiations of a contract or to additional payments under the contract that were not authorized by the contract at the time of award.

(5) If a majority of the members of the board of a school district or intermediate school district or of the board of directors of a public school academy are required to abstain from voting on a contract or other financial transaction due to the operation of this section, then, notwithstanding any other provision of law or any bylaw, for the purposes of that contract or other financial transaction, the members who are not required to abstain constitute a quorum of the board or board of directors and a majority of those members eligible to vote is required for approval of the question.

(6) The provisions of this section are in addition to other provisions of law concerning conflicts of interest that apply to school districts, intermediate school districts, and public school academies.

(7) As used in this section, "family member" means a person's spouse or spouse's sibling or child; a person's sibling or sibling's spouse or child; a person's child or child's spouse; or a person's parent or parent's spouse, and includes these relationships as created by adoption or marriage.

History: Add. 2012, Act 606, Imd. Eff. Jan. 9, 2013

380.1204a Annual educational report.

Sec. 1204a.

(1) In addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of its schools to be accredited under section 1280, the board shall prepare and submit to the state board not later than September 1 each year, and shall provide that each school in the school district distributes to the public at an open meeting not later than October 15 each year, an annual educational report. The annual educational report shall include, but is not limited to, all of the following information for each public school in the school district:

(a) The accreditation status of each school within the school district, the process by which pupils are assigned to particular schools, and a description of each specialized school.

(b) The status of the 3- to 5-year school improvement plan as described in section 1277 for each school within the school district.

(c) A copy of the core academic curriculum and a description of its implementation, including how pupils are ensured enrollment in those courses or subjects necessary for them to receive adequate instruction in all of the core academic curriculum, and the variances and explanation for the variances from the model core academic curriculum developed by the state board pursuant to section 1278(2).

(d) A report for each school of aggregate student achievement based upon the results of any locally-administered student competency tests, statewide assessment tests, or nationally normed achievement tests that were given to pupils attending school in the school district.

(e) For the year in which the report is filed and the previous school year, the district pupil retention report as defined in section 6 of the state school aid act of 1979, being section 388.1606 of the Michigan Compiled Laws.

(f) The number and percentage of parents, legal guardians, or persons in loco parentis with pupils enrolled in the school district who participate in parent-teacher conferences for pupils at the elementary, middle, and secondary school level, as appropriate.

(g) Beginning in the 1996-97 school year, if the school is a high school, all of the following:

(i) The number and percentage of pupils enrolled in the school who enrolled during the immediately preceding school year in 1 or more postsecondary courses under the postsecondary enrollment options act or under section 21b of the state school aid act of 1979, being section 388.1621b of the Michigan Compiled Laws.

(ii) The number of college level equivalent courses offered to pupils enrolled in the school, in the school district, and in consortia or cooperative programs available to pupils of the school district.

(iii) The number and percentage of pupils enrolled in the school who were enrolled in at least 1 college level equivalent course during the immediately preceding school year, disaggregated by grade level.

(iv) The number and percentage of pupils described in subparagraph (iii) who took a college level equivalent credit examination.

(v) The number and percentage of pupils described in subparagraph (iv) who achieved a score on a college level equivalent credit examination that is at or above the level recommended by the testing service for college credit.

(h) A comparison with the immediately preceding school year of the information required by subdivisions (a) through (g).

(2) At least annually, the department shall prepare and submit to the legislature a report of the information described in subsection (1)(g), aggregated for statewide and intermediate school district totals, using the information submitted by school districts.

(3) The state board shall prepare and make available to school districts suggestions for accumulating the information listed in subsection (1) and a model annual educational report for school districts to consider in the implementation of this section.

(4) As used in this section, "college level equivalent course" and "college level equivalent credit examination" mean those terms as defined in part 14a.

History: Add. 1989, Act 159, Eff. Mar. 13, 1990 ;-- Am. 1990, Act 25, Eff. Apr. 13, 1990 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1996, Act 159, Eff. July 1, 1996

Popular Name: Act 451

380.1204b Repealed. 1990, Act 25, Eff. Apr. 13, 1990.

Compiler's Notes: The repealed section pertained to annual reports.
Popular Name: Act 451

380.1205 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to administration of oaths.
Popular Name: Act 451

380.1206 Conduct of elections under MCL 168.301 to 168.315.

Sec. 1206.

(1) The Michigan election law governs election procedures for a school district, local act school district, or intermediate school district regular school election or special school election.

(2) A school district, local act school district, or intermediate school district regular school election or special school election shall be administered and conducted as provided in chapter XIV of the Michigan election law, MCL 168.301 to 168.315. A school district, local act school district, or intermediate school district may use general operating funds to reimburse units of local government involved in administering and conducting a regular school election or special school election for the school district, local act school district, or intermediate school district, as required under the Michigan election law.

History: Add. 2003, Act 299, Eff. Jan. 1, 2005
Popular Name: Act 451

380.1210 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to receipt of property for scholarships or other educational purposes.
Popular Name: Act 451

380.1211 Mills levied for school operating purposes; limitation; reduction of mills from which homestead, qualified agricultural property, qualified forest property, supportive housing property, property occupied by public school academy, and industrial personal property are exempt; effect of insufficient mills allowed to be levied under subsection (1); additional mills; number of mills school district may levy after 1994; exemption of commercial personal property; approval by school electors; excess tax revenue; shortfall; allocation under property tax limitation act; reducing number of mills; definitions.

Sec. 1211.

(1) Except as otherwise provided in this section and section 1211c, the board of a school district shall levy not more than 18 mills for school operating purposes or the number of mills levied in 1993 for school operating purposes, whichever is less. A principal residence, qualified agricultural property, qualified forest property, supportive housing property, property occupied by a public school academy, and industrial personal property are exempt from the mills levied under this subsection except for the number of mills by which that exemption is reduced under this subsection. Except as otherwise provided in subsection (9), the board of a school district that had a foundation allowance for the 1994-95 state fiscal year greater than \$6,500.00 may reduce the number of mills from which a principal residence, qualified agricultural property, qualified forest property, supportive housing

property, property occupied by a public school academy, and industrial personal property are exempted under this subsection by up to the number of mills, as certified under section 1211a, required to be levied on a principal residence, qualified agricultural property, qualified forest property, supportive housing property, property occupied by a public school academy, and industrial personal property for the school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for the state fiscal year ending in 1995, and the board also may levy in 1994 or a succeeding year that number of mills for school operating purposes on a principal residence, qualified agricultural property, qualified forest property, supportive housing property, property occupied by a public school academy, and industrial personal property.

(2) Subject to subsection (3), if the department of treasury determines that the maximum number of mills allowed to be levied under subsection (1) on all classes of property was not sufficient for a school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for that school fiscal year, the board of the school district may levy in 1994 or a succeeding year additional mills uniformly on all property up to the number of mills required for the school district's combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district's foundation allowance for the state fiscal year ending in 1995. However, the board of a school district described in this subsection, by board resolution, may elect to exempt each principal residence and all qualified agricultural property, qualified forest property, supportive housing property, property occupied by a public school academy, and industrial personal property located in the school district from some or all of the mills that the board is authorized to levy under this subsection.

(3) After 1994, the number of mills a school district may levy under this section on any class of property must not exceed the lesser of the number of mills the school district was certified by the department of treasury under section 1211a to levy on that class of property under this section in 1994 or the number of mills required to be levied on that class of property under this section to ensure that the increase from the immediately preceding state fiscal year in the school district's combined state and local revenue per membership pupil, calculated as if the school district had levied the maximum number of mills the school district was allowed to levy under this section regardless of the number of mills the school district actually levied, does not exceed the lesser of the dollar amount of the increase in the target foundation allowance under section 20 of the state school aid act of 1979, MCL 388.1620, from the immediately preceding state fiscal year or the percentage increase in the general price level in the immediately preceding calendar year. If the number of mills a school district is allowed to levy under this section in a year after 1994 is less than the number of mills the school district was allowed to levy under this section in the immediately preceding year, any reduction required by this subsection in the school district's millage rate must be calculated by first reducing the number of mills the school district is allowed to levy under subsection (2) and then increasing the number of mills from which a principal residence, qualified agricultural property, qualified forest property, supportive housing property, property occupied by a public school academy, and industrial personal property are exempted under subsection (1). For calculations under this subsection, the target foundation allowance under section 20 of the state school aid act of 1979, MCL 388.1620, for the 2018-2019 state fiscal year is considered to be the basic foundation allowance under section 20 of the state school aid act of 1979, MCL 388.1620, for the 2018-2019 state fiscal year.

(4) Commercial personal property is exempt from 12 of the mills levied under this section. However, if the number of mills from which industrial personal property is exempted for a specific school district is reduced under this section, then the number of mills from which commercial personal property is exempted for that school district must be reduced by that same number of mills.

(5) Except as otherwise provided under this subsection, millage levied under this section must be approved by the school electors. For the purposes of this section, millage approved by the school electors before January 1, 1994 for which the authorization has not expired is considered to be approved by the school electors. With the approval of the state treasurer, a school district may pledge millage levied under this section for the repayment of a loan under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, money borrowed by the school district under section 1225, or the repayment of advances, overpayments, or other obligations of the school district to this state under section 15 of the state school aid act of 1979, MCL 388.1615.

(6) If a school district levies millage for school operating purposes that is in excess of the limits of this section, the amount of the resulting excess tax revenue must be deducted from the school district's next regular tax levy.

(7) If a school district levies millage for school operating purposes that is less than the limits of this section, the board of the school district may levy at the school district's next regular tax levy an additional number of mills not to exceed the additional millage needed to make up the shortfall.

(8) A school district shall not levy mills allocated under the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a, other than mills allocated to a school district that was previously a school district of the first class, for payment to a public library commission under section 11(4) of the property tax limitation act, 1933 PA 62, MCL 211.211, after 1993.

(9) Beginning with taxes levied for 2011, if a school district had a foundation allowance for the 1994-95 state fiscal year greater than \$6,500.00 and if the school district's foundation allowance for the 2009-2010 state fiscal

year was less than the basic foundation allowance prescribed for the 2009-2010 state fiscal year under section 20 of the state school aid act of 1979, MCL 388.1620, the school district may not reduce the number of mills from which certain classes of property are exempted from the levy of millage under subsection (1) and may not levy that number of mills on those classes of property as would otherwise be allowed under subsection (1).

(10) As used in this section:

(a) "Combined state and local revenue per membership pupil" means that term as defined in section 20 of the state school aid act of 1979, MCL 388.1620.

(b) "Commercial personal property" means property classified as commercial personal property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

(c) "Foundation allowance" means a school district's foundation allowance as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(d) "General price level" means that term as defined in section 33 of article IX of the state constitution of 1963.

(e) "Industrial personal property" means the following:

(i) Except as otherwise provided in subparagraph (ii), property classified as industrial personal property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

(ii) Beginning December 31, 2011, industrial personal property does not include a turbine powered by gas, steam, nuclear energy, coal, or oil the primary purpose of which is the generation of electricity for sale.

(f) "Membership" means that term as defined in section 6 of the state school aid act of 1979, MCL 388.1606.

(g) "Owner", "person", "principal residence", and "qualified agricultural property" mean those terms as defined in section 7dd of the general property tax act, 1893 PA 206, MCL 211.7dd.

(h) "Property occupied by a public school academy" means property occupied by a public school academy, urban high school academy, or school of excellence that is used exclusively for educational purposes.

(i) "Qualified forest property" means that term as defined in section 7jj of the general property tax act, 1893 PA 206, MCL 211.7jj[1].

(j) "School operating purposes" includes expenditures for furniture and equipment, for alterations necessary to maintain school facilities in a safe and sanitary condition, for funding the cost of energy conservation improvements in school facilities, for deficiencies in operating expenses for the preceding year or preceding years, including, but not limited to, repayment of an emergency loan under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, and for paying the operating allowance due from the school district to a joint high school district in which the school district is a participating school district under former part 3a. Taxes levied for school operating purposes do not include any of the following:

(i) Taxes levied by a school district for operating a community college under part 25.

(ii) Taxes levied under section 1212.

(iii) Taxes levied under section 1356 for eliminating an operating deficit.

(iv) Taxes levied for operation of a library under section 1451 or for operation of a library established under 1913 PA 261, MCL 397.261 to 397.262, that were not included in the operating millage reported by the district to the department as of April 1, 1993. However, a district may report to the department not later than April 1, 1994 the number of mills it levied in 1993 for a purpose described in this subparagraph that the school district does not want considered as operating millage and then that number of mills is excluded under this section from taxes levied for school operating purposes.

(v) Taxes paid by a school district that was previously a school district of the first class to a public library commission under section 11(4) of the property tax limitation act, 1933 PA 62, MCL 211.211.

(vi) Taxes levied under former section 1512 for operation of a community swimming pool. In addition, if a school district included the millage it levied in 1993 for operation of a community swimming pool as part of its operating millage reported to the department for 1993, the school district may report to the department not later than June 17, 1994 the number of mills it levied in 1993 for operation of a community swimming pool that the school district does not want considered as operating millage and then that number of mills is excluded under this section from taxes levied for school operating purposes.

(k) "Supportive housing property" means real property certified as supportive housing property under chapter 3B of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1459 to 125.1459a.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1982, Act 431, Imd. Eff. Dec. 29, 1982 ;-- Am. 1991, Act 108, Imd. Eff. Oct. 9, 1991 ;-- Am. 1992, Act 236, Imd. Eff. Oct. 22, 1992 ;-- Am. 1993, Act 312, Eff. Mar. 15, 1994 ;-- Am. 1994, Act 136, Imd. Eff. May 24, 1994 ;-- Am. 1994, Act 173, Imd. Eff. June 17, 1994 ;-- Am. 1994, Act 258, Imd. Eff. July 5, 1994 ;-- Am. 2003, Act 126, Eff. Jan. 1, 2004 ;-- Am. 2006, Act 380, Imd. Eff. Sept. 27, 2006 ;-- Am. 2006, Act 648, Imd. Eff. Jan. 5, 2007 ;-- Am. 2007, Act 37, Imd. Eff. July 12, 2007 ;-- Am. 2008, Act 455, Imd. Eff. Jan. 9, 2009 ;-- Am. 2010, Act 216, Eff. Mar. 30, 2011 ;-- Am. 2011, Act 317, Eff. Dec. 31, 2011 ;-- Am. 2012, Act 232, Imd. Eff. June 29, 2012 ;-- Am. 2012, Act 285, Imd. Eff. Aug. 1, 2012 ;-- Am. 2020, Act 156, Imd. Eff. Sept. 17, 2020
Compiler's Notes: Enacting section 1 of Act 37 of 2007 provides: "Enacting section 1. This amendatory act applies to taxes levied after December 31, 2007."

Popular Name: Act 451

380.1211a Certifications by department of treasury; appeal of determinations; appeal conference; final decision.

Sec. 1211a.

Not later than June 20, 1994, the department of treasury shall certify each school district's combined state and local revenue per membership pupil, as defined in section 1211, for the school fiscal year ending in 1994, the number of mills the school district may levy beginning in 1994 under section 1211, and the number of mills by which the school district may reduce the exemption for a homestead and qualified agricultural property for 1994 under section 1211. The department of education shall provide to the department of treasury all information necessary for the department of treasury to make the certifications under this section. Not later than July 20, 1994, a school district may appeal the determinations made by the department of treasury for the district under this section. An appeal under this subsection shall be made to the superintendent of public instruction, who may assign the appeal to a hearing officer. The superintendent of public instruction shall offer any appealing school district an appeal conference to attempt to resolve the issues raised in the appeal without a hearing. If the appeal conference does not resolve the issues, the superintendent of public instruction or hearing officer may conduct a hearing. Based upon the appeal, the information submitted by the school district, and the information provided by the department of treasury, the hearing officer shall submit a proposed decision to the superintendent of public instruction either affirming the determinations made by the department of treasury or directing the department of treasury to make specific adjustments. Not later than 30 days after receiving the proposed decision, or not later than 30 days after hearing the appeal, the superintendent of public instruction shall issue a final decision either affirming the determinations made by the department of treasury or directing the department of treasury to make specific adjustments and provide a copy to the school district.

History: Add. 1993, Act 312, Eff. Mar. 15, 1994 ;-- Am. 1994, Act 258, Imd. Eff. July 5, 1994

Popular Name: Act 451

380.1211b Repealed. 1994, Act 258, Imd. Eff. July 5, 1994.

Compiler's Notes: The repealed section pertained to establishment of school district as charter authority.

Popular Name: Act 451

380.1211c Additional mills; limitation; presentation to school electors as separate questions; school district not described in MCL 388.1620.

Sec. 1211c.

For 1994 through 1996, a school district may levy, in addition to the millage authorized under section 1211, not more than 3 additional mills for enhancing operating revenue if approved by the school electors at an election held after 1993. The question of levying mills authorized under this section shall be presented to school electors as a separate question and identified as being for enhancement of operating revenue. A school district that is not a school district described in section 20(12) or (13) of the state school aid act of 1979, being section 388.1620 of the Michigan Compiled Laws, shall not levy any millage under this section that was approved by the school electors after September 30, 1994, unless the school district levies, for the same tax year, the maximum number of mills under section 1211 that does not exceed the limitations imposed by section 1211(3).

History: Add. 1993, Act 312, Eff. Mar. 15, 1994 ;-- Am. 1994, Act 258, Imd. Eff. July 5, 1994 ;-- Am. 1994, Act 344, Imd. Eff. Dec. 12, 1994

Popular Name: Act 451

380.1211d Repealed. 2003, Act 126, Eff. Jan. 1, 2004.

Compiler's Notes: The repealed section pertained to definitions.

Popular Name: Act 451

380.1211e Affidavit claiming exemption on qualified agricultural property; filing.

Sec. 1211e.

(1) Subject to subsection (2), to claim an exemption under section 1211(1) for qualified agricultural property for the 1994 tax year, if an affidavit claiming an exemption on a principal residence was not filed for the property by May 1, 1994, an affidavit claiming the exemption on qualified agricultural property shall be filed with the local assessing unit by June 1, 1994. If property is qualified agricultural property and is classified as agricultural property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, that property is exempt and an affidavit claiming the exemption does not need to be filed.

(2) If there are provisions in the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, that are inconsistent with subsection (1), the provisions of the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, prevail.

History: Add. 1994, Act 258, Imd. Eff. July 5, 1994 ;-- Am. 2003, Act 126, Eff. Jan. 1, 2004

Popular Name: Act 451

380.1212 Sinking fund; creation; purpose; tax levy; audit; submission of proposition to school electors; election; ballot; approval; definitions.

Sec. 1212.

(1) If approved by the school electors of the school district, the board of a school district may levy a tax on the taxable value of the real and personal property of the school district each year for the purpose of creating a sinking fund. All of the following apply to a sinking fund tax authorized under this section:

(a) For a sinking fund tax authorized before March 29, 2017, the sinking fund tax may be used for the purchase of real estate for sites for, and the construction or repair of, school buildings. For a sinking fund tax authorized on or after March 29, 2017 and before the effective date of the amendatory act that added the following sentence, the sinking fund tax may be used for the purchase of real estate for sites for, and the construction or repair of, school buildings, for school security improvements, or for the acquisition or upgrading of technology. For a sinking fund tax authorized on or after the effective date of the amendatory act that added this sentence, the sinking fund tax may be used for the purchase of real estate for sites for, and the construction or repair of, school buildings; for school security improvements; for the acquisition or upgrading of technology; for the acquisition of student transportation vehicles; for the acquisition of parts, supplies, and equipment used for the maintenance of student transportation vehicles; for the acquisition of trucks and vans registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, and used to carry parts, equipment, and personnel for or in the maintenance of school buildings; or for the acquisition of parts, supplies, and equipment used to maintain those trucks and vans.

(b) For a sinking fund tax authorized before March 29, 2017, the sinking fund tax must not exceed 5 mills. For a sinking fund tax authorized on or after March 29, 2017, the sinking fund tax must not exceed 3 mills.

(c) For a sinking fund tax authorized before March 29, 2017, the sinking fund tax may be levied each year for a period not to exceed 20 years. For a sinking fund tax authorized on or after March 29, 2017, the sinking fund tax may be levied each year for a period not to exceed 10 years.

(d) The sinking fund tax levy is subject to the 15 mill tax limitation provisions of section 6 of article IX of the state constitution of 1963 and the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a.

(2) A school district that levies a sinking fund tax under this section must have an independent audit of its sinking

fund conducted annually, including a review of the uses of the sinking fund, and shall submit the audit report to the department of treasury. If the department of treasury determines from the audit report that the sinking fund has been used for a purpose other than those authorized for the sinking fund under this section, the school district shall repay the misused funds to the sinking fund from the school district's operating funds and shall not levy a sinking fund tax under this section after the date the department of treasury makes that determination.

(3) A school district shall submit the proposition of levying a sinking fund tax to the school electors of the school district at a regular or special school election.

(4) The question of levying taxes for the purpose of creating a sinking fund must be by ballot in substantially the following form:

"Shall _____ levy _____ mills

(legal name of school district)

to create a sinking fund for the purpose of _____

for a period of _____ years?

Yes ()

No ()

(5) For the purposes of this section, millage approved by the school electors before December 1, 1993 for which the authorization has not expired is considered to be approved by the school electors.

(6) As used in this section:

(a) "School security improvement" means any capital improvement or purchase that is designed to act as a deterrent to unauthorized entry of persons or items onto school premises or to otherwise promote security, including, but not limited to, metal detectors, locks, doors, lighting, cameras, and enhancements to entryways. School security improvement also includes a mobile telephone application that provides the ability to communicate with personnel on site while also connecting an emergency telephone call to a 9-1-1 center. School security improvement does not include personnel costs or operation costs related to a capital improvement or purchase or related to a mobile telephone application.

(b) "Technology" means that term as defined in section 1351a.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1993, Act 312, Eff. Mar. 15, 1994 ;-- Am. 2003, Act 299, Eff. Jan. 1, 2005 ;-- Am. 2016, Act 319, Eff. Mar. 29, 2017 ;-- Am. 2023, Act 26, Eff. Aug. 6, 2023

380.1213 Filing certified copy of resolution certifying taxes to be levied; time.

Sec. 1213.

The secretary of the board of a school district shall file a certified copy of a resolution of the board certifying the taxes to be levied on the taxable property within the district as approved by the school electors of the district or the board with each city and township clerk in which the school district is situated according to the following:

(a) Not later than September 30 of each year.

(b) Within 10 days after the annual meeting if held in September.

(c) Not later than 5 days after the election if taxes are authorized at an election held pursuant to section 36(2) or (3) of the general property tax act, Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1979, Act 75, Imd. Eff. July 31, 1979 ;-- Am. 1986, Act 263, Imd. Eff. Dec. 9, 1986

Popular Name: Act 451

380.1214 Additional millage; authorization by resolution; levy, collection, and enforcement procedure; proceedings as to first debt retirement fund tax; proceedings as to separate tax rate limitations.

Sec. 1214.

(1) If the school electors of a school district vote the authorization of a tax rate in addition to that allocated to the district under the property tax limitation act, Act No. 62 of the Public Acts of 1933, as amended, being sections 211.201 to 211.217a of the Michigan Compiled Laws, before September 30 in any year, or for any school district on or before the last day permitted for an election held pursuant to section 36(2) or (3) of the general property tax act, Act No. 206 of the Public Acts of 1893, as amended, being section 211.36 of the Michigan Compiled Laws, then the board, by resolution, may authorize the additional millage so voted to be levied and collected, in the year voted, with the county taxes. The levy, collection, and enforcement procedure for the additional tax shall be pursuant to the laws in effect for the levy, collection, and enforcement procedure of county taxes against property lying within the boundaries of the school district.

(2) The same proceedings may be taken for the levy, collection, and enforcement procedure of the first debt retirement fund tax when a bond issue is approved by the school electors before September 30 in any year. However, if a bond issue is approved after September 14, 1986 and before September 30, 1986, the levy, collection, and enforcement procedure of the first debt retirement fund tax shall not be taken unless, within 10 days after the effective date of this 1986 amendatory act, the secretary of the board of the school district files a certified copy of the resolution of the board certifying the taxes to be levied with the clerk of each city and township in which the school district is located.

(3) The same proceedings may be taken for the levy, collection, and enforcement of an additional tax rate if the electors of a county adopt separate tax rate limitations pursuant to sections 5a to 5m of Act No. 62 of the Public Acts of 1933, as amended, being sections 211.205a to 211.205m of the Michigan Compiled Laws, giving a school district a higher tax rate than the maximum tax rate determined by the county tax allocation board, and the separate limitation is adopted after June 1 and effective for taxes levied during that calendar year.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1979, Act 75, Imd. Eff. July 31, 1979 ;-- Am. 1980, Act 267, Imd. Eff. Sept. 30, 1980 ;-- Am. 1986, Act 263, Imd. Eff. Dec. 9, 1986

Popular Name: Act 451

380.1215 Accounting for moneys; fund designations.

Sec. 1215.

(1) Operating taxes shall be accounted for under the title of "general fund". The state board may establish other fund designations to clarify further the expenditure classifications for which general fund moneys may be used.

(2) Library money shall be accounted for under the title of "library fund".

(3) Building and site money shall be accounted for under the title of "building and site fund".

(4) Taxes collected for retiring bonded indebtedness shall be accounted for as required by the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 2002, Act 63, Imd. Eff. Mar. 15, 2002

Popular Name: Act 451

380.1216 Use of money raised by tax.

Sec. 1216.

Except as provided in the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, as provided in section 15 of the state school aid act of 1979, MCL 388.1615, or for purposes authorized under section 1211(5), money raised by tax shall not be used for a purpose other than that for which it was raised without the consent of a majority of the school electors of the district voting on the question at a regular or special school election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1978, Act 473, Imd. Eff. Oct. 19, 1978 ;-- Am. 1991, Act 108, Imd. Eff. Oct. 9, 1991 ;-- Am. 1992, Act 236, Imd. Eff. Oct. 22, 1992 ;-- Am. 2002, Act 64, Imd. Eff. Mar. 15, 2002 ;-- Am. 2003, Act 299, Eff. Jan. 1, 2005 ;-- Am. 2012, Act 285, Imd. Eff. Aug. 1, 2012

Popular Name: Act 451

380.1217 Support and maintenance of sectarian schools prohibited; transportation of nonpublic school pupils.

Sec. 1217.

A board of a school district or board of directors of a public school academy shall not apply money received by it from any source for the support and maintenance of a school sectarian in character. This section does not prohibit the transportation to school and from school of pupils attending nonpublic schools under sections 1321 and 1322.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1994, Act 416, Eff. Mar. 30, 1995

Popular Name: Act 451

380.1217a Purchase, rental, or lease of cars for board members or for chauffeurs for board members prohibited.

Sec. 1217a.

For travel within the boundaries of its district, a board of a school district or intermediate school district shall not expend funds received by the district from any source for the purchase, rental, or lease of cars for board members or for chauffeurs for board members.

History: Add. 1988, Act 257, Imd. Eff. July 15, 1988

Popular Name: Act 451

380.1218 Assessment, levy, and collection of school taxes; budgets; provisions governing school districts.

Sec. 1218.

(1) School taxes shall be assessed, levied, and collected in the manner provided in Act No. 206 of the Public Acts of 1893, as amended, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

(2) Budgets shall be submitted and school districts shall be governed by Act No. 62 of the Public Acts of 1933, as amended.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

380.1219 Annual budget; adoption; budgetary assumptions; transmission to CEPI; submission to department of treasury; information; potential for existence of fiscal stress within school district, intermediate school district, or public school academy; determination; basis; duties of state treasurer; administrative review of financial status; contract; provisions; waiver of certain requirements; periodic financial status reports; submission of enhanced deficit elimination plan; conditions; determination under subsection (13); availability of documents on website; administrative review of financial status of public school academy; definitions.

Sec. 1219.

(1) Except as otherwise provided in subsection (2), before July 7 of each school fiscal year, each school district and public school academy shall transmit to CEPI the budgetary assumptions used when adopting its annual budget pursuant to the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a. However, a school district or public school academy that had a positive general fund balance of at least 5% of total general fund revenues for each of 2 most recently completed school fiscal years is not required to transmit the budgetary assumptions under this subsection. After receipt by CEPI, CEPI shall compile and transmit the budgetary assumptions to the department of treasury. The submission of the budgetary assumptions under this subsection shall be in the form prescribed by CEPI and shall include at least all of the following information:

(a) The projected foundation allowance for the school district or public school academy used by its governing body when adopting the budget for the school district or public school academy for the current school fiscal year.

(b) The projected membership of the school district or public school academy used when adopting the budget of the school district or public school academy for the current school fiscal year.

(c) The estimated expenditures per pupil for the school district or public school academy for the immediately preceding school fiscal year, calculated by dividing total general fund operating expenditures for the school district or public school academy during that school fiscal year by the membership for the school district or public school academy reported by the department in the most recent state aid financial status report for the month of May.

(d) The projected expenditures per pupil for the school district or public school academy for the current school fiscal year, calculated by dividing the total general fund operating expenditures authorized by the governing body of the school district or the public school academy when adopting the budget for the current school fiscal year by the projected membership of the school district or public school academy used when adopting the budget of the school district or public school academy for the current school fiscal year.

(2) If an authorizing body submits a budgetary assumption report required under subsection (1) on behalf of each public school academy authorized by that authorizing body that would otherwise be required to submit budgetary assumptions under subsection (1), then those public school academies are not required to submit the budgetary assumption report required under subsection (1).

(3) If, based on the factors enumerated in this subsection, the state treasurer determines that the potential for fiscal stress exists within a school district, intermediate school district, or public school academy; that an operating deficit may arise within a school district, intermediate school district, or public school academy during the current school fiscal year or the following 2 school fiscal years; or that a school district, intermediate school district, or public school academy may be unable to meet its financial obligations while also satisfying the school district's, intermediate school district's, or public school academy's obligations or abilities to provide public educational services in a manner that complies with this act, the state school aid act of 1979, and applicable rules, then the state treasurer may declare that the potential for fiscal stress exists for the school district, intermediate school district, or public school academy. This determination shall be based on consideration of the following factors:

(a) Financial data or other information submitted by the school district, intermediate school district, or public school academy to a state department or agency.

(b) Financial data or other information included within an audited financial statement of the school district, intermediate school district, or public school academy.

(c) Financial data or other information provided to a state department, agency, or authority in connection with a request to issue bonds, notes, or other debt obligations, including, but not limited to, information relating to a request for a loan under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942.

(d) Financial data or other information included within a recommended budget, budget, or general appropriations act of the school district, intermediate school district, or public school academy.

(e) Financial data or other information provided to a state department, agency, or authority by an officer, employee, contractor, or agent of the school district, intermediate school district, or public school academy.

(f) For a school district, data relating to pupil enrollment, including, but not limited to, residents of other school districts enrolled in the school district and residents of the school district enrolled in another school district or in a public school not operated by the school district.

(g) For a school district, financial data or other information provided to the department or department of treasury by the intermediate school district in which the school district is located.

(h) For a public school academy, financial data or other information provided to the department or department of treasury by the authorizing body of the public school academy.

(4) If the state treasurer declares under subsection (3) that the potential for fiscal stress exists for a school district, intermediate school district, or public school academy, then not less than 14 days after the declaration the state treasurer shall do all of the following:

(a) Notify the governing body of the school district, intermediate school district, or public school academy that the state treasurer has declared that the potential for fiscal stress exists for the school district, intermediate school district, or public school academy.

(b) For a school district or public school academy, notify the governing body of the school district or public school academy that it may establish a contract under subsection (5) with an intermediate school district to perform an administrative review of the financial status of the school district or public school academy.

(5) Subject to subsection (16), if the state treasurer declares under subsection (3) that the potential for fiscal stress exists for a school district or public school academy, the governing body of the school district or public school academy may choose to establish a contract with an intermediate school district to perform an administrative review of the financial status of the school district or public school academy. An intermediate school district that is working with a school district or public school academy to establish a contract under this subsection shall consult with the department of treasury on the development of the contract. A school district or public school academy must enter into this contract within 60 days after receiving notification of the declaration from the state treasurer under subsection (4). A contract under this subsection between an intermediate school district and a school district or public school academy shall provide for all of the following:

(a) Within 90 days after entering into the contract, the intermediate school district shall complete an administrative review and issue recommendations to the school district or public school academy concerning those steps the school district or public school academy should consider taking to avoid a deficit.

(b) After completion of the administrative review, the intermediate school district shall present the recommendations under subdivision (a) at the next scheduled public meeting of the governing body of the school district or public school academy.

(c) The intermediate school district shall send a copy of the recommendations to the department and the department of treasury.

(d) Subject to subsection (6), the intermediate school district's administrative review under subdivision (a) shall include, but is not limited to, all of the following:

(i) An examination of financial practices, including at least an examination of the school district's or public school academy's compliance with the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a, budget to actual expense report monitoring, and budget amendment practices after budget adoption.

(ii) An examination of staffing and a comparison of staffing to other school districts and public school academies, as applicable.

(iii) An examination of wages and a comparison of wages to other school districts and public school academies in the area, as applicable.

(iv) An examination of benefit costs as a percentage of wages and a comparison of benefit costs as a percentage of wages to other school districts and public school academies in the area, as applicable.

(v) A school building student capacity utilization review.

(vi) An examination of non-instructional costs by function and a comparison of those costs to other school districts and public school academies, as applicable.

(vii) A review of enrollment projection methods and history.

(viii) An examination of deferred maintenance and capital investment needs. Capital investment needs include technology equipment and technology infrastructure needs.

(ix) An examination of substitute costs, workers compensation costs, unemployment compensation costs and forecasts, and a review of other insurance programs.

(x) An examination of pupil transportation costs and routing.

(xi) An examination of the current and future costs of existing bargaining agreements.

(e) The school district or public school academy shall give the intermediate school district or its contracted agents access to any and all financial data or information relating to the financial condition of the school district or public school academy as requested by the intermediate school district.

(f) The school district or public school academy shall allow the intermediate school district or its contracted agents to examine all financial records and books of account of the school district or public school academy.

(g) The school district or public school academy shall promptly and fully provide the assistance and information necessary and properly requested by the intermediate school district or its contracted agent in the effectuation of the intermediate school district's duties under this subsection, including, but not limited to, complying with a request that the school district or public school academy provide a facility condition assessment or a physical asset inventory if either of these has not been completed in the immediately preceding 24 months.

(h) The school district or public school academy shall allow the intermediate school district to work in a consortium with another intermediate school district or multiple intermediate school districts in the effectuation of the intermediate school district's duties under this subsection.

(i) The school district or public school academy shall allow the intermediate school district to use a contractor or contractors to assist in the review on a cost recovery basis as determined by the intermediate school district.

(j) Either the intermediate school district or the school district or public school academy may rescind the contract, as follows:

(i) The intermediate school district may rescind the contract if the school district or public school academy is not complying with 1 or more of the recommendations issued to the school district or public school academy under subdivision (a).

(ii) The school district or public school academy may rescind the contract for any reason.

(6) The parties to a contract under subsection (5) may request the department of treasury to waive 1 or more of the requirements for items to be included in the intermediate school district's administrative review under subsection

(5)(d). If the department of treasury grants a waiver under this subsection, then the intermediate school district's administrative review under subsection (5)(d) is not required to include the waived item or items.

(7) If a school district or public school academy establishes a contract with an intermediate school district under subsection (5), the intermediate school district shall submit quarterly reports to the department of treasury on the status of the implementation of the recommendations issued to the school district or intermediate school district by the intermediate school district under subsection (5)(a).

(8) Subject to subsection (9), the state treasurer may require a school district, intermediate school district, or public school academy to submit periodic financial status reports under this section if all of the following occur:

(a) The state treasurer has declared under subsection (3) that the potential for fiscal stress exists for the school district, intermediate school district, or public school academy.

(b) More than 60 days have passed since the school district, intermediate school district, or public school academy was notified of the declaration as required under subsection (4)(a).

(c) For a school district or public school academy, that school district or public school academy has not established a contract with an intermediate school district in the time and manner required under subsection (5), has rescinded a contract with an intermediate school district under subsection (5)(j), or has had its contract with an intermediate school district under subsection (5) rescinded by the intermediate school district under subsection (5)(j).

(d) The school district, intermediate school district, or public school academy has not had a positive general fund balance of at least 5% of total general fund revenues for each of the 2 most recently completed school fiscal years.

(e) The school district, intermediate school district, or public school academy has had a declining general fund balance in 1 or both of the 2 most recently completed school fiscal years.

(f) The school district, intermediate school district, or public school academy is not required to submit a deficit elimination plan or an enhanced deficit elimination plan under section 1220.

(9) If a school district or public school academy enters into a contract with an intermediate school district as described under subsection (5), the state treasurer shall not require the school district or public school academy to submit periodic financial status reports under this section until at least 730 days after the governing body of the school district or public school academy was notified of the declaration of the state treasurer under subsection (4)(a).

(a). However, the state treasurer may require the school district or public school academy to submit periodic financial status reports under this section if the state treasurer determines that the school district or public school academy has not implemented any of the recommendations within 365 days after the governing body of the school district or public school academy was notified of the declaration of the state treasurer under subsection (4)(a).

(10) If a school district, intermediate school district, or public school academy is required to submit periodic financial status reports under this section, the school district, intermediate school district, or public school academy shall do all of the following:

(a) Submit a periodic financial status report in the form and manner and on the periodic basis prescribed by the department of treasury, after approval by the governing body of the school district or public school academy.

(b) Transmit a copy of each periodic financial status report required under this section to the members of its governing body.

(c) Provide the department of treasury with other financial data or information relating to the financial conditions of the school district, intermediate school district, or public school academy as requested by the department of treasury.

(d) Allow the department of treasury to examine financial records and books of account of the school district, intermediate school district, or public school academy.

(e) Promptly and fully provide the assistance and information necessary and properly requested by the department of treasury in the exercise of the department of treasury's duties under this section.

(11) If a school district, intermediate school district, or public school academy fails to submit a periodic financial status report required under this section, or if the state treasurer determines that information included on a periodic financial status report indicates that fiscal stress exists within the school district, intermediate school district, or public school academy, or that a deficit has occurred or is projected to occur within the school district, intermediate school district, or public school academy within the current school fiscal year or the next school fiscal year and that the school district, intermediate school district, or public school academy lacks the capacity to address the deficit without state assistance, then the state treasurer may require the school district, intermediate school district, or public school academy to submit an enhanced deficit elimination plan under section 1220.

(12) If a school district is required to submit periodic financial status reports under this section and a loan is issued to the school district under the emergency loan act, 1980 PA 243, MCL 141.931 to 141.942, the state treasurer shall require the school district to submit periodic financial status reports under this section for not more than 4 years after the date of issuance of the loan.

(13) A school district, intermediate school district, or public school academy is no longer required to submit periodic financial status reports under this section if the state treasurer determines that the periodic financial status reports submitted by the school district, intermediate school district, or public school academy indicate that potential fiscal stress does not exist within the school district, intermediate school district, or public school

academy; that a deficit is not projected to arise within the school district, intermediate school district, or public school academy within the current school fiscal year or the next 2 school fiscal years; and that the school district, intermediate school district, or public school academy will be able to meet its financial obligations while also satisfying the school district's, intermediate school district's, or public school academy's obligations or ability to provide public educational services in a manner that complies with this act, the state school aid act, and applicable rules.

(14) If the state treasurer makes a determination under subsection (13) that the conditions under that subsection apply to a school district, intermediate school district, or public school academy, the state treasurer shall notify the school district, intermediate school district, or public school academy within 14 days after making that determination.

(15) CEPI shall make available to the public on its website all of the periodic financial status reports submitted to the state treasurer under this section. The state treasurer shall transmit to CEPI any documents needed by CEPI to comply with this subsection.

(16) If the state treasurer declares under subsection (3) that the potential for fiscal stress exists for a public school academy, then, in addition to the option under subsection (5) for the public school academy to establish a contract with an intermediate school district to perform an administrative review under subsection (5), the governing body of the public school academy may establish a contract with its authorizing body for the authorizing body to perform an administrative review of the financial status of the public school academy. If a public school academy and its authorizing body establish a contract for the authorizing body to perform an administrative review under this subsection, then all of the following apply:

(a) The authorizing body shall perform all of the same functions with respect to the public school academy as an intermediate school district performs for an administrative review under subsection (5).

(b) The contract and administrative review shall include all of the same items as a contract and administrative review under subsection (5).

(c) The authorizing body has all of the same powers and duties with respect to the contract and the administrative review as an intermediate school district has for a contract and administrative review under subsection (5), including, but not limited to, the duty to consult with the department of treasury when working to establish the contract.

(d) The department of treasury shall perform the same role and shall treat the contract and administrative review, and the public school academy, in the same manner as if it were a contract and administrative review under subsection (5).

(e) All of the provisions under this section that apply to a contract and administrative review under subsection (5) also apply to the contract and administrative review under this subsection.

(17) As used in this section:

(a) "Authorizing body" means an authorizing body for a public school academy under this act.

(b) "CEPI" means the center for educational performance and information created in section 94a of the state school aid act of 1979, MCL 388.1694a.

(c) "Deficit" means a condition prohibited under section 15(2) of the uniform budgeting and accounting act, 1968 PA 2, MCL 141.435, or under section 102(1) of the state school aid act of 1979, MCL 388.1702. Deficit also includes 1 or both of the following circumstances for a school district, intermediate school district, or public school academy:

(i) The total general fund balance of the school district, intermediate school district, or public school academy is negative or is projected to be negative at the end of the current school fiscal year.

(ii) One or more of the funds of the school district, intermediate school district, or public school academy other than the general fund have a negative balance or projected negative balance that is greater than the total general fund balance.

(d) "Financial emergency" means that 1 or more of the conditions described in section 5(3)(a) to (m) of the local financial stability and choice act, 2012 PA 436, MCL 141.1545, exist or are likely to occur within a school district, intermediate school district, or public school academy in the current or next school fiscal year and threaten the ability of the school district, intermediate school district, or public school academy to provide necessary governmental services essential to public health, safety, and welfare.

(e) "Fiscal stress" means 1 or both of the following:

(i) That a school district, intermediate school district, or public school academy is unable to meet its short-term or long-term financial obligations as those obligations arise.

(ii) That 1 or more of the conditions described in section 4(1)(a) to (i), (k) to (q), or (s) of the local financial stability and choice act, 2012 PA 436, MCL 141.1544, exist or are likely to occur within a school district, intermediate school district, or public school academy.

(f) "Governing body" means, for a school district, the school board of the school district and, for a public school academy, the board of directors of the public school academy.

(g) "Membership" means that term as defined in section 6 of the state school aid act of 1979, MCL 388.1606.

(h) "Pupil" means that term as defined in section 6 of the state school aid act of 1979, MCL 388.1606.

380.1220 Adoption of or operation under deficit budget; prohibition; requirements; reports; deficit elimination plan; approval; likelihood of recurring operating deficits or recurring financial stress; failure to eliminate deficit; enhanced deficit elimination plan required; enhanced monthly monitoring report; definitions.

Sec. 1220.

(1) A school district, intermediate school district, or public school academy shall not adopt or operate under a deficit budget, and a school district, intermediate school district, or public school academy shall not incur an operating deficit in a fund during a school fiscal year. If a school district, intermediate school district, or public school academy has an existing deficit fund balance, incurs a deficit fund balance in the most recently completed school fiscal year, or adopts a current year budget that projects a deficit fund balance, all of the following apply:

(a) The school district, intermediate school district, or public school academy shall notify the superintendent of public instruction and the state treasurer immediately upon the occurrence of the circumstance. A school district shall provide a copy of the notice under this subdivision to the intermediate superintendent of the intermediate school district in which the school district is located. A public school academy shall provide a copy of the notice under this subdivision to the authorizing body of the public school academy.

(b) Within 30 days after making notification under subdivision (a), the school district, intermediate school district, or public school academy shall submit to the superintendent of public instruction in the form and manner prescribed by the department an amended budget for the current school fiscal year and a deficit elimination plan approved by the board of the school district or intermediate school district or board of directors of the public school academy, with a copy to the state treasurer. A school district shall transmit a copy of the amended budget and the deficit elimination plan to the intermediate superintendent of the intermediate school district in which the school district is located. A public school academy shall transmit a copy of the amended budget and the deficit elimination plan to its authorizing body.

(c) The department may withhold and release some or all of the money payable to the school district, intermediate school district, or public school academy as provided under section 102(1) of the state school aid act of 1979, MCL 388.1702.

(d) The superintendent of public instruction may require a deficit elimination plan to include an academic plan for the school district, intermediate school district, or public school academy.

(e) After the superintendent of public instruction approves a school district's, intermediate school district's, or public school academy's deficit elimination plan, the school district, intermediate school district, or public school academy shall post the deficit elimination plan on the school district's, intermediate school district's, or public school academy's website.

(2) The following reporting requirements apply for the purposes of this section and section 1219:

(a) Not later than March 1 of each year, the department shall prepare a report of deficits incurred or projected by school districts, intermediate school districts, and public school academies in the immediately preceding fiscal year and the progress made in reducing those deficits and submit the report electronically, by mail, or in person to the standing committees of the legislature responsible for K-12 education legislation, the appropriations subcommittees of the legislature responsible for K-12 state school aid appropriations, the house and senate fiscal agencies, the state treasurer, and the state budget director. The department also shall submit quarterly interim reports electronically, by mail, or in person concerning the progress made by school districts, intermediate school districts, and public school academies in reducing those deficits to the standing committees of the legislature responsible for K-12 education legislation, the appropriations subcommittees of the legislature responsible for K-12 state school aid appropriations, the house and senate fiscal agencies, the state treasurer, and the state budget director.

(b) Not later than March 1 of each year, the state treasurer shall prepare a report of school districts, intermediate school districts, and public school academies that were required under section 1219 to submit periodic financial status reports in the immediately preceding state fiscal year or required under this section to submit an enhanced deficit elimination plan in the immediately preceding state fiscal year, and the progress made in adhering to that plan, and submit the report electronically, by mail, or in person to the standing committees of the legislature responsible for K-12 education legislation, the appropriations subcommittees of the legislature responsible for K-12 state school aid appropriations, the house and senate fiscal agencies, the department, and the state budget director. The state treasurer also shall submit quarterly interim reports electronically, by mail, or in person concerning school districts, intermediate school districts, and public school academies that are subject to periodic financial status reports or are under an enhanced deficit elimination plan to the standing committees of the legislature responsible

for K-12 education legislation, the appropriations subcommittees of the legislature responsible for K-12 state school aid appropriations, the house and senate fiscal agencies, the department, and the state budget director.

(3) A school district, intermediate school district, or public school academy required to submit a deficit elimination plan under this section shall submit to the superintendent of public instruction and the state treasurer a monthly monitoring report on revenue and expenditures in a form and manner prescribed by the department and shall post these reports on its website. A school district shall transmit a copy of each report under this subsection to the intermediate superintendent of the intermediate school district in which the school district is located. A public school academy shall transmit a copy of each report under this section to the authorizing body of the public school academy. A school district may contract with its intermediate school district or another entity to provide the monthly monitoring report.

(4) If a school district, intermediate school district, or public school academy is required to submit a deficit elimination plan under this section, and the deficit elimination plan is approved by the department, the superintendent of public instruction may continue allotment and payment of funds as provided under section 102 of the state school aid act of 1979, MCL 388.1702. When approving a deficit elimination plan, the superintendent of public instruction shall establish the period of time within which a school district, intermediate school district, or public school academy must eliminate its deficit and may set special conditions that the school district, intermediate school district, or public school academy must meet while the deficit elimination plan is in effect. After the department approves a school district's, intermediate school district's, or public school academy's deficit elimination plan under this subsection, the school district, intermediate school district, or public school academy shall post the deficit elimination plan on the school district's, intermediate school district's, or public school academy's website. The requirements of this section relating to a deficit elimination plan do not apply to a school district, intermediate school district, or public school academy if the school district, intermediate school district, or public school academy is required to submit an enhanced deficit elimination plan under subsection (5).

(5) If, based upon information included in a periodic financial status report required under section 1219, a deficit elimination plan required under this section, or a request by the superintendent of public instruction, the state treasurer determines that a school district, intermediate school district, or public school academy is subject to rapidly deteriorating financial circumstances, persistently declining enrollment, or other indicators of financial stress likely to result in recurring operating deficits or recurring financial stress within the school district, intermediate school district, or public school academy, the state treasurer may require the school district, intermediate school district, or public school academy to submit an enhanced deficit elimination plan in the form and manner determined by the department of treasury. If the deficit for a school district, intermediate school district, or public school academy that is subject to a deficit elimination plan has not been completely eliminated within 5 years after it submitted its initial deficit elimination plan, the state treasurer shall require the school district, intermediate school district, or public school academy to submit an enhanced deficit elimination plan under this subsection. An enhanced deficit elimination plan must provide for the resolution of the deteriorating financial circumstances, persistently declining enrollment, or other indicators of recurring operating deficits or recurring financial stress and is subject to approval by the state treasurer. As a condition of approving the enhanced deficit elimination plan, the state treasurer may require a school district, intermediate school district, or public school academy required to submit an enhanced deficit elimination plan under this section to enter into a financial recovery agreement with the state treasurer. A financial recovery agreement may provide for, but is not limited to, all of the following:

- (a) Assistance and guidance from the department of treasury and other state departments and agencies.
- (b) A financial and operating plan for the school district, intermediate school district, or public school academy.
- (c) The appointment of a local auditor or inspector, or both.
- (d) Remedial measures or other action under this act necessary to address the financial circumstances of the school district, intermediate school district, or public school academy.
- (e) The required retention by the school district, intermediate school district, or public school academy of a consultant or 1 or more other experts for the purpose of assisting the school district, intermediate school district, or public school academy to achieve the goals and objectives of the financial recovery agreement.

(6) Before a school district, intermediate school district, or public school academy submits an enhanced deficit elimination plan to the state treasurer under subsection (5), the board of the school district or intermediate school district or board of directors of the public school academy shall approve the plan. If a school district, intermediate school district, or public school academy is required to submit an enhanced deficit elimination plan under subsection (5), some or all of the money payable to the school district, intermediate school district, or public school academy under the state school aid act of 1979 may be withheld by the state treasurer and released as provided under section 102(3) of the state school aid act of 1979, MCL 388.1702. When approving an enhanced deficit elimination plan, the state treasurer may establish the period of time within which a school district, intermediate school district, or public school academy must eliminate its deficit and may set special conditions that the school district, intermediate school district, or public school academy must meet while the enhanced deficit elimination plan is in effect.

(7) To assure greater coordination and effective partnerships in the development and implementation of an enhanced deficit elimination plan under subsection (5), when administering subsections (5), (6), and (9), the department of treasury shall consult with all of the following:

- (a) The department.
- (b) The school district, intermediate school district, or public school academy required to submit an enhanced deficit elimination plan under subsection (5).
- (c) For a school district required to submit an enhanced deficit elimination plan under subsection (5), the intermediate superintendent of the intermediate school district in which the school district is located.
- (d) For a public school academy required to submit an enhanced deficit elimination plan under subsection (5), the authorizing body of the public school academy.
- (8) After the state treasurer approves an enhanced deficit elimination plan for a school district, intermediate school district, or public school academy, the school district, intermediate school district, or public school academy shall post the enhanced deficit elimination plan on the school district's, intermediate school district's, or public school academy's website.
- (9) If a school district, intermediate school district, or public school academy is required to submit an enhanced deficit elimination plan under subsection (5), the school district, intermediate school district, or public school academy shall submit to the superintendent of public instruction and the state treasurer an enhanced monthly monitoring report on revenue, expenditures, cash flow, debt, other liabilities, assets, budget amendments, pupil membership, and other data relating to the finances of the school district, intermediate school district, or public school academy in a form and manner prescribed by the department of treasury and shall post these reports on its website.
- (10) As used in this section:
 - (a) "Authorizing body" means an authorizing body for a public school academy under this act.
 - (b) "Deficit elimination plan" means a plan required under this section for the elimination of a deficit that sets forth actions to be taken to eliminate the deficit within the time period prescribed by the department.
 - (c) "Deficit fund balance" means that term as defined in the "Michigan Public School Accounting Manual" published by the department.
 - (d) "Enhanced deficit elimination plan" means measures required by the state treasurer under this section to address the financial conditions within a school district, intermediate school district, or public school academy and resolve any deficit within the time period prescribed by the state treasurer.

History: Add. 2015, Act 111, Imd. Eff. July 7, 2015 ;-- Am. 2020, Act 290, Imd. Eff. Dec. 29, 2020

380.1221 Deposit of district or academy funds; designation of financial institution; limitation on deposit or investment of additional funds; "deposit" and "financial institution" defined.

Sec. 1221.

- (1) The treasurer of a board of a school district or board of directors of a public school academy shall deposit the funds of the school district or public school academy in a financial institution or in a joint investment authorized by section 1223. The deposit shall be made in the name of the treasurer as an officer of the school district or public school academy. The board or board of directors shall designate the financial institution or institutions in which the funds of the school district or public school academy shall be deposited. The treasurer shall deposit funds of the school district or public school academy in 1 or more depositories in the proportion and manner determined by the board or board of directors.
- (2) Notwithstanding subsection (1), additional funds of a school district or public school academy shall not be deposited or invested in a financial institution that is not eligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.
- (3) As used in this section, "deposit" includes purchases of or investment in shares of a credit union.
- (4) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office located in this state under the laws of this state or the United States.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1979, Act 87, Imd. Eff. Aug. 1, 1979 ;-- Am. 1986, Act 132, Imd. Eff. June 16, 1986 ;-- Am. 1994, Act 416, Eff. Mar. 30, 1995 ;-- Am. 1997, Act 47, Imd. Eff. June 30, 1997

Popular Name: Act 451

380.1222 Deposit of district funds; limitation.

Sec. 1222.

A bank whose combined capital and surplus exceeds \$50,000.00 may receive deposits of funds in an amount not more than double the combined capital and unimpaired surplus of the bank.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

380.1223 Investment of funds; authorization; restrictions; deposit of obligations; commingling prohibited; exceptions; earnings; deposit of funds accumulated under deferred compensation program; security; limitation on deposit or investment of additional funds; “deposit” and “financial institution” defined.

Sec. 1223.

(1) If authorized by resolution of the board of a school district, the treasurer may invest debt retirement funds, building and site funds, building and site sinking funds, or general funds of the district. The investment shall be made subject to subsection (7) and shall be restricted to the following:

(a) Bonds, bills, or notes of the United States; obligations, the principal and interest of which are fully guaranteed by the United States; or obligations of the state. In a primary or fourth class school district, the bonds, bills, or notes shall be payable, at the option of the holder, upon not more than 90 days' notice, or if not so payable, shall have maturity dates not more than 5 years after the purchase dates.

(b) Certificates of deposit issued by a financial institution or share certificates of a state or federal credit union that is a financial institution.

(c) Commercial paper rated prime at the time of purchase and maturing not more than 270 days after the date of purchase.

(d) Securities issued or guaranteed by agencies or instrumentalities of the United States government.

(e) United States government or federal agency obligation repurchase agreements.

(f) Bankers' acceptances issued by a bank that is a member of the federal deposit insurance corporation.

(g) Mutual funds composed entirely of investment vehicles that are legal for direct investment by a school district.

(h) Investment pools, as authorized by the surplus funds investment pool act, 1982 PA 367, MCL 129.111 to 129.118, composed entirely of instruments that are legal for direct investment by a school district.

(i) Certificates of deposit issued in accordance with the following conditions:

(i) The funds are initially invested through a financial institution that is not ineligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(ii) The financial institution arranges for the investment of the funds in certificates of deposit in 1 or more insured depository institutions, as defined in 12 USC 1813, or 1 or more insured credit unions, as defined in 12 USC 1752, for the account of the school district.

(iii) The full amount of the principal and any accrued interest of each certificate of deposit is insured by an agency of the United States.

(iv) The financial institution acts as custodian for the school district with respect to each certificate of deposit.

(v) At the same time that the funds of the school district are deposited and the certificate or certificates of deposit are issued, the financial institution receives an amount of deposits from customers of other insured depository institutions or insured credit unions equal to or greater than the amount of the funds initially invested by the school district through the financial institution.

(j) Deposit accounts that meet all of the following conditions:

(i) The funds are initially deposited in a financial institution that is not ineligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(ii) The financial institution arranges for the deposit of the funds in deposit accounts in 1 or more insured depository institutions, as defined in 12 USC 1813, or 1 or more insured credit unions, as defined in 12 USC 1752, for the account of the school district.

(iii) The full amount of the principal and any accrued interest of each deposit account is insured by an agency of the United States.

(iv) The financial institution acts as custodian for the school district with respect to each deposit account.

(v) On the same date that the funds of the school district are deposited under subparagraph (ii), the financial institution receives an amount of deposits from customers of other insured depository institutions or insured credit unions equal to or greater than the amount of the funds initially deposited by the school district in the financial institution.

(2) An obligation purchased under this section, when received by the treasurer, shall be deposited with the financial institution having the deposit of the money of the particular fund from which the obligation was purchased.

(3) Money in the several funds of a school district shall not be commingled for the purpose of making an investment authorized by this section except as follows:

(a) The board of a school district may establish and maintain 1 common debt retirement fund for issues of bonds of similar character.

(b) The board of a school district, by resolution, may authorize the treasurer to combine money from more than 1 fund for the purpose of making an investment authorized by subsection (1)(h).

(4) Earnings of an investment shall become a part of the fund for which the investment was made. When money of more than 1 fund of a single district or money of more than 1 district are combined for an investment pool authorized by subsection (1)(h), the money shall be accounted for separately, and the earnings from the investment shall be separately and individually computed, recorded, and credited to the fund or district, as the case may be, for which the investment was acquired.

(5) The treasurer of a school district, if authorized by resolution of the board, may deposit upon approval of the employee, funds accumulated under a deferred compensation program in a federally insured financial institution authorized by law to do business in this state. If authorized by a resolution of the board, the treasurer of a school district, with the prior consent of the employee, may use funds accumulated under a deferred compensation plan to purchase from a life insurance company authorized to do business in this state an annuity contract or life insurance policy in the manner and for the purposes described in section 457 of the internal revenue code.

(6) Security in the form of collateral, surety bond, or another form may be taken for the deposits or investments of a school district in a financial institution. However, an investment under subsection (1)(e) or in an investment pool that includes instruments eligible for investments under subsection (1)(e) shall be secured by the transfer of title and custody of the obligations to which the repurchase agreements relate and an undivided interest in those obligations must be pledged to the school district for these agreements.

(7) Notwithstanding subsection (1), additional funds of a school district shall not be deposited or invested in a financial institution that is not eligible to be a depository of surplus funds belonging to this state under section 6 of 1855 PA 105, MCL 21.146.

(8) As used in this section, "deposit" includes purchase of or investment in shares of a credit union.

(9) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office located in this state under the laws of this state or the United States.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1977, Act 281, Imd. Eff. Dec. 23, 1977 ;-- Am. 1979, Act 87, Imd. Eff. Aug. 1, 1979 ;-- Am. 1980, Act 273, Imd. Eff. Oct. 8, 1980 ;-- Am. 1981, Act 85, Imd. Eff. July 2, 1981 ;-- Am. 1986, Act 132, Imd. Eff. June 16, 1986 ;-- Am. 1997, Act 47, Imd. Eff. June 30, 1997 ;-- Am. 2008, Act 307, Imd. Eff. Dec. 18, 2008 ;-- Am. 2009, Act 22, Imd. Eff. May 5, 2009 ;-- Am. 2012, Act 232, Imd. Eff. June 29, 2012

Popular Name: Act 451

380.1224 Tax-deferred investments for employees; purchase; payroll allocations; ownership; rights nonforfeitable; liability for purchase; nondiscriminatory application of section; "tax-deferred investment" defined.

Sec. 1224.

(1) At the request of an employee and as part of the employee's compensation arrangement, the board of a school district may purchase a tax-deferred investment for an employee for retirement or other purposes and may make payroll allocations in accordance with the arrangement to pay for the tax-deferred investment. The allocation shall be made in a manner which will qualify all or part of the tax-deferred investment for the benefit afforded under the federal internal revenue code or other federal income tax law. The employee shall own the tax-deferred investment. The employee's rights under it shall be nonforfeitable except for failure to make required payments.

(2) The board shall not have liability because of its purchase of tax-deferred investments for employees.

(3) This section shall be applied in a nondiscriminatory manner to employees of the school district.

(4) As used in this section, "tax-deferred investment" means an annuity contract, interest in a mutual fund, or

other investment device that qualifies for deferral of federal income taxes under the federal internal revenue code or other federal income tax law.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1992, Act 19, Imd. Eff. Mar. 19, 1992

Popular Name: Act 451

380.1225 Power of board to borrow money and issue notes; purpose; pledging money to be received from state school aid; notes as full faith and credit obligations; agreement with Michigan finance authority; due date; limitation; school district not able to redeem notes within 372 days of issuance; multi-year repayment agreement; notes issued for next succeeding fiscal year; maturity; failure to receive state school aid; number of borrowings; obtaining line of credit.

Sec. 1225.

(1) Subject to restrictions of this section, a school board or intermediate school board may borrow money and issue notes of the school district or intermediate school district for the borrowed money to secure funds for school operations or to pay previous loans obtained for school operations under this or any other statute. The school board or intermediate school board shall pledge money to be received by it from state school aid for the payment of notes issued under this section. A pledge of state school aid by a school district or intermediate school district for the payment of notes issued pursuant to this section is valid and binding from the time when the pledge is made. A pledge made pursuant to this section for the benefit of the holders of notes or for the benefit of others is perfected without delivery, recording, or notice. Notes issued pursuant to this section are full faith and credit obligations of the school district or intermediate school district and are payable from tax levies or from unencumbered funds of the school district or intermediate school district in event of the unavailability or insufficiency of state school aid for any reason.

(2) A school district or intermediate school district for which an emergency manager has been appointed pursuant to the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575, or a school district or intermediate school district that has an approved deficit elimination plan or an enhanced deficit elimination plan required under section 102 of the state school aid act of 1979, MCL 388.1702, may enter into an agreement with the Michigan finance authority in accordance with section 17a(4) of the state school aid act of 1979, MCL 388.1617a, providing for the direct payment on behalf of the school district or intermediate school district to the Michigan finance authority, or to a trustee designated by the Michigan finance authority, of state school aid pledged and to be used for the sole purpose of paying the principal of and interest on the notes issued pursuant to this section and secured by state school aid.

(3) Notes issued under this section shall become due not later than 372 days after the date on which they are issued, except as otherwise provided in this section. Notes issued within a fiscal year shall not exceed 70% of the difference between the total state aid funds apportioned to the school district or intermediate school district for that fiscal year and the portion already received or pledged, except secondary pledges made under section 1356.

(4) A school district or intermediate school district that is not able to redeem its notes within 372 days after the date on which the notes were issued may enter into a multi-year agreement with a lending institution to repay its obligation. A repayment agreement shall not be executed without the prior approval of an authorized representative of the state board or, for notes sold to the Michigan finance authority only, without the approval of an authorized representative of the department of treasury.

(5) During the last 4 months of a fiscal year, notes may be issued pledging state school aid for the next succeeding fiscal year. Except as otherwise provided in this subsection, the notes shall not exceed 50% of the state school aid apportioned to the school district or intermediate school district for the next succeeding fiscal year or, if the apportionment has not been made, 50% of the apportionment for the then current fiscal year. The notes shall mature not later than 372 days after the date of issuance.

(6) Notes issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. Failure of a school district or intermediate school district to receive state school aid does not affect the validity or enforceability of a note issued under this section.

(7) A school board or intermediate school board, including, but not limited to, the school board of a community district, may make more than 1 borrowing under this section during a school year.

(8) In addition to other powers under this section, with the approval of the state treasurer, a school board or intermediate school board, including, but not limited to, the school board of a community district, may obtain a line of credit to secure funds for school operations or to pay previous loans obtained for school operations under this or any other statute. The school board or intermediate school board shall pledge not more than 30% of the state school aid apportioned to the school district or intermediate school district for that fiscal year for repayment of

funds received pursuant to a line of credit obtained under this subsection. However, the school board or intermediate school board shall not borrow against the line of credit an amount greater than the difference, as of the date of the borrowing, between the total state school aid funds apportioned to the school district or intermediate school district for that fiscal year and the portion already received or pledged, except secondary pledges made under section 1356. To obtain approval for obtaining a line of credit under this subsection, a school board or intermediate school board shall apply to the state treasurer in the form and manner prescribed by the state treasurer, and shall provide information as requested by the state treasurer for evaluating the application. The state treasurer shall approve or disapprove an application and notify the school board or intermediate school board within 20 business days after receiving a proper application. If the state treasurer disapproves an application, the state treasurer shall include the reasons for disapproval in the notification to the school board or intermediate school board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1977, Act 43, Imd. Eff. June 29, 1977 ;-- Am. 1980, Act 88, Imd. Eff. Apr. 8, 1980 ;-- Am. 1981, Act 42, Imd. Eff. May 13, 1981 ;-- Am. 1981, Act 226, Imd. Eff. Jan. 7, 1982 ;-- Am. 1982, Act 306, Imd. Eff. Oct. 13, 1982 ;-- Am. 1992, Act 14, Imd. Eff. Mar. 10, 1992 ;-- Am. 1994, Act 103, Imd. Eff. Apr. 18, 1994 ;-- Am. 1997, Act 152, Imd. Eff. Dec. 22, 1997 ;-- Am. 2002, Act 246, Eff. May 1, 2002 ;-- Am. 2006, Act 285, Imd. Eff. July 10, 2006 ;-- Am. 2012, Act 1, Imd. Eff. Feb. 7, 2012 ;-- Am. 2016, Act 192, Imd. Eff. June 21, 2016

Compiler's Notes: For creation of Michigan public educational facilities authority within department of treasury; transfer of certain powers and duties from Michigan strategic fund and Michigan strategic fund board of directors to Michigan public educational facilities authority and Michigan public educational facilities authority board of trustees; transfer of certain powers and duties of Michigan municipal bond authority and Michigan municipal bond authority board of trustees to Michigan public and educational facilities authority and Michigan public education facilities authority board of trustees, see E.R.O. No. 2002-3, compiled at MCL 12.192 of the Michigan Compiled Laws.

Popular Name: Act 451

380.1226 Statement of assessed valuation of school district.

Sec. 1226.

Each county treasurer shall furnish the state board on or before May 1 following the receipt of the assessment rolls a statement of the assessed valuation of each school district and fraction of a school district within the county upon forms furnished by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

380.1227 Estimates of necessary taxes; insurance reserve funds; adoption of budget; apportionment of school taxes.

Sec. 1227.

(1) The board of a school district shall prepare annual estimates of the amount of taxes necessary for the school district's needs for the ensuing fiscal year. The estimates shall specify the amount required for the "general fund", the amount required for the "capital projects fund", and the amount required for the "debt retirement fund", in accordance with the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and outstanding bonding resolutions.

(2) The school board may include in the "capital projects fund" an amount not exceeding in 1 year .01% of the school district's taxable value to establish and maintain a school district insurance reserve fund from which school buildings or other school property damaged or destroyed by fire, lightning, or otherwise may be repaired, rebuilt, or replaced by other buildings or property to be used in its place. Taxes shall not be levied for this purpose while the insurance reserve fund exceeds or equals .1% of the school district's taxable value. The board shall carry the insurance reserves forward as an encumbered reserve and may add to the reserve in the manner prescribed in this section. Insurance reserve funds may be invested in the manner provided in section 1223. Income from the investment shall be considered a part of the "general fund". If an emergency is declared by a 2/3 vote of the members elected to and serving on the board, the insurance reserve funds may be borrowed for the emergency, but the funds shall be returned to the insurance reserve fund from the collection of taxes in the next ensuing fiscal year.

(3) The school board shall adopt a budget in the same manner and form as required for its estimates and, subject to limitations under law, determine the amount of tax levy necessary for the budget. The board shall certify the amount to the city and township before the date required by law.

(4) The proper officials of the city and township shall apportion the school taxes in the school district in the same manner as the other taxes of the city or township are apportioned. Except as otherwise provided under part 26, the amount apportioned shall be assessed, levied, collected, and returned for each portion of the school district in the same manner as taxes of the city or township in which the portion of the school district is located.

History: Add. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 2002, Act 66, Imd. Eff. Mar. 15, 2002

Popular Name: Act 451

380.1228 Contract between school or intermediate district and public school academy to provide services.

Sec. 1228.

The board of a school district or intermediate school district may enter into an agreement with a public school academy to provide services to the public school academy or to pupils of the public school academy, or for the public school academy to provide services to the school district or intermediate school district or to pupils of the school district or intermediate school district. The services may be provided on a cooperative basis. A school district or intermediate school district may charge the public school academy, or a public school academy may charge the school district or intermediate school district, for services described in this section.

History: Add. 1995, Act 289, Eff. July 1, 1996

Popular Name: Act 451

380.1229 Employment of superintendent and administrators; notification of contract nonrenewal; meeting with board; contract with intermediate school district or another person to serve as superintendent of schools.

Sec. 1229.

(1) Except as otherwise provided in subsection (4), the board of a school district, other than a school district that was organized as a primary school district during the 1995-1996 school year, or of an intermediate school district shall employ a superintendent of schools, who shall meet the requirements of section 1246. The superintendent shall not be a member of the board. Employment of a superintendent shall be by written contract. The term of the superintendent's contract shall be fixed by the board, not to exceed 5 years. If written notice of nonrenewal of the contract of a superintendent is not given at least 90 days before the termination of the contract, the contract is renewed for an additional 1-year period. However, for the superintendent of a community district, the minimum time period for the written notice required under this subsection is 30 days.

(2) The board of a school district or intermediate school district may employ assistant superintendents, principals, assistant principals, guidance directors, and other administrators who do not assume tenure in that position under 1937 (Ex Sess) PA 4, MCL 38.71 to 38.191. The employment shall be by written contract. The term of the employment contract shall be fixed by the board, not to exceed 3 years. The board shall prescribe the duties of an individual described in this subsection. If written notice of nonrenewal of the contract of an individual described in this subsection is not given at least 60 days before the termination date of the contract, the contract is renewed for an additional 1-year period. However, for an individual described in this subsection who is employed by a community district, the minimum time period for the written notice required under this subsection is 30 days.

(3) A notification of nonrenewal of contract of an individual described in subsection (2) may be given only for a reason that is not arbitrary or capricious. The board shall not issue a notice of nonrenewal under this section unless the affected individual has been provided with not less than 30 days' advance notice that the board is considering the nonrenewal together with a written statement of the reasons the board is considering the nonrenewal. However, for an individual described in subsection (2) who is employed by a community district, the minimum time period for the advance notice required under this subsection is 7 days. After the issuance of the written statement, but before the nonrenewal statement is issued, the affected individual shall be given the opportunity to meet with not less than

a majority of the board to discuss the reasons stated in the written statement. The meeting shall be open to the public or a closed session, as the affected individual elects under section 8 of the open meetings act, 1976 PA 267, MCL 15.268. If the board fails to provide for a meeting with the board, or if a court finds that the reason for nonrenewal is arbitrary or capricious, the affected individual's contract is renewed for an additional 1-year period. This subsection does not apply to the nonrenewal of the contract of a superintendent of schools described in subsection (1).

(4) A school district, instead of directly employing a superintendent of schools, may contract with its intermediate school district for the intermediate superintendent to serve as the superintendent of schools for the school district or for the intermediate school district to provide another person to serve as superintendent of schools for the school district or may contract with another person, including, but not limited to, the superintendent of another school district, to serve as superintendent of schools for the school district. If a school district does not operate a public school directly on its own, the school district is not required to employ a superintendent.

History: Add. 1995, Act 289, Eff. Mar. 28, 1996 ;-- Am. 2011, Act 105, Imd. Eff. July 19, 2011 ;-- Am. 2016, Act 192, Imd. Eff. June 21, 2016

Popular Name: Act 451

380.1229a Removal of person as superintendent of public instruction; settlement prohibited; limitations.

Sec. 1229a.

(1) If a person employed by this state as superintendent of public instruction is removed from that position, the state board, or another state agency, shall not enter into a settlement agreement concerning that removal unless the agreement is in settlement of a lawsuit filed against this state.

(2) The state board shall not grant administrative leave for more than a total of 6 months to a person employed, or previously employed, as state superintendent of public instruction.

(3) The state board shall not offer a contract for a person to be employed by this state as superintendent of public instruction, or extend the contract of a superintendent of public instruction, within 6 months before a general election at which state board members are elected or within 2 months after a general election at which state board members are elected. The state board shall not offer a contract for employment of a superintendent of public instruction in excess of 3 years and shall not extend a contract in increments of more than 1 year. This subsection does not prohibit the state board from employing an interim superintendent of public instruction at any time there is a vacancy.

History: Add. 1995, Act 289, Eff. July 1, 1996

Popular Name: Act 451

380.1230 Offer of full-time, part-time, or contract employment; criminal history check; employment as conditional employee; conditions; voiding contract and terminating employment; position as substitute teacher or substitute bus drivers; report received by another district; consent; request; conducting criminal history check; report; disclosure of conviction of listed offense or felony; verification; use; disclosure; violation as misdemeanor; penalty; exception; verification information; definitions.

Sec. 1230.

(1) Except as otherwise provided in this section, upon an offer of initial employment being made by the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school to an individual for any full-time or part-time employment or when school officials learn that an individual is being assigned to regularly and continuously work under contract in any of its schools, the district, public school academy, or nonpublic school shall request from the criminal records division of the department of state police a criminal history check on the individual and, before employing the individual as a regular employee or allowing the individual to regularly and continuously work under contract in any of its schools, shall have received from the department of state police the report described in subsection (8).

(2) If the board of a school district or intermediate school district or the governing body of a public school

academy or nonpublic school determines it necessary to hire an individual or to allow an individual to regularly and continuously work under contract for a particular school year during that school year or within 30 days before the beginning of that school year, the board or governing body may employ the individual as a conditional employee or conditionally allow the individual to regularly and continuously work under contract under this subsection without first receiving the report described in subsection (8) if all of the following apply:

(a) The board or governing body requests the criminal history check required under subsection (1) before conditionally employing the individual or conditionally allowing the individual to regularly and continuously work under contract in any of its schools.

(b) The individual signs a statement identifying all crimes for which he or she has been convicted, if any, and agreeing that, if the report described in subsection (8) is not the same as the individual's statement, his or her employment contract is voidable at the option of the board or governing body. The department shall develop and distribute to districts and nonpublic schools a model form for the statement required under this subdivision. The department shall make the model form available to public school academies. A district, public school academy, or nonpublic school shall use the model form for the purposes of this subsection.

(3) If an individual is employed as a conditional employee under subsection (2) and the report described in subsection (8) is not the same as the individual's statement under subsection (2), the board or governing body may void the individual's employment contract. If an employment contract is voided under this subsection, the individual's employment is terminated, a collective bargaining agreement that would otherwise apply to the individual's employment does not apply to the termination, and the district, public school academy, or nonpublic school or the board or governing body is not liable for the termination.

(4) For an applicant for a position as a substitute teacher or substitute bus driver, or for an individual who regularly and continuously works under contract in more than 1 school district, intermediate school district, public school academy, or nonpublic school, if the applicant or individual agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal history check with another district, public school academy, or nonpublic school, then instead of requesting a criminal history check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use a report received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the applicant or individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the applicant or individual.

(5) If an applicant is being considered for employment by more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the applicant agrees in writing to allow a district, public school academy, or nonpublic school to share the report described in subsection (8) with another district, public school academy, or nonpublic school, a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the report described in subsection (8) from another district, public school academy, or nonpublic school.

(6) An applicant for employment shall give written consent at the time of application for the criminal records division of the department of state police to conduct the criminal history check required under this section.

(7) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the criminal records division of the department of state police for a criminal history check required under this section on a form and in a manner prescribed by the criminal records division of the department of state police.

(8) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal history check on an individual under this section, the criminal records division of the department of state police shall conduct the criminal history check and, after conducting the criminal history check and within that time period, provide a report of the results of the criminal history check to the district, public school academy, or nonpublic school. The report shall contain any criminal history record information on the individual maintained by the criminal records division of the department of state police. A school district, intermediate school district, public school academy, or nonpublic school that receives a report from the department of state police under this subsection shall retain that report in the individual's employment records.

(9) If the report received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (8), or a report received under section 1230a, 1230d(7), 1535a(15), or 1539b(15), discloses that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the report received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (8), or a report received under section 1230a, 1230d(7), 1535a(15), or 1539b(15), discloses that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the governing board or governing body, if any, of the school district, intermediate school district,

public school academy, or nonpublic school each specifically approves the employment or work assignment in writing. If a school district, intermediate school district, public school academy, or nonpublic school receives results described in this subsection, within 60 days after receiving those results the school district, intermediate school district, public school academy, or nonpublic school shall submit to the department in the form and manner prescribed by the department a report detailing the information and any action taken as a result by the school district, intermediate school district, public school academy, or nonpublic school. The department shall maintain a copy of this report for at least 6 years.

(10) Criminal history record information received from the criminal records division of the department of state police under subsection (8) shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in the position for which he or she has applied or been assigned and for the purposes of subsections (3), (4), (5), and (12). A member of the board of a district or of the governing body of a public school academy or nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose the report or its contents received under this section, except a misdemeanor conviction involving sexual or physical abuse or any felony conviction, to any person who is not directly involved in evaluating the applicant's qualifications for employment or assignment. However, for the purposes of subsections (4) and (5), a person described in this subsection may confirm to an employee of another district, public school academy, or nonpublic school that a report under subsection (8) has revealed that an individual does not have any criminal history or may disclose that no report under subsection (8) has been received concerning the individual, and for the purposes of subsections (4), (5), and (12), a person described in this subsection may provide a copy of the report under subsection (8) concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. For an individual who is regularly and continuously working under contract, if the individual agrees in writing, a district, public school academy, or nonpublic school may provide a copy of the results received under this section concerning the individual to an appropriate representative of the individual's employer. A representative of the individual's employer who receives a copy of a report, or receives results of a report from another source as authorized by this subsection, shall not disclose the report or its contents or the results of the report to any person outside of the employer's business or to any of the employer's personnel who are not directly involved in evaluating the individual's qualifications for employment or assignment. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804. As used in this subsection, "misdemeanor conviction involving sexual or physical abuse" includes, but is not limited to, a misdemeanor conviction for a listed offense; a misdemeanor conviction for violation of section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a; a misdemeanor conviction for violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701; a misdemeanor conviction for violation of section 81, 81a, 81c, 90c, 136b, 141a, 145, 145d, 145n, 233, 335a, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.81c, 750.90c, 750.136b, 750.141a, 750.145, 750.145d, 750.145n, 750.233, 750.335a, and 750.411h; a misdemeanor conviction of section 6 of 1979 PA 53, MCL 752.796; or a misdemeanor conviction for violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(11) Subject to subsection (12), if the criminal history check required under this section has been completed for a particular individual and the results reported to a school district, intermediate school district, public school academy, or nonpublic school as provided under this section, then another criminal history check is not required under this section for that individual as long as the individual remains employed with no separation from service by any school district, intermediate school district, public school academy, or nonpublic school in this state or remains regularly and continuously working under contract with no separation from service for the same employer in any school district, intermediate school district, public school academy, or nonpublic school in this state. For the purposes of this subsection, an employee is not considered to have a separation from service in any of the following circumstances:

(a) The employee is laid off or placed on a leave of absence by his or her employer and returns to active employment with the same employer within 1 year after being laid off or placed on the leave of absence.

(b) The employee transfers to another school district, intermediate school district, public school academy, or nonpublic school and remains continuously employed by any school district, intermediate school district, public school academy, or nonpublic school in this state.

(12) If an individual described in subsection (11) is an applicant for employment in a different school district, intermediate school district, public school academy, or nonpublic school than the one that originally received the results of the criminal history check or that currently is in possession of the results of the criminal history check, or is being assigned to regularly and continuously work under contract in a different school district, intermediate school district, public school academy, or nonpublic school than the one that originally received the results of the criminal history check or that currently is in possession of the results of the criminal history check, then all of the following apply:

(a) If the results of the individual's criminal history check have not already been forwarded to the new school district, intermediate school district, public school academy, or nonpublic school, the new school district,

intermediate school district, public school academy, or nonpublic school shall request the school district, intermediate school district, public school academy, or nonpublic school that has the results to forward them to the new school district, intermediate school district, public school academy, or nonpublic school. Upon receipt of such a request, a school district, intermediate school district, public school academy, or nonpublic school that has the results shall forward them to the requesting school district, intermediate school district, public school academy, or nonpublic school.

(b) If the results of the individual's criminal history check are not received by the new school district, intermediate school district, public school academy, or nonpublic school under this subsection or otherwise, then this section applies to the individual to the same extent as if he or she has had a separation from service.

(c) If the results of the individual's criminal history check are received by the new school district, intermediate school district, public school academy, or nonpublic school under this subsection or otherwise, then that school district, intermediate school district, public school academy, or nonpublic school shall perform a criminal history check on that individual using the department of state police's internet criminal history access tool (ICHAT), ensuring that this criminal history check is based on the personal identifying information, including at least the individual's name, sex, and date of birth, that was associated with the results received from the previous school district, intermediate school district, public school academy, or nonpublic school.

(d) If the search of the department of state police's ICHAT under subdivision (c) reveals that the individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If a search of the department of state police's ICHAT under subdivision (c) reveals that the individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body, if any, of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing.

(13) Subsection (1) does not apply to an individual who is being employed by or assigned to regularly and continuously work under contract in a school of a school district, intermediate school district, public school academy, or nonpublic school if the individual is not more than 19 years of age and is enrolled as a general education pupil of a school district, intermediate school district, public school academy, or nonpublic school or is not more than 26 years of age and is enrolled in special education programs or services in a school district, intermediate school district, public school academy, or nonpublic school. However, before employing the individual or assigning the individual to regularly and continuously work under contract in a school, the school district, intermediate school district, public school academy, or nonpublic school shall perform a criminal history check on that person using the department of state police's internet criminal history access tool (ICHAT). If a search of the department of state police's ICHAT reveals that the individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If a search of the department of state police's ICHAT reveals that the individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body, if any, of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing.

(14) For the purposes of subsections (9) and (13), the department shall make available to school districts, intermediate school districts, public school academies, and nonpublic schools information on how to verify a conviction using public records.

(15) As used in this section:

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

(b) "Criminal history record information" means that term as defined in section 1a of 1925 PA 289, MCL 28.241a.

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

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

(e) "Regularly and continuously work under contract" means any of the following:

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

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

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

History: Add. 1992, Act 99, Imd. Eff. June 23, 1992 ;-- Am. 1993, Act 68, Imd. Eff. June 21, 1993 ;-- Am. 1993, Act 284, Eff. Apr. 1, 1994 ;-- Am. 2005, Act 129, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006 ;-- Am. 2006, Act 680, Imd. Eff. Jan. 10, 2007 ;-- Am. 2008, Act 583, Imd. Eff. Jan. 16, 2009

Popular Name: Act 451

380.1230a Criminal records check through federal bureau of investigation; employment as conditional employee; voiding contract and terminating employment; application as substitute teacher or substitute bus drivers; obtaining copy of results from another district, public school academy, or nonpublic school; consent; form and manner of request; use and disclosure of results; violation as misdemeanor; penalty; definition; initiation of criminal records check by department of state police; disclosure that individual convicted of listed offense or other felony; verification; exception; verification information; definitions.

Sec. 1230a.

(1) In addition to the criminal history check required under section 1230, the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school shall request the department of state police to conduct a criminal records check through the federal bureau of investigation on an applicant for, or an individual who is hired for, any full-time or part-time employment or who is assigned to regularly and continuously work under contract in any of its schools. Except as otherwise provided in this section, a board or governing body shall not employ an individual or allow an individual to regularly and continuously work under contract in any of its schools until after the board or governing body receives the results of the criminal records check. A board or governing body requesting a criminal records check under this section shall require the individual to submit his or her fingerprints to the department of state police for that purpose. The department of state police may charge a fee for conducting the criminal records check. Subject to section 1230g, a board or governing body shall require an individual to submit his or her fingerprints for the purposes of this section only at the time the individual initially applies for employment with the board or governing body or is initially employed by the board or governing body or is initially assigned to regularly and continuously work under contract in any of its schools.

(2) If the board of a school district or intermediate school district or the governing body of a public school academy or nonpublic school determines it necessary to hire an individual or to allow an individual to regularly and continuously work under contract for a particular school year during that school year or within 30 days before the beginning of that school year, the board or governing body may employ the individual as a conditional employee or conditionally allow the individual to regularly and continuously work under contract under this subsection without first receiving the results of the criminal records check under subsection (1) if all of the following apply:

(a) The board or governing body requests the criminal records check under subsection (1) before conditionally employing the individual or conditionally allowing the individual to regularly and continuously work under contract in any of its schools.

(b) The individual signs a statement identifying all crimes for which he or she has been convicted, if any, and agreeing that, if the results of the criminal records check under subsection (1) reveal information that is inconsistent with the individual's statement, his or her employment contract is voidable at the option of the board or governing body. The department shall develop and distribute to districts and nonpublic schools a model form for the statement required under this subdivision. The department shall make the model form available to public school academies. A district, public school academy, or nonpublic school shall use the model form for the purposes of this subsection.

(3) If an individual is employed as a conditional employee under subsection (2) and the results of the criminal records check under subsection (1) reveal information that is inconsistent with the individual's statement under subsection (2), the board or governing body may void the individual's employment contract. If an employment

contract is voided under this subsection, the individual's employment is terminated, a collective bargaining agreement that would otherwise apply to the individual's employment does not apply to the termination, and the district, public school academy, or nonpublic school or the board or governing body is not liable for the termination.

(4) For an applicant for a position as a substitute teacher or substitute bus driver, or for an individual who regularly and continuously works under contract in more than 1 school district, intermediate school district, public school academy, or nonpublic school, if the applicant or individual agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal records check with another district, public school academy, or nonpublic school, then instead of requesting a criminal records check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use results received by another district, public school academy, or nonpublic school or maintained by the department to confirm that the applicant or individual does not have any criminal history. If that confirmation is not available, subsection (1) applies to the applicant or individual.

(5) If an applicant is being considered for employment by more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the applicant agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal records check with another district, public school academy, or nonpublic school, then a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the results of the criminal records check from another district, public school academy, or nonpublic school.

(6) An applicant for employment shall give written consent at the time of application for the criminal records division of the department of state police to conduct the criminal records check required under this section.

(7) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the department of state police for a criminal records check under this section on a form and in a manner prescribed by the department of state police.

(8) The results of a criminal records check under this section shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in the position for which he or she has applied or been assigned and for the purposes of subsections (3), (4), (5), and (12). A member of the board of a district or of the governing body of a public school academy or nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose those results received under this section, except a misdemeanor conviction involving sexual or physical abuse or any felony conviction, to any person who is not directly involved in evaluating the individual's qualifications for employment or assignment. However, for the purposes of subsections (4), (5), and (12) a person described in this subsection may provide a copy of the results received under this section concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. For an individual who is regularly and continuously working under contract, if the individual agrees in writing, a district, public school academy, or nonpublic school may provide a copy of the results received under this section concerning the individual to an appropriate representative of the individual's employer. A representative of the individual's employer who receives a copy of the results, or receives the results from another source as authorized by this subsection, shall not disclose the results to any person outside of the employer's business or to any of the employer's personnel who are not directly involved in evaluating the individual's qualifications for employment or assignment. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804. As used in this subsection, "misdemeanor conviction involving sexual or physical abuse" includes, but is not limited to, a misdemeanor conviction for a listed offense; a misdemeanor conviction for violation of section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a; a misdemeanor conviction for violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701; a misdemeanor conviction for violation of section 81, 81a, 81c, 90c, 136b, 141a, 145, 145d, 145n, 233, 335a, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.81c, 750.90c, 750.136b, 750.141a, 750.145, 750.145d, 750.145n, 750.233, 750.335a, and 750.411h; a misdemeanor conviction of section 6 of 1979 PA 53, MCL 752.796; or a misdemeanor conviction for violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(9) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal records check on an individual under this section, the criminal records division of the department of state police shall initiate the criminal records check through the federal bureau of investigation. After conducting the criminal records check required under this section for a school district, intermediate school district, public school academy, or nonpublic school, the criminal records division of the department of state police shall provide the results of the criminal records check to the district, public school academy, or nonpublic school. A school district, intermediate school district, public school academy, or nonpublic school that receives results from the department of state police under this subsection shall retain those results in the individual's employment records.

(10) If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (9), or a report received under section 1230, 1230d(7), 1535a(15), or 1539b(15), disclose

that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (9), or a report received under section 1230, 1230d(7), 1535a(15), or 1539b(15), disclose that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the governing board or governing body, if any, of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing. If a school district, intermediate school district, public school academy, or nonpublic school receives results described in this subsection, within 60 days after receiving those results the school district, intermediate school district, public school academy, or nonpublic school shall submit to the department in the form and manner prescribed by the department a report detailing the information and any action taken as a result by the school district, intermediate school district, public school academy, or nonpublic school. The department shall maintain a copy of this report for at least 6 years.

(11) Subject to subsection (12), if the criminal records check required under this section has been completed for a particular individual and the results reported to a school district, intermediate school district, public school academy, or nonpublic school as provided under this section, then another criminal records check is not required under this section for that individual as long as the individual remains employed with no separation from service by any school district, intermediate school district, public school academy, or nonpublic school in this state or remains regularly and continuously working under contract with no separation from service for the same employer in any school district, intermediate school district, public school academy, or nonpublic school in this state. For the purposes of this subsection, an employee is not considered to have a separation from service in any of the following circumstances:

(a) The employee is laid off or placed on a leave of absence by his or her employer and returns to active employment with the same employer within 1 year after being laid off or placed on the leave of absence.

(b) The employee transfers to another school district, intermediate school district, public school academy, or nonpublic school and remains continuously employed by any school district, intermediate school district, public school academy, or nonpublic school in this state.

(12) If an individual described in subsection (11) is an applicant for employment in a different school district, intermediate school district, public school academy, or nonpublic school than the one that originally received the results of the criminal records check or that currently is in possession of the results of the criminal records check, or is being assigned to regularly and continuously work under contract in a different school district, intermediate school district, public school academy, or nonpublic school than the one that originally received the results of the criminal records check or that currently is in possession of the results of the criminal records check, then all of the following apply:

(a) If the results of the individual's criminal records check have not already been forwarded to the new school district, intermediate school district, public school academy, or nonpublic school, the new school district, intermediate school district, public school academy, or nonpublic school shall request the school district, intermediate school district, public school academy, or nonpublic school that has the results to forward them to the new school district, intermediate school district, public school academy, or nonpublic school. Upon receipt of such a request, a school district, intermediate school district, public school academy, or nonpublic school that has the results shall forward them to the requesting school district, intermediate school district, public school academy, or nonpublic school.

(b) If the results of the individual's criminal records check are not received by the new school district, intermediate school district, public school academy, or nonpublic school under this subsection or otherwise, then this section applies to the individual to the same extent as if he or she has had a separation from service.

(13) Subsection (1) does not apply to an individual who is being employed by or assigned to regularly and continuously work under contract in a school of a school district, intermediate school district, public school academy, or nonpublic school if the individual is not more than 19 years of age and is enrolled as a general education pupil of a school district, intermediate school district, public school academy, or nonpublic school or is not more than 26 years of age and is enrolled in special education programs or services in a school district, intermediate school district, public school academy, or nonpublic school. However, before employing the individual or assigning the individual to regularly and continuously work under contract in a school, the school district, intermediate school district, public school academy, or nonpublic school shall perform a criminal history check on that person using the department of state police's internet criminal history access tool (ICHAT). If a search of the department of state police's ICHAT reveals that the individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify

that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If a search of the department of state police's ICHAT reveals that the individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing.

(14) For the purposes of subsections (10) and (13), the department shall make available to school districts, intermediate school districts, public school academies, and nonpublic schools information on how to verify a conviction using public records.

(15) As used in this section:

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

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

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

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

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

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

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

History: Add. 1995, Act 83, Eff. Aug. 1, 1995 ;-- Am. 2005, Act 138, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006 ;-- Am. 2006, Act 680, Imd. Eff. Jan. 10, 2007 ;-- Am. 2008, Act 583, Imd. Eff. Jan. 16, 2009

Popular Name: Act 451

380.1230b Applicant for employment; information regarding unprofessional conduct to be provided by previous employer; signed statement authorizing disclosure; request; immunity from civil liability; prohibition; use of information; violation of subsection (5) as misdemeanor; effect of contract or agreement; other information; definitions.

Sec. 1230b.

(1) Before hiring an applicant for employment, a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall request the applicant for employment to sign a statement that does both of the following:

(a) Authorizes the applicant's current or former employer or employers to disclose to the school district, local act school district, public school academy, intermediate school district, or nonpublic school any unprofessional conduct by the applicant and to make available to the school district, local act school district, public school academy, intermediate school district, or nonpublic school copies of all documents in the employee's personnel record maintained by the current or former employer relating to that unprofessional conduct.

(b) Releases the current or former employer, and employees acting on behalf of the current or former employer, from any liability for providing information described in subdivision (a), as provided in subsection (3), and waives any written notice required under section 6 of the Bullard-Plawecki employee right to know act, Act No. 397 of the Public Acts of 1978, being section 423.506 of the Michigan Compiled Laws.

(2) Before hiring an applicant for employment, a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall request at least the applicant's current employer or, if the applicant is not currently employed, the applicant's immediately previous employer to provide the information

described in subsection (1)(a), if any. The request shall include a copy of the statement signed by the applicant under subsection (1).

(3) Not later than 20 business days after receiving a request under subsection (2), an employer shall provide the information requested and make available to the requesting school district, local act school district, public school academy, intermediate school district, or nonpublic school copies of all documents in the employee's personnel record relating to the unprofessional conduct. An employer, or an employee acting on behalf of the employer, that discloses information under this section in good faith is immune from civil liability for the disclosure. An employer, or an employee acting on behalf of the employer, is presumed to be acting in good faith at the time of a disclosure under this section unless a preponderance of the evidence establishes 1 or more of the following:

- (a) That the employer, or employee, knew the information disclosed was false or misleading.
- (b) That the employer, or employee, disclosed the information with a reckless disregard for the truth.
- (c) That the disclosure was specifically prohibited by a state or federal statute.

(4) The board or governing body of a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall not hire an applicant who does not sign the statement described in subsection (1).

(5) Information received under this section shall be used by a school district, local act school district, public school academy, intermediate school district, or nonpublic school only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied. Except as otherwise provided by law, a board member or employee of a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall not disclose the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804.

(6) The board or an official of a school district, local act school district, public school academy, intermediate school district, or nonpublic school shall not enter into a collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or any other contract or agreement that has the effect of suppressing information about unprofessional conduct of an employee or former employee or of expunging information about that unprofessional conduct from personnel records. Any provision of a contract or agreement that is contrary to this subsection is void and unenforceable. This subsection does not restrict the expungement from a personnel file of information about alleged unprofessional conduct that has not been substantiated.

(7) This section does not prevent a school district, local act school district, public school academy, intermediate school district, or nonpublic school from requesting or requiring an applicant for employment to provide information other than that described in this section.

(8) As used in this section:

(a) "Personnel record" means that term as defined in section 1 of Act No. 397 of the Public Acts of 1978, being section 423.501 of the Michigan Compiled Laws.

(b) "Unprofessional conduct" means 1 or more acts of misconduct; 1 or more acts of immorality, moral turpitude, or inappropriate behavior involving a minor; or commission of a crime involving a minor. A criminal conviction is not an essential element of determining whether or not a particular act constitutes unprofessional conduct.

History: Add. 1996, Act 189, Imd. Eff. May 8, 1996

Popular Name: Act 451

380.1230c Notice of conviction of listed offense; report to department; employment prohibited; definitions.

Sec. 1230c.

(1) If a school official of a school district, intermediate school district, public school academy, or nonpublic school has notice from an authoritative source that an individual has been convicted of a listed offense, the board of the school district or intermediate school district, board of directors of the public school academy, or governing board of the nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ that individual in any capacity or allow that person to regularly and continuously work under contract in any of its schools. If a school district, intermediate school district, public school academy, or nonpublic school receives notice described in this subsection, within 60 days after receiving that notice the school district, intermediate school district, public school academy, or nonpublic school shall submit to the department in the form and manner prescribed by the department a report detailing the information received and any action taken as a result by the school district, intermediate school district, public school academy, or nonpublic

school. The department shall maintain a copy of this report for at least 6 years.

(2) As used in this section:

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

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

(c) "Regularly and continuously work under contract" means any of the following:

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

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

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

History: Add. 2005, Act 129, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006 ;-- Am. 2006, Act 680, Imd. Eff. Jan. 10, 2007
Popular Name: Act 451

380.1230d Employee or applicant for employment of school district, intermediate school district, public school academy, or nonpublic school charged with crime; requirements; violation of subsection (1) or (2); person not convicted of crime; forwarding of form; development and implementation of automated program; report; definitions.

Sec. 1230d.

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

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

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

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

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

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

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

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

(4) A person who violates subsection (1) or (2) may be discharged from his or her employment or have his or her contract terminated. If the board of a school district or intermediate school district or board of directors of a public school academy finds, after providing notice and the opportunity for a hearing, that a person employed by the school district, intermediate school district, or public school academy has violated subsection (1) or (2), the board or board of directors may discharge the person from his or her employment.

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

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

(7) The department of technology, management, and budget shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of registered educational personnel, and of any other list maintained by the department of individuals employed or regularly and continuously working under contract in a school, with the conviction information received by the department of state police. This comparison shall only include individuals who are actually school employees at the time of the comparison or who are regularly and continuously working under contract at the time of the comparison. Unless otherwise prohibited by law, this comparison shall include convictions contained in a nonpublic record. The department and the department of state police shall perform this comparison during January and June of each year until July 1, 2008. The department of state police shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before transmitting the information under this subsection to the department. The department shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before notifying a school district, intermediate school district, public school academy, or nonpublic school of a conviction. If a comparison discloses that a person on the department's list of registered educational personnel has been convicted of a crime, or if the department is otherwise notified by the department of state police that such a person has been convicted of a crime, the department shall notify the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school in which the person is employed of that conviction.

(8) If a school district, intermediate school district, public school academy, or nonpublic school receives a report under this section of a conviction, within 60 days after receiving the report the school district, intermediate school district, public school academy, or nonpublic school shall submit to the department in the form and manner prescribed by the department a report detailing the information received and any action taken as a result by the school district, intermediate school district, public school academy, or nonpublic school. The department shall maintain a copy of this report for at least 6 years.

(9) As used in this section:

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

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

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

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

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

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and

auxiliary services to special education pupils.

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

History: Add. 2005, Act 131, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006 ;-- Am. 2006, Act 680, Imd. Eff. Jan. 10, 2007 ;-- Am. 2016, Act 532, Eff. Apr. 9, 2017

Popular Name: Act 451

380.1230e List of registered educational personnel; definitions.

Sec. 1230e.

(1) Not later than January 1, 2007, the department shall include in its list of registered educational personnel all individuals who are employed by a school district, intermediate school district, public school academy, or nonpublic school and all individuals who are assigned to regularly and continuously work under contract in a school operated by a school district, intermediate school district, public school academy, or nonpublic school.

(2) As used in this section:

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

(b) "Regularly and continuously work under contract" means any of the following:

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

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

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

History: Add. 2006, Act 680, Imd. Eff. Jan. 10, 2007

Compiler's Notes: Act 451

380.1230f Fingerprints submitted under MCL 380.1230a and 380.1230g; maintenance in AFIS database.

Sec. 1230f.

The department of information technology shall work with the department of state police to establish a system for the department of state police to save and maintain in its automated fingerprint identification system (AFIS) database all fingerprints that are submitted to the department of state police under sections 1230a and 1230g. If a criminal arrest fingerprint card is subsequently submitted to the department of state police and matches against a fingerprint that was submitted under section 1230a or 1230g and stored in the AFIS database, the department of state police shall notify the department.

History: Add. 2005, Act 130, Eff. Jan. 1, 2006

Popular Name: Act 451

380.1230g Individual employed or working under contract; criminal history check or records check; use of results received by another district; consent; request; use of results for limited purpose; "misdemeanor

conviction involving sexual or physical abuse" defined; duties of department of state police; verification; disclosure of conviction for listed offense or other felony; exception; definitions.

Sec. 1230g.

(1) Not later than July 1, 2008, the board of a school district or intermediate school district, the board of directors of a public school academy, or the governing body of a nonpublic school shall do both of the following for each individual who, as of December 1, 2005, is either a full-time or part-time employee of the school district, intermediate school district, public school academy, or nonpublic school or is assigned to regularly and continuously work under contract in any of its schools and who either is still a full-time or part-time employee of the school district, intermediate school district, public school academy, or nonpublic school on the date that the criminal history and criminal records checks under this section are initiated or is still assigned to regularly and continuously work under contract in any of its schools on the date that the criminal history and criminal records checks under this section are initiated:

(a) Request from the criminal records division of the department of state police a criminal history check on the individual.

(b) Request the department of state police to conduct a criminal records check on the individual through the federal bureau of investigation. The board, board of directors, or governing board shall require the individual to submit his or her fingerprints to the department of state police for the purposes of this subdivision. The department of state police may charge a fee for conducting the criminal records check.

(2) For an individual employed or regularly and continuously working under contract as a substitute teacher or substitute bus driver, if the individual agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal history check or criminal records check with another district, public school academy, or nonpublic school, then instead of requesting a criminal history check and criminal records check under subsection (1), a school district, intermediate school district, public school academy, or nonpublic school may use results received by another district, public school academy, or nonpublic school to confirm that the individual does not have any criminal history. Alternatively, a school district, intermediate school district, public school academy, or nonpublic school may use results maintained by the department to confirm that the individual does not have any criminal history. If confirmation is not available from any of these sources, subsection (1) applies to the individual.

(3) If an individual described in subsection (1) is employed by or regularly and continuously working under contract in more than 1 school district, intermediate school district, public school academy, or nonpublic school and if the individual agrees in writing to allow a district, public school academy, or nonpublic school to share the results of the criminal history check or criminal records check with another district, public school academy, or nonpublic school, then a district, public school academy, or nonpublic school may satisfy the requirements of subsection (1) by obtaining a copy of the results of the criminal history check or criminal records check from another district, public school academy, or nonpublic school.

(4) An individual described in subsection (1) shall give written consent for the criminal records division of the department of state police to conduct the criminal history check and criminal records check required under this section and shall submit his or her fingerprints to the department of state police for the purposes of the criminal records check. If an individual does not comply with this subsection or otherwise fails to cooperate with a school district, intermediate school district, public school academy, or nonpublic school that is seeking to comply with subsection (1) concerning the individual, then the school district, intermediate school district, public school academy, or nonpublic school shall not employ the individual in any capacity and shall not allow the individual to regularly and continuously work under contract in any of its schools.

(5) A school district, intermediate school district, public school academy, or nonpublic school shall make a request to the department of state police for the criminal history check and criminal records check under this section on a form and in a manner prescribed by the department of state police.

(6) The results of a criminal history check and criminal records check under this section shall be used by a school district, intermediate school district, public school academy, or nonpublic school only for the purpose of evaluating an individual's qualifications for employment or assignment in his or her position and for the purposes of subsections (2) and (3). A member of the board of a school district or intermediate school district, of the board of directors of a public school academy, or of the governing body of a nonpublic school or an employee of a district, public school academy, or nonpublic school shall not disclose those results received under this section, except a misdemeanor conviction involving sexual or physical abuse or any felony conviction, to any person who is not directly involved in evaluating the individual's qualifications for employment or assignment. However, for the purposes of subsections (2) and (3), a person described in this subsection may provide a copy of the results received under this section concerning the individual to an appropriate representative of another district, public school academy, or nonpublic school. For an individual who is regularly and continuously working under contract, if the individual agrees in writing, a district, public school academy, or nonpublic school may provide a copy of the results received under this section concerning the individual to an appropriate representative of the individual's

employer. A representative of the individual's employer who receives a copy of the results, or receives the results from another source as authorized by this subsection, shall not disclose the results to any person outside of the employer's business or to any of the employer's personnel who are not directly involved in evaluating the individual's qualifications for employment or assignment. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00, but is not subject to the penalties under section 1804. As used in this subsection, "misdemeanor conviction involving sexual or physical abuse" includes, but is not limited to, a misdemeanor conviction for a listed offense; a misdemeanor conviction for violation of section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a; a misdemeanor conviction for violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701; a misdemeanor conviction for violation of section 81, 81a, 81c, 90c, 136b, 141a, 145, 145d, 145n, 233, 335a, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.81c, 750.90c, 750.136b, 750.141a, 750.145, 750.145d, 750.145n, 750.233, 750.335a, and 750.411h; a misdemeanor conviction of section 6 of 1979 PA 53, MCL 752.796; or a misdemeanor conviction for violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

(7) Within 30 days after receiving a proper request by a school district, intermediate school district, public school academy, or nonpublic school for a criminal history check and criminal records check on an individual under this section, the criminal records division of the department of state police shall do both of the following:

(a) Conduct the criminal history check and, after conducting the criminal history check and within that time period, provide a report of the results of the criminal history check to the district, public school academy, or nonpublic school. The report shall contain any criminal history record information on the individual that is maintained by the criminal records division of the department of state police. A school district, intermediate school district, public school academy, or nonpublic school that receives a report from the department of state police under this subdivision shall retain that report in the individual's employment records.

(b) Initiate the criminal records check through the federal bureau of investigation. After conducting the criminal records check required under this section for a school district, intermediate school district, public school academy, or nonpublic school, the criminal records division of the department of state police shall provide the results of the criminal records check to the district, public school academy, or nonpublic school. A school district, intermediate school district, public school academy, or nonpublic school that receives results from the department of state police under this subdivision shall retain those results in the individual's employment records.

(8) If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (7), or a report received under section 1230a, 1230d(7), 1535a(15), or 1539b(15), disclose that an individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If the results received by a school district, intermediate school district, public school academy, or nonpublic school under subsection (7), or a report received under section 1230a, 1230d(7), 1535a(15), or 1539b(15), disclose that an individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the governing board or governing body, if any, of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing. If a school district, intermediate school district, public school academy, or nonpublic school receives results described in this subsection, within 60 days after receiving those results the school district, intermediate school district, public school academy, or nonpublic school shall submit to the department in the form and manner prescribed by the department a report detailing the information received and any action taken as a result by the school district, intermediate school district, public school academy, or nonpublic school. The department shall maintain a copy of this report for at least 6 years.

(9) If the criminal history check and criminal records check required under this section have been completed for a particular individual and the results reported to a school district, intermediate school district, public school academy, or nonpublic school as provided under this section, then another criminal history check or criminal records check is not required under this section for that individual as long as the individual remains employed with no separation from service by any school district, intermediate school district, public school academy, or nonpublic school in this state or remains regularly and continuously working under contract with no separation from service for the same employer in any school district, intermediate school district, public school academy, or nonpublic school in this state. For the purposes of this subsection, an employee is not considered to have a separation from service in any of the following circumstances:

(a) The employee is laid off or placed on a leave of absence by his or her employer and returns to active employment with the same employer within 1 year after being laid off or placed on the leave of absence.

(b) The employee transfers to another school district, intermediate school district, public school academy, or

nonpublic school and remains continuously employed by any school district, intermediate school district, public school academy, or nonpublic school in this state.

(10) Subsection (1) does not apply to an individual who is an employee or is assigned to regularly and continuously work under contract in a school of a school district, intermediate school district, public school academy, or nonpublic school if the individual is not more than 19 years of age and is enrolled as a general education pupil of a school district, intermediate school district, public school academy, or nonpublic school or is not more than 26 years of age and is enrolled in special education programs or services in a school district, intermediate school district, public school academy, or nonpublic school. However, the school district, intermediate school district, public school academy, or nonpublic school shall perform a criminal history check on that person using the department of state police's internet criminal history access tool (ICHAT). If a search of the department of state police's ICHAT reveals that the individual has been convicted of a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity, as provided under section 1230c, and shall not allow the individual to regularly and continuously work under contract in any of its schools. If a search of the department of state police's ICHAT reveals that the individual has been convicted of a felony other than a listed offense, then the school district, intermediate school district, public school academy, or nonpublic school shall take steps to verify that information using public records and, if the information is verified using public records, shall not employ the individual in any capacity or allow the individual to regularly and continuously work under contract in any of its schools unless the superintendent or chief administrator and the board or governing body of the school district, intermediate school district, public school academy, or nonpublic school each specifically approves the employment or work assignment in writing.

(11) For the purposes of subsections (8) and (10), the department shall make available to school districts, intermediate school districts, public school academies, and nonpublic schools information on how to verify a conviction using public records.

(12) As used in this section:

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

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

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

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

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

(ii) To work at school on a more than intermittent or sporadic basis as an individual under a contract with a school district, intermediate school district, public school academy, or nonpublic school to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.

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

History: Add. 2005, Act 130, Eff. Jan. 1, 2006 ;-- Am. 2006, Act 84, Imd. Eff. Mar. 31, 2006 ;-- Am. 2006, Act 680, Imd. Eff. Jan. 10, 2007 ;-- Am. 2008, Act 583, Imd. Eff. Jan. 16, 2009

Popular Name: Act 451

380.1230h Disclosure.

Sec. 1230h.

(1) A record prepared by a state agency under section 1230d(7), 1535a(15), or 1539b(15) is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. However, subject to subsections (2) and (3), a record described in this subsection is only exempt from disclosure as provided in this subsection until the expiration of 15 business days after the date the record is received by a school district, intermediate school district, public school academy, or nonpublic school.

(2) If information described in subsection (1) is determined during the 15 business days exemption period to be inaccurate, then that information is exempt from disclosure under the freedom of information act, 1976 PA 442,

MCL 15.231 to 15.246.

(3) After the 15 business days exemption period under subsection (1), all of the following apply:

(a) A state agency shall disclose information in a record described in subsection (1) if the information concerns a conviction that is the type of conviction that is allowed to be disclosed to the public under section 1230(10), 1230a(8), or 1230g(6).

(b) If the information concerns a type of conviction other than a conviction described in subdivision (a), the information is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. However, a state agency shall disclose the information to the public upon request, sorted and identified by school district, intermediate school district, public school academy, or nonpublic school, except that the state agency shall ensure that the information does not include any personal identifying information.

(4) This section does not affect any other rights, duties, or exemptions under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, or under any other law.

History: Add. 2006, Act 84, Imd. Eff. Mar. 31, 2006

Popular Name: Act 451

380.1230i Dropout recovery program.

Sec. 1230i.

(1) If a school district or public school academy partners with an education management organization for a dropout recovery program as described under section 23a of the state school aid act of 1979, MCL 388.1623a, the school district or public school academy shall ensure that the education management organization provides all of the following information to the school district or public school academy on a quarterly basis:

(a) All of the following information regarding each eligible pupil enrolled in the program:

(i) The name of each eligible pupil.

(ii) How each eligible pupil is eligible under section 23a(3)(c) of the state school aid act of 1979, MCL 388.1623a.

(iii) The number of credits each eligible pupil will need to earn a diploma.

(iv) The anticipated program completion date for each eligible pupil.

(b) The names of all former eligible pupils who are no longer enrolled in the program who earned a diploma or enrolled in a public school since the last submission of information by the education management organization under this subsection.

(c) The names of all former eligible pupils who are no longer enrolled in the program who did not earn a diploma or did not enroll in a public school since the last submission of information by the education management organization under this subsection.

(d) The names of all individuals serving as teachers of record in the program and all individuals serving as advocates for eligible pupils enrolled in the program.

(2) A school district or public school academy that operates a dropout recovery program as described under section 23a of the state school aid act of 1979, MCL 388.1623a, shall annually, in a form and manner prescribed by the department, provide all of the following information to the department:

(a) The number of eligible pupils enrolled in the program.

(b) The average number of months an eligible pupil is enrolled in the program.

(c) The number of eligible pupils who earned a diploma through the program for the immediately preceding school year.

(d) The number of eligible pupils who ended their enrollment in the program and who enrolled in a public school during the immediately preceding school year.

(e) The average number of credit hours an eligible pupil earns in the program.

(f) A breakdown of the types of eligible pupils enrolled in the program with the breakdown based on the eligibility factors under section 23a(3)(c) of the state school aid act of 1979, MCL 388.1623a, and the number of pupils that meet each eligibility factor under section 23a(3)(c) of the state school aid act of 1979, MCL 388.1623a.

(g) The name of the education management organization that the school district or public school academy partners with for the program, if applicable.

(h) The school district's or public school academy's administrator or the department that oversees the program.

(i) The amount the school district or public school academy pays to the education management organization for each enrolled eligible pupil, if applicable, and additional costs or fees paid by the school district or public school academy related to the program.

(j) If the school district or public school academy partners with an education management organization for the program, a copy of the contract between the school district or public school academy and the education management organization regarding the partnership.

(3) As used in this section, "advocate", "education management organization", "eligible pupil", and "teacher of record" mean those terms as defined in section 23a of the state school aid act of 1979, MCL 388.1623a.

History: Add. 2020, Act 23, Imd. Eff. Jan. 31, 2020

Popular Name: Act 451

380.1231 Hiring of teachers; teachers' contracts generally; teacher of record; dropout recovery program.

Sec. 1231.

(1) Except as otherwise provided in subsections (5) and (6), the board of a school district shall hire and contract with qualified teachers. Contracts with teachers must be in writing and signed on behalf of the school district by a majority of the board, by the president and secretary of the board, or by the superintendent of schools or an authorized representative of the board. The contracts must specify the wages agreed upon.

(2) The board of a school district shall file a teacher's contract with the secretary of the board and shall furnish a duplicate copy of the contract to the teacher.

(3) Except as otherwise provided under this act, a contract with a teacher is not valid unless the individual holds a valid teaching certificate or is engaged to teach under section 1233b at the time the contractual period begins or the individual is engaged to teach in a community district under section 1233c. A contract terminates if the certificate expires by limitation and is not renewed immediately or if it is suspended or revoked by proper legal authority.

(4) The board of a school district, after a teacher has been employed at least 2 consecutive years by the board, may enter into a continuing contract with a certificated teacher or a teacher engaged to teach under section 1233b or, for a community district, with an individual engaged to teach in a community district under section 1233c.

(5) The board of a school district that is a community district may employ or contract for, or both, qualified teachers and other qualified instructional personnel at a public school that formerly operated as an achievement school as necessary to carry out the purposes of the community district.

(6) If a school district partners with an education management organization for a dropout recovery program as described under section 23a of the state school aid act of 1979, MCL 388.1623a, the teacher of record for that program may be employed by or contracted through the education management organization.

(7) As used in this section:

(a) "Achievement school" means a public school formerly within the education achievement system that was operated, managed, authorized, established, or overseen by the achievement authority.

(b) "Education management organization" means that term as defined in section 23a of the state school aid act of 1979, MCL 388.1623a.

(c) "Teacher" does not include a substitute teacher.

(d) "Teacher of record" means that term as defined in section 23a of the state school aid act of 1979, MCL 388.1623a.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 2002, Act 735, Eff. Mar. 31, 2003 ;-- Am. 2016, Act 192, Imd. Eff. June 21, 2016 ;-- Am. 2018, Act 235, Eff. Sept. 25, 2018 ;-- Am. 2020, Act 23, Imd. Eff. Jan. 31, 2020

Popular Name: Act 451

380.1232 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to teachers' contracts.

Popular Name: Act 451

380.1233 Teaching by noncertificated teacher or counseling without valid credentials; prohibition; school counselor license; notice to superintendent of public instruction; waiving student teaching as requirement for vocational certification; employment as substitute teacher; renewal of school counselor credential; career counseling; professional development; approval by department; rules; temporary exception for substitute teachers; preliminary school counselor license; denial, suspension, or revocation; definitions.

Sec. 1233.

(1) Except as otherwise provided by law, and subject to sections 1233b and 1233c, the board of a school district or intermediate school district shall not permit a teacher who does not hold a valid teaching certificate to teach in a grade or department of the school.

(2) The board of a school district or intermediate school district shall not allow an individual to serve in a counseling role in the school district or intermediate school district, as the role is defined by the superintendent of public instruction, unless the individual holds a valid school counselor credential. The superintendent of public instruction shall issue a school counselor license only to an individual who meets 1 or more of the following:

(a) The individual meets both of the following:

(i) Holds a master's degree awarded after completion of a school counselor education program that is approved by the superintendent of public instruction based on standards developed by the department in consultation with practicing school counselors, representatives from school counselor preparation programs, and state associations representing school counselors.

(ii) Has successfully completed the department's school counselor examination.

(b) Subject to subsection (15), the individual is an individual who holds a school counselor license from another state, country, or federally recognized Indian tribe, holds a master's degree awarded after completion of a school counselor education program, and meets either of the following:

(i) Has at least 3 years of successful experience serving in a school counseling role in another state or country or with a federally recognized Indian tribe.

(ii) Has successfully completed the department's school counselor examination.

(3) Except for teachers engaged to teach under section 1233b and teachers engaged to teach in a community district under section 1233c, the intermediate superintendent shall notify the superintendent of public instruction immediately of the names of noncertificated teachers teaching in violation of subsection (1) and the names of individuals serving in counseling roles in violation of subsection (2), the employing district, and the amount of time the noncertificated teachers or unqualified individuals were employed.

(4) A vocational teacher preparation institution shall utilize the employment experience of an annually authorized teacher for the purpose of waiving student teaching as a requirement for vocational certification if the annually authorized teacher is supervised by the teacher preparation institution.

(5) Subject to subsection (10), the board of a school district or intermediate school district may employ an individual without a teaching certificate as a substitute teacher if either of the following requirements is met, if applicable:

(a) The individual has at least 60 semester hours of college credit or an associate degree from a college, university, or community college. The 60 semester hours do not need to be from the same college, university, or community college.

(b) For substitute teaching a course in an industrial technology education program or a career and technical education program, the individual is engaged to substitute teach in a subject matter or field in which the individual has achieved expertise, as determined by the board of a school district or intermediate school district and satisfies all of the following, if applicable:

(i) Has a high school diploma or a high school equivalency certificate as that term is defined in section 4 of the state school aid act of 1979, MCL 388.1604.

(ii) For substitute teaching in a subject matter or field in which a professional license or certification is required, at least 1 of the following:

(A) Holds a professional license or certification in that same subject matter or field.

(B) Previously held a professional license or certification in that same subject matter or field that expired not more than 2 years before the noncertificated substitute teacher's initial employment under this section and was in good standing immediately before the license or certification expired.

(iii) Has at least 2 cumulative years of professional experience in that same subject matter or field in the immediately preceding 10 years.

(6) The department shall not renew an individual's school counselor credential unless the department determines that, within the time period since the individual's school counselor credential was issued or last renewed, whichever

is most recent, the individual has completed at least 25 hours of professional development approved by the department under subsection (8) covering counseling about the college preparation and selection process and at least 25 hours of professional development approved by the department under subsection (8) covering career counseling. For the purposes of this subsection, career counseling includes, but is not limited to, exploration of military career options and the skilled trades as well as other careers and pathways that lead to industry credentials awarded in recognition of an individual's attainment of measurable technical or occupational skills necessary to obtain employment or advance within an occupation. The hours of professional development required under this subsection covering career counseling must include at least 5 hours covering military career options. The hours of professional development required under this subsection are a part of and not in addition to professional development requirements under department rule.

(7) An individual may complete the professional development hours for the purposes of subsection (6) as part of the professional development provided by a school district, intermediate school district, public school academy, or nonpublic school under section 1527 if the content and curriculum of the professional development provided under section 1527 are approved by the department under subsection (8).

(8) The department shall approve the professional development for the purposes of subsection (6). The department shall only approve a professional development program or course for the purposes of subsection (6) if the department determines that the content and curriculum for the professional development meet standards that are developed by the department in consultation with the department of labor and economic opportunity and groups representing school counselors, college admissions professionals, financial aid officers, employers, and others as determined appropriate by the department. The department shall develop these standards by July 1, 2018 and shall facilitate the involvement in the development of the standards of the groups required under this subsection.

(9) The superintendent of public instruction shall promulgate or modify rules as necessary to implement this section.

(10) Subject to subsection (12), beginning on December 27, 2021 through June 30, 2022, the board of a school district or intermediate school district may employ an individual without a certificate or permit who does not meet the requirements under subsection (5) as a substitute teacher if both of the following are met:

(a) Both of the following apply to the individual:

(i) The individual has a high school diploma or high school equivalency certificate as that term is defined in section 4 of the state school aid act of 1979, MCL 388.1604.

(ii) The individual is employed by or works at the school district or intermediate school district.

(b) The board ensures that both of the following are met, as applicable:

(i) If the individual's existing salary as an employee of or worker at the school district or intermediate school district is higher than the salary of a substitute teacher who is employed at or works at the school district or intermediate school district, the individual's salary for the individual's employment or work as a substitute teacher under this subsection must not be lower than the individual's existing salary.

(ii) If the individual's existing salary as an employee of or worker at the school district or intermediate school district is lower than the salary of a substitute teacher who is employed at or works at the school district or intermediate school district, the individual's salary for the individual's employment or work as a substitute teacher under this subsection must be in an amount that is equal to or greater than the salary of a substitute teacher who is employed at or works at the school district or intermediate school district.

(11) An individual who declines employment or assignment as a substitute teacher under subsection (10) must not be terminated from the individual's existing employment or assignment and must not be subject to retaliation solely for declining the employment or assignment under subsection (10).

(12) Notwithstanding any other provision of this act, sections 1230(2) and 1230a(2) do not apply to an individual employed under subsection (10). However, all other requirements under sections 1230 and 1230a apply to the employment of an individual under subsection (10).

(13) The superintendent of public instruction may issue a preliminary school counselor license to an individual enrolled in an approved school counselor preparation program if the individual meets both of the following:

(a) The individual has completed at least 30 semester hours in an approved school counselor preparation program.

(b) The individual has successfully completed the department's school counselor examination.

(14) Subject to subsection (15), if an individual holding a school counselor license from another state, country, or federally recognized Indian tribe applies for a Michigan school counselor license and meets all requirements for the Michigan school counselor license except for passage of the appropriate examinations described in subsection (2)(b), the superintendent of public instruction shall issue a nonrenewable temporary school counselor license, good for 1 year, to the individual. The superintendent of public instruction shall not issue a Michigan school counselor license to the individual after the expiration of the temporary school counselor license unless the individual completes the licensing requirements described in this section.

(15) The superintendent of public instruction shall deny a Michigan school counselor credential to an individual described in subsection (2)(b) or (14) for fraud, material misrepresentation, or concealment in the individual's application for a license or for a conviction for which an individual's state board approval may be suspended or

revoked under section 1539b.

(16) Except as otherwise provided in this section, as used in this section:

(a) "Individual holding a school counselor license from another state, country, or federally recognized Indian tribe" or "individual who holds a school counselor license from another state, country, or federally recognized Indian tribe" means an individual with a valid school counselor credential or an individual who is eligible for a school counselor credential in the state or country or with the federally recognized Indian tribe in which or with which the individual holds the credential or is eligible for the credential.

(b) "School counselor credential" means, except as used in subdivision (a), 1 of the following:

(i) A school counselor endorsement on a valid Michigan teaching certificate.

(ii) A preliminary school counselor license as described in this section.

(iii) A temporary school counselor license as described in this section.

(iv) A school counselor license.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1987, Act 56, Imd. Eff. June 22, 1987 ;-- Am. 1990, Act 25, Eff. Apr. 13, 1990 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 2000, Act 288, Imd. Eff. July 10, 2000 ;-- Am. 2016, Act 192, Imd. Eff. June 21, 2016 ;-- Am. 2017, Act 151, Eff. Feb. 6, 2018 ;-- Am. 2018, Act 235, Eff. Sept. 25, 2018 ;-- Am. 2018, Act 236, Eff. Sept. 25, 2018 ;-- Am. 2018, Act 418, Eff. Mar. 20, 2019 ;-- Am. 2021, Act 149, Imd. Eff. Dec. 27, 2021 ;-- Am. 2023, Act 111, Imd. Eff. July 27, 2023

Popular Name: Act 451

380.1233a Employment counseling and placement services; agreement to establish joint or cooperative service; assistance; MCL 338.2006 inapplicable.

Sec. 1233a.

(1) Counseling or guidance staff employed by a school district, which for purposes of this section may include noncertified, nonendorsed personnel, shall devote an appropriate portion of working time and effort to employment counseling and placement services for pupils 16 to 19 years of age who do not intend to enroll in an institution of higher education after graduating from high school or who require or desire employment in conjunction with their continued education.

(2) A school district may enter into an agreement with 1 or more school districts, with the intermediate school district to which the school district is constituent, or with any other appropriate unit of local government to establish a joint or cooperative employment counseling or placement service. Upon the request of a school district, the Michigan employment security commission, the department of labor, or any other appropriate state agency shall provide assistance in establishing or conducting the service. A school district operating a placement service shall not be subject to section 6 of Act No. 301 of the Public Acts of 1974, being section 338.2006 of the Michigan Compiled Laws, and shall not charge a fee or any other consideration.

History: Add. 1978, Act 536, Imd. Eff. Dec. 21, 1978

Popular Name: Act 451

380.1233b Teaching of certain courses by noncertificated, nonendorsed teacher; requirements; effect of ability to engage certificated, endorsed teacher; waiving student teaching.

Sec. 1233b.

(1) Subject to subsection (2) and except as provided in subsection (3), the board of a school district or intermediate school district or the board of directors of a public school academy may engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course in computer science, a foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or in another subject area determined by the state board to be appropriate to be included under this section and so designated by the state board, or any combination of these subject areas, in grades 9 through 12, or in an industrial technology education program or a career and technical education program.

(2) Subject to subsections (3) and (6), a noncertificated, nonendorsed teacher is qualified to teach under this

section if he or she meets at least 1 of the following minimum requirements:

- (a) All of the following:
 - (i) Possesses an earned bachelor's degree from an accredited postsecondary institution.
 - (ii) Has a major or a graduate degree in the field of specialization in which he or she will teach.
 - (iii) If the teacher desires to teach for more than 1 year, has passed a subject area examination, if a subject area examination exists, in the field of specialization in which he or she will teach.
 - (iv) Except in the case of individuals engaged to teach a foreign language, has, in the 5-year period immediately preceding the date of hire, not less than 2 years of occupational experience in the field of specialization in which he or she will teach.
- (b) For teaching a course in an industrial technology education program or a career and technical education program, is engaged to teach in a subject matter or field in which the teacher has achieved expertise, as determined by the board of a school district or intermediate school district or board of directors of a public school academy, and satisfies all of the following:
 - (i) Has a high school diploma or a high school equivalency certificate as defined in section 4 of the state school aid act of 1979, MCL 388.1604.
 - (ii) For teaching in a subject matter or field in which a professional license or certification is required, at least 1 of the following:
 - (A) Holds a professional license or certification in that same subject matter or field.
 - (B) Previously held a professional license or certification in that same subject matter or field that expired no more than 2 years before the noncertificated, nonendorsed teacher's initial employment under this section and was in good standing immediately before the license or certification expired.
 - (iii) Has at least 2 cumulative years of professional experience in that same subject matter or field in the immediately preceding 10 years.
- (3) The requirements listed in subsection (2) for a teacher engaged to teach under this section shall be in addition to any other requirements established by the board of a school district or intermediate school district or board of directors of a public school academy, as applicable.
- (4) Except as provided in subsection (5), the board of a school district or intermediate school district or board of directors of a public school academy shall not engage a full-time or part-time noncertificated, nonendorsed teacher to teach a course described in subsection (1) if the district or public school academy is able to engage a certificated, endorsed teacher.
- (5) Subject to subsection (6), if the board of a school district or intermediate school district or board of directors of a public school academy is able to engage a certificated, endorsed teacher to teach a course described in subsection (1), the board or board of directors may employ or continue to employ a noncertificated, nonendorsed teacher to teach the course if the noncertificated, nonendorsed teacher meets at least 1 of the following:
 - (a) Both of the following:
 - (i) The noncertificated, nonendorsed teacher is annually and continually enrolled and completing credit in an approved teacher preparation program leading to a provisional teaching certificate.
 - (ii) The noncertificated, nonendorsed teacher has a planned program leading to teacher certification on file with the employing school district or intermediate school district or public school academy, his or her teacher preparation institution, and the department.
 - (b) Is engaged to teach in an industrial technology education program or a career and technical education program and meets the requirements under subsection (2)(b).
- (6) The board of a school district or intermediate school district or board of directors of a public school academy may employ a noncertificated, nonendorsed teacher who meets the requirements of subsection (2)(b) to teach in an industrial technology education program or a career and technical education program for up to 10 years. The superintendent of public instruction may permit the board or board of directors to employ the teacher for more than 10 years.
- (7) If the noncertificated, nonendorsed teacher completes 3 years of successful classroom teaching, as determined by regular observation and review by school district, intermediate school district, or public school academy personnel and teacher preparation institution personnel, the department and a teacher preparation institution shall utilize the teaching experience of a noncertificated, nonendorsed teacher for the purpose of waiving student teaching as a condition for receiving a continued employment authorization in the school district, intermediate school district, or public school academy and a provisional teaching certificate.
- (8) An individual engaged to teach under this section is subject to the requirements of sections 1526 and 1527.

History: Add. 1990, Act 25, Eff. Apr. 13, 1990 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 2018, Act 233, Eff. Sept. 25, 2018 ;-- Am. 2018, Act 235, Eff. Sept. 25, 2018

Popular Name: Act 451

380.1233c Engagement of noncertificated, nonendorsed teacher to teach in community district schools; conditions; waiving of student teaching.

Sec. 1233c.

(1) Beginning after an initial elected school board for the community district has been elected and takes office under section 384, a community district may engage a full-time or part-time noncertificated, nonendorsed teacher to teach in its schools if the appropriate official of the community district determines that, due to the individual's combination of education and experience, it would be appropriate and in the best interests of the pupils of the community district.

(2) If a noncertificated, nonendorsed teacher engaged to teach under this section completes 3 years of successful classroom teaching, as determined by regular observation and review by school district and teacher preparation institution personnel, the department and a teacher preparation institution shall utilize the teaching experience of the noncertificated, nonendorsed teacher for the purpose of waiving student teaching as a condition for receiving a provisional teaching certificate.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016

Popular Name: Act 451

380.1234 Exchange teachers; compensation, rights, and privileges.

Sec. 1234.

A teacher employed by a school district of this state, while the teacher is performing teaching duties in another state, a foreign country, or a territory of the United States or a foreign country with the consent of the employing school board in exchange for the services of a teacher of another state, a foreign country, or a territory of the United States or a foreign country, is entitled to the same compensation, rights, and privileges, including retirement benefits, as though the teacher were continuously performing normal teaching duties for the employing school board consenting to the exchange.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1997, Act 58, Imd. Eff. July 7, 1997

Popular Name: Act 451

380.1235 Sabbatical leave.

Sec. 1235.

(1) After a teacher has been employed at least 7 consecutive years by the board of a school district, and at the end of each additional period of 7 or more consecutive years of employment, the board may grant the teacher a sabbatical leave for professional improvement for not to exceed 2 semesters at 1 time, if the teacher holds a permanent, life, or continuing certificate or is engaged in teaching in a college maintained by the board. During the sabbatical leave, the teacher shall be considered to be in the employ of the board, shall have a contract, and may be paid compensation as provided in the regulations of the board. The board shall not be liable for death or injuries sustained by the teacher while on sabbatical leave.

(2) A teacher shall be allowed credit toward retirement for time spent on sabbatical leave under regulations established by the Michigan public school employee's retirement board.

(3) Upon return from a sabbatical leave a teacher shall be restored to the teacher's position held prior to sabbatical leave or to a position of like nature, seniority, status, and pay. The teacher shall be entitled to other benefits provided under regulations of the board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

380.1236 Substitute teachers; leave time, salary, and privileges; applicability of subsections (1) and (2); contract; “day” defined.

Sec. 1236.

(1) Subject to subsection (3), if a teacher is employed as a substitute teacher with an assignment to 1 specific teaching position, then after 60 days of service in that assignment the teacher shall be granted for the duration of that assignment leave time and other privileges granted to regular teachers by the school district, including a salary not less than the minimum salary on the current salary schedule for that district.

(2) Subject to subsections (3) and (4), a teacher employed as a substitute teacher for 150 days or more during a legal school year of not less than 180 days, or employed as a substitute teacher for 180 days or more by an intermediate school district that operates any program for 220 days or more as required by administrative rule, shall be given during the balance of the school year or during the next succeeding legal school year only the first opportunity to accept or reject a contract for which the substitute teacher is certified, after all other teachers of the school district are reemployed in conformance with the terms of a master contract of an authorized bargaining unit and the employer.

(3) Subsections (1) and (2) do not apply to a substitute teacher who is contracted or employed by a person or entity that contracts with a school district or intermediate school district pursuant to section 1236a.

(4) Subsection (2) does not apply to a substitute teacher who is fulfilling the teaching duties of a teacher who is unable to teach due to a terminal illness.

(5) As used in this section, "day" means the working day of the regular, full-time teacher for whom the substitute teacher substitutes. A quarter-day, half-day, or other fractional day of substitute service shall be counted only as that fraction. However, a fraction of a day that is acknowledged by the school district and paid as a full day shall be counted as a full day for purposes of this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1986, Act 72, Imd. Eff. Apr. 7, 1986 ;-- Am. 1995, Act 289, Eff. Mar. 28, 1996 ;-- Am. 2002, Act 735, Eff. Mar. 31, 2003

Popular Name: Act 451

380.1236a Person or entity furnishing substitute teachers; contract; “entity” defined.

Sec. 1236a.

(1) The board of a school district or intermediate school district may enter into a contract with a person or entity to furnish substitute teachers to the school district or intermediate school district as necessary to carry out the operations of the school district or intermediate school district.

(2) A contract entered into under this section shall include the following provisions:

(a) Assurance that the person or entity will furnish the school district or intermediate school district with qualified teachers in accordance with this act and rules promulgated under this act.

(b) Assurance that the person or entity will not furnish to the school district or intermediate school district any teacher who, if employed directly by the school district or intermediate school district, would be ineligible for employment by the school district or intermediate school district as a substitute teacher under this act.

(c) A description of the level of compensation and fringe benefits to be provided to employees of the person or entity who are assigned to the school district or intermediate school district as substitute teachers.

(d) A description of the type and amounts of insurance coverage to be secured and maintained by the person or entity and the school district or intermediate school district under the contract.

(e) Assurance that the person or entity, before assigning an individual to serve as a substitute teacher in the school district or intermediate school district, will comply with sections 1230 and 1230a with respect to that individual to the same extent as if the person or entity were a school district employing the individual as a substitute teacher and will provide the board of the school district or intermediate school district with the criminal history record information obtained under section 1230 and with the results of the criminal records check under section 1230a. The department of state police shall provide information to a person or entity requesting information under this subdivision to the same extent as if the person or entity were a school district making the request under section 1230 or 1230a.

(3) A school district or intermediate school district that contracts with a person or entity to furnish substitute teachers under this section may purchase liability insurance to indemnify and protect the school district or intermediate school district and the person or entity against losses or liabilities incurred by the school district or intermediate school district and person or entity arising out of any claim for personal injury or property damage caused by the school district or intermediate school district, its officers, employees, or agents. A school district or intermediate school district may pay premiums for the insurance out of its operating funds. The existence of any policy of insurance indemnifying the school district or intermediate school district and person or entity against liability for damages is not a waiver of any defense otherwise available to the school district or intermediate school district in the defense of the claim.

(4) As used in this section, "entity" means a partnership, nonprofit or business corporation, labor organization, limited liability company, or any other association, corporation, trust, or other legal entity.

History: Add. 2002, Act 735, Eff. Mar. 31, 2003

Popular Name: Act 451

380.1237 Employment of individual who does not hold teaching certificate to provide speech and language services.

Sec. 1237.

Notwithstanding any other provision of this act or a rule to the contrary, a school district, local act school district, intermediate school district, or public school academy may employ an individual who does not hold a teaching certificate to provide speech and language services if the individual meets the requirements for speech-language certification by the American speech-language-hearing association. However, except for a teacher engaged to teach in a community district under section 1233c, an individual who does not hold a teaching certificate shall not be assigned to serve as a classroom teacher.

History: Add. 2000, Act 387, Imd. Eff. Jan. 3, 2001 ;-- Am. 2016, Act 192, Imd. Eff. June 21, 2016

Popular Name: Act 451

380.1240 Law enforcement agency; creation.

Sec. 1240.

(1) Subject to subsection (3), the board of a school district that has a membership of at least 20,000 pupils and that includes in its territory a city with a population of at least 180,000 as of the most recent decennial census may create a law enforcement agency in accordance with and as provided under the public body law enforcement agency act, 2004 PA 378, MCL 28.581 to 28.590.

(2) Subject to subsection (3), if the board of a school district creates a law enforcement agency under subsection (1), the board may grant to law enforcement officers of that law enforcement agency the same powers, immunities, and authority as are granted by law to peace officers and police officers to detect crime and to enforce the criminal laws of this state and to enforce state laws, local ordinances, and the ordinances and regulations of the school district, as provided under the public body law enforcement agency act, 2004 PA 378, MCL 28.581 to 28.590. Law enforcement officers to whom the authority of peace officers and police officers is granted under that act are considered peace officers of this state and have the authority of police officers provided under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, and as provided under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(3) If a school district operates a law enforcement agency under this section and becomes a qualifying school district under section 12b, the qualifying school district's law enforcement agency shall be transferred by operation of law on the transfer date to the community district created under part 5b. Beginning on the transfer date, the community district may operate a law enforcement agency in accordance with this section.

(4) For purposes of this section, a community district's membership is considered to be the same as the membership of the qualifying school district whose law enforcement agency is transferred under subsection (3).

(5) As used in this section, "transfer date" means that term as defined in section 12b.

History: Add. 2004, Act 380, Imd. Eff. Oct. 12, 2004 ;-- Am. 2016, Act 192, Imd. Eff. June 21, 2016
Popular Name: Act 451

380.1241 Liaison for school safety commission; requirements; duties.

Sec. 1241.

(1) The board of a school district or intermediate school district, the board of directors of a public school academy, or the governing body of a nonpublic school shall designate a liaison to work with the school safety commission and the office of school safety created by law. A liaison designated under this section shall be an individual who is employed by the school district, intermediate school district, public school academy, or nonpublic school or who is assigned to regularly and continuously work under contract in a school operated by the school district, intermediate school district, public school academy, or nonpublic school.

(2) A liaison designated under this section shall work with the school safety commission and the office of school safety to identify model practices for determining school safety measures.

History: Add. 2018, Act 549, Eff. Mar. 28, 2019 ;-- Am. 2024, Act 264, Eff. Apr. 2, 2025
Popular Name: Act 451

380.1246 Superintendent, principal, assistant principal, administrator of instructional programs, or chief business official; conditions for employment; continuing education; rules; time period to meet certification requirements.

Sec. 1246.

(1) A school district, public school academy, or intermediate school district shall not continue to employ a person as a superintendent, principal, assistant principal, or other person whose primary responsibility is administering instructional programs or as a chief business official unless the person meets 1 or more of the following requirements, as applicable:

(a) For a superintendent, principal, assistant principal, or other person whose primary responsibility is administering instructional programs, or a chief business official, who was employed as a school administrator in this state on or before the effective date of the amendatory act that added this subdivision, has completed the continuing education requirements prescribed by rule under subsection (2).

(b) Subject to subsection (3), for a superintendent, principal, assistant principal, or other person whose primary responsibility is administering instructional programs and who is initially employed as a school administrator in this state after the effective date of the amendatory act that added this subdivision, possesses a valid Michigan school administrator's certificate issued under section 1536.

(2) The superintendent of public instruction shall promulgate rules establishing continuing education requirements as a condition for continued employment for persons described in subsection (1)(a). The rules shall prescribe a minimum amount of continuing education that shall be completed within 5 years after initial employment and shall be completed each subsequent 5-year period to meet the requirements of subsection (1)(a) for continued employment.

(3) A school district, public school academy, or intermediate school district may employ as a superintendent, principal, assistant principal, or other person whose primary responsibility is administering instructional programs a person who is enrolled in a program leading to certification as a school administrator under section 1536 not later than 6 months after he or she begins the employment. A person employed as a school administrator pursuant to this subsection has 3 years to meet the certification requirements of section 1536, or the school district, public school academy, or intermediate school district shall not continue to employ the person as a school administrator described in this subsection.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1986, Act 163, Imd. Eff. July 7, 1986 ;-- Am. 1991, Act 63, Imd. Eff. July 3, 1991 ;--

- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1994, Act 413, Imd. Eff. Dec. 29, 1994 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 2004, Act 148, Imd. Eff. June 15, 2004 ;-- Am. 2009, Act 205, Imd. Eff. Jan. 4, 2010

Popular Name: Act 451

Admin Rule: R 380.1201 of the Michigan Administrative Code.

380.1247, 380.1248 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed sections pertained to employment and duties of administrators, building principals, assistants, and employees.

Popular Name: Act 451

380.1248 Right or duty to engage in collective bargaining; minimum requirements for collective bargaining agreement; procedures for personnel decisions.

Sec. 1248.

(1) This section does not prohibit, impair, or limit the right or duty of a public school employer and a collective bargaining representative to engage in collective bargaining under 1947 PA 336, MCL 423.201 to 423.217. However, a collective bargaining agreement must include, at a minimum, the standards in this section.

(2) For teachers, as defined under section 1249, when filling a vacancy, placing a teacher in a classroom, or conducting a staffing or program reduction or any other personnel determination resulting in the elimination of a position, the board of a school district or intermediate school district or the board of directors of a public school academy shall not adopt, implement, maintain, or comply with a policy or collective bargaining agreement that provides length of service as the sole factor in personnel decisions. This subsection does not prevent length of service from being considered as a tiebreaker if a personnel decision involves 2 or more employees and all other factors distinguishing those employees from each other are equal.

(3) The board of a school district or intermediate school district or board of directors of a public school academy shall adopt, implement, maintain, and comply with clear and transparent procedures for all personnel decisions under this section. Effectiveness as measured under the performance evaluation system in section 1249 or as otherwise collectively bargained must be used as a factor for personnel decisions under this section. Any other relevant factors may be used for personnel decisions under this section, including, but not limited to, the following:

(a) The teacher's length of service in a grade level or subject area.

(b) The teacher's disciplinary record.

(c) Relevant special training. This factor may be based on completion of relevant training other than the professional development or continuing education that is required by the employer or by state law, and integration of that training into instruction in a meaningful way.

History: Add. 2011, Act 102, Imd. Eff. July 19, 2011 ;-- Am. 2023, Act 116, Eff. July 1, 2024

Compiler's Notes: For transfer of powers and duties of governor's council on educator effectiveness to department of technology, management and budget, and renaming to Michigan council for educator effectiveness, see E.R.O. No. 2012-2, compiled at MCL 18.444.

Popular Name: Act 451

380.1249 Performance evaluation system for teachers and school administrators; collective bargaining requirements; posting information about evaluation tools on public website; establishment and maintenance of list of teacher evaluation tools; rules; rater reliability training; "student learning objectives" and "teacher" defined.

Sec. 1249.

(1) This section does not prohibit, impair, or limit the right or duty of a public school employer and a collective bargaining representative to engage in collective bargaining over the topic of performance evaluations under 1947 PA 336, MCL 423.201 to 423.217, subject to the requirements in this section and section 1249b. With the involvement of teachers and school administrators, and after collective bargaining, if applicable, with any collective bargaining representative of teachers and school administrators, the board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement for all teachers and school administrators a rigorous, transparent, and fair performance evaluation system that does at least all of the following:

(a) Evaluates the teacher's or school administrator's job performance while providing timely and constructive feedback.

(b) Establishes clear approaches to measuring student growth and provides teachers and school administrators with relevant data on student growth.

(c) Evaluates a teacher's or school administrator's job performance, using multiple rating categories that take into account student growth and assessment data or student learning objectives metrics. Student growth, assessment data, and student learning objectives must be measured using metrics agreed upon through collective bargaining, if applicable. Before July 1, 2024, the performance evaluation system implemented by a school district, intermediate school district, or public school academy under this section must include the rating of teachers as highly effective, effective, minimally effective, and ineffective. Beginning July 1, 2024, the performance evaluation system implemented by a school district, intermediate school district, or public school academy under this section must include the rating of teachers as effective, developing, and needing support.

(d) Uses the evaluations, at a minimum, to inform decisions regarding both of the following:

(i) The effectiveness of teachers and school administrators, ensuring that they are given ample opportunities for improvement.

(ii) Development of teachers and school administrators, including providing relevant coaching, instruction support, or professional development.

(2) The board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the performance evaluation system for teachers meets at least all of the following:

(a) Except as otherwise provided under this subsection, the performance evaluation system must include at least a year-end evaluation for all teachers. The year-end evaluation must meet all of the following:

(i) Before the 2024-2025 school year, 40% of the year-end evaluation must be based on student growth and assessment data. Beginning in the 2024-2025 school year, the year-end evaluation must include locally agreed-on student growth and assessment data or student learning objectives metrics. The student growth and assessment data or student learning objectives metrics must be collectively bargained, if applicable, as determined under subsection (1)(c). Beginning in the 2024-2025 school year, 20% of the year-end evaluation must be based on student growth and assessment data or student learning objectives metrics.

(ii) The portion of a teacher's year-end evaluation that is not based on student growth and assessment data or student learning objectives metrics, as described under subparagraph (i), must be based primarily on a teacher's performance as measured by the evaluation tool developed or adopted by the school district, intermediate school district, or public school academy under subdivision (e).

(iii) The portion of a teacher's evaluation that is not measured using student growth and assessment data or student learning objectives metrics, as described under subparagraph (i), or using the evaluation tool developed or adopted by the school district, intermediate school district, or public school academy must be based on objective criteria.

(b) The year-end evaluation must include specific performance goals that will assist in improving effectiveness for the next school year and are developed by the school administrator or the school administrator's designee conducting the evaluation, in consultation with the teacher, and any recommended training identified by the school administrator or designee, in consultation with the teacher, that would assist the teacher in meeting these goals. For a teacher described in subdivision (c), the school administrator or designee shall develop, in consultation with the teacher, an individualized development plan that includes these goals and training and is designed to assist the teacher to improve the teacher's effectiveness.

(c) The performance evaluation system must include a midyear progress report for a teacher who is in the first year of the probationary period under section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, or who received a rating of minimally effective, ineffective, needing support, or developing in the teacher's most recent year-end evaluation. The midyear progress report must be used as a supplemental tool to gauge a teacher's improvement from the preceding school year and to assist a teacher to improve. All of the following apply to the midyear progress report:

(i) The midyear progress report must be aligned with the teacher's individualized development plan under subdivision (b).

(ii) The midyear progress report must include specific performance goals for the remainder of the school year that are developed by the school administrator conducting the year-end evaluation or the school administrator's designee and any recommended training identified by the school administrator or designee that would assist the

teacher in meeting these goals. At the midyear progress report, the school administrator or designee shall develop, in consultation with the teacher, a written improvement plan that includes these goals and training and is designed to assist the teacher to improve the teacher's rating.

(iii) The midyear progress report must not take the place of a year-end evaluation.

(d) The performance evaluation system must include classroom observations to assist in the performance evaluations. All of the following apply to these classroom observations:

(i) A classroom observation must include a review of the teacher's lesson plan and the state curriculum standard being used in the lesson and a review of pupil engagement in the lesson. The items described in this subparagraph must be discussed during a post-observation meeting between the school administrator conducting the observation and the teacher.

(ii) A classroom observation must be not less than 15 minutes but does not have to be for an entire class period.

(iii) There must be at least 2 classroom observations of a teacher in each school year that the teacher is evaluated. One observation may be unscheduled.

(iv) The school administrator responsible for the teacher's performance evaluation shall conduct at least 1 of the observations. Other observations may be conducted by other observers who are trained in the use of the evaluation tool that is used under subdivision (e). These other observers may be teacher leaders.

(v) A school district, intermediate school district, or public school academy shall ensure that, within 30 calendar days after each observation, the teacher is provided with written feedback from the observation.

(e) For the purposes of conducting year-end evaluations under the performance evaluation system, the school district, intermediate school district, or public school academy shall adopt and implement 1 or more of the evaluation tools for teachers that are included on the list under subsection (4). However, if a school district, intermediate school district, or public school academy has 1 or more local evaluation tools for teachers or modifications of an evaluation tool on the list under subsection (4), and the school district, intermediate school district, or public school academy complies with subsection (3), the school district, intermediate school district, or public school academy may conduct year-end evaluations for teachers using 1 or more local evaluation tools or modifications. The evaluation tools must be used consistently among the schools operated by a school district, intermediate school district, or public school academy so that all similarly situated teachers are evaluated using the same evaluation tool.

(f) Before July 1, 2024, the performance evaluation system must assign a rating to each teacher of highly effective, effective, minimally effective, or ineffective, based on the teacher's year-end evaluation described in this subsection. Beginning July 1, 2024, the performance evaluation system must assign a rating to each teacher of effective, developing, or needing support based on the teacher's year-end evaluation described in this subsection. An evaluation and feedback concerning the evaluation must be provided, in writing, to the teacher being evaluated. However, if a written evaluation is not provided, the teacher is deemed effective.

(g) A teacher must not be assigned an evaluation rating and must be designated as unevaluated for a school year if any of the following apply to the teacher:

(i) The teacher worked less than 60 days in that school year.

(ii) The teacher's evaluation results were vacated through the grievance procedure described in subdivision (l).

(iii) There are extenuating circumstances and the teacher and the school district, intermediate school district, or public school academy agree to designate the teacher as unevaluated because of the extenuating circumstances.

(h) If a teacher receives a unevaluated designation under subdivision (g), the teacher's rating from the school year immediately before that designation must be used for consecutive purposes under this section.

(i) As part of the performance evaluation system, and in addition to the requirements of section 1526, a school district, intermediate school district, or public school academy shall assign a mentor or coach to each teacher who is described in subdivision (c).

(j) The performance evaluation system must provide that, if a teacher is rated as ineffective or needing support on 3 consecutive year-end evaluations, the school district, intermediate school district, or public school academy shall, subject to 1937 (Ex Sess) PA 4, MCL 38.71 to 38.191, dismiss the teacher from the teacher's employment. Subject to 1937 (Ex Sess) PA 4, MCL 38.71 to 38.191, this subdivision does not affect the ability of a school district, intermediate school district, or public school academy to dismiss a teacher from the teacher's employment regardless of whether the teacher is rated as ineffective or needing support on 3 consecutive year-end evaluations.

(k) The performance evaluation system must provide that, if a teacher who is not in a probationary period under section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is rated as highly effective or effective on the 3 most recent consecutive year-end evaluations, the school district, intermediate school district, or public school academy may conduct a year-end evaluation biennially or triennially instead of annually. However, if a teacher who is not in a probationary period under section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, is not rated as effective on 1 of these biennial or triennial year-end evaluations, the teacher must again be provided with year-end evaluations.

(l) As used in this subdivision, "teacher" means that term as defined in section 1 of article I of 1937 (Ex Sess) PA 4, MCL 38.71. The performance evaluation system must provide that, for a teacher who is not in a probationary period under section 1 of article II of 1937 (Ex Sess) PA 4, MCL 38.81, and is rated as needing support on a year-end evaluation, the following options must be made available to the teacher:

(i) The teacher may request a review of the evaluation and the rating by the school district superintendent or intermediate superintendent, as applicable. The request for a review must be submitted in writing within 30 calendar days after the teacher is informed of the rating. Upon receipt of the request, the school district superintendent or intermediate superintendent, as applicable, shall review the evaluation and rating and may make any modifications as appropriate based on the school district superintendent's or intermediate superintendent's review. A written response regarding the school district superintendent's or intermediate superintendent's findings must be provided to the teacher who requested the review by not later than 30 calendar days after receipt of the request for a review and before making any modifications under this section.

(ii) If the written response from the school district superintendent's or intermediate superintendent's review does not resolve the matter, the teacher or collective bargaining representative may request mediation as provided for in 1947 PA 336, 423.201 to 423.217. The request for mediation must be submitted in writing within 30 calendar days after the teacher receives the written response from the school district superintendent or intermediate superintendent. Within 15 days of receipt of the request, the school district superintendent or intermediate superintendent must provide a written response to the teacher or collective bargaining representative stating that the mediation will be scheduled as appropriate.

(iii) If a teacher receives 2 consecutive ratings of needing support, the teacher may demand to use the grievance procedure of an applicable collective bargaining agreement or employment contract that concerns the teacher's second evaluation rating and the evaluation process. If a collective bargaining agreement or employment contract does not contain a grievance procedure that ends in binding arbitration, the teacher may request binding arbitration by filing a demand for arbitration with the American Arbitration Association within 30 calendar days after the teacher receives the written response from the school district superintendent or intermediate superintendent. The arbitration is subject to the uniform arbitration act, 2012 PA 371, MCL 691.1681 to 691.1713. The arbitration described in this subparagraph must adhere to both of the following:

(A) The arbitrator must be selected through procedures administered by the American Arbitration Association in accordance with its rules.

(B) The arbitrator must have the authority to issue any appropriate remedy.

(m) The school district, intermediate school district, or public school academy shall provide training to teachers on the evaluation tool or tools used by the school district, intermediate school district, or public school academy in its performance evaluation system and on how each evaluation tool is used. This training may be provided by a school district, intermediate school district, or public school academy, or by a consortium consisting of 2 or more of these.

(n) A school district, intermediate school district, or public school academy shall ensure that training is provided to all evaluators and observers. The training must be provided by an individual who has expertise in the evaluation tool or tools used by the school district, intermediate school district, or public school academy that may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. This subdivision does not prohibit a school district, intermediate school district, public school academy, or consortium consisting of 2 or more of these, from providing the training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

(3) A school district, intermediate school district, or public school academy shall post on its public website all of the following information about the evaluation tool or tools it uses for its performance evaluation system for teachers:

(a) The research base for the evaluation framework, instrument, and process or, if the school district, intermediate school district, or public school academy adapts or modifies an evaluation tool from the list under subsection (4), the research base for the listed evaluation tool and an assurance that the adaptations or modifications do not compromise the validity of that research base.

(b) The identity and qualifications of the author or authors or, if the school district, intermediate school district, or public school academy adapts or modifies an evaluation tool from the list under subsection (4), the identity and qualifications of a person with expertise in teacher evaluations who has reviewed the adapted or modified evaluation tool.

(c) Either evidence of reliability, validity, and efficacy or a plan for developing that evidence or, if the school district, intermediate school district, or public school academy adapts or modifies an evaluation tool from the list under subsection (4), an assurance that the adaptations or modifications do not compromise the reliability, validity, or efficacy of the evaluation tool or the evaluation process.

(d) The evaluation frameworks and rubrics with detailed descriptors for each performance level on key summative indicators.

(e) A description of the processes for conducting classroom observations, collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans.

(f) A description of the plan for providing evaluators and observers with training.

(4) The department shall establish and maintain a list of teacher evaluation tools that have demonstrated evidence of efficacy and that may be used for the purposes of this section. The list must include a statement indicating that school districts, intermediate school districts, and public school academies are not limited to only using the

evaluation tools that are included on the list. A school district, intermediate school district, or public school academy is not required to use an evaluation tool for teacher evaluations that is the same as it uses for school administrator evaluations or that has the same author or authors as the evaluation tool it uses for school administrator evaluations. The department shall promulgate rules establishing standards and procedures for adding an evaluation tool to or removing an evaluation tool from the list. These rules must include a process for a school district, intermediate school district, or public school academy to submit its own evaluation tool for review for placement on the list.

(5) By not later than September 1, 2024, and every 3 years thereafter, each individual who conducts an evaluation under this section or section 1249b shall complete a rater reliability training provided by the school district, intermediate school district, public school academy, or the entity that employs the individual. The training must include at least all of the following:

(a) A clear and consistent set of evaluation criteria that all evaluators can use when assessing teacher performance.

(b) Clear expectations for what evaluators should look for when assessing teacher performance, including identifying key behaviors and practices that are associated with effective teaching.

(c) Training on the evaluation process itself, including how to conduct classroom observations, collect data, and analyze results.

(d) Calibration exercises that help evaluators practice using the evaluation criteria and establish consistency in the evaluator's evaluations.

(e) Ongoing support for evaluators, including feedback and coaching to help the evaluators improve their skills and ensure they are consistently applying the evaluation criteria.

(6) As used in this section:

(a) "Student learning objectives" means measurable, long-term, academic goals, informed by available data, that a teacher or teacher team sets at the beginning of the year for all students.

(b) "Teacher" means, except as otherwise provided in this section, an individual who has a valid Michigan teaching certificate or authorization or who is engaged to teach under section 1233b; who is employed, or contracted for, by a school district, intermediate school district, or public school academy; and who is assigned by the school district, intermediate school district, or public school academy to deliver direct instruction to pupils in any of grades K to 12 as a teacher of record.

History: Add. 2009, Act 205, Imd. Eff. Jan. 4, 2010 ;-- Am. 2010, Act 336, Imd. Eff. Dec. 21, 2010 ;-- Am. 2011, Act 102, Imd. Eff. July 19, 2011 ;-- Am. 2014, Act 257, Imd. Eff. June 30, 2014 ;-- Am. 2015, Act 173, Imd. Eff. Nov. 5, 2015 ;-- Am. 2016, Act 170, Imd. Eff. June 14, 2016 ;-- Am. 2018, Act 235, Eff. Sept. 25, 2018 ;-- Am. 2019, Act 6, Imd. Eff. Apr. 30, 2019 ;-- Am. 2023, Act 224, Eff. July 1, 2024

Compiler's Notes: Former MCL 380.1249, which pertained to review of official transcripts and procedures for changing grades, was repealed by Act 289 of 1995, Eff. July 1, 1996. For transfer of powers and duties of governor's council on educator effectiveness to department of technology, management and budget, and renaming to Michigan council for educator effectiveness, see E.R.O. No. 2012-2, compiled at MCL 18.444.

Popular Name: Act 451

380.1249a Assignment of pupil to teacher rated as ineffective or needing support; notification; exception for review process.

Sec. 1249a.

(1) Subject to subsection (2), a school district, intermediate school district, or public school academy shall not assign a pupil to be taught in the same subject area for 2 consecutive years by a teacher who has been rated as ineffective or needing support on the teacher's 2 most recent annual year-end evaluations under section 1249.

(2) If a school district, intermediate school district, or public school academy is unable to comply with subsection (1) and plans to assign a pupil to be taught in the same subject area for 2 consecutive years by a teacher who has been rated as ineffective or needing support on the teacher's 2 most recent annual year-end evaluations under section 1249, the board of the school district or intermediate school district or board of directors of the public school academy in which the pupil is enrolled must notify the pupil's parent or legal guardian that the board or board of directors is unable to comply with subsection (1) and that the pupil has been assigned to be taught in the same subject area for a second consecutive year by a teacher who has been rated as ineffective or needing support on the teacher's 2 most recent annual year-end evaluations. The notification must be in writing, must be delivered to the parent or legal guardian not later than July 15 immediately preceding the beginning of the school year for which

the pupil is assigned to the teacher, and must include an explanation of why the board or board of directors is unable to comply with subsection (1). However, if the teacher requested a review of the teacher's evaluation rating under section 1249, the board of the school district or intermediate school district must not issue the notification described in this subsection until the review process under section 1249 is complete.

History: Add. 2011, Act 102, Imd. Eff. July 19, 2011 ;-- Am. 2015, Act 173, Imd. Eff. Nov. 5, 2015 ;-- Am. 2023, Act 224, Eff. July 1, 2024

Compiler's Notes: For transfer of powers and duties of governor's council on educator effectiveness to department of technology, management and budget, and renaming to Michigan council for educator effectiveness, see E.R.O. No. 2012-2, compiled at MCL 18.444.

Popular Name: Act 451

380.1249b Performance evaluation system for school administrators; requirements; posting information about measures used for performance evaluation; establishment and maintenance of list of school administrator evaluation tools; rules; "student learning objectives" defined.

Sec. 1249b.

(1) This section does not prohibit, impair, or limit the right or duty of a public school employer and a collective bargaining representative to engage in collective bargaining over the topic of performance evaluations under 1947 PA 336, MCL 423.201 to 423.217, subject to the requirements in this section and section 1249. After collective bargaining, if applicable, with any collective bargaining representative to school administrators, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the performance evaluation system for building-level school administrators and for central-office-level school administrators who are regularly involved in instructional matters meets at least all of the following:

(a) Except as otherwise provided in this subsection, the performance evaluation system must include an annual evaluation for all school administrators described in this subsection by the school district superintendent or the school district superintendent's designee, intermediate superintendent or the intermediate superintendent's designee, or chief administrator of the public school academy, as applicable. However, a superintendent or chief administrator must be evaluated by the board or board of directors or, if the superintendent or chief administrator is not employed directly by the board or board of directors, by the designee of the board or board of directors.

(b) Before the 2024-2025 school year, 40% of the annual evaluation must be based on student growth and assessment data. Beginning in the 2024-2025 school year, the annual evaluation must include the student growth and assessment data or student learning objectives metrics determined under section 1249(1)(c). Beginning in the 2024-2025 school year, 20% of the annual evaluation must be based on student growth and assessment data or student learning objectives.

(c) For the purposes of conducting evaluations under the performance evaluation system, the school district, intermediate school district, or public school academy shall develop or adopt and implement an evaluation tool for school administrators. The school administrator's evaluation must be based primarily on the school administrator's performance as measured by this evaluation tool.

(d) The portion of the evaluation that is not based on student growth and assessment data or student learning objectives as provided under subdivision (b) or on an evaluation tool as provided under subdivision (c) must be based on objective criteria.

(e) For the purposes of conducting evaluations under the performance evaluation system, the school district, intermediate school district, or public school academy shall adopt and implement 1 or more of the evaluation tools for school administrators that are included on the list under subsection (3). However, if a school district, intermediate school district, or public school academy has 1 or more local evaluation tools for school administrators or modifications of an evaluation tool on the list under subsection (3), and the school district, intermediate school district, or public school academy complies with subsection (2), the school district, intermediate school district, or public school academy may conduct annual evaluations for school administrators using 1 or more local evaluation tools or modifications.

(f) The evaluation tool and other measures used by the school district, intermediate school district, or public school academy in its performance evaluation system for school administrators must be used consistently across the schools operated by a school district, intermediate school district, or public school academy so that all similarly situated school administrators are evaluated using the same measures.

(g) Before July 1, 2024, the performance evaluation system must assign a rating to each school administrator described in this subsection of highly effective, effective, minimally effective, or ineffective. Beginning July 1, 2024,

the performance evaluation system must assign a rating to each school administrator described in this subsection of effective, developing, or needing support. An evaluation and feedback concerning the evaluation must be provided, in writing, to the school administrator being evaluated. However, if a written evaluation is not provided, the school administrator is deemed effective.

(h) For a building-level school administrator's evaluation, the individual conducting the evaluation shall visit the school building where the building-level school administrator works, review the building-level school administrator's school improvement plan, and observe classrooms with the building-level school administrator to collect evidence of the school improvement plan strategies being implemented and the impact the school improvement plan has on learning.

(i) A school administrator must not be assigned an evaluation rating and must be designated as unevaluated for a year if any of the following apply to the school administrator:

(i) The school administrator worked less than 60 days in that year.

(ii) The school administrator's evaluation results were vacated through the grievance procedure or arbitration described in subdivision (p) or (q).

(iii) There are extenuating circumstances and the school administrator and the school district, intermediate school district, or public school academy agree to designate the school administrator as unevaluated because of the extenuating circumstances.

(j) If a school administrator is designated as unevaluated under subdivision (i) the school administrator's rating from the year immediately before that designation must be used for consecutive purposes under this section if both of the following are met:

(i) The school administrator continues to be employed in the same position that the school administrator was employed in the year before the school administrator received the unevaluated designation.

(ii) The school administrator continues to be employed by the same school district, intermediate school district, or public school academy that employed the school administrator in the year before the school administrator received the unevaluated designation.

(k) The performance evaluation system must ensure that if a school administrator described in this subsection is rated as developing or needing support, the individual conducting the evaluation shall develop and require the school administrator to implement an improvement plan to correct the deficiencies. The improvement plan must recommend professional development opportunities and other actions designed to improve the rating of the school administrator on the school administrator's next evaluation.

(l) The performance evaluation system must provide that, if a school administrator described in this subsection is rated as ineffective or needing support on 3 consecutive evaluations, the school district, intermediate school district, or public school academy shall dismiss the school administrator from the school administrator's employment. This subdivision does not affect the ability of a school district, intermediate school district, or public school academy to dismiss a school administrator from the school administrator's employment regardless of whether the school administrator is rated as ineffective or needing support on 3 consecutive evaluations.

(m) The performance evaluation system must provide that, if a school administrator is rated as highly effective or effective on the 3 most recent consecutive evaluations, the school district, intermediate school district, or public school academy may choose to conduct an evaluation biennially instead of annually. However, if any of the following occur, a school administrator's evaluation must be conducted annually:

(i) The school administrator is not rated as effective on 1 of these biennial evaluations.

(ii) For a building-level school administrator, the school administrator's supervisor or evaluator changes.

(iii) For an individual employed as a school district superintendent, an intermediate superintendent, or a chief administrator, the individual obtains employment with a different school district, intermediate school district, or public school academy.

(n) The performance evaluation system must include a midyear progress report for a school administrator each year that the school administrator is evaluated. The midyear progress report must be used as a supplemental tool to gauge a school administrator's improvement from the preceding evaluation and to assist a school administrator to improve. Both of the following apply to the midyear progress report:

(i) The midyear progress report must include specific performance goals for the remainder of the school year for building-level school administrators, or for the remainder of the calendar year for all other school administrators, that are developed by the individual conducting the annual evaluation or the individual's designee and any recommended training identified by the individual or designee that would assist the school administrator in meeting these goals. At the midyear progress report, the individual conducting the annual evaluation or the individual's designee shall develop, in consultation with the school administrator, a written improvement plan that includes these goals and training and is designed to assist the school administrator to improve the school administrator's rating.

(ii) The midyear progress report must not take the place of an annual evaluation.

(o) As part of the performance evaluation system, a school district, intermediate school district, or public school academy shall assign a mentor or coach to each school administrator, not including a school district superintendent, an intermediate superintendent, or a chief administrator, for the first 3 years in which the school administrator is in

a new administrative position.

(p) The performance evaluation system must provide that, if a school administrator who is not a school district superintendent or an intermediate superintendent or who is not employed by or assigned to work at a public school academy is rated as needing support on an evaluation, the following options must be made available to the school administrator, as applicable:

(i) The school administrator may request a review of the evaluation and the rating by the school district superintendent or intermediate superintendent, as applicable. The request for a review must be submitted in writing within 30 calendar days after the school administrator is informed of the rating. Upon receipt of the request, the school district superintendent or intermediate superintendent, as applicable, shall review the evaluation and rating and may make any modifications as appropriate based on the school district superintendent's or intermediate superintendent's review. A written response regarding the school district superintendent's or intermediate superintendent's findings must be provided to the school administrator who requested the review by not later than 30 calendar days after receipt of the request for a review and before making any modifications under this section.

(ii) If the written response from the school district superintendent's or intermediate superintendent's review does not resolve the matter, the school administrator or collective bargaining representative may request mediation. The request for mediation must be submitted in writing within 30 calendar days after the school administrator receives the written response from the school district superintendent or intermediate superintendent. Within 15 days of receipt of the request, the school district superintendent or intermediate superintendent must provide a written response to the school administrator or collective bargaining representative stating that the mediation will be scheduled as appropriate.

(iii) If the school administrator receives 2 consecutive ratings of needing support, the school administrator may demand to use the grievance procedure of an applicable collective bargaining agreement or of a contract governing the school administrator's employment that concerns the school administrator's second evaluation rating and the evaluation process. If a collective bargaining agreement or a contract governing the school administrator's employment does not contain a grievance procedure that ends in binding arbitration, the school administrator may request binding arbitration by filing a demand for arbitration with the American Arbitration Association within 30 calendar days after the school administrator receives the written response from the school district superintendent or intermediate superintendent. The arbitration is subject to the uniform arbitration act, 2012 PA 371, MCL 691.1681 to 691.1713. The arbitration described in this subparagraph must adhere to both of the following:

(A) The arbitrator must be selected through procedures administered by the American Arbitration Association in accordance with its rules.

(B) The arbitrator must have the authority to issue any appropriate remedy.

(q) The contract governing the employment of a school district superintendent or intermediate superintendent must include an appeal process concerning the evaluation process and rating received. This subdivision applies only to a contract that is entered into, extended, renewed, or modified on or after the effective date of the amendatory act that added this sentence.

(r) The school district, intermediate school district, or public school academy shall provide training to school administrators on the measures used by the school district, intermediate school district, or public school academy in its performance evaluation system for school administrators and on how each of the measures is used. This training may be provided by a school district, intermediate school district, or public school academy, or by a consortium consisting of 2 or more of these.

(s) A school district, intermediate school district, or public school academy shall ensure that training is provided to all evaluators and observers. The training must be provided by an individual who has expertise in the evaluation tool or tools used by the school district, intermediate school district, or public school academy, which may include either a consultant on that evaluation tool or framework or an individual who has been trained to train others in the use of the evaluation tool or tools. This subdivision does not prohibit a school district, intermediate school district, public school academy, or consortium consisting of 2 or more of these, from providing the training in the use of the evaluation tool or tools if the trainer has expertise in the evaluation tool or tools.

(2) A school district, intermediate school district, or public school academy shall post on its public website all of the following information about the measures it uses for its performance evaluation system for school administrators:

(a) The research base for the evaluation framework, instrument, and process or, if the school district, intermediate school district, or public school academy adapts or modifies an evaluation tool from the list under subsection (3), the research base for the listed evaluation tool and an assurance that the adaptations or modifications do not compromise the validity of that research base.

(b) The identity and qualifications of the author or authors or, if the school district, intermediate school district, or public school academy adapts or modifies an evaluation tool from the list under subsection (3), the identity and qualifications of a person with expertise in teacher evaluations who has reviewed the adapted or modified evaluation tool.

(c) Either evidence of reliability, validity, and efficacy or a plan for developing that evidence or, if the school district, intermediate school district, or public school academy adapts or modifies an evaluation tool from the list

under subsection (3), an assurance that the adaptations or modifications do not compromise the reliability, validity, or efficacy of the evaluation tool or the evaluation process.

(d) The evaluation frameworks and rubrics, with detailed descriptors for each performance level on key summative indicators.

(e) A description of the processes for collecting evidence, conducting evaluation conferences, developing performance ratings, and developing performance improvement plans.

(f) A description of the plan for providing evaluators and observers with training.

(3) The department shall establish and maintain a list of school administrator evaluation tools that have demonstrated evidence of efficacy and that may be used for the purposes of this section. That list initially must include at least the 2 evaluation models recommended in the final recommendations released by the Michigan council on educator effectiveness in July 2013. The list must include a statement indicating that school districts, intermediate school districts, and public school academies are not limited to only using the evaluation tools that are included on the list. A school district, intermediate school district, or public school academy is not required to use an evaluation tool for school administrator evaluations that is the same as it uses for teacher evaluations or that has the same author or authors as the evaluation tool it uses for teacher evaluations. The department shall promulgate rules establishing standards and procedures for adding an evaluation tool to or removing an evaluation tool from the list. These rules must include a process for a school district, intermediate school district, or public school academy to submit its own evaluation tool for review for placement on the list.

(4) As used in this section, "student learning objectives" means that term as defined in section 1249.

History: Add. 2015, Act 173, Imd. Eff. Nov. 5, 2015 ;-- Am. 2019, Act 5, Imd. Eff. Apr. 30, 2019 ;-- Am. 2023, Act 224, Eff. July 1, 2024
Popular Name: Act 451

380.1250 Repealed. 2023, Act 224, Eff. July 1, 2024.

Compiler's Notes: The repealed section pertained to a method of compensation for teachers and school administrators.
Popular Name: Act 451

380.1251 School psychological service; rules; reports and information.

Sec. 1251.

(1) The board of a school district may establish and employ personnel necessary to provide an adequate school psychological service. School psychological service is a related nonclassroom function and shall be operated under rules promulgated by the state board, which shall establish the educational and experience requirements for, and certify as qualified and issue certificates to, the personnel for the services.

(2) The state board may require reports and information from participating school districts.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1987, Act 169, Eff. Mar. 30, 1988
Popular Name: Act 451
Admin Rule: R 340.1151 et seq. of the Michigan Administrative Code.

380.1252 Professional nursing services; rules; reports; section inapplicable to certain nursing services.

Sec. 1252.

(1) The board of a school district may employ registered nurses necessary to provide professional nursing services. The services shall be operated under rules promulgated by the state board which shall establish the

certification requirements for registered nurses in the services.

(2) The state board may require reports and information from school districts offering nursing services.

(3) This section does not apply to nursing services provided by a county or district health department.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

Admin Rule: R 340.1161 et seq. of the Michigan Administrative Code.

380.1253 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to employment and duties of attorneys.

Popular Name: Act 451

380.1254 Expenses of board members and employees; expenditures and policies as public record; payment; credit or debit card.

Sec. 1254.

(1) Except as provided in subsection (3) and section 1217a, the board of a school district or intermediate school district, the board of directors of a public school academy, or an authority board of an education achievement authority may pay the actual and necessary expenses incurred by its members and employees in the discharge of official duties or in the performance of functions authorized by the board. The expenditure, and the policy described in subsection (2)(b) that establishes specific categories of reimbursable expenses, shall be a public record and shall be made available to a person upon request.

(2) The board of a school district or intermediate school district, the board of directors of a public school academy, or an authority board of an education achievement authority shall not approve payment of an expense incurred by a board member under subsection (1) unless 1 or both of the following conditions are met:

(a) The board, by a majority vote of its members at an open meeting, approved reimbursement of the specific expense before the expense was incurred.

(b) The expense is consistent with a policy adopted by the board, by a majority vote of its members at a regular board meeting, establishing specific categories of reimbursable expenses and the board, by a majority vote of its members at an open meeting, approves the reimbursement before it is actually paid.

(3) The board of a school district or intermediate school district, the board of directors of a public school academy, or an authority board of an education achievement authority shall not provide, allow, or obtain credit cards for, issue credit cards to, or provide to a board member a debit card or similar instrument that pledges payment of funds from an account of the school district, intermediate school district, public school academy, or education achievement authority except in compliance with law.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1988, Act 257, Imd. Eff. July 15, 1988 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 2014, Act 477, Eff. Apr. 12, 2015

Popular Name: Act 451

380.1255 School district; compliance with public employees health benefit act.

Sec. 1255.

If the board of a school district provides medical, optical, or dental benefits to employees and their dependents, the board shall provide those benefits in accordance with the public employees health benefit act and shall comply with that act.

History: Add. 2007, Act 107, Imd. Eff. Oct. 1, 2007

Compiler's Notes: Former MCL 380.1255, which pertained to economic benefits for employees, was repealed by Act 289 of 1995, Eff. July 1, 1996.

Popular Name: Act 451

380.1255a Medical benefit plan for 100 or more public employees; contract provisions; medical benefit plan for fewer than 100 employees; effect of subsection (1); "medical benefit plan" defined.

Sec. 1255a.

(1) If a school district, intermediate school district, or public school academy has 100 or more employees in a medical benefit plan, or participates in an arrangement or letter of intent described in section 15(2) of the public employees health benefit act, 2007 PA 106, MCL 124.85, for a medical benefit plan for 100 or more public employees, the board of the school district or intermediate school district or board of directors of the public school academy shall not enter into a contract for that medical benefit plan unless the contract provides for 1 of the following:

(a) That the school district, intermediate school district, or public school academy is a policyholder for the medical benefit plan and, at all times during the period of the contract, the school district, intermediate school district, or public school academy will have access by electronic means to at least all of the claims utilization and cost information described in section 15 of the public employees health benefit act, 2007 PA 106, MCL 124.85.

(b) That, within 10 business days after making a written request, the school district, intermediate school district, or public school academy will be given access by electronic means to at least all of the claims utilization and cost information described in section 15 of the public employees health benefit act, 2007 PA 106, MCL 124.85.

(2) For a medical benefit plan provided by a school district, intermediate school district, or public school academy for fewer than 100 employees, subsection (1) does not affect the ability of the school district, intermediate school district, or public school academy to be a policyholder for the medical benefit plan.

(3) As used in this section, "medical benefit plan" means that term as defined in section 3 of the public employees health benefit act, 2007 PA 106, MCL 124.73.

History: Add. 2011, Act 95, Imd. Eff. July 15, 2011

380.1256 Inspecting, monitoring, removing, or treating asbestos or material containing asbestos; contractual agreement to provide legal representation against civil liability.

Sec. 1256.

(1) If the duties of a person employed by a board of a school district include inspecting, monitoring, removing, or treating asbestos or material containing asbestos, or supervising those activities, the board may contractually agree to provide legal representation and indemnification against civil liability with regard to claims or actions resulting from or arising out of the person's negligence or alleged negligence in performing those duties while in the course of his or her employment and while acting within the scope of his or her authority.

(2) A contractual agreement authorized under this section may be entered into at any time before or after the person begins performing the duties described in subsection (1).

History: Add. 1989, Act 203, Imd. Eff. Oct. 23, 1989

Popular Name: Act 451

380.1260 Repealed. 2018, Act 7, Imd. Eff. Jan. 26, 2018.

Compiler's Notes: The repealed section pertained to deed restrictions or other prohibitions.
Popular Name: Act 451

380.1261-380.1262a Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed sections pertained to care, management, and acquisition of property, and the commencement of construction.
Popular Name: Act 451

380.1263 Building schools; requirements; compliance; review and approval; submission of site plan to local zoning authority; "high school building" and "local zoning authority" defined.

Sec. 1263.

(1) The board of a school district shall not build a school upon a site without having prior title in fee to the site, a lease for not less than 99 years, or a lease for not less than 50 years from the United States government, or this state, or a political subdivision of this state.

(2) The board of a school district shall not build a frame school on a site for which it does not have a title in fee or a lease for 50 years without securing the privilege of removing the school.

(3) The governing board of a public school shall not design or build a school building to be used for instructional or noninstructional school purposes or design and implement the design for a school site unless the design or construction is in compliance with 1937 PA 306, MCL 388.851 to 388.855a. The superintendent of public instruction has sole and exclusive jurisdiction over the review and approval of plans and specifications for the construction, reconstruction, or remodeling of school buildings used for instructional or noninstructional school purposes and, subject to subsection (4), of site plans for those school buildings.

(4) Unless the site is located within a city or village, the governing board of a public school shall not build or expand a high school building on a site without first submitting the site plan to the local zoning authority for administrative review as provided under this subsection. Not later than 60 days after receiving the site plan, the local zoning authority shall respond to the governing board with either a written notice that the local zoning authority concurs with the site plan or with written suggested changes to the site plan. If the local zoning authority does not respond to the governing board with either of these options, the governing board shall be considered to have received a written notice of concurrence from the local zoning authority. If there are written suggested changes, then not later than 45 days after receiving the written suggested changes, the governing board shall respond to the local zoning authority with a revised site plan that incorporates the changes or with an explanation of why the changes are not being made. This subsection applies to expansion of a high school building only if the expansion will result in the square footage of the high school building being increased by at least 20%. This subsection does not apply to temporary structures or facilities that are necessary due to unexpected enrollment increases and that are used for not more than 2 years.

(5) If mutually agreed by the governing board and the local zoning authority, the time periods in subsection (4) may be extended.

(6) The communication required under subsection (4) between a governing board and a local zoning authority is for informational purposes only and does not require the governing board to make any changes in its site plan. Once the process prescribed under subsection (4) is complete, this section does not require any further interaction between the governing board and a local zoning authority.

(7) A local zoning authority shall not charge a governing board a fee for the process prescribed under subsection (4) that exceeds \$250.00 for an administrative review or \$1,500.00 for total costs incurred by a local zoning authority under subsection (4) for the specific project involved.

(8) As used in this section:

(a) "High school building" means any structure or facility that is used for instructional purposes, that offers at least 1 of grades 9 to 12, and that includes an athletic field or facility.

(b) "Local zoning authority" means the zoning authority for the jurisdiction in which the construction or expansion of a high school building is to occur.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1990, Act 159, Imd. Eff. July 2, 1990 ;-- Am. 2006, Act 276, Imd. Eff. July 7, 2006
Popular Name: Act 451

380.1263a Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to leasing, renovating, and maintaining school buildings.

Popular Name: Act 451

380.1264 Construction of new school building or renovation of existing school building; consultation with law enforcement agency required; "school building" defined.

Sec. 1264.

(1) A school district, intermediate school district, or public school academy shall not commence the construction of a new school building or the major renovation of an existing school building unless the school district, intermediate school district, or public school academy consults on the plans for the construction or major renovation regarding school safety issues with the law enforcement agency that is or will be the first responder for that school building.

(2) As used in this section, "school building" means either of the following:

(a) A building intended to be used to provide instruction for pupils.

(b) A recreational or athletic structure or field intended to be used by pupils.

History: Add. 2018, Act 437, Eff. Mar. 21, 2019

Compiler's Notes: Former MCL 380.1264, which pertained to managing libraries or museums, was repealed by Act 289 of 1995, Eff. July 1, 1996.

Popular Name: Act 451

380.1264a Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to establishing library media centers.

Popular Name: Act 451

380.1265, 380.1266 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed sections pertained to acquiring sites under the urban renewal program and using funds for neighborhood facilities.

Popular Name: Act 451

380.1267 School buildings; construction, addition, repair, or renovation; bids; exception; advertising; security; opening and reading of bids; rejection of bids; readvertising; local policy giving preference to Michigan-based business; applicability of section; adjustment of maximum amount; "Michigan-based business" defined.

Sec. 1267.

(1) Before commencing construction of a new school building, or addition to or repair or renovation of an existing school building, except repair in emergency situations, the board of a school district or intermediate school district or board of directors of a public school academy, shall obtain competitive bids on all the material and labor required for the complete construction of a proposed new building or addition to or repair or renovation of an existing school building.

(2) The board, intermediate school board, or board of directors shall advertise for the bids required under subsection (1) by placing an advertisement for bids at least once in a newspaper of general circulation in the area where the building or addition is to be constructed or where the repair or renovation of an existing building is to take place and by posting an advertisement for bids for at least 2 weeks on the department of management and budget website on a page on the website maintained for this purpose or on a website maintained by a school organization and designated by the department of management and budget for this purpose. If the department of management and budget designates a school organization website for this purpose, the department of management and budget shall indicate this fact on its website and include a link on its website to the school organization website.

(3) The advertisement for bids shall do all of the following:

(a) Specify the date and time by which all bids must be received by the board, intermediate school board, or board of directors.

(b) State that the board, intermediate school board, or board of directors will not consider or accept a bid received by the board, intermediate school board, or board of directors after the date and time specified for bid submission.

(c) Identify the time, date, and place of a public meeting at which the board, intermediate school board, or board of directors or its designee will open and read aloud each bid received by the board, intermediate school board, or board of directors by the date and time specified in subdivision (a).

(d) State that the bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the board, intermediate school board, or board of directors or the superintendent of the school district, intermediate superintendent of the intermediate school district, or chief executive officer of the public school academy. A board, intermediate school board, or board of directors shall not accept a bid that does not include this sworn and notarized disclosure statement.

(4) The board, intermediate school board, or board of directors shall require each bidder for a contract under this section to file with the board, intermediate school board, or board of directors security in an amount not less than 1/20 of the amount of the bid conditioned to secure the school district from loss or damage by reason of the withdrawal of the bid or by the failure of the bidder to enter a contract for performance, if the bid is accepted by the board, intermediate school board, or board of directors.

(5) The board, intermediate school board, or board of directors shall not open, consider, or accept a bid that the board, intermediate school board, or board of directors receives after the date and time specified for bid submission in the advertisement for bids described in subsection (3).

(6) At a public meeting identified in the advertisement for bids described in subsection (3), the board, intermediate school board, or board of directors or its designee shall open and read aloud each bid that the board, intermediate school board, or board of directors received at or before the time and date for bid submission specified in the advertisement for bids. The board, intermediate school board, or board of directors may reject any or all bids, and if all bids are rejected, shall readvertise in the manner required by this section.

(7) The board of a school district or intermediate school district or board of directors of a public school academy may adopt and implement a local policy that gives a preference to a Michigan-based business in awarding a contract under this section. The policy may provide for a preference based on the status of the primary contractor as a Michigan-based business or based on the status of 1 or more subcontractors of the primary contractor as Michigan-based businesses, or both. A policy adopted under this subsection shall be consistent with federal statutes and regulations and shall not be applied to a contract that is to be paid with federal funds. Upon request by a school district, intermediate school district, or public school academy that has adopted and implemented a policy described in this subsection, the department of treasury shall disclose to that school district, intermediate school district, or public school academy verifying information as described in section 268(3) of the management and budget act, 1984 PA 431, MCL 18.1268. The adoption, implementation, or application of a policy described in this subsection, or a decision not to adopt, implement, or apply such a policy, does not create a cause of action.

(8) This section does not apply to buildings, renovations, or repairs costing less than \$20,959.00 or to repair work normally performed by school district, intermediate school board, or public school academy employees. The maximum amount specified in this subsection shall be adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the 12 months ending August 31 of the year in which the adjustment is made differs from that index's average for the 12 months ending on August 31 of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar.

(9) As used in this section, "Michigan-based business" means a business that would qualify for a preference in a procurement contract with this state under section 268 of the management and budget act, 1984 PA 431, MCL

18.1268.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1982, Act 431, Imd. Eff. Dec. 29, 1982 ;-- Am. 1990, Act 159, Imd. Eff. July 2, 1990 ;-- Am. 1994, Act 278, Imd. Eff. July 11, 1994 ;-- Am. 1994, Act 416, Eff. Mar. 30, 1995 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 2004, Act 232, Imd. Eff. July 21, 2004 ;-- Am. 2008, Act 540, Imd. Eff. Jan. 13, 2009
Popular Name: Act 451

380.1268 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to school property as community or recreation center.
Popular Name: Act 451

380.1269 Insuring school district or public school academy property.

Sec. 1269.

The board of a school district other than a first class school district shall insure school district property unless otherwise directed by the school electors. The governing board of a public school academy shall insure public school academy property. The insurance may be obtained from mutual, stock, or other responsible companies licensed to do business in this state.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1995, Act 289, Eff. July 1, 1996
Popular Name: Act 451

380.1270 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to accident or medical insurance program for pupils.
Popular Name: Act 451

380.1272 Meal program for pupils.

Sec. 1272.

The board of a school district may use general funds to provide the necessary personnel, equipment, supplies, and food to furnish meals for regularly enrolled pupils, and may accept produce and financial reimbursement from the state to supplement the resources of the district. The board may provide the meal program by contract or it may engage directly in the business. The board may charge a fee for each meal furnished in accordance with sections 1272a to 1272d.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1977, Act 43, Imd. Eff. June 29, 1977 ;-- Am. 1991, Act 167, Imd. Eff. Dec. 19, 1991
Popular Name: Act 451

380.1272a Lunch program; breakfast program.

Sec. 1272a.

(1) The board of a K to 12 school district shall, and the board of another school district may, establish and operate a program under which lunch is made available to all full-time pupils enrolled and in regular daily attendance at each public school of the school district.

(2) The board of a K to 12 school district shall establish and operate a program under which breakfast is made available to all full-time pupils enrolled and in regular daily attendance at each public school of the school district unless no more than 20% of the pupils enrolled in the school building in the immediately preceding school year met the income eligibility criteria for free or reduced-price lunch under the federally funded school lunch program, as determined using October claims reported to the department by December 31 of the immediately preceding school year, and, after a public hearing on the issue, which shall be held annually with notice to parents and pupils, the board decides not to operate such a program in that school building and publishes a public justification report explaining its decision. The board of another school district may establish and operate a school breakfast program.

(3) To the extent permitted by federal law, the department shall encourage innovative cost effective models of breakfast distribution designed to maximize pupil participation.

History: Add. 1977, Act 43, Imd. Eff. June 29, 1977 ;-- Am. 1990, Act 35, Imd. Eff. Mar. 22, 1990 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1995, Act 289, Eff. July 1, 1996

Popular Name: Act 451

380.1272b School meal programs; nutritional standards; fees; free and reduced price meals; free milk; confidentiality; discrimination; planning and evaluation of meals and other foods; fund-raising activities during school hours; sale of food and beverage items not meeting nutritional standards; number and frequency; upper limit.

Sec. 1272b.

(1) In all school meal programs established and operated under section 1272a, all of the following apply:

(a) Subject to subsection (2), nutritional standards prescribed by the United States Department of Agriculture pursuant to section 9 of the national school lunch act, 42 USC 1758, shall be met and maintained.

(b) The board of a school district or board of directors of a public school academy may charge a fee for meals or milk, but the fee shall not exceed the actual average daily cost, including necessary supervision, of the meal or milk and accessories, less the amount of food and financial assistance received by the board or board of directors for the meal or milk.

(c) The board of a school district or board of directors of a public school academy shall provide free and reduced price meals and free milk to all pupils eligible under the maximum standards prescribed by the United States Department of Agriculture pursuant to section 9 of the national school lunch act, 42 USC 1758; shall ensure the confidentiality of all information contained in applications for eligibility; and shall further ensure that eligible pupils are not discriminated against or overtly identified in any manner.

(d) The board of a school district or board of directors of a public school academy shall provide for parent and pupil participation in the planning and evaluation of school meals and other foods sold or dispensed on school premises.

(2) In all school meal programs established and operated under section 1272a, the department shall take all steps necessary to ensure maximum state and local control over the implementation of the programs, including, but not limited to, establishing an upper limit on the number and frequency of fund-raising activities that may take place in a public school during school hours that allow the sale of food or beverage items that do not meet the nutritional standards. The department shall ensure that this upper limit is not less than 2 fund-raising activities per week. For the purposes of this upper limit, an ongoing fund-raising activity that is scheduled to take place at more than 1 time during a school day or throughout the school day shall be considered to be a single fund-raising activity.

History: Add. 1977, Act 43, Imd. Eff. June 29, 1977 ;-- Am. 2015, Act 42, Eff. Sept. 1, 2015

Popular Name: Act 451

380.1272c Applicability of MCL 380.1272a.

Sec. 1272c.

The requirements of section 1272a shall not apply:

(a) In a school year in which the federal subsidy per meal falls below the 1975-76 level or the state subsidy per meal served is less than the figures specified in section 1272d(b) and (c).

(b) In a school district during a school year when the state board finds that a financial emergency exists which renders the school district unable to comply fully with the requirements. The board of the school district may apply, in writing, to the state board, not later than July 1 for a subsequent school year, demonstrating the need for noncompliance and describing the programs and services that can be provided and the efforts being undertaken to alleviate the emergency. If the state board finds that an emergency exists, it shall approve the noncompliance or prescribe conditions for partial compliance. The state board may extend the filing date for good cause.

History: Add. 1977, Act 43, Imd. Eff. June 29, 1977

Popular Name: Act 451

380.1272d Duties of department of education.

Sec. 1272d.

The department of education shall do all of the following:

(a) Prescribe a uniform reporting system for the collection, compilation, and analysis of data relative to the administration of this section and section 1272a.

(b) Pay a school district for each free meal served pursuant to section 1272b(c) an amount calculated by subtracting the federal reimbursement rate for a free meal from the actual cost of the meal, but not to exceed 5 cents per meal.

(c) Pay a school district for each reduced price meal served pursuant to section 1272b(c) an amount calculated by subtracting the sum of the federal reimbursement rate for a reduced price meal and the fee charged from the actual average cost of the meal, but not to exceed 2 cents per meal.

(d) For 1982-83 and thereafter, payments required by subdivisions (b) and (c) to a school district shall be credited to the state's matching share required by section 7 of the national school lunch act, 42 U.S.C. 1756.

(e) Designate a reimbursable cost per breakfast equal to the lesser of the school district's actual costs or 100% of the cost of a breakfast served by an efficiently operated breakfast program, as determined by the department. The department shall allocate, and the legislature shall appropriate as part of the annual department appropriations and allocations, all reasonable and necessary direct and indirect costs of an efficiently operated breakfast program or the school district's actual costs, whichever is less, incurred by a school district in the operation of a breakfast program, which costs would not have been incurred without the operation of a breakfast program, to any extent that they exceed state and federal breakfast subsidies and permissible pupil breakfast fees. These costs shall be reimbursed on a per-breakfast-served basis and may include, but shall not be limited to, compensation for needed additional personnel and supervision of both participating and nonparticipating pupils. In a school year in which the total amount of reimbursements under this subsection, as determined by the department, are not appropriated, the requirements of section 1272a(2) shall not apply to the affected school district.

History: Add. 1977, Act 43, Imd. Eff. June 29, 1977 ;-- Am. 1980, Act 508, Imd. Eff. Jan. 22, 1981 ;-- Am. 1981, Act 87, Imd. Eff. July 2, 1981 ;-- Am. 1982, Act 306, Imd. Eff. Oct. 13, 1982 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993

Popular Name: Act 451

380.1273 Meal program.

Sec. 1273.

The board may enter into contracts to provide material, personnel, and equipment necessary to establish and operate a low cost, nutritionally sound meal program for persons 60 years of age or older and their spouses. Receipts and expenditures shall be maintained separate from the school general fund and food service accounts to insure the district's recovery of total program cost through a nominal charge to participants, through federal, state, local, or private grants or reimbursement, or a combination thereof.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

380.1274 Procurement of supplies, materials, and equipment; written policies; competitive bids; approval of purchase; adjustment of maximum amount; local policy giving preference to Michigan-based business; items purchased through cooperative bulk purchasing program; acquisition of equipment; payment; purchase of heating and cooking equipment; "Michigan-based business" defined.

Sec. 1274.

(1) The board of a school district or board of directors of a public school academy shall adopt written policies governing the procurement of supplies, materials, and equipment.

(2) Except as otherwise provided in subsection (4) or (5), a school district or public school academy shall not purchase an item or a group of items in a single transaction costing \$20,959.00 or more unless competitive bids are obtained for those items and the purchase of those items is approved by the school board or board of directors. The maximum amount specified in this subsection shall be adjusted each year by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the 12 months ending August 31 of the year in which the adjustment is made differs from that index's average for the 12 months ending on August 31 of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar.

(3) The board of a school district or board of directors of a public school academy may adopt and implement a local policy that gives a preference to a Michigan-based business in awarding a contract under this section. The policy may provide for a preference based on the status of the primary contractor as a Michigan-based business or based on the status of 1 or more subcontractors of the primary contractor as Michigan-based businesses, or both. A policy adopted under this subsection shall be consistent with federal statutes and regulations and shall not be applied to a contract that is to be paid with federal funds. Upon request by a school district or public school academy that has adopted and implemented a policy described in this subsection, the department of treasury shall disclose to that school district or public school academy verifying information as described in section 268(3) of the management and budget act, 1984 PA 431, MCL 18.1268. The adoption, implementation, or application of a policy described in this subsection, or a decision not to adopt, implement, or apply such a policy, does not create a cause of action.

(4) A school district or public school academy is not required to obtain competitive bids for items purchased through the cooperative bulk purchasing program operated by the department of management and budget under section 263(3) of the management and budget act, 1984 PA 431, MCL 18.1263.

(5) A school district or public school academy is not required to obtain competitive bids for purchasing food unless the food is purchased in a single transaction costing \$100,000.00 or more.

(6) The board of a school district or local act school district or board of directors of a public school academy may acquire by purchase, lease, or rental, with or without option to purchase, equipment necessary for the operation of the school program, including, but not limited to, heating, water heating, and cooking equipment for school buildings, and may pay for the equipment from operating funds of the district or public school academy. Heating and cooking equipment may be purchased on a title retaining contract or other form of agreement creating a security interest and pledging in payment money in the general fund or funds received from state school aid. The contracts may extend for not more than 10 years.

(7) As used in this section, "Michigan-based business" means a business that would qualify for a preference in a procurement contract with this state as determined under section 268 of the management and budget act, 1984 PA 431, MCL 18.1268.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1977, Act 43, Imd. Eff. June 29, 1977 ;-- Am. 1982, Act 489, Eff. Mar. 30, 1983 ;-- Am. 1983, Act 140, Imd. Eff. July 18, 1983 ;-- Am. 1990, Act 159, Imd. Eff. July 2, 1990 ;-- Am. 1994, Act 416, Eff. Mar. 30, 1995 ;-- Am. 2004, Act 588, Imd. Eff. Jan. 4, 2005 ;-- Am. 2008, Act 343, Imd. Eff. Dec. 23, 2008 ;-- Am. 2008, Act 540, Imd. Eff. Jan. 13, 2009

Popular Name: Act 451

380.1274a Energy conservation improvements and operational improvements; payment; contract; bond; terms; removal or treatment of asbestos or other material injurious to health; issuance of bonds; competitive bidding requirements; reports; forms; payments under lease-purchase agreement; termination; definitions.

Sec. 1274a.

(1) The board of a school district or intermediate school district may contract with a qualified provider for the acquisition or financing of energy conservation improvements or operational improvements to school facilities or infrastructure. These improvements or the financing or refunding of the improvements may be paid from operating funds of the school district, from the proceeds of bonds or notes issued for energy conservation improvements or operational improvements to school facilities, or from an installment contract or lease-purchase agreement, or the board or intermediate school board may enter into 1 or more energy saving performance contracts. These contracts may contain a written financial guarantee providing that the costs of improvements will be paid only if the energy savings or operational savings are sufficient to cover them. Energy conservation improvements to school facilities may include, but are not limited to, adding square footage to existing school facilities; building envelope improvements; heating, ventilating, and cooling upgrades; lighting retrofits; installing or upgrading an energy management system; motor, pump, or fan replacements; domestic water use reductions; information technology improvements associated with an energy conservation improvement to school facilities; municipal utility improvements associated with an energy conservation improvement to school facilities; and upgrading other energy consuming equipment or appliances. Operational improvements include, but are not limited to, adding square footage to existing school facilities, or installing equipment or providing services that result in decreased, eliminated, or avoided operating or maintenance costs. Operational improvements do not have to be energy conservation related.

(2) A school board or intermediate school board that contracts for energy conservation improvements or operational improvements to school facilities under subsection (1) may require the qualified provider to furnish a bond that guarantees energy cost savings or operational savings for a specified period of time.

(3) If a school board or intermediate school board enters into an energy saving performance contract under this section, all of the following apply:

(a) The bids for the contract shall provide a detailed breakdown of the energy performance savings or operational savings to be derived each year and for the duration of the energy saving performance contract, including at least all of the following:

(i) A description of the guaranteed energy use savings or operational savings, and tasks to be performed under the energy saving performance contract.

(ii) The combined total net cost of all of the energy conservation measures or operational improvements in the project.

(iii) The projected energy savings and operating and maintenance cost savings resulting from the project.

(iv) The useful life of each energy conservation measure or operational improvement.

(v) The simple payback period.

(b) The qualified provider shall certify that measurement and verification techniques for determining cost savings will be performed in accordance with the protocols promulgated by the International Performance Measurement and Verification Protocol, Inc., now known as Efficiency Valuation Organization.

(4) The board of a school district or intermediate school district may provide for the removal or treatment of asbestos or other material injurious to health for school facilities and may pay for the improvements from operating funds of the school district or from the proceeds of bonds or notes issued for that purpose.

(5) Issuance of bonds for the purposes authorized by this section shall be considered as issued for capital expenditures for all purposes including section 16 of article IX of the state constitution of 1963. A lease-purchase agreement issued pursuant to this subsection is not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and is not a municipal security or a debt as those terms are defined in that act.

(6) Energy conservation improvements or operational improvements to school facilities, or substance removal or treatment authorized by this section is subject to the competitive bidding requirements of section 1267.

(7) If energy conservation improvements or operational improvements to school facilities are made by a school district or intermediate school district as provided in this section, the school board or intermediate school board shall determine the following information and shall report the following information to the state treasurer within 60 days after the completion of the improvements:

(a) Name of each facility to which an improvement was made and a description of the energy conservation improvements or operational improvements to school facilities.

(b) Actual energy consumption during the 12-month period before commencement of the energy conservation improvement.

(c) Project costs and expenditures, including the total of all lease payments over the duration of the lease-purchase agreement.

(d) Estimated annual energy savings or operational savings, including projected savings over the duration of the installment contract.

(8) If energy conservation improvements or operational improvements to school facilities are made as provided in this section, the school board or intermediate school board shall report to the state treasurer by July 1 of each of the 5 years after the improvements are completed the actual annual energy consumption or operational savings of each facility to which improvements were made. The forms for the reports required by this section shall be furnished by the state treasurer.

(9) An installment contract described in this section may include a lease-purchase agreement, which may be a multiyear contractual obligation that provides for automatic renewal unless positive action is taken by the board of the school district or intermediate school district to terminate that contract. Payments under a lease-purchase agreement are a current operating expense subject to annual appropriations of funds by the board of the school district or intermediate school district and shall obligate the board of the school district or intermediate school district only for those sums payable during the fiscal year of contract execution or any renewal year thereafter. The board of the school district or intermediate school district may make payments under a lease-purchase agreement from any legally available funds or from a combination of energy or operational savings, capital contributions, future replacement costs avoided, or billable revenue enhancements that result from energy conservation improvements or operational improvements to school facilities, if the board of the school district or intermediate school district has determined that those funds are sufficient to cover, in aggregate over the full term of the contractual agreement, the cost of the energy conservation improvements or operational improvements to school facilities. The lease-purchase agreement terminates immediately and absolutely and without further obligation on the part of the board of the school district or intermediate school district at the close of the fiscal year in which it was executed or renewed or at such time as appropriated and otherwise unobligated funds are no longer available to satisfy the obligations of the board of the school district or intermediate school district under the lease-purchase agreement. During the term of the lease-purchase agreement, the board of the school district or intermediate school district is the vested owner of the energy conservation improvements or operational improvements and may grant a security interest in the energy conservation improvements or operational improvements to the provider of the lease-purchase agreement. The board of the school district or intermediate school district shall not be obligated under a lease-purchase agreement for more than 20 years after either the date of the final completion of the energy conservation improvements or operational improvements to school facilities or the end of the useful life of the aggregate energy conservation improvements or operational improvements to school facilities, whichever occurs first. Upon the termination of the lease-purchase agreement and the satisfaction of the obligations of the board of the school district or intermediate school district, the provider of the lease-purchase agreement shall release its security interest in the energy conservation improvements or operational improvements.

(10) As used in this section:

(a) "Energy saving performance contract" means an agreement for the evaluation, recommendation, and implementation of energy conservation measures or operational improvements including, but not limited to, an energy audit or detailed energy study; the design, installation, operation, and maintenance of 1 or more energy conservation measures; energy management services; and an energy savings guarantee.

(b) "Qualified provider" means an individual or a business entity that is experienced in performing design, analysis, and installation of energy conservation improvements or operational improvements and facility energy management measures and that will provide these services under the contract with a guarantee or on a performance basis.

History: Add. 1982, Act 431, Imd. Eff. Dec. 29, 1982 ;-- Am. 1985, Act 22, Imd. Eff. May 20, 1985 ;-- Am. 1990, Act 227, Imd. Eff. Oct. 8, 1990 ;-- Am. 2003, Act 255, Imd. Eff. Dec. 29, 2003 ;-- Am. 2017, Act 23, Eff. Apr. 27, 2017 ;-- Am. 2018, Act 135, Imd. Eff. May 10, 2018

Compiler's Notes: For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at MCL 460.901 of the Michigan Compiled Laws. For transfer of powers and duties of the public service commission pertaining to energy conservation improvement reports from the public service commission to the state treasurer, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

Popular Name: Act 451

380.1274b Purchase, storage, or use of free flowing elemental mercury or instrument that contains mercury; restrictions; absence of mercury-free alternative for instrument; disposal of mercury and instruments

containing mercury.

Sec. 1274b.

(1) Except as otherwise provided in subsection (2), the board of a school district, local act school district, or intermediate school district; governing board of a nonpublic school; or board of directors of a public school academy shall ensure that after December 31, 2004 the school district, intermediate school district, nonpublic school, or public school academy does not purchase, store, or use free flowing elemental mercury for any experiment, display, or other purpose and does not purchase, store, or use an instrument that contains mercury, including, but not limited to, a thermometer, barometer, or sphygmomanometer, or manometer containing mercury.

(2) After December 31, 2004, if no reasonably acceptable, mercury-free alternative exists for an instrument used by the school district, intermediate school district, nonpublic school, or public school academy, then the school district, intermediate school district, nonpublic school, or public school academy may use the instrument that contains the lowest mercury content available on the market.

(3) The board of a school district, local act school district, or intermediate school district; governing board of a nonpublic school; or board of directors of a public school academy shall ensure that the school district, intermediate school district, nonpublic school, or public school academy disposes of mercury and instruments containing mercury in accordance with applicable state and federal law.

History: Add. 2000, Act 376, Imd. Eff. Jan. 2, 2001

Popular Name: Act 451

380.1275 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to counseling, information, and services pertaining to controlled substances and alcoholism.

Popular Name: Act 451

380.1276 Pedestrian overpasses; acquisition or construction; payment of costs; contracts; approval.

Sec. 1276.

The board of a school district or a local act school district may acquire by purchase or lease or may construct pedestrian overpasses for the safe conduct of pupils enroute to and from school. The costs may be paid by the school district and by the highway authority having jurisdiction of the public highway in amounts agreed upon by the board and the highway authority. The board may pay its share out of the general funds of the school district, or may purchase the overpasses on title retaining contracts. The contracts shall not be entered into or issued for more than 10 years. A pedestrian overpass shall not be constructed over a public highway without the prior approval of the highway authorities having jurisdiction over the highway.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

380.1277 School improvement plan.

Sec. 1277.

(1) Considering criteria established by the state board, in addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of the schools of the school district to be accredited under section 1280, the board shall adopt and implement and, not later than September 1 each year,

shall make available to the department a copy of a 3- to 5-year school improvement plan and continuing school improvement process for each school within the school district. The school improvement plans shall include, but are not limited to, a mission statement, goals based on student academic objectives for all students, curriculum alignment corresponding with those goals, evaluation processes, staff development, development and utilization of community resources and volunteers, the role of adult and community education, libraries and community colleges in the learning community, and building level decision making. School board members, school building administrators, teachers and other school employees, pupils, parents of pupils attending that school, and other residents of the school district shall be invited and allowed to voluntarily participate in the development, review, and evaluation of the district's school improvement plans. Upon request of the board of a school district, the department and the intermediate school district shall assist the school district in the development and implementation of district school improvement plans. Educational organizations may also provide assistance for these purposes. School improvement plans described in this section shall be updated annually by each school and by the board of the school district.

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

- (a) Goals centered on student academic learning.
- (b) Strategies to accomplish the goals.
- (c) Evaluation of the plan.
- (d) Development of alternative measures of assessment that will provide authentic assessment of pupils' achievements, skills, and competencies.
- (e) Methods for effective use of technology as a way of improving learning and delivery of services and for integration of evolving technology in the curriculum.
- (f) Ways to make available in as many fields as practicable opportunities for structured on-the-job learning, such as apprenticeships and internships that involve active, direct, and hands-on learning, combined with classroom instruction that enhances a pupil's employability, including, but not limited to, instruction relating to problem solving, personal management, organizational and negotiation skills, and teamwork.
- (g) A requirement that each school operated by the school district provide to pupils a variety of age-appropriate career informational resources in grades K to 12 and an opportunity to do each of the following:
 - (i) During grade levels that the board of the school district considers appropriate, complete 1 or more experiences in a field of a pupil's interests or aptitude and participate in a follow-up process that provides the pupil with sufficient reflection of those experiences.
 - (ii) During grades K to 12, discuss career interests, options, and preparations with a school counselor or, as considered appropriate by the board of the school district, another knowledgeable adult.
- (h) Programs that will provide pupils in grades 6 to 12 work-based learning activities that ensure those pupils make connections with workers or experts in a variety of fields.
- (i) Programs or instruction that ensure every pupil in grade 12 knows how to develop and use a resume, letter of reference, school record, and talent portfolio, as described in section 1278b.

(3) Each intermediate school board shall adopt and implement and, not later than September 1 each year, shall make available to the department a copy of a 3- to 5-year intermediate school district school improvement plan and continuing school improvement process for the intermediate school district. Constituent and intermediate school board members, school building administrators, teachers and other school employees, pupils, parents of pupils, and residents of the intermediate school district shall be invited and allowed to voluntarily participate in the development, review, and evaluation of the intermediate school district's school improvement plan. Upon request of the intermediate school board, the department shall assist the intermediate school district in the development and implementation of an intermediate school district school improvement plan. An intermediate school district school improvement plan described in this section shall be updated annually by the intermediate school board. An intermediate school district school improvement plan shall include at least all of the following:

- (a) Methods to assist districts in improving pupils' academic learning.
- (b) Assurance that all pupils have reasonable access to all programs offered by the intermediate school district, including, but not limited to, transportation if necessary.
- (c) A plan for professional development that supports academic learning.
- (d) Methods to assist school districts in integrating applied academics and career and employability skills into all curricular areas.
- (e) Ways to make available in as many fields as practicable opportunities for structured on-the-job learning, such as apprenticeships and internships, combined with classroom instruction.
- (f) Collaborative efforts with supporting agencies that enhance academic learning.
- (g) Long-range cost containment measures, including additional services that might be provided at reduced costs by the intermediate school district or through cooperative programs, and cost reduction programs such as interdistrict cooperation in special education and other programs and services.
- (h) To the extent that it would improve school effectiveness, specific recommendations on consolidation or enhanced interdistrict cooperation, or both, along with possible sources of revenue.
- (i) Evaluation of the plan.

History: Add. 1990, Act 25, Eff. Apr. 13, 1990 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1993, Act 339, Imd. Eff. Dec. 31, 1993 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 1997, Act 179, Imd. Eff. Dec. 30, 1997 ;-- Am. 2016, Act 532, Eff. Apr. 9, 2017 ;-- Am. 2018, Act 231, Eff. Dec. 24, 2018

Popular Name: Act 451

380.1277a Accreditation of schools in school district; requirements.

Sec. 1277a.

(1) Beginning in the 1994-95 school year, in addition to the requirements specified in section 1280 for accreditation under that section, if the board of a school district wants all of the schools in the school district to be accredited under section 1280, the board shall ensure all of the following:

(a) That all information assembled regarding each school building within the school district to prepare the school's annual educational report, as described in section 1204a, is disaggregated by gender and is provided to the individuals participating in the development of the district's school improvement plan under section 1277.

(b) That all gender equity issues raised by the disaggregated information described in subdivision (a) are addressed as part of the planning, development, implementation, evaluation, and updating of the school improvement plan of each school within the school district under section 1277 or, if such an issue is not addressed, that an explanation is made to the community of the reason or reasons why the issue is not addressed. An explanation for not addressing a gender equity issue may be included in the school's annual educational report under section 1204a.

(2) Upon request by a school district, intermediate school district, or school, the department shall provide advice and technical assistance to the district or school on meeting the requirements of this section.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993

Popular Name: Act 451

380.1277b Workgroup.

Sec. 1277b.

The senate majority leader and speaker of the house of representatives shall convene a bipartisan workgroup to make recommendations to the senate and house standing committees on education on measures to be taken to improve educational quality in all public schools for all pupils. This workgroup shall focus on student growth and submit its recommendations not later than March 30, 2012.

History: Add. 2011, Act 277, Eff. Mar. 28, 2012

Popular Name: Act 451

380.1278 Core academic curriculum.

Sec. 1278.

(1) In addition to the requirements for accreditation under section 1280 specified in that section, if the board of a school district wants all of the schools of the school district to be accredited under section 1280, the board shall provide to all pupils attending public school in the district a core academic curriculum in compliance with subsection (3) in each of the curricular areas specified in the state board recommended model core academic curriculum content standards developed under subsection (2). The state board model core academic curriculum content standards shall encompass academic and cognitive instruction only. For purposes of this section, the state board model core academic curriculum content standards shall not include attitudes, beliefs, or value systems that

are not essential in the legal, economic, and social structure of our society and to the personal and social responsibility of citizens of our society.

(2) Recommended model core academic curriculum content standards shall be developed and periodically updated by the state board, shall be in the form of knowledge and skill content standards that are recommended as state standards for adoption by public schools in local curriculum formulation and adoption, and shall be distributed to each school district in the state. The recommended model core academic curriculum content standards shall set forth desired learning objectives in math, science, reading, history, geography, economics, American government, and writing for all children at each stage of schooling and be based upon the "Michigan K-12 Program Standards of Quality" to ensure that high academic standards, academic skills, and academic subject matters are built into the instructional goals of all school districts for all children. The state board shall ensure that the recommended model core academic curriculum content standards for history for grades 8 to 12 include learning objectives concerning genocide, including, but not limited to, the Holocaust and the Armenian Genocide. The state board also shall ensure that the state assessment program and the Michigan merit examination are based on the state recommended model core curriculum content standards, are testing only for proficiency in basic and advanced academic skills and academic subject matter, and are not used to measure pupils' values or attitudes.

(3) The board of each school district, considering academic curricular objectives defined and recommended pursuant to subsection (2), shall do both of the following:

(a) Establish a core academic curriculum for its pupils at the elementary, middle, and secondary school levels. The core academic curriculum shall define academic objectives to be achieved by all pupils and shall be based upon the school district's educational mission, long-range pupil goals, and pupil performance objectives. The core academic curriculum may vary from the model core academic curriculum content standards recommended by the state board pursuant to subsection (2).

(b) After consulting with teachers and school building administrators, determine the aligned instructional program for delivering the core academic curriculum and identify the courses and programs in which the core academic curriculum will be taught.

(4) The board may supplement the core academic curriculum by providing instruction through additional classes and programs.

(5) For all pupils, the subjects or courses, and the delivery of those including special assistance, that constitute the curriculum the pupils engage in shall assure the pupils have a realistic opportunity to learn all subjects and courses required by the district's core academic curriculum. A subject or course required by the core academic curriculum pursuant to subsection (3) shall be provided to all pupils in the school district by a school district, a consortium of school districts, or a consortium of 1 or more school districts and 1 or more intermediate school districts.

(6) To the extent practicable, the state board may adopt or develop academic objective-oriented high standards for knowledge and life skills, and a recommended core academic curriculum, for special education pupils for whom it may not be realistic or desirable to expect achievement of initial mastery of the state board recommended model core academic content standards objectives or of a high school diploma.

(7) The state board shall make available to all nonpublic schools in this state, as a resource for their consideration, the model core academic curriculum content standards developed for public schools pursuant to subsection (2) for the purpose of assisting the governing body of a nonpublic school in developing its core academic curriculum.

(8) Excluding special education pupils, pupils having a learning disability, and pupils with extenuating circumstances as determined by school officials, a pupil who does not score satisfactorily on the fourth or seventh grade state assessment program reading test shall be provided special assistance reasonably expected to enable the pupil to bring his or her reading skills to grade level within 12 months.

(9) Any course that would have been considered a nonessential elective course under *Snyder v Charlotte School Dist*, 421 Mich 517 (1984), on April 13, 1990 shall continue to be offered to resident pupils of nonpublic schools on a shared time basis.

(10) As used in this section, "Armenian Genocide", "genocide", and "Holocaust" mean those terms as defined in section 1168.

History: Add. 1990, Act 25, Eff. Apr. 13, 1990 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 2004, Act 596, Imd. Eff. Jan. 5, 2005 ;-- Am. 2016, Act 170, Imd. Eff. June 14, 2016

Popular Name: Act 451

380.1278a Requirements for high school diploma.

Sec. 1278a.

(1) Except as otherwise provided in this section or section 1278b, the board of a school district or board of directors of a public school academy shall not award a high school diploma to a pupil unless the pupil meets all of the following:

(a) Has successfully completed all of the following credit requirements of the Michigan merit standard before graduating from high school:

(i) At least 4 credits in mathematics that are aligned with subject area content expectations developed by the department and approved by the state board under section 1278b, including completion of at least algebra I, geometry, and algebra II, or an integrated sequence of this course content that consists of 3 credits, and an additional mathematics credit, such as trigonometry, statistics, precalculus, calculus, applied math, accounting, business math, a retake of algebra II, or, for only pupils entering grade 8 before 2023, a course in financial literacy as described in section 1165. A pupil may complete algebra II over 2 years with 2 credits awarded or over 1.5 years with 1.5 credits awarded for the purposes of this section and section 1278b. A pupil also may partially or fully fulfill the algebra II requirement by completing a department-approved formal career and technical education program or curriculum, such as a program or curriculum in electronics, machining, construction, welding, engineering, computer science, or renewable energy, and in that program or curriculum successfully completing the same content as the algebra II benchmarks assessed on the department-prescribed state high school assessment, as determined by the department. The department shall post on its website guidelines for implementation of the immediately preceding sentence. Each pupil must successfully complete at least 1 mathematics course during his or her final year of high school enrollment. This subparagraph does not require completion of mathematics courses in any particular sequence.

(ii) At least 3 credits in social science that are aligned with subject area content expectations developed by the department and approved by the state board under section 1278b, including completion of at least 1 credit in United States history and geography, 1 credit in world history and geography, 1/2 credit in economics, and the civics course described in section 1166(2). For only pupils entering grade 8 before 2023, the 1/2-credit economics requirement may be satisfied by completion of at least a 1/2-credit course in personal economics that includes a financial literacy component as described in section 1165, if that course covers the subject area content expectations for economics developed by the department and approved by the state board under section 1278b. The 1/2 credit in economics required under this subparagraph cannot be fulfilled by completion of the 1/2 credit course in personal finance described in subsection (3).

(iii) At least 1 credit in subject matter that includes both health and physical education aligned with guidelines developed by the department and approved by the state board under section 1278b, or at least 1/2 credit in health aligned with guidelines developed by the department and approved by the state board under section 1278b and at least 1/2 credit awarded by the school district or public school academy for approved participation in extracurricular athletics or other extracurricular activities involving physical activity.

(iv) At least 1 credit in visual arts, performing arts, or applied arts, as defined by the department, that is aligned with guidelines developed by the department and approved by the state board under section 1278b. A school district or public school academy is strongly encouraged to offer visual arts and performing arts courses.

(v) The credit requirements specified in section 1278b(1).

(b) Meets the online course or learning experience requirement of this subsection. A school district or public school academy shall provide the basic level of technology and internet access required by the state board to complete the online course or learning experience. For a pupil to meet this requirement, the pupil must meet either of the following, as determined by the school district or public school academy:

(i) Has successfully completed at least 1 course or learning experience that is presented online, as defined by the department.

(ii) The pupil's school district or public school academy has integrated an online experience throughout the high school curriculum by ensuring that each teacher of each course that provides the required credits of the Michigan merit curriculum has integrated an online experience into the course.

(2) Except as otherwise provided in this section, and in addition to the requirements under subsection (1), the board of a school district or board of directors of a public school academy shall not award a high school diploma to a pupil unless the pupil has successfully completed during grades K to 12 at least 2 credits that are grade-appropriate in a language other than English or course work or other learning experiences that are substantially equivalent to 2 credits in a language other than English, based on guidelines developed by the department. A pupil may partially or fully fulfill 1 credit of this requirement by completing a department-approved formal career and technical education program or curriculum or by completing visual or performing arts instruction that is in addition to the requirements under subsection (1)(a)(iv). The board of a school district or board of directors of a public school academy is strongly encouraged to ensure that all pupils complete at least 1 credit in a language other than English in grades K to 6. For the purposes of this subsection, both of the following apply:

(a) American Sign Language is considered to be a language other than English.

(b) The pupil may meet all or part of this requirement with online course work.

(3) Beginning with pupils entering grade 8 in 2023, the board of a school district or board of directors of a public school academy shall not award a high school diploma to a pupil unless the pupil completes a 1/2 credit course in personal finance that aligns with subject area content expectations developed by the department and approved by the state board under section 1278b. The 1/2 credit course in personal finance must fulfill 1/2 credit of mathematics required under subsection (1)(a)(i), 1/2 credit of visual arts, performing arts, or applied arts required under subsection (1)(a)(iv), or 1/2 credit of a language other than English required under subsection (2), as determined by the board of the school district or board of directors of the public school academy in which the pupil is enrolled. The 1/2 credit course in personal finance required under this subsection may be fulfilled through a department-approved formal career and technical education program or curriculum that aligns with the subject area content expectations developed by the department and approved by the state board for the credit under section 1278b.

(4) The requirements under this section and section 1278b for a high school diploma are in addition to any local requirements imposed by the board of a school district or board of directors of a public school academy. The board of a school district or board of directors of a public school academy, as a local requirement for a high school diploma, may require a pupil to complete the Michigan merit examination under section 1279g or may require a pupil to participate in the MIAccess assessments if appropriate for the pupil.

(5) For the purposes of this section and section 1278b, all of the following apply:

(a) A pupil is considered to have completed a credit if the pupil successfully completes the subject area content expectations or guidelines developed by the department that apply to the credit. For a career and technical education credit, a school district or public school academy may supplement those content expectations and guidelines with additional guidelines developed by the school district or public school academy.

(b) A school district or public school academy shall base its determination of whether a pupil has successfully completed the subject area content expectations or guidelines developed by the department that apply to a credit at least in part on the pupil's performance on assessments developed or selected by the department or on 1 or more assessments developed or selected by the school district or public school academy that measure a pupil's understanding of the subject area content expectations or guidelines that apply to the credit.

(c) A school district or public school academy shall also grant a pupil a credit if the pupil earns a qualifying score, as determined by the department, on assessments developed or selected for the subject area by the department or the pupil earns a qualifying score, as determined by the school district or public school academy, on 1 or more assessments developed or selected by the school district or public school academy that measure a pupil's understanding of the subject area content expectations or guidelines that apply to the credit.

(6) If a high school is designated by the superintendent of public instruction as a specialty school and the high school meets the requirements of subsection (7), the pupils of the high school are not required to successfully complete the 4 credits in English language arts required under section 1278b(1)(a) or the 3 credits in social science required under subsection (1)(a)(ii) and the school district or public school academy is not required to ensure that each pupil is offered the curriculum necessary for meeting those English language arts or social science credit requirements. The superintendent of public instruction may designate up to 15 high schools that meet the requirements of this subsection as specialty schools. Subject to this maximum number, the superintendent of public instruction shall designate a high school as a specialty school if the superintendent of public instruction finds that the high school meets all of the following criteria:

(a) The high school incorporates a significant reading and writing component throughout its curriculum.

(b) The high school uses a specialized, innovative, and rigorous curriculum in such areas as performing arts, foreign language, extensive use of internships, or other learning innovations that conform to pioneering innovations among other leading national or international high schools.

(7) A high school that is designated by the superintendent of public instruction as a specialty school under subsection (6) is only exempt from requirements as described under subsection (6) as long as the superintendent of public instruction finds that the high school continues to meet all of the following requirements:

(a) The high school clearly states to prospective pupils and their parents that it does not meet the requirements of the Michigan merit standard under this section and section 1278b but is a designated specialty school that is exempt from some of those requirements and that a pupil who enrolls in the high school and subsequently transfers to a high school that is not a specialty school meeting the requirements of this subsection will be required to comply with the requirements of the Michigan merit standard under this section and section 1278b.

(b) For the most recent year for which the data are available, the mean scores on both the mathematics and science portions of the applicable state assessment for the pupils of the high school exceed by at least 10% the mean scores on the mathematics and science portions of the applicable state assessment for the pupils of the school district in which the greatest number of the pupils of the high school reside.

(c) For the most recent year for which the data are available, the high school had a graduation rate of at least 85%, as determined by the department.

(d) For the most recent year for which the data are available, at least 75% of the pupils who graduated from the high school the preceding year are enrolled in a postsecondary institution.

(e) All pupils of the high school are required to meet the mathematics credit requirements of subsection (1)(a)(i), with no modification of these requirements under section 1278b(5), and each pupil is offered the curriculum

necessary to meet this requirement.

(f) All pupils of the high school are required to meet the science credit requirements of section 1278b(1)(b) and are also required to successfully complete at least 1 additional science credit, for a total of at least 4 science credits, with no modification of these requirements under section 1278b(5), and each pupil is offered the curriculum necessary to meet this requirement.

History: Add. 2006, Act 124, Imd. Eff. Apr. 20, 2006 ;-- Am. 2008, Act 316, Imd. Eff. Dec. 18, 2008 ;-- Am. 2009, Act 205, Imd. Eff. Jan. 4, 2010 ;-- Am. 2014, Act 208, Eff. (sine die) ;-- Am. 2014, Act 293, Imd. Eff. Sept. 30, 2014 ;-- Am. 2015, Act 186, Eff. Feb. 14, 2016 ;-- Am. 2018, Act 232, Imd. Eff. June 27, 2018 ;-- Am. 2020, Act 158, Imd. Eff. Sept. 17, 2020 ;-- Am. 2022, Act 105, Eff. Mar. 29, 2023
Compiler's Notes: Former MCL 380.1278a, which pertained to pupil performance standards, was repealed by Act 289 of 1995, Eff. July 1, 1996.

Popular Name: Act 451

380.1278b Award of high school diploma; credit requirements; personal curriculum; annual report.

Sec. 1278b.

(1) Except as otherwise provided in this section or section 1278a, as part of the requirements under section 1278a the board of a school district or board of directors of a public school academy shall not award a high school diploma to a pupil unless the pupil has successfully completed all of the following credit requirements of the Michigan merit standard before graduating from high school:

(a) At least 4 credits in English language arts that are aligned with subject area content expectations developed by the department and approved by the state board under this section.

(b) At least 3 credits in science that are aligned with subject area content expectations developed by the department and approved by the state board under this section, including completion of at least biology and either chemistry, physics, anatomy, or agricultural science, or successfully completing a program or curriculum that provides the same content as the chemistry or physics benchmarks, as determined by the department. A student may fulfill the requirement for the third science credit by completing a department-approved computer science program or curriculum or formal career and technical education program or curriculum. The legislature strongly encourages pupils to complete a fourth credit in science, such as forensics, astronomy, Earth science, agricultural science, environmental science, geology, physics, chemistry, physiology, or microbiology.

(c) The credit requirements specified in section 1278a(1)(a)(i) to (iv).

(2) If a pupil successfully completes 1 or more of the high school credits required under subsection (1) or under section 1278a(1) or (3) before entering high school, the pupil must be given high school credit for that credit.

(3) For the purposes of this section and section 1278a, the department shall do all of the following:

(a) Develop subject area content expectations that apply to the credit requirements of the Michigan merit standard that are required under subsection (1)(a) and (b) and section 1278a(1)(a)(i) and (ii) and the 1/2 credit course in personal finance required under section 1278a(3) and develop guidelines for the remaining credit requirements of the Michigan merit standard that are required under this section and section 1278a(1)(a), for the online course or learning experience required under section 1278a(1)(b), and for the requirements for a language other than English under section 1278a(2). All of the following apply to these subject area content expectations and guidelines:

(i) All subject area content expectations must be consistent with the state board recommended model core academic curriculum content standards under section 1278. Subject area content expectations or guidelines must not include attitudes, beliefs, or value systems that are not essential in the legal, economic, and social structure of our society and to the personal and social responsibility of citizens of our society. The subject area content expectations must require pupils to demonstrate critical thinking skills.

(ii) The subject area content expectations and the guidelines must be approved by the state board under subsection (4).

(iii) The subject area content expectations must state in clear and measurable terms what pupils are expected to know upon completion of each credit.

(iv) The department shall complete the development of the subject area content expectations that apply to algebra I and the guidelines for the online course or learning experience under section 1278a(1)(b) not later than August 1, 2006.

(v) The department shall complete development of the subject area content expectations or guidelines that apply to each of the other credits required in the Michigan merit standard under subsection (1) and section 1278a(1)(a)

not later than 1 year before the beginning of the school year in which a pupil entering high school in 2007 would normally be expected to complete the credit.

(vi) If the department has not completed development of the subject area content expectations that apply to a particular credit required in the Michigan merit standard under subsection (1) or section 1278a(1)(a) by the date required under this subdivision, a school district or public school academy may align the content of the credit with locally adopted standards.

(vii) Until all of the subject area content expectations and guidelines have been developed by the department and approved by the state board, the department shall submit a report at least every 6 months to the senate and house standing committees responsible for education legislation on the status of the development of the subject area content expectations and guidelines. The report must detail any failure by the department to meet a deadline established under subparagraph (iv) or (v) and the reasons for that failure.

(b) Develop and implement a process for developing the subject area content expectations and guidelines required under this section. This process must provide for all of the following:

(i) Soliciting input from all of the following groups:

(A) Recognized experts in the relevant subject areas.

(B) Representatives from 4-year colleges or universities, community colleges, and other postsecondary institutions.

(C) Teachers, administrators, and school personnel who have specialized knowledge of the subject area.

(D) Representatives from the business community.

(E) Representatives from vocational and career and technical education providers.

(F) Government officials, including officials from the legislature.

(G) Parents of public school pupils.

(ii) A review of the subject area content expectations or guidelines by national experts.

(iii) An opportunity for the public to review and provide input on the proposed subject area content expectations or guidelines before they are submitted to the state board for approval. The time period allowed for this review and input must be at least 15 business days.

(c) Determine the basic level of technology and internet access required for pupils to complete the online course or learning experience requirement of section 1278a(1)(b), and submit that determination to the state board for approval.

(d) Develop and make available material to assist school districts and public school academies in implementing the requirements of this section and section 1278a. This must include developing guidelines for alternative instructional delivery methods as described in subsection (7).

(4) The state board shall approve subject area content expectations and guidelines developed by the department under subsection (3) before those subject area content expectations and guidelines may take effect. The state board also shall approve the basic level of technology and internet access required for pupils to complete the online course or learning experience requirement of section 1278a(1)(b).

(5) The parent or legal guardian of a pupil who has completed grade 9, a teacher who is currently teaching the pupil, who currently teaches in or whose expertise is in a subject area proposed to be modified by the personal curriculum, or who is determined by the principal to have qualifications otherwise relevant to developing a personal curriculum, or a school counselor or school employee qualified to act in a counseling role under section 1233 or 1233a may request a personal curriculum under this subsection for the pupil that modifies certain of the Michigan merit standard requirements under subsection (1) or section 1278a(1)(a). If the request for a personal curriculum is made by the pupil's parent or legal guardian or, if the pupil is at least age 18 or is an emancipated minor, by the pupil, the school district or public school academy shall develop a personal curriculum for the pupil. A teacher, school counselor, or school employee qualified to act in a counseling role under section 1233 or 1233a may contact a pupil's parent or legal guardian to discuss the possibility and potential benefits of a personal curriculum under this subsection for the pupil. If all of the requirements under this subsection for completing a personal curriculum are met, then the board of a school district or board of directors of a public school academy may award a high school diploma to a pupil who successfully completes his or her personal curriculum even if it does not meet the requirements of the Michigan merit standard required under subsection (1) and section 1278a(1)(a). All of the following apply to a personal curriculum:

(a) The personal curriculum must be developed by a group that includes at least the pupil, at least 1 of the pupil's parents or the pupil's legal guardian, and a teacher described in this subdivision or the pupil's high school counselor or another designee qualified to act in a counseling role under section 1233 or 1233a selected by the high school principal. In addition, for a pupil who receives special education services, a school psychologist should also be included in this group. The teacher included in the group developing the personal curriculum must be a teacher who is currently teaching the pupil, who currently teaches in or whose expertise is in a subject area being modified by the personal curriculum, or who is determined by the principal to have qualifications otherwise relevant to the group. This subdivision does not require an in-person meeting of the group.

(b) The personal curriculum must do all of the following:

(i) Incorporate as much of the subject area content expectations of the Michigan merit standard required under

subsection (1) and section 1278a(1)(a) as is practicable for the pupil.

(ii) Establish measurable goals that the pupil must achieve while enrolled in high school.

(iii) Provide a method to evaluate whether the pupil achieved the goals described in subparagraph (ii).

(iv) Align with the pupil's educational development plan developed under subsection (11).

(c) Before it takes effect, the personal curriculum must be agreed to by the pupil's parent or legal guardian and by the superintendent of the school district or chief executive of the public school academy or his or her designee.

(d) The pupil's parent or legal guardian shall communicate with each of the pupil's teachers to monitor the pupil's progress toward the goals contained in the pupil's personal curriculum.

(e) Revisions may be made in the personal curriculum if the revisions are developed and agreed to in the same manner as the original personal curriculum.

(f) The English language arts credit requirements of subsection (1)(a) and the science credit requirements of subsection (1)(b) are not subject to modification as part of a personal curriculum under this subsection.

(g) The mathematics credit requirements of section 1278a(1)(a)(i) may be modified as part of a personal curriculum if the pupil successfully completes at least 3-1/2 total credits of the mathematics credits required under that section before completing high school, including algebra I and geometry, and successfully completes at least 1 mathematics credit during his or her final 2 years of high school. The algebra II credit required under that section may be modified as part of a personal curriculum under this subsection if the pupil meets 1 or more of the following:

(i) Successfully completes the same content as 1 semester of algebra II, as determined by the department.

(ii) Elects to complete the same content as algebra II over 2 years, with a credit awarded for each of those 2 years, and successfully completes that content.

(iii) Enrolls in a formal career and technical education program or curriculum and in that program or curriculum successfully completes the same content as the algebra II benchmarks assessed on the department-prescribed state high school assessment, as determined by the department.

(iv) Successfully completes 1 semester of statistics, functions and data analysis, or technical mathematics.

(h) The social science credit requirements of section 1278a(1)(a)(ii) may be modified as part of a personal curriculum only if all of the following are met:

(i) The pupil has successfully completed 2 credits of the social science credits required under section 1278a(1), including the civics course described in section 1166(2).

(ii) The modification requires the pupil to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English, or requires the pupil to complete a formal career and technical education program. This additional credit must be in addition to the number of those credits otherwise required under subsection (1) and section 1278a(1) or under section 1278a(2).

(i) The health and physical education credit requirement under section 1278a(1)(a)(iii) may be modified as part of a personal curriculum only if the modification requires the pupil to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English, or requires the pupil to complete a formal career and technical education program. This additional credit must be in addition to the number of those credits otherwise required under subsection (1) and section 1278a(1) or under section 1278a(2).

(j) The visual arts, performing arts, or applied arts credit requirement under section 1278a(1)(a)(iv) may be modified as part of a personal curriculum only if the modification requires the pupil to complete 1 additional credit in English language arts, mathematics, or science or 1 additional credit in a language other than English, or requires the pupil to complete a formal career and technical education program. This additional credit must be in addition to the number of those credits otherwise required under subsection (1) and section 1278a(1) or under section 1278a(2).

(k) If the parent or legal guardian of a pupil requests as part of the pupil's personal curriculum a modification of the Michigan merit standard requirements that would not otherwise be allowed under this section and demonstrates that the modification is necessary because the pupil is a child with a disability, the school district or public school academy may allow that additional modification to the extent necessary because of the pupil's disability if the group under subdivision (a) determines that the modification is consistent with both the pupil's educational development plan under subsection (11) and the pupil's individualized education program. If the superintendent of public instruction has reason to believe that a school district or a public school academy is allowing modifications inconsistent with the requirements of this subdivision, the superintendent of public instruction shall monitor the school district or public school academy to ensure that the school district's or public school academy's policies, procedures, and practices are in compliance with the requirements for additional modifications under this subdivision. As used in this subdivision, "child with a disability" means that term as defined in 20 USC 1401.

(l) If a pupil transfers to a school district or public school academy from out of state or from a nonpublic school, the pupil's parent or legal guardian may request, as part of the pupil's personal curriculum, a modification of the Michigan merit standard requirements that would not otherwise be allowed under this section. The school district or public school academy may allow this additional modification for a transfer pupil if all of the following are met:

(i) The transfer pupil has successfully completed at least the equivalent of 2 years of high school credit out of state or at a nonpublic school. The school district or public school academy may use appropriate assessment

examinations to determine what credits, if any, the pupil has earned out of state or at a nonpublic school that may be used to satisfy the curricular requirements of the Michigan merit standard and this subdivision.

(ii) The transfer pupil's personal curriculum incorporates as much of the subject area content expectations of the Michigan merit standard as is practicable for the pupil.

(iii) The transfer pupil's personal curriculum requires the pupil to successfully complete at least 1 mathematics course during his or her final year of high school enrollment. In addition, if the transfer pupil is enrolled in the school district or public school academy for at least 1 full school year, both of the following apply:

(A) The transfer pupil's personal curriculum must require that this mathematics course is at least algebra I.

(B) If the transfer pupil demonstrates that he or she has mastered the content of algebra I, the transfer pupil's personal curriculum must require that this mathematics course is a course normally taken after completing algebra I.

(iv) The transfer pupil's personal curriculum includes the civics course described in section 1166(2).

(m) If a pupil is at least age 18 or is an emancipated minor, the pupil may act on his or her own behalf under this subsection.

(n) This subsection does not apply to a pupil enrolled in a high school that is designated as a specialty school under section 1278a(6) and that is exempt under that section from the English language arts requirement under subsection (1)(a) and the social science credit requirement under section 1278a(1)(a)(ii).

(o) The department or a school district or public school academy shall not limit or discourage the number of pupils with a personal curriculum on any basis other than the best interests of each individual pupil.

(p) A school district or public school academy annually shall notify each of its pupils and a parent or legal guardian of each of its pupils that all pupils are entitled to a personal curriculum under this subsection. The annual notice must include an explanation of what a personal curriculum is and state that if a personal curriculum is requested, the public school or public school academy will grant that request. The school district or public school academy shall provide this annual notice to parents and legal guardians by sending a written notice to each pupil's home or by including the notice in a newsletter, student handbook, or similar communication that is sent to a pupil's home, and also shall post the notice on the school district's or public school academy's website.

(6) If a pupil receives special education services, the pupil's individualized education program, in accordance with the individuals with disabilities education act, title VI of Public Law 91-230, must identify the appropriate course or courses of study and identify the supports, accommodations, and modifications necessary to allow the pupil to progress in the curricular requirements of this section and section 1278a, or in a personal curriculum as provided under subsection (5), and meet the requirements for a high school diploma.

(7) The board of a school district or board of directors of a public school academy that operates a high school shall ensure that each pupil is offered the curriculum necessary for the pupil to meet the curricular requirements of this section and section 1278a. The board or board of directors may provide this curriculum by providing the credits specified in this section and section 1278a, by using alternative instructional delivery methods such as alternative course work, humanities course sequences, career and technical education, industrial technology courses, or vocational education, or by a combination of these. School districts and public school academies that operate career and technical education programs are encouraged to integrate the credit requirements of this section and section 1278a into those programs.

(8) If the board of a school district or board of directors of a public school academy wants its high school to be accredited under section 1280, the board or board of directors shall ensure that all elements of the curriculum required under this section and section 1278a are made available to all affected pupils. If a school district or public school academy does not offer all of the required credits, the board of the school district or board of directors of the public school academy shall ensure that the pupil has access to the required credits by another means, such as enrollment in a postsecondary course under the postsecondary enrollment options act, 1996 PA 160, MCL 388.511 to 388.524; enrollment in an online course; a cooperative arrangement with a neighboring school district or with a public school academy; or granting approval under section 6(6) of the state school aid act of 1979, MCL 388.1606, for the pupil to be counted in membership in another school district.

(9) If a pupil is not successfully completing a credit required for graduation under this section and section 1278a, or is identified as being at risk of withdrawing from high school, then the pupil's school district or public school academy shall notify the pupil's parent or legal guardian or, if the pupil is at least age 18 or is an emancipated minor, the pupil, of the availability of tutoring or other supplemental educational support and counseling services that may be available to the pupil under existing state or federal programs, such as those programs or services available under section 31a of the state school aid act of 1979, MCL 388.1631a, or under the no child left behind act of 2001, Public Law 107-110, or every student succeeds act, Public Law 114-95.

(10) To the extent required by the no child left behind act of 2001, Public Law 107-110, or every student succeeds act, Public Law 114-95, the board of a school district or public school academy shall ensure that all components of the curricular requirements under this section and section 1278a are taught by highly qualified teachers. If a school district or public school academy demonstrates to the department that the school district or public school academy is unable to meet the requirements of this section because the school district or public school academy is unable to hire enough highly qualified teachers, the department shall work with the school district or

public school academy to develop a plan to allow the school district or public school academy to hire enough highly qualified teachers to meet the requirements of this section.

(11) The board of a school district or board of directors of a public school academy shall provide the opportunity for each pupil to develop an educational development plan during grade 7, and shall ensure that each pupil reviews his or her educational development plan during grade 8 and revises it as appropriate before he or she begins high school. The board of a school district or board of directors of a public school academy shall also ensure that each pupil reviews and revises his or her educational development plan as appropriate during each year of high school. An educational development plan must be developed, reviewed, and revised by the pupil under the supervision of the pupil's school counselor or another designee qualified to act in a counseling role under section 1233 or 1233a selected by the school principal and must be based on high school readiness scores and a career pathways program or similar career exploration program. An educational development plan must be designed to assist pupils to identify career development goals as they relate to academic requirements. During the process of developing and reviewing a pupil's educational development plan, the pupil must be advised that many of the curricular requirements of this section and section 1278a may be fulfilled through career and technical education. In addition, during the process of developing and reviewing an educational development plan, the pupil must be provided with all of the following:

(a) Information on various types of careers and current and projected job openings in this state and those jobs' actual and projected wages.

(b) An opportunity to explore careers specific to a pupil's interests and identify career pathways and goals for achieving success in those careers, including, but not limited to, the level and type of educational preparation necessary to accomplish those goals.

(c) An opportunity to develop a talent portfolio. A talent portfolio must be developed and revised throughout the implementation of a pupil's educational development plan. A talent portfolio must include, but is not limited to, a record of the pupil's experiences, proficiencies, certifications, or accomplishments that demonstrate talents or marketable skills. The department, in conjunction with the department of labor and economic opportunity, shall develop and make available to the public schools model information materials that districts or public school academies may use to comply with this subdivision.

(12) Except as otherwise provided in this subsection, if a school district or public school academy is unable to implement all of the curricular requirements of this section and section 1278a for pupils entering grade 9 in 2007 or is unable to implement another requirement of this section or section 1278a, the school district or public school academy may apply to the department for permission to phase in 1 or more of the requirements of this section or section 1278a. To apply, the school district or public school academy shall submit a proposed phase-in plan to the department. The department shall approve a phase-in plan if the department determines that the plan will result in the school district or public school academy making satisfactory progress toward full implementation of the requirements of this section and section 1278a. If the department disapproves a proposed phase-in plan, the department shall work with the school district or public school academy to develop a satisfactory plan that may be approved. This subsection does not apply to a high school that is designated as a specialty school under section 1278a(6) and that is exempt under that section from the English language arts requirement under subsection (1)(a) and the social science credit requirement under section 1278a(1)(a)(ii).

(13) This section and section 1278a do not prohibit a pupil from satisfying or exceeding the credit requirements of the Michigan merit standard under this section and section 1278a through advanced studies such as accelerated course placement, advanced placement, dual enrollment in a postsecondary institution, or participation in the international baccalaureate program or an early college/middle college program.

(14) Not later than April 1 of each year, the department shall submit an annual report to the legislature that evaluates the overall success of the curriculum required under this section and section 1278a, the rigor and relevance of the course work required by the curriculum, the ability of public schools to implement the curriculum and the required course work, and the impact of the curriculum on pupil success, and that details any activities the department has undertaken to implement this section and section 1278a or to assist public schools in implementing the requirements of this section and section 1278a.

History: Add. 2006, Act 123, Imd. Eff. Apr. 20, 2006 ;-- Am. 2006, Act 623, Imd. Eff. Jan. 3, 2007 ;-- Am. 2007, Act 141, Imd. Eff. Nov. 14, 2007 ;-- Am. 2009, Act 204, Imd. Eff. Jan. 4, 2010 ;-- Am. 2010, Act 80, Eff. July 1, 2011 ;-- Am. 2014, Act 209, Eff. Mar. 31, 2015 ;-- Am. 2018, Act 230, Eff. Dec. 24, 2018 ;-- Am. 2022, Act 105, Eff. Mar. 29, 2023

Compiler's Notes: Former MCL 380.1278b, which pertained to academic performance standards committee, was repealed by Act 289 of 1995, Eff. July 1, 1996.

Popular Name: Act 451

380.1278c Information on career and technical education programs; availability; posting on website; providing information to pupils; in-demand occupations; credit for completion of program; "state licensed proprietary school" defined.

Sec. 1278c.

(1) If a school district, intermediate school district, or public school academy requests information from the department on career and technical education programs or other programs described in section 1278b that may be available or that may be used to help fulfill the requirements of sections 1278a and 1278b, the department shall provide that information within a reasonable time. In addition, the department shall compile and post on its website all of the following information concerning best practices in career and technical education:

(a) A detailed description of the ways that career and technical education may be used to help fulfill the requirements of sections 1278a and 1278b, including, but not limited to, the role of career and technical education in a personal curriculum under section 1278b.

(b) Information highlighting and describing successful career and technical education programs being operated by school districts and intermediate school districts.

(c) A listing and description of the various types of career and technical education programs that are provided around this state and the subject areas and disciplines that are covered by these programs.

(d) Illustrations of how school districts, intermediate school districts, and public school academies can and do work with local business entities, public-private partnerships, trade organizations, nonprofit organizations, state licensed proprietary schools, universities, or community colleges to provide quality career and technical education.

(e) The various ways in which school districts and public school academies have embedded the course content from credits required under the Michigan merit standard under sections 1278a and 1278b into career and technical education and other alternative instructional delivery methods in order to deliver the curricular requirements of sections 1278a and 1278b.

(2) As part of the process of developing an educational development plan under section 1278b, the board of a school district or board of directors of a public school academy shall ensure that pupils are provided with all of the following:

(a) Information about how they can fulfill the requirements of sections 1278a and 1278b with career and technical education or another program approved by the department.

(b) The most recent analysis of in-demand occupations in the region in which the school district, intermediate school district, or public school academy is located, provided by the department of technology, management, and budget, bureau of labor market information and strategic initiatives. The information regarding in-demand occupations may be provided to pupils electronically.

(3) Not later than September 1 of each year, the department of technology, management, and budget shall publish on its website and send to school districts, intermediate school districts, and public school academies the most recent analysis of in-demand occupations described in subsection (2)(b).

(4) School districts, public school academies, and intermediate school districts are strongly encouraged to establish programs in which, upon completion of the program and graduation from high school, the completion of the program is credited toward achievement of a professional certificate, training, apprenticeship, or college credit in a specific career and technical field.

(5) As used in this section, "state licensed proprietary school" means a proprietary school licensed under the proprietary schools act, 1943 PA 148, MCL 395.101 to 395.103.

History: Add. 2014, Act 288, Eff. Mar. 31, 2015 ;— Am. 2018, Act 242, Eff. Sept. 26, 2018

Popular Name: Act 451

380.1278d STEM endorsement; requirements.

Sec. 1278d.

If a pupil successfully completes all of the following credit requirements while in grades 7 to 12, a school district or public school academy may notate a pupil's transcript or diploma to indicate that the pupil has earned a STEM endorsement:

(a) All applicable requirements of the Michigan merit standard for a high school diploma under sections 1278a and 1278b.

(b) At least 6 credits in mathematics. At least 5 of these credits must be in courses that are either listed in section 1278a(1)(a)(i) or that cover the same content standards as a course listed in section 1278a(1)(a)(i), including a

credit for precalculus or calculus.

(c) At least 6 credits in science. At least 4 of these credits must be in courses that are either listed in section 1278b(1)(b) or that cover the same content standards as a course listed in section 1278b(1)(b).

(d) At least 1/2 credit featuring significant course work involving technology activities and at least 1/2 credit featuring significant course work involving engineering activities. These credits may be gained through separate technology and engineering course work or in conjunction with course work associated with the credits required under subdivisions (b) and (c).

History: Add. 2018, Act 241, Eff. Sept. 26, 2018

Popular Name: Act 451

380.1279 Repealed. 2016, Act 532, Eff. Apr. 9, 2017.

Compiler's Notes: The repealed section pertained to state administration of state assessments to high school pupils.

Popular Name: Act 451

380.1279a Report of irregularities; notice to school district or public school academy.

Sec. 1279a.

If the superintendent of public instruction has reason to suspect that there are irregularities in a school district's or public school academy's administration of, or preparation of pupils for, a Michigan educational assessment program (MEAP) test or the Michigan merit examination, the superintendent of public instruction shall not report the suspected irregularities to any person or entity not involved in the scoring or administration of the test before notifying the school district or public school academy of the suspected irregularities and allowing at least 5 business days for school officials to respond.

History: Add. 2002, Act 592, Eff. Dec. 23, 2002 ;-- Am. 2004, Act 596, Imd. Eff. Jan. 5, 2005

Compiler's Notes: Former MCL 380.1279a, which pertained to pupil assessment, use of criteria based strategies, and pupil portfolios, was repealed by Act 289 of 1995, Eff. July 1, 1996.

Popular Name: Act 451

380.1279b Credit awarded to pupil not enrolled in course.

Sec. 1279b.

The board of a school district shall grant high school credit in any course to a pupil enrolled in high school, but who is not enrolled in the course, who has exhibited a reasonable level of mastery of the subject matter of the course by attaining a grade of not less than C+ in a final exam in the course, or, if there is no final exam, by exhibiting that mastery through the basic assessment used in the course which may consist of a portfolio, performance, paper, project, or presentation. For the purpose of earning credit under this section, any high school pupil may take the final examination in any course. Credit earned under this section shall be based on a "pass" grade and shall not be included in a computation of grade point average for any purpose. Credit earned under this section may or may not be counted toward graduation, as the board of the school district may determine, but the board's determination shall apply equally to all such credit for all pupils and credit earned under this section shall be counted toward fulfillment of a requirement for a subject area course and shall be counted toward fulfillment of a requirement as to course sequence. Once credit is earned under this section, a pupil may not receive credit thereafter for a course lower in course sequence concerning the same subject area.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993

Popular Name: Act 451

380.1279c Use of tests to measure pupils' values or attitudes prohibited.

Sec. 1279c.

The state board, the superintendent of public instruction, the board of each school district, and each public school academy shall ensure that the Michigan educational assessment program (MEAP) tests and the Michigan merit examination are not used to measure pupils' values or attitudes.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 2004, Act 596, Imd. Eff. Jan. 5, 2005

Compiler's Notes: For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

Popular Name: Act 451

380.1279d Report of irregularities to any person or entity involved in scoring or administration.

Sec. 1279d.

If the superintendent of public instruction or any other state agency has reason to suspect that there are irregularities in a school district's or public school academy's administration of, or preparation of pupils for, a Michigan educational assessment program (MEAP) test or the Michigan merit examination, the superintendent of public instruction or other state agency shall not report the suspected irregularities to any person or entity not involved in the scoring or administration of the test before notifying the school district or public school academy of the suspected irregularities and allowing at least 5 business days for school officials to respond.

History: Add. 2002, Act 640, Imd. Eff. Dec. 23, 2002 ;-- Am. 2004, Act 399, Imd. Eff. Oct. 15, 2004 ;-- Am. 2004, Act 596, Imd. Eff. Jan. 5, 2005

Compiler's Notes: Former MCL 380.1279d, which pertained to the student portfolio, was repealed by Act 289 of 1995, Eff. July 1, 1996. For transfer of powers and duties relating to Michigan educational assessment program from department of treasury to superintendent of public instruction by type II transfer, see E.R.O. No. 2003-2, compiled at MCL 388.997.

Popular Name: Act 451

380.1279e High school credit in foreign language.

Sec. 1279e.

The board of a school district shall grant high school credit in a foreign language to a pupil enrolled in high school who has demonstrated proficiency in a foreign language outside of a public or private high school curriculum. Proficiency may be demonstrated by a competency test or other criteria established by the board.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993

Popular Name: Act 451

380.1279f Repealed. 1997, Act 177, Eff. June 30, 2001.

Compiler's Notes: The repealed section pertained to qualifications for postsecondary courses.

380.1279g Michigan merit examination; definitions.

Sec. 1279g.

(1) The board of a school district or board of directors of a public school academy shall comply with this section and shall administer the Michigan merit examination to pupils in grade 11, and to pupils in grade 12 who did not take the complete Michigan merit examination in grade 11, as provided in this section.

(2) For the purposes of this section, the department of technology, management, and budget shall contract with 1 or more providers to develop, supply, and score the Michigan merit examination. The Michigan merit examination shall consist of all of the following:

(a) Assessment instruments that measure English language arts, mathematics, reading, and science and are used by colleges and universities in this state for entrance or placement purposes. This shall include a writing component in which the pupil produces an extended writing sample. The Michigan merit examination shall not require any other extended writing sample.

(b) One or more tests from 1 or more test developers that assess a pupil's ability to apply at least reading and mathematics skills in a manner that is intended to allow employers to use the results in making employment decisions. The department of technology, management, and budget and the superintendent of public instruction shall ensure that any test or tests selected under this subdivision have all the components necessary to allow a pupil to be eligible to receive the results of a nationally recognized evaluation of workforce readiness if the pupil's test performance is adequate.

(c) A social studies component.

(d) Any other component that is necessary to obtain the approval of the United States Department of Education to use the Michigan merit examination for the purposes of the no child left behind act of 2001, Public Law 107-110, or the every student succeeds act, Public Law 114-95.

(3) In addition to all other requirements of this section, all of the following apply to the Michigan merit examination:

(a) The department of technology, management, and budget and the superintendent of public instruction shall ensure that any contractor used for scoring the Michigan merit examination supplies an individual report for each pupil that will identify for the pupil's parents and teachers whether the pupil met expectations or failed to meet expectations for each standard, to allow the pupil's parents and teachers to assess and remedy problems before the pupil moves to the next grade.

(b) The department of technology, management, and budget and the superintendent of public instruction shall ensure that any contractor used for scoring, developing, or processing the Michigan merit examination meets quality management standards commonly used in the assessment industry, including at least meeting level 2 of the capability maturity model developed by the Software Engineering Institute of Carnegie Mellon University for the first year the Michigan merit examination is offered to all grade 11 pupils and at least meeting level 3 of the capability maturity model for subsequent years.

(c) The department of technology, management, and budget and the superintendent of public instruction shall ensure that any contract for scoring, administering, or developing the Michigan merit examination includes specific deadlines for all steps of the assessment process, including, but not limited to, deadlines for the correct testing materials to be supplied to schools and for the correct results to be returned to schools, and includes penalties for noncompliance with these deadlines.

(d) The superintendent of public instruction shall ensure that the Michigan merit examination meets all of the following:

(i) Is designed to test pupils on grade level content expectations or course content expectations, as appropriate, in all subjects tested.

(ii) Complies with requirements of the no child left behind act of 2001, Public Law 107-110, or the every student succeeds act, Public Law 114-95, as applicable.

(iii) Is consistent with the code of fair testing practices in education prepared by the joint committee on testing practices of the American Psychological Association.

(iv) Is factually accurate. If the superintendent of public instruction determines that a question is not factually accurate and should be excluded from scoring, the state board and the superintendent of public instruction shall ensure that the question is excluded from scoring.

(4) A school district or public school academy that operates a high school shall include on each pupil's high school transcript all of the following:

(a) For each high school graduate who has completed the Michigan merit examination under this section, the

pupil's scaled score on each subject area component of the Michigan merit examination.

(b) The number of school days the pupil was in attendance at school each school year during high school and the total number of school days in session for each of those school years.

(5) The superintendent of public instruction shall work with the provider or providers of the Michigan merit examination to produce Michigan merit examination subject area scores for each pupil participating in the Michigan merit examination, including scaling and merging of test items for the different subject area components. The superintendent of public instruction shall design and distribute to school districts, public school academies, intermediate school districts, and nonpublic schools a simple and concise document that describes the scoring for each subject area and indicates the scaled score ranges for each subject area.

(6) The Michigan merit examination shall be administered each year after March 1 and before June 1 to pupils in grade 11. The superintendent of public instruction shall ensure that the Michigan merit examination is scored and the scores are returned to pupils, their parents or legal guardians, and schools not later than the beginning of the pupil's first semester of grade 12. The returned scores shall indicate at least the pupil's scaled score for each subject area component and the range of scaled scores for each subject area. In reporting the scores to pupils, parents, and schools, the superintendent of public instruction shall provide standards-specific, meaningful, and timely feedback on the pupil's performance on the Michigan merit examination.

(7) A school district or public school academy shall administer the complete Michigan merit examination to a pupil only once and shall not administer the complete Michigan merit examination to the same pupil more than once. If a pupil does not take the complete Michigan merit examination in grade 11, the school district or public school academy shall administer the complete Michigan merit examination to the pupil in grade 12. If a pupil chooses to retake the college entrance examination component of the Michigan merit examination, as described in subsection (2)(a), the pupil may do so through the provider of the college entrance examination component and the cost of the retake is the responsibility of the pupil unless all of the following are met:

(a) The pupil has taken the complete Michigan merit examination.

(b) The pupil meets the income eligibility criteria for free breakfast, lunch, or milk, as determined under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769j.

(c) The pupil has applied to the provider of the college entrance examination component for a scholarship or fee waiver to cover the cost of the retake and that application has been denied.

(d) After taking the complete Michigan merit examination, the pupil has not already received a free retake of the college entrance examination component paid for either by this state or through a scholarship or fee waiver by the provider.

(8) The superintendent of public instruction shall ensure that the length of the Michigan merit examination and the combined total time necessary to administer all of the components of the Michigan merit examination are the shortest possible that will still maintain the degree of reliability and validity of the Michigan merit examination results determined necessary by the superintendent of public instruction. The superintendent of public instruction shall ensure that the maximum total combined length of time that schools are required to set aside for pupils to answer all test questions on the Michigan merit examination does not exceed 8 hours if the superintendent of public instruction determines that sufficient alignment to applicable Michigan merit curriculum content standards can be achieved within that time limit.

(9) A school district or public school academy shall provide accommodations to a pupil with disabilities for the Michigan merit examination, as provided under section 504 of title V of the rehabilitation act of 1973, 29 USC 794; subtitle A of title II of the Americans with disabilities act of 1990, 42 USC 12131 to 12134; the individuals with disabilities education act amendments of 1997, Public Law 105-17; and the implementing regulations for those statutes. The provider or providers of the Michigan merit examination and the superintendent of public instruction shall mutually agree upon the accommodations to be provided under this subsection.

(10) To the greatest extent possible, the Michigan merit examination shall be based on grade level content expectations or course content expectations, as appropriate. Not later than July 1, 2008, the department shall identify specific grade level content expectations to be taught before and after the middle of grade 11, so that teachers will know what content will be covered within the Michigan merit examination.

(11) A child who is a student in a nonpublic school or home school may take the Michigan merit examination under this section. To take the Michigan merit examination, a child who is a student in a home school shall contact the school district in which the child resides, and that school district shall administer the Michigan merit examination, or the child may take the Michigan merit examination at a nonpublic school if allowed by the nonpublic school. Upon request from a nonpublic school, the superintendent of public instruction shall direct the provider or providers to supply the Michigan merit examination to the nonpublic school and the nonpublic school may administer the Michigan merit examination. If a school district administers the Michigan merit examination under this subsection to a child who is not enrolled in the school district, the scores for that child are not considered for any purpose to be scores of a pupil of the school district.

(12) In contracting under subsection (2), the department of technology, management, and budget shall consider a contractor that provides electronically-scored essays with the ability to score constructed response feedback in multiple languages and provide ongoing instruction and feedback.

(13) The purpose of the Michigan merit examination is to assess pupil performance in mathematics, science, social studies, and English language arts for the purpose of improving academic achievement and establishing a statewide standard of competency. The assessment under this section provides a common measure of data that will contribute to the improvement of Michigan schools' curriculum and instruction by encouraging alignment with Michigan's curriculum framework standards and promotes pupil participation in higher level mathematics, science, social studies, and English language arts courses. These standards are based upon the expectations of what pupils should learn through high school and are aligned with national standards.

(14) In addition to the other requirements of this section and the requirements of 1970 PA 38, MCL 388.1081 to 388.1086, beginning with assessments conducted during the 2016-2017 school year, the superintendent of public instruction shall ensure that the Michigan merit examination social studies component and the M-STEP and any successor state assessment for social studies, as appropriate, include questions related to the learning objectives in the state board recommended model core academic curriculum standards concerning genocide, including, but not limited to, the Holocaust and the Armenian Genocide.

(15) As used in this section:

- (a) "Armenian Genocide", "genocide", and "Holocaust" mean those terms as defined in section 1168.
- (b) "English language arts" means reading and writing.
- (c) "Social studies" means United States history, world history, world geography, economics, and American government.

History: Add. 2004, Act 596, Imd. Eff. Jan. 5, 2005 ;-- Am. 2008, Act 349, Imd. Eff. Dec. 23, 2008 ;-- Am. 2016, Act 170, Imd. Eff. June 14, 2016

Popular Name: Act 451

380.1279h Academic credit for internship; requirements; reflection project; appeal.

Sec. 1279h.

(1) Subject to subsections (4) and (5), the board of a school district or board of directors of a public school academy shall grant high school credit to a pupil in grades 9 to 12 for the completion of an internship or work experience if the pupil attends the internship or work experience at least 4 hours per week for the same number of weeks as are necessary to earn credit in a traditional course in that school district or public school academy. The board or board of directors, or its designee, shall not require a pupil to attend the internship or work experience more than 10 hours per week.

(2) If a pupil engages in an internship or work experience qualifying for credit under this section that is determined to be academically appropriate by the board or board of directors, or its designee, and if the pupil's parent or legal guardian grants permission, the board or board of directors, or its designee, shall ensure that the pupil is excused from at least 1 period of instructional time during each day that the pupil attends the internship or work experience, as determined appropriate by the board or board of directors, or its designee.

(3) The board or board of directors, or its designee, shall exercise oversight of the pupil's internship or work experience as necessary to ensure that the pupil meets the requirements under this section.

(4) A board or board of directors may deny high school credit to a pupil under this section if any of the following apply, as determined by the board or board of directors, or its designee:

- (a) The pupil has a history of course failure or is not on track to graduate in 4 years.
- (b) The pupil previously earned credit under this section for an internship or work experience with the same employer, unless the new internship or work experience is materially different than the internship or work experience for which the pupil previously earned credit, as determined by the board or board of directors, or its designee.

(c) The pupil failed to request credit for engaging in an internship or work experience before the pupil's school schedule for the current term was determined.

(d) The pupil previously engaged in an internship or work experience under this section but failed to satisfy the requirements under subsection (1) for the previous internship or work experience.

(e) The pupil fails to complete a reflection project, if required by the board or board of directors, or its designee, under subsection (5).

(f) The internship or work experience is not consistent with the pupil's educational development plan under section 1278b, as determined by the board or board of directors, or its designee.

(g) The employer for which the internship or work experience is performed is unable to demonstrate that it complies with all applicable general liability coverage requirements of the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941.

(h) The cost of oversight under subsection (3) exceeds 16.67% of the minimum foundation allowance for the current fiscal year for the school district or public school academy in which the pupil is enrolled, as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(5) The board or board of directors may require a pupil engaging in an internship or work experience under this section to complete a reflection project. If a board or board of directors requires a reflection project under this subsection, the reflection project may include, but is not limited to, all of the following:

- (a) A copy of the pupil's time card from the internship or work experience.
- (b) A resume that includes the internship or work experience.
- (c) A written summary of the internship or work experience.

(6) If a board or board of directors denies a pupil credit for an internship or work experience under this section, the pupil may appeal the denial by submitting an appeal letter to the superintendent of the intermediate school district in which the pupil's school is located. An appeal letter under this subsection must include the board's or board of directors' reasons for the denial and the pupil's argument for reversing the denial. The superintendent shall uphold or reverse the denial within 5 business days of receipt of the appeal letter. If the superintendent reverses the denial, the board or board of directors shall award the pupil credit for the internship or work experience.

(7) This section shall not be construed to affect the applicability of any existing state or federal law concerning the employment of minors.

History: Add. 2018, Act 184, Eff. Sept. 11, 2018

Popular Name: Act 451

380.1280 Accreditation.

Sec. 1280.

(1) The board of a school district that does not want to be subject to the measures described in this section shall ensure that each public school within the school district is accredited.

(2) As used in subsection (1), and subject to subsection (6), "accredited" means certified by the superintendent of public instruction as having met or exceeded standards established under this section for 6 areas of school operation: administration and school organization, curricula, staff, school plant and facilities, school and community relations, and school improvement plans and student performance. The building-level evaluation used in the accreditation process shall include, but is not limited to, school data collection, self-study, visitation and validation, determination of performance data to be used, and the development of a school improvement plan.

(3) The department shall develop and distribute to all public schools proposed accreditation standards. Upon distribution of the proposed standards, the department shall hold statewide public hearings for the purpose of receiving testimony concerning the standards. After a review of the testimony, the department shall revise and submit the proposed standards to the superintendent of public instruction. After a review and revision, if appropriate, of the proposed standards, the superintendent of public instruction shall submit the proposed standards to the senate and house committees that have the responsibility for education legislation. Upon approval by these committees, the department shall distribute to all public schools the standards to be applied to each school for accreditation purposes. The superintendent of public instruction shall review and update the accreditation standards annually using the process prescribed under this subsection.

(4) The superintendent of public instruction shall develop and distribute to all public schools standards for determining that a school is eligible for summary accreditation under subsection (6). The standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3) for accreditation standards, and shall be finally distributed and implemented not later than December 31, 1994.

(5) The standards for accreditation or summary accreditation under this section shall include as criteria pupil performance on Michigan education assessment program (MEAP) tests and on the Michigan merit examination under section 1279g and, until the Michigan merit examination has been fully implemented, the percentage of pupils achieving state endorsement under section 1279, but shall not be based solely on pupil performance on MEAP tests or the Michigan merit examination or on the percentage of pupils achieving state endorsement under section 1279. The standards shall also include as criteria multiple year change in pupil performance on MEAP tests and the Michigan merit examination and, until after the Michigan merit examination is fully implemented, multiple year change in the percentage of pupils achieving state endorsement under section 1279. If it is necessary for the superintendent of public instruction to revise accreditation or summary accreditation standards established under subsection (3) or (4) to comply with this subsection, the revised standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3).

(6) If the superintendent of public instruction determines that a public school has met the standards established under subsection (4) or (5) for summary accreditation, the school is considered to be accredited without the necessity for a full building-level evaluation under subsection (2).

(7) If the superintendent of public instruction determines that a school has not met the standards established under subsection (4) or (5) for summary accreditation but that the school is making progress toward meeting those standards, or if, based on a full building-level evaluation under subsection (2), the superintendent of public instruction determines that a school has not met the standards for accreditation but is making progress toward meeting those standards, the school is in interim status and is subject to a full building-level evaluation as provided in this section.

(8) If a school has not met the standards established under subsection (4) or (5) for summary accreditation and is not eligible for interim status under subsection (7), the school is unaccredited and subject to the measures provided in this section.

(9) Beginning with the 2002-2003 school year, if at least 5% of a public school's answer sheets from the administration of the Michigan educational assessment program (MEAP) tests are lost by the department or by a state contractor and if the public school can verify that the answer sheets were collected from pupils and forwarded to the department or the contractor, the department shall not assign an accreditation score or school report card grade to the public school for that subject area for the corresponding year for the purposes of determining state accreditation under this section. The department shall not assign an accreditation score or school report card grade to the public school for that subject area until the results of all tests for the next year are available.

(10) Subsection (9) does not preclude the department from determining whether a public school or a school district has achieved adequate yearly progress for the school year in which the answer sheets were lost for the purposes of the no child left behind act of 2001, Public Law 107-110. However, the department shall ensure that a public school or the school district is not penalized when determining adequate yearly progress status due to the fact that the public school's MEAP answer sheets were lost by the department or by a state contractor, but shall not require a public school or school district to retest pupils or produce scores from another test for this purpose.

(11) The superintendent of public instruction shall annually review and evaluate for accreditation purposes the performance of each school that is unaccredited and as many of the schools that are in interim status as permitted by the department's resources.

(12) The superintendent of public instruction shall, and the intermediate school district to which a school district is constituent, a consortium of intermediate school districts, or any combination thereof may, provide technical assistance, as appropriate, to a school that is unaccredited or that is in interim status upon request of the board of the school district in which the school is located. If requests to the superintendent of public instruction for technical assistance exceed the capacity, priority shall be given to unaccredited schools.

(13) A school that has been unaccredited for 3 consecutive years is subject to 1 or more of the following measures, as determined by the superintendent of public instruction:

(a) The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school becomes accredited.

(b) A parent, legal guardian, or person in loco parentis of a child who attends the school may send his or her child to any accredited public school with an appropriate grade level within the school district.

(c) The school, with the approval of the superintendent of public instruction, shall align itself with an existing research-based school improvement model or establish an affiliation for providing assistance to the school with a college or university located in this state.

(d) The school shall be closed.

(14) The superintendent of public instruction shall evaluate the school accreditation program and the status of schools under this section and shall submit an annual report based upon the evaluation to the senate and house committees that have the responsibility for education legislation. The report shall address the reasons each unaccredited school is not accredited and shall recommend legislative action that will result in the accreditation of all public schools in this state.

(15) Beginning with the 2008-2009 school year, a high school shall not be accredited by the department unless the department determines that the high school is providing or has otherwise ensured that all pupils have access to all of the elements of the curriculum required under sections 1278a and 1278b. If it is necessary for the superintendent of public instruction to revise accreditation or summary accreditation standards established under subsection (3) or (4) to comply with the changes made to this section by the amendatory act that added this subsection, the revised standards shall be developed, reviewed, approved, and distributed using the same process as prescribed in subsection (3).

History: Add. 1990, Act 25, Eff. Apr. 13, 1990 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 1997, Act 180, Imd. Eff. Dec. 30, 1997 ;-- Am. 2003, Act 275, Imd. Eff. Jan. 8, 2004 ;-- Am. 2006, Act 123, Imd. Eff. Apr. 20, 2006

Popular Name: Act 451

380.1280a Specialized or alternative school or program.

Sec. 1280a.

The board of a school district or intermediate school district that operates or participates in a consortium that operates an alternative educational program pursuant to section 1301, a vocational-technical skills center or other separate vocational education program, or any other type of specialized or alternative school or program shall ensure that the requirements of sections 1204a, 1277a, 1278, and 1280 are met for each of those schools or programs.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993

Popular Name: Act 451

380.1280b Grades 1 to 5; yearly test or assessment.

Sec. 1280b.

(1) Subject to subsection (2), the board of a school district, or board of directors of a public school academy that operates any of grades 1 to 5, shall administer each school year to all pupils in grades 1 to 5 a nationally-recognized norm-referenced test or another assessment, which may include a locally-adopted assessment, approved by the superintendent of public instruction at the request of the school district or public school academy.

(2) A school district or public school academy may use the Michigan literacy progress profile to assess literacy in grades 1 to 3 as part of its compliance with subsection (1).

(3) If a school is designated for participation in the national assessment of education progress program, the school shall participate as designated.

(4) An elementary school that is not in compliance with subsection (1) or a school that does not comply with subsection (3) shall not be accredited under section 1280.

History: Add. 2000, Act 230, Imd. Eff. June 27, 2000

Popular Name: Act 451

380.1280c Repealed. 2018, Act 601, Eff. June 30, 2019.

Compiler's Notes: The repealed section pertained to the identification of the lowest achieving schools in this state and placing those schools under supervision.

Popular Name: Act 451

380.1280e Notice of adequate yearly status; notice of accreditation status.

Sec. 1280e.

The board of a school district or intermediate school district or board of directors of a public school academy shall do both of the following:

(a) Within 20 days after the board or board of directors is informed by the appropriate authority of the adequate yearly progress status of its schools for the purposes of the no child left behind act of 2001, Public Law 107-110, for the most recent school year for which it is available, post a notice of the adequate yearly progress status of each school it operates on the homepage of its website.

(b) Within 20 days after the board or board of directors is informed by the department of the accreditation status of its schools for the purposes of section 1280 for the most recent school year for which it is available, post a notice of the accreditation status of each school it operates on the homepage of its website.

History: Add. 2011, Act 277, Eff. Mar. 28, 2012

Popular Name: Act 451

380.1280f Grade 3; English language arts proficiency; assessment; duties of school district or public school academy board; dyslexia screening; pupils exhibiting reading deficiency; reading intervention programs; summer reading camps; limitation; staffing plan; federal funds; English language learners; additional intervention services; definitions.

Sec. 1280f.

(1) The department shall do all of the following to help ensure that more pupils will achieve a score of at least proficient in English language arts on the grade 3 state assessment:

(a) Subject to subsection (4) and subject to the availability of valid and reliable assessments, approve 3 or more valid and reliable screening and progress-monitoring reading assessments for selection and use by school districts and public school academies in accordance with the following:

(i) Each approved assessment must provide a screening assessment and monitoring capabilities for monitoring progress toward a growth target.

(ii) In determining which assessments to approve for use by school districts and public school academies, the department shall also consider at least the following factors:

(A) The time required to conduct the assessments, with the intention of minimizing the impact on instructional time.

(B) The level of integration of assessment results with instructional support for teachers and pupils.

(C) The timeliness in reporting assessment results to teachers, administrators, and parents.

(D) The degree of compatibility with other approved statewide assessment measures, to minimize the impact on instructional time.

(b) Recommend or develop a literacy coach model with the following features:

(i) Except as otherwise provided in this section, district-identified literacy coaches shall support teachers to use what was taught during initial professional development in all of the following:

(A) Providing instruction meeting the criteria listed in subsection (10)(a)(iv) as needed, based on an analysis of pupil performance data.

(B) Administering, scoring, and interpreting assessments under this section with fidelity.

(C) Providing differentiated instruction and intensive intervention, including, but not limited to, methods to intensify instructional interventions for decoding and word recognition.

(D) Using data diagnostically to adjust intervention instruction and to understand reasons why a pupil may not be responding to intervention instruction as expected.

(E) Using progress monitoring.

(F) Identifying and addressing reading deficiency.

(G) Using evidence-based instructional methods and the features of evidence-based interventions for pupils who experience difficulties with decoding and word recognition.

(H) The professional learning requirements under subsection (7), as appropriate.

(I) The appropriate use of statewide professional learning tools and evidence-based practices that meet the research requirements consistent with the science of reading.

(ii) Except as otherwise provided in this section, district-identified literacy coaches shall also do all of the following:

(A) Model evidence-based instructional strategies for teachers.

(B) Facilitate study groups.

(C) Advise in developing schoolwide and classroom infrastructure to meet the collective and individual needs of pupils using a multi-tiered system of support (MTSS).

(D) Train teachers and school staff in data analysis and using data to differentiate instruction.

(E) Coach and mentor colleagues.

(F) Work with teachers to ensure that evidence-based reading curriculum resources such as comprehensive core reading curriculum resources and reading intervention programs are implemented with fidelity.

(G) Train teachers and school staff to identify and address reading deficiency.

(H) Work with teachers in applying evidence-based reading strategies in other content areas, including, but not limited to, prioritizing time spent on those teachers, activities, and roles that will have the greatest impact on pupil achievement and prioritizing coaching and mentoring in classrooms.

(I) Help to increase instructional density to meet the needs of all pupils.

(J) Help lead and support reading leadership teams at the school.

(K) Continue to increase the district-identified literacy coach's knowledge base in best practices in reading instruction and intervention that are supported by the research requirements consistent with the science of reading.

(L) For each teacher who teaches in a classroom for grades K to 3 and for each teacher whose classroom includes a pupil with an individual reading improvement plan, model for the teacher, and coach the teacher in, instruction with pupils in whole and small groups.

(iii) In the context of performing the functions described in subparagraph (ii), a district-identified literacy coach must not be asked to perform administrative functions that will confuse the district-identified literacy coach's role for a teacher's role.

(iv) District-identified literacy coaches must meet all of the following:

(A) Have experience as a successful classroom teacher.

(B) Have sufficient knowledge of scientifically based reading research, special expertise in quality reading instruction and infusing reading strategies into content area instruction, and data management skills.

(C) Have a strong knowledge base in working with adults.

(D) Have a minimum of a bachelor's degree and advanced coursework in reading or have completed professional development in evidence-based literacy instructional strategies.

(E) By the beginning of the 2027-2028 school year, meet the professional learning requirements under subsection (7).

(v) A district-identified literacy coach must not be assigned a regular classroom teaching assignment, but is expected to work frequently with pupils in whole and small group intervention instruction by modeling and coaching in or outside of teachers' classrooms.

(c) By the beginning of the 2027-2028 school year, provide technical assistance to school districts, intermediate school districts, public school academies, and the schools operated by the school districts, intermediate school districts, and public school academies to aid the school districts, intermediate school districts, public school academies, and the schools operated by the school districts, intermediate school districts, and public school academies in reporting information contained in a pupil's individual reading improvement plan.

(2) Beginning not later than September 1, 2025, the department shall develop dyslexia expertise to provide technical assistance to school districts, intermediate school districts, and public school academies regarding dyslexia and underlying factors that place pupils at risk for difficulties in learning to decode accurately and efficiently. The department shall offer expertise under this subsection by providing guidance on at least both of the following:

(a) Structured literacy.

(b) Professional learning about dyslexia to school districts, intermediate school districts, and public school academies.

(3) To support the implementation of the requirements under this section, the department, based on current research, shall regularly review and update the Michigan Dyslexia Handbook or a similar publicly available dyslexia resource guide that includes information regarding the education of pupils with dyslexia or characteristics of dyslexia, to be used by school districts, intermediate school districts, and public school academies. Reviews and updates under this subsection must be conducted at an interval not to exceed 5 years.

(4) By not later than January 1, 2026, the department shall provide a list of approved valid and reliable screening and progress monitoring reading assessments for selection and use by school districts and public school academies under subsection (1) and, in addition to meeting applicable requirements under subsection (1), identify, within each approved assessment for selection and use by school districts and public school academies under subsection (1), a list of the elements of a reliable and valid universal screening assessment for the purpose of identifying pupils with characteristics of dyslexia or difficulties in learning to decode accurately and efficiently that are or are not included in the approved assessment. Beginning not later than September 1, 2026, the department shall develop dyslexia expertise to provide technical assistance to school districts, intermediate school districts, and public school academies regarding the appropriate selection and use at each grade level of reliable and valid universal screening assessments for the identification of pupils who exhibit characteristics of dyslexia and pupils who display difficulties in learning to decode accurately and efficiently, including those described in subsection (1), to minimize the impact on instructional time.

(5) By not later than January 1, 2026, the department shall publish a list of evidence-based tier 1, class-wide elementary reading curricula and materials that are aligned with science of reading methods that research has shown to improve literacy outcomes and help pupils achieve reading proficiency. The department shall develop dyslexia expertise to provide technical assistance to school districts, intermediate school districts, and public school academies regarding evidence-based instructional methods and the features of evidence-based interventions for pupils exhibiting the characteristics of dyslexia or pupils who have difficulties in learning to decode accurately and efficiently that include instructional methods and curriculum resources that use a code emphasis approach to

address the decoding and word-recognition components of reading and that are supported by the science of reading. Except as otherwise provided in this section, the instructional methods and curriculum resources described in this subsection must not include instructional methods or curriculum resources that minimize the importance of primarily using letter-sound information to decode or recognize unknown words, including, but not limited to, any of the uses of letter-sound information described in subsection (23)(c)(iii)(A) to (E), unless such instructional methods and curriculum resources are being used to confirm the meaning of unknown words after decoding has been attempted.

(6) By not later than August 1, 2027, each school district, intermediate school district, and public school academy shall update its selection of a valid and reliable screening and progress-monitoring reading assessment under subsection (9) to ensure that the selected system includes a reliable and valid universal screening assessment in accordance with subsection (4) and the guidance provided by the department under subsection (4), if it does not do so already. In complying with this subsection, a school district, intermediate school district, or public school academy shall minimize the impact on instructional time by selecting approved assessments that include elements fulfilling multiple assessment requirements as described in subsection (18), or, when appropriate, by adding approved assessment measures or combining compatible approved assessments that, when utilized together, include all of the elements of a reliable and valid universal screening assessment.

(7) By not later than the beginning of the 2027-2028 school year, each school district, intermediate school district, and public school academy shall provide assurance to the department that all literacy consultants, literacy coaches, and other personnel providing reading intervention or reading instruction to grades K to 12 pupils in the school district, intermediate school district, or public school academy received professional learning, as determined by the department, regarding all of the following:

(a) The characteristics of dyslexia and underlying factors that place pupils at risk for difficulties in learning to decode accurately and efficiently.

(b) Secondary consequences of dyslexia, such as problems in reading comprehension and a reduced reading experience that can impede the growth of vocabulary and background knowledge and lead to social, emotional, and behavioral difficulties.

(c) Instructional adjustments for pupils with dyslexia and instructional adjustments to address the underlying factors that place pupils at risk for difficulties in learning to decode accurately and efficiently.

(d) Methods to develop schoolwide and classroom infrastructure to meet the collective and individual needs of pupils using a multi-tiered system of support (MTSS).

(e) Evidence-based instructional methods and features of evidence-based interventions that are grounded in the science of reading and principles of structured literacy that are designed for pupils with characteristics of dyslexia and pupils at risk for difficulties in learning to decode accurately and efficiently.

(f) Evidence-based instructional methods and features of evidence-based interventions that are grounded in the science of reading and principles of structured literacy that are designed to effectively meet the needs of most pupils.

(8) The completion of a program of study approved under section 1531e fulfills the requirements of subsection (7).

(9) Subject to subsection (28), a school district or public school academy shall do all of the following to ensure that more pupils will achieve a score of at least proficient in English language arts on the grade 3 state assessment:

(a) Select 1 valid and reliable screening and 1 progress-monitoring reading assessment from the assessments approved by the department under subsection (1)(a). A school district or public school academy shall use these assessments for pupils in grades K to 3 to screen and identify difficulties, inform instruction and intervention needs, and assess progress toward a growth target. A school district or public school academy periodically shall assess a pupil's progress in reading skills at least 3 times per school year in grades K to 3. The first of these assessments for a school year in kindergarten must be conducted within the first 90 school days of the school year. The first of these assessments for a school year in grades 1 to 3 must be conducted within the first 30 school days of the school year. Beginning in the 2027-2028 school year, screening of pupils in grades K to 3 under this subdivision must meet the requirements in subsections (15), (16), (17), (19), and (20).

(b) For any pupil in grades K to 3 who exhibits reading deficiency at any time based on the reading assessment selected and used under subdivision (a) and for pupils required to have a reading intervention plan under this section, provide an individual reading improvement plan for the pupil within 30 days after the identification of the reading deficiency. The individual reading improvement plan must be created by the pupil's teacher, school principal, and parent or legal guardian and other pertinent school personnel, and must describe the reading intervention services the pupil will receive to remedy the reading deficiency. A school district or public school academy shall provide reading intervention for the pupil in accordance with the individual reading improvement plan until the pupil no longer has a reading deficiency.

(c) If a pupil in grades K to 3 is identified as having an early literacy delay or reading deficiency, provide written notice to the pupil's parent or legal guardian of the delay or reading deficiency in writing and provide tools to assist the parent or legal guardian to engage in intervention and to address or correct any reading deficiency at home.

(d) Require a school principal or chief administrator to do all of the following:

- (i) For a teacher in grades K to 3, target specific areas of professional development based on the reading development needs data for incoming pupils.
- (ii) Differentiate and intensify professional development for teachers based on data gathered by monitoring teacher progress in improving pupil proficiency rates among their pupils.
- (iii) Establish a collaborative system within the school to improve reading proficiency rates in grades K to 3.
- (iv) Ensure that time is provided for teachers to meet for professional development.
- (e) Utilize early literacy coaches provided through the intermediate school district in which the school district or public school academy is located, as provided for under section 35a(4) of the state school aid act of 1979, MCL 388.1635a. However, a public school academy may use a literacy coach provided by the public school academy, at the expense of the public school academy, rather than using a literacy coach provided through an intermediate school district if the literacy coach and the usage of the literacy coach otherwise meet the requirements of this section.
- (10) Subject to subsection (28), a school district or public school academy shall provide reading intervention for pupils in grades K to 3, pupils in any grade required to have a reading improvement plan under subsection (23), and pupils required to have a reading intervention plan under subsection (24), including at least all of the following, as applicable:
 - (a) For pupils who exhibit a reading deficiency, a reading intervention using intervention curriculum resources and evidence-based practices aligned to the research requirements consistent with the science of reading intended to ensure that pupils are proficient readers by the end of grade 3 and that includes some or all of the following features:
 - (i) Is provided to each pupil who is identified with a reading deficiency based on screening and other assessments that are used to identify the source of the reading difficulty, and identifies and addresses the pupil's reading deficiency.
 - (ii) Periodically screens each pupil's reading skills at least 3 times per year and monitors the progress of each pupil's reading skills as recommended by the progress-monitoring assessment guidelines provided under subsection (4).
 - (iii) Provides evidence-based tier 1, class-wide reading instruction that is comprehensive and meets the majority of the general education classroom needs.
 - (iv) Provides reading intervention that meets, at a minimum, the following specifications:
 - (A) Assists pupils exhibiting a reading deficiency in developing the ability to read at grade level.
 - (B) Provides intensive development in evidence-based reading instructional practices, including, but not limited to, phonemic awareness, phonics, fluency, vocabulary, comprehension, and other skills or processes consistent with structured literacy.
 - (C) Provides extensive explicit instruction consistent with structured literacy in decoding, word recognition, spelling, writing, and language comprehension skills, including vocabulary, morphology, and syntax, and processes for skillful reading.
 - (D) Is systematic and explicit.
 - (E) Is implemented during regular school hours in addition to regular classroom reading instruction.
 - (v) Provides parents, legal guardians, or other providers of care for the pupil with a read-at-home plan, including parent, guardian, or care provider training workshops and regular home reading.
 - (vi) Documents efforts by the pupil's school to engage the pupil's parent or legal guardian and whether those efforts were successful.
 - (vii) Documents any dissenting opinions expressed by school personnel or a parent or legal guardian concerning the individual reading improvement plan provided for the pupil under subsection (9)(b).
 - (b) For grade 3 pupils exhibiting a reading deficiency as determined by the pupil's teacher through the screening assessment and other assessments selected by the school district or public school academy under subsection (9)(a) and for pupils in grades K to 12 who are receiving increasingly intensive tier 2 and tier 3 support as described in subsection (23)(g), a reading intervention program intended to correct the identified area or areas of reading deficiency and that includes all of the following features as needed by the individual pupil:
 - (i) Is evidence-based, is consistent with structured literacy, and has proven results in accelerating pupil reading achievement within the same school year.
 - (ii) Provides more dedicated time than the pupil's previous school year in evidence-based reading instruction and intervention.
 - (iii) Provides daily targeted small group or 1-to-1 reading intervention based on pupil needs as determined by assessment data, including explicit and systematic instruction with more detailed and varied explanations, modeling and examples, and more extensive opportunities for guided practice incorporating error correction and feedback for pupils to develop mastery.
 - (iv) Provides administration of ongoing progress monitoring assessments to frequently monitor pupil progress.
 - (v) Provides a written description of the pupil's individual reading intervention program in the pupil's individual reading improvement plan, including at least all of the following:
 - (A) Quarterly and annual learning goals that describe how and when the pupil is expected to progress from the

pupil's current reading proficiency level to grade level proficiency.

(B) The name, if any, type, content, frequency, and duration of evidence-based interventions, curriculum resources, and assessments that will be utilized, and the extent to which these conform to best practices identified by the department for addressing the pupil's specific identified reading difficulties.

(C) A summary of why the intervention resources and evidence-based practices selected for the pupil's individual reading intervention are best suited to address the pupil's particular needs.

(D) A description of the assessment data and the pupil's assessment scores that will be used to monitor the pupil's progress under subparagraph (iv) and adaptations to the intervention instruction that will be provided based on feedback from the assessments.

(E) Information about adjustments that may be made to intensify the intervention instruction as needed.

(F) The pupil's unique identifier.

(G) A date by which the pupil's teacher, school principal, parent or legal guardian, and other appropriate school staff shall annually review and update the pupil's individual reading improvement plan, including reviewing if the learning goals have been met or when the learning goals will be met.

(vi) Is administered with fidelity.

(vii) Provides supplemental evidence-based reading intervention delivered by a teacher, tutor, or volunteer with specialized reading training that is provided before school, after school, during school hours but outside of regular English language arts classroom time, or any combination of these.

(viii) Provides parents, legal guardians, or other providers of care for a pupil with a read-at-home plan, including parent, guardian, or care provider training workshops and regular home reading.

(ix) Documents efforts by the pupil's school to engage the pupil's parent or legal guardian and whether those efforts were successful.

(x) Documents any dissenting opinions expressed by school personnel or a parent or legal guardian concerning the individual reading improvement plan provided for the pupil under subsection (9)(b).

(c) Subject to subsection (29), for pupils who are English language learners and who have been identified as demonstrating characteristics of dyslexia or difficulty decoding by an appropriate screening assessment administered under subsection (20) or (21) that is consistent with department guidance provided under subsection (4) to distinguish characteristics of dyslexia from limited English proficiency, intervention services that include at least all of the following:

(i) Language support in word recognition and decoding.

(ii) Language comprehension skills to support expanding vocabulary and understanding text.

(iii) Intentional English language development that includes, but is not limited to, using only the words and text to teach decoding and word recognition.

(iv) Instruction meeting the criteria listed in subdivision (a)(iv).

(11) For all pupils exhibiting a reading deficiency as determined by the pupil's teacher through the reading assessment selected by the school district or public school academy under subsection (9)(a), school districts and public school academies are encouraged to offer summer reading camps staffed with effective teachers of reading, as determined by the teacher evaluation system under section 1249, providing reading intervention services and supports to correct pupils' identified areas of reading deficiency.

(12) By July 31 of each year, the department shall notify the parent or legal guardian of a pupil completing grade 3 who scored not proficient in reading based on the state English language arts assessment of all of the following by certified mail and in a clear format:

(a) That the pupil has scored not proficient in reading based on the state English language arts assessment.

(b) That the school is required to provide the pupil with the supports described in subsection (13).

(c) The supports and interventions required to be made available to the pupil under the laws of this state.

(d) That the parent or legal guardian has the right to request a meeting with school officials to discuss supports and interventions.

(13) Except as otherwise provided in this section, for a pupil who has a reading deficiency based on the screening assessment, the school district or public school academy shall provide a reading intervention that is intended to correct the pupil's specific reading deficiency, as identified by a valid and reliable assessment. The intervention must include evidence-based instructional strategies that are aligned to the research requirements consistent with the science of reading to assist the pupil in becoming a successful reader.

(14) A school district or public school academy shall provide a copy of each pupil's individual reading improvement plan to the school district's intermediate school district or the intermediate school district that has geographic boundaries that include the area in which the public school academy is located. A copy of a pupil's individual reading improvement plan provided under this subsection must not contain any identifying information regarding the pupil or a teacher that provides instruction to the pupil. The intermediate school district shall collate the information received under this subsection and provide it to the department each school year in a timeline and manner as determined by the department. The department shall not share a pupil's individual reading improvement plan with an outside vendor.

(15) By not later than the beginning of the 2027-2028 school year, and each school year thereafter, subject to

subsections (17) and (20), a school district, an intermediate school district, or a public school academy shall ensure that each pupil described in this subsection is screened for characteristics of dyslexia and difficulties in learning to decode accurately and efficiently using a reliable and valid universal screening assessment. All of the following pupils enrolled in the school district, intermediate school district, or public school academy must be screened as described under this subsection:

- (a) Each pupil during kindergarten, grade 1, grade 2, and grade 3.
- (b) Each pupil who is in kindergarten, grade 1, grade 2, or grade 3 who transferred to the school district, intermediate school district, or public school academy from another school district, intermediate school district, or public school academy in this state and who has not been screened for characteristics of dyslexia and difficulties in learning to decode accurately and efficiently using a reliable and valid universal screening assessment.
- (c) Each pupil who is in kindergarten, grade 1, grade 2, or grade 3 who has transferred to the school district, intermediate school district, or public school academy from a school that is not located in this state, unless the pupil presents written documentation to the school district, intermediate school district, or public school academy showing that the pupil was subject to a reliable and valid universal screening assessment.
- (d) Each pupil who is in any of grades 4 to 12 who, as determined by that pupil's teacher, educational-support staff, or the pupil's parent or legal guardian, demonstrates any of the following:
 - (i) Escape or avoidance behaviors when asked to engage in reading or writing activities.
 - (ii) Effortful or laborious reading.
 - (iii) Reading-comprehension difficulties caused by inaccurate or inefficient word reading.
 - (iv) Significant spelling or encoding difficulties not caused by fine-motor or visual-motor difficulties.
 - (v) Low performance on school-district-, intermediate-school-district-, or public-school-academy-approved English language arts standards.
 - (vi) Low performance on school-district-, intermediate-school-district-, or public-school-academy-approved standardized assessments.
 - (vii) Reading deficiency.

(16) A school district, intermediate school district, or public school academy shall screen pupils under subsection (15) with fidelity.

(17) Pupils required to be screened under subsection (15)(a) must be screened, as described in subsection (15), no fewer than 3 times during a school year. Pupils required to be screened under subsection (15)(b) or (c) must be screened within 90 days of enrollment and thereafter on the same screening schedule as other pupils in the same grade level.

(18) If the department determines that a benchmark assessment or a valid and reliable screening and progress-monitoring reading assessment suite selected by a school district or public school academy under subsection (9) includes a reliable and valid universal screening assessment, that assessment or assessment system selected under subsection (9) may be utilized to meet the requirement under subsection (15).

(19) Beginning with the 2027-2028 school year, for a pupil described in subsection (15)(d), the school district, intermediate school district, or public school academy in which the pupil is enrolled shall ensure that additional assessment data is gathered, including the pupil's historical results on reliable and valid universal screening assessments as available, and shall review this data with the pupil's teacher and school staff to inform the frequency of screening assessments that should be administered to the pupil to avoid unnecessary assessment while effectively assessing whether the pupil demonstrates characteristics of dyslexia, difficulties in learning to decode, or difficulties with word reading that may require an intervention placement for the pupil based on the guidance provided by the department under subsection (5).

(20) Beginning in the 2027-2028 school year, except as otherwise provided in this subsection, a pupil who is an English language learner and who has been assessed at an entering level or beginning level of English language proficiency on a state-required language proficiency assessment, or at a comparable level in accordance with department guidance under subsection (2), is not required to be screened for characteristics of dyslexia and difficulties in learning to decode under subsection (15). However, the pupil is required to be screened for characteristics of dyslexia and difficulties in learning to decode under subsection (15) if, in accordance with the department guidance under subsection (4), school staff determine that the pupil appears to demonstrate characteristics of dyslexia that are not due to language transference or limited English proficiency.

(21) Beginning in the 2027-2028 school year, a pupil who is an English language learner and who has been assessed at a developing level or higher on a state-required language proficiency assessment, or at a comparable level in accordance with department guidance under subsection (4), must be screened for characteristics of dyslexia and difficulty decoding as appropriate for the pupil's grade level under subsection (15), and, as appropriate and consistent with department guidance, the pupil's screening must include spelling skills, phonemic awareness in the pupil's native language, and oral reading fluency in the pupil's native language.

(22) Beginning with the 2027-2028 school year, school districts, intermediate school districts, and public school academies shall ensure that reading instruction and curriculum materials are evidence-based, with a focus on pupils' mastery of the foundational reading skills of phonemic awareness, phonics, fluency, and the development of other reading skills, including, but not limited to, development of oral language, vocabulary, and reading comprehension.

Pupils must be provided instruction aligned with science of reading methods that research shows improve literacy outcomes and help pupils achieve reading proficiency.

(23) Beginning with the 2027-2028 school year, if a reliable and valid universal screening assessment indicates that a pupil is exhibiting characteristics of dyslexia or indicates that the pupil is experiencing difficulty in learning to decode accurately and efficiently, the school district, intermediate school district, or public school academy in which the pupil is enrolled shall ensure that a multi-tiered system of support (MTSS) is provided to the pupil, including, but not limited to, decoding and word recognition instruction in the tiered delivery system. Beginning with the 2027-2028 school year, if a reliable and valid universal screening assessment indicates that a pupil is exhibiting characteristics of dyslexia or indicates that the pupil is experiencing difficulty in learning to decode accurately and efficiently, a reading intervention program provided under this section must be part of a multi-tiered system of support (MTSS). The multi-tiered system of support (MTSS) described in this subsection must meet all of the following:

(a) Be a comprehensive framework composed of a collection of evidence-based strategies designed to meet the individual needs and assets of the whole pupil at all achievement levels.

(b) Include 3 distinct tiers of instructional support.

(c) Tier 1 support of the 3 distinct tiers of instructional support described in subdivision (b) must, at a minimum, meet all of the following:

(i) Encompass a combination of evidence-based strategies that are available to all learners.

(ii) Effectively meet the needs of most pupils.

(iii) For the instructional methods and curriculum resources under this tier used to address the decoding and word-recognition components of reading, use a code emphasis instructional approach and be supported by the science of reading. Except as otherwise provided in this section, the instructional methods and curriculum resources described in this subparagraph must not include instructional methods or curriculum resources that minimize the importance of primarily using letter-sound information to decode or recognize unknown words, including, but not limited to, any of the following, unless such instructional methods and curriculum resources are being used to confirm the meaning of unknown words after decoding has been attempted:

(A) Prompting pupils to guess unknown words using pictures and illustrations.

(B) Skipping over an unknown word or words to use the meaning of the passage to recognize the unknown word or words.

(C) Identifying only the first sound of an unknown word and then being prompted to guess the word using the word's initial sound and the meaning of the text surrounding the word.

(D) Memorizing a word in its written form.

(E) Using predictable text and leveled text to provide initial word recognition instruction and practice in reading new learned letter-sound correspondences.

(d) Tier 2 support of the 3 distinct tiers of instructional support described in subdivision (b) must be provided to small groups of pupils to whom at least 1 of the following applies:

(i) Screening-assessment data indicate a need for intervention to address difficulties in learning to decode and recognizing words accurately and efficiently.

(ii) Tier 1 instructional data indicate a need for intervention to address difficulties in learning to decode and recognizing words.

(e) Provide that tier 2 support, as described in subdivision (d), must include instructional methods and curriculum resources that use a code emphasis approach to address the decoding and word-recognition components of reading and that are supported by the science of reading. The instructional methods and curriculum resources described in this subdivision must include, but are not limited to, specialized instructional procedures, duration, and frequency. However, these instructional methods and curriculum resources must not include instructional methods or curriculum resources that minimize the importance of primarily using letter-sound information to decode or recognize unknown words, including, but not limited to, any of the uses of letter-sound information described in subdivision (c)(iii)(A) to (E), unless such instructional methods and curriculum resources are being used to confirm the meaning of unknown words after decoding has been attempted.

(f) Provide that pupils receiving intervention consisting of tier 2 support, as described in subdivision (d), must have their progress monitored by the individuals providing the intervention instruction using appropriate assessments to determine the pupils' response to intervention instruction.

(g) Provide that, if pupils who are receiving intervention at the tier 2 level of support as described in this subsection are not making measurable progress in response to reading intervention at a rate that will result in meaningful improvements in performance, intensive tier 3 support must be provided to the pupil using evidence-based instructional adaptations that must be documented in the pupil's individual reading improvement plan. If the pupil is determined to have a specific learning disability in reading, these interventions may be provided through the student's individualized education plan.

(h) Provide that a pupil described in subdivision (g) has a current individual reading intervention plan meeting the requirements of subsection (10)(b).

(i) Provide that, for the purposes of subdivision (g), an intervention response team at the school district,

intermediate school district, or public school academy in which a pupil described in subdivision (g) is enrolled shall refine the pupil's individual reading improvement plan with the teacher providing the intervention instruction to the pupil under subdivision (g) to meaningfully accelerate reading outcomes.

(j) Provide that, if a pupil's response to the intervention instruction described in subdivisions (a) to (g) or subsection (10) is insufficient and there is reason to suspect the pupil has a disability, subject to state and federal laws concerning special education, the school district, intermediate school district, or public school academy must consider the need for a full and comprehensive evaluation to determine eligibility for special education services.

(24) Beginning with the 2027-2028 school year, if a reliable and valid universal screening assessment indicates the need for intervention, to the extent that the school district, intermediate school district, or public school academy is not already providing the pupil with the evidence-based intervention services described in subsections (10) and (23), the school district, intermediate school district, or public school academy in which the pupil is enrolled shall provide the pupil with evidence-based intervention services that are grounded in the science of reading and the principles of structured literacy approaches or programs.

(25) A school district, an intermediate school district, or a public school academy shall ensure that the necessary accommodations or equipment are provided to pupils as required under section 504 of title V of the rehabilitation act of 1973, 29 USC 794, and title II of the Americans with disabilities act of 1990, 42 USC 12131 to 12165.

(26) If the parent or legal guardian of a pupil has an independent, comprehensive evaluation conducted for dyslexia or other learning disabilities, the school district, intermediate school district, or public school academy in which the pupil is enrolled shall ensure that any applicable requirements under the individuals with disabilities education act, Public Law 108-446, are fulfilled.

(27) If a school district or public school academy cannot furnish the number of teachers needed to satisfy 1 or more of the criteria set forth in this section for a school year, then by the August 15 before the beginning of that school year the school district or public school academy shall develop a staffing plan for providing services under this section. The school district or public school academy shall post the staffing plan on its website for the applicable school year. The staffing plan must include at least all of the following:

(a) A description of the criteria that will be used to assign a pupil who has been identified as not proficient in English language arts to a teacher.

(b) The credentials or training held by teachers currently teaching at the school.

(c) How the school district or public school academy will meet the requirements under this section.

(28) This section does not require or state an intention to require a school district or public school academy to supplant state funds with federal funds for implementing or supporting the activities under this section and does not prohibit a school district or public school academy from continuing to use federal funds for any of the purposes or activities described in this section.

(29) For pupils identified as English language learners by the pupil's teacher or other school staff or by a state-required language proficiency assessment, if available staff resources allow, a school district or public school academy is encouraged to provide the following intervention services in addition to those required under subsection (10)(c):

(a) Instruction in the pupil's native language, with withdrawal of that instruction as appropriate as the pupil improves the pupil's English language skills. A school district or public school academy is encouraged to provide this support for at least pupils whose native language is Spanish, Chinese, Hindi, Korean, or Arabic.

(b) Opportunities for speech production.

(c) Common English language development strategies such as modeling, guided practice, and comprehensive input.

(d) Feedback for the pupil, including explanations in the pupil's native language.

(30) An individual who is not a district-identified literacy coach may be utilized to meet the requirements under subsection (1)(b)(i) and (ii) if that individual meets the requirements that a district-identified literacy coach must meet under subsection (1)(b)(iv).

(31) The instructional methods and curriculum resources described in subsection (23)(c)(iii)(A) to (E) may be used, as appropriate, for purposes other than addressing decoding and word-recognition components of reading and for any purpose to comply with section 504 of title V of the rehabilitation act of 1973, 29 USC 794, or title II of the Americans with disabilities act of 1990, 42 USC 12131 to 12165.

(32) As used in this section:

(a) "Benchmark assessment" means an assessment administered periodically throughout a school year and used for 1 or more of the following purposes:

(i) To predict and identify learner readiness for success on a later summative assessment.

(ii) To evaluate ongoing education programs and interventions.

(iii) To provide teachers with individual learners' performance data to inform instruction.

(b) "CEPI" means the center for educational performance and information created under section 94a of the state school aid act of 1979, MCL 388.1694a.

(c) "Cloze reading procedure" means an objective reading assessment that deletes words in a designed reading passage.

(d) "Code emphasis" means direct, explicit instruction on the code system of written English at the sound, syllable, morpheme, and word level so pupils develop automaticity in accurate sound-symbol associations used for word recognition and for developing a robust sight-word vocabulary.

(e) "Cumulative" means the practice of basing new concepts on those previously learned and maximizing retention of concepts through regular, systematic review to gain automaticity and fluency.

(f) "Diagnostic instruction" means continuous assessment and individualization of instruction to meet each pupil's instructional needs.

(g) "Dyslexia" means both of the following:

(i) A specific learning disorder that is neurobiological in origin and characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.

(ii) A specific learning disorder that may include secondary consequences, such as problems in reading comprehension and a reduced reading experience that can impede the growth of vocabulary and lead to social, emotional, and behavioral difficulties.

(h) "Evidence-based" means an activity, program, process, service, strategy, or intervention that demonstrates statistically significant effects on improving pupil outcomes or other relevant outcomes and that meets at least both of the following:

(i) At least 1 of the following:

(A) Is based on strong evidence from at least 1 well-designed and well-implemented experimental study.

(B) Is based on moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study.

(C) Is based on promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias.

(D) Demonstrates a rationale based on high-quality research findings or positive evaluation that the activity, program, process, service, strategy, or intervention is likely to improve pupil outcomes or other relevant outcomes.

(ii) Includes ongoing efforts to examine the effects of the activity, program, process, service, strategy, or intervention.

(i) "Explicit" means direct and deliberate instruction through continuous pupil-teacher interaction that includes explanation, teacher modeling or example, and multiple opportunities to practice with feedback for students to develop mastery.

(j) "Fidelity" means the extent to which an assessment or intervention is implemented as it was designed.

(k) "Intervention response team" means a group of individuals with expertise in assessments, literacy, working with English language learners, working with pupils with disabilities, and behavioral efforts who develop individualized plans to support pupils with significant and persistent needs. An intervention response team must include at least 1 certificated teacher who has English as a second language or bilingual education as an endorsement on the teacher's certificate.

(l) "Leveled text" means text that has characteristics of predictable text and text focused on teaching high-frequency words without regard to sound-symbol associations. Leveled texts are assigned a level based on a difficulty scale according to print features, content, themes, ideas, text structure, language, and literary elements. Leveled text does not provide pupils opportunities to apply newly learned phonological and orthographic knowledge.

(m) "Multi-tiered system of support (MTSS)" means a comprehensive framework that includes 3 distinct tiers of instructional support and is composed of a collection of evidence-based strategies designed to meet the individual needs and assets of a whole pupil at all achievement levels.

(n) "Phonemic awareness" means the conscious awareness of all of the following:

(i) Individual speech sounds, including, but not limited to, consonants and vowels, in spoken syllables.

(ii) The ability to consciously manipulate through, including, but not limited to, matching, blending, segmenting, deleting, or substituting, individual speech sounds described in subparagraph (i).

(iii) All levels of the speech sound system, including, but not limited to, word boundaries, rhyme recognition, stress patterns, syllables, onset-rime units, and phonemes.

(o) "Predictable text" means text that replicates language patterns using rhythm and rhyme to teach pupils phrasing and cadence.

(p) "Progress-monitoring assessment" means an assessment used after a pupil is identified and matched with intervention support to determine if the pupil continues to need intervention, if supports need to be modified or changed, or if supports can be faded.

(q) "Reading deficiency" means scoring below grade level or being determined to be at risk of not meeting grade-level reading expectations based on a screening assessment, standardized summative assessment, or progress monitoring.

(r) "Reading leadership team" means a collaborative system led by a school building's principal or program director and consisting of a cross-section of faculty who are interested in working to improve literacy instruction across the curriculum.

(s) "Reliable" means something that is based on the consistency of a set of scores that are designed to measure the same thing.

(t) "Science of reading" means a cumulative and evolving body of evidence whose research studies follow a scientific process of inquiry and utilize scientific methods to help answer questions related to reading development and issues related to reading and writing derived from research from multiple fields of cognitive psychology, communication sciences, developmental psychology, education, special education, implementation science, linguistics, and neuroscience.

(u) "Screening assessment" means an assessment designed to proactively identify pupils who may be at risk of developing academic, social, emotional, or behavioral challenges so that support can be provided and to provide data to inform systems-level decisions. All of the following apply to a screening assessment:

(i) A screening assessment must include, as appropriate for grade level or age as determined by the department, in alignment with the guidelines described in subsections (2) and (4), elements designed to identify difficulties in learning to decode and recognize words, including at least all of the following:

- (A) Phonemic awareness.
- (B) Rapid automatized naming.
- (C) Letter-sound correspondence.
- (D) Single-word reading.
- (E) Nonsense-word reading.
- (F) Oral passage reading fluency.

(ii) A screening assessment may include, as appropriate for grade level or age as determined by the department, in alignment with the guidelines described in subsections (2) and (4), elements designed to identify comprehension difficulties, including at least all of the following:

- (A) Retelling.
- (B) Cloze reading procedure.
- (C) Answering questions about a reading passage.

(v) "Standardized assessment" means an assessment that is administered and scored in a consistent or standard manner.

(w) "Structured literacy" means systematic, direct, explicit, cumulative, and diagnostic instruction that integrates listening, speaking, reading, and writing and emphasizes the structure of language across the speech sound system (phonology); the writing system (orthography); the structure of sentences (syntax); the meaningful parts of words (morphology); the meaning of words, phrases, sentences, and text (semantics); and the processing of oral and written discourse.

(x) "Systematic" means following the logical order of language and moving from the most basic concepts to the more advanced.

(y) "Valid" means the degree to which a method assesses what it claims or intends to assess.

History: Add. 2016, Act 306, Imd. Eff. Oct. 6, 2016 ;-- Am. 2023, Act 7, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 224, Eff. July 1, 2024 ;-- Am. 2024, Act 146, Imd. Eff. Oct. 10, 2024

Popular Name: Act 451

380.1280g Repealed. 2023, Act 34, Eff. Feb. 13, 2024.

Compiler's Notes: The repealed section pertained to a statewide system of accountability measurements for public schools.

Popular Name: Act 451

380.1281 State board; duties generally; examination and audit of official records and accounts; action to compel accounting; waiver from compliance with rules.

Sec. 1281.

(1) The state board shall:

(a) Require each board, each public school academy board of directors, each intermediate school board, and the

officers of each of those boards to observe the laws relating to schools.

(b) Require each board to maintain school or to provide educational opportunities for resident children for the statutory period.

(c) Prescribe appropriate uniform pupil and finance accounting records for use in school districts, public school academies, and intermediate school districts and promulgate rules for their adoption.

(d) Require each board, each public school academy board of directors, and each intermediate school board to carry out the state board's recommendations relative to the safety of school buildings, equipment, and appurtenances, including any condition that may endanger the health or life of pupils.

(2) The state board may examine and audit the official records and accounts of school districts, public school academies, and intermediate school districts, and may compel proper accounting by legal action instituted by direction of the attorney general.

(3) Upon application by a school district, public school academy, university school, or intermediate school district, the state board may grant to the school district, public school academy, university school, or intermediate school district a limited time waiver from a state board or department rule interpreting or implementing a provision of this act. The state board may grant a waiver only if the school district, public school academy, university school, or intermediate school district demonstrates that it can address the intent of the rule in a more effective, efficient, or economical manner or that the waiver is necessary to stimulate improved pupil performance. A waiver shall not be granted for more than 3 years, but may be renewed. The state board may place conditions on a waiver or its renewal. The state board may revoke a waiver if it determines that the waiver no longer meets the criteria of this subsection, compromises equal opportunities for learning, or is detrimental to the educational interests of pupils. The state board may not grant a waiver from the duty to comply with a provision of this act, and may not grant a waiver from the duty to comply with another state statute unless and to the extent that a waiver is specifically allowed by that other state statute.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1994, Act 416, Eff. Mar. 30, 1995 ;-- Am. 1995, Act 289, Eff. July 1, 1996

Popular Name: Act 451

Admin Rule: R 340.1 et seq.; R 340.351 et seq.; and R 340.851 et seq. of the Michigan Administrative Code.

380.1281a Legislative declarations; cost study to determine per pupil resources to provide public education; contract; report; completion.

Sec. 1281a.

(1) The legislature finds and declares all of the following:

(a) Section 2 of article VIII of the state constitution of 1963 requires that "The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law.". That section further requires that "Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.".

(b) Since at least 1970, this state has required the statewide assessment of educational progress in local public elementary and secondary schools under 1970 PA 38, MCL 388.1081 to 388.1086.

(c) In addition to long-standing state requirements, this state is also subject to various federal requirements with respect to elementary and secondary education, including the requirement that Michigan students be proficient and make adequate yearly progress as provided under title 20 of the United States Code.

(d) Under the state constitution of 1963, long-standing state law, and federal law, Michigan children have the right to a free, quality, equitable public education.

(2) The department of technology, management, and budget shall enter into a contract for a comprehensive statewide cost study to determine the sufficient resources per pupil to provide a public education that enables a pupil to demonstrate successful completion, in terms of proficiency, of all of the credit requirements of the Michigan merit standard under sections 1278a and 1278b. The department of technology, management, and budget shall also ensure that the study meets all of the following:

(a) Considers whether public resources being committed to public education are distributed in such a way that all children have an equal opportunity to succeed in school.

(b) Is conducted by a vendor who is qualified to conduct the study. The vendor must have proven experience in utilizing multiple national-level research approaches, including at least all of the following types of analysis: successful school district, professional judgment, and evidence-based. The vendor must have a proven ability to combine the data generated from these research approaches to assess at least all of the following:

(i) How strongly the identified data or costs are associated with achieving this state's student performance goals including, but not limited to, required proficiency in reading and mathematics, and whether this association is

sufficient to establish a cause-and-effect relationship.

(ii) The degree to which the data or costs took into consideration efficiency and lowest possible cost of resource delivery.

(iii) The transparency and reliability of the data generated.

(iv) How well the data could be applied to recognize existing public school and pupil cost pressure differences.

(c) Includes at least all of the following:

(i) A determination of the educational resources and related expenditures that are required to provide a quality elementary and secondary education for each pupil in the public schools. The study shall include examining exemplary school districts that are high-performing and low-spending school districts. As part of the determination under this subparagraph, a review shall be conducted of school district efforts in support of public schools.

(ii) An examination of the potential utility of geographic cost-of-education indexing in this state.

(iii) An investigation of additional categories of funding that may be necessary to meet needs unique to schools and pupils, including, but not limited to, the following:

(A) Socioeconomic status.

(B) Limited English proficiency.

(C) Pupils with special education needs.

(D) Scarcity and density of population.

(E) Issues related to the rural, urban, or suburban nature of the school district.

(iv) An examination of the impact of food service costs, transportation costs, costs associated with community services, adult education costs, school building construction and maintenance and other capital costs, and debt service costs.

(v) A determination of the cost impact of pupil population growth and decline.

(3) Not later than 30 days after the completion of the study required under this section, the department of technology, management, and budget shall submit to the legislature, the governor, and the legislative auditor general a report containing a detailed summary of the findings from the study.

(4) The department of technology, management, and budget shall ensure that the study required under this section is completed within 1 year after the effective date of this section. The department of technology, management, and budget shall develop a request for proposals and award the contract required under this section in time for this deadline for completion of the study to be met and shall include this deadline in the request for proposals and in the contract.

History: Add. 2014, Act 555, Eff. Mar. 31, 2015

Popular Name: Act 451

380.1281b Reports required to be submitted under act.

Sec. 1281b.

All of the following apply to reports required to be submitted under this act by the state board, superintendent of public instruction, department, department of treasury, center for educational performance and information, or any other state department or agency:

(a) The state board, superintendent of public instruction, department, department of treasury, center for educational performance and information, or any other state department or agency shall not require, or promulgate a rule requiring, a new report to be submitted unless state or federal law specifically requires or authorizes the report.

(b) The state board, superintendent of public instruction, department, department of treasury, center for educational performance and information, or any other state department or agency shall not require, or promulgate a rule requiring, any modifications or additions to a report that, as of the effective date of this section, is already required to be submitted unless 1 or both of the following apply:

(i) State or federal law specifically requires or authorizes the modification or addition.

(ii) The modification or addition will reduce or eliminate a reporting requirement.

(c) If the state board, superintendent of public instruction, department, department of treasury, center for educational performance and information, or any other state department or agency requires, or promulgates a rule requiring, a new report or additional information to be submitted under the conditions specified under subdivisions (a) and (b), the state board, superintendent of public instruction, department, department of treasury, center for educational performance and information, or other state department or agency shall ensure that the new report or additional information may be submitted electronically.

History: Add. 2016, Act 532, Eff. Apr. 9, 2017
Popular Name: Act 451

380.1281c Review of educational programs in child caring institutions.

Sec. 1281c.

(1) Beginning on the effective date of the amendatory act that added this section, the department must regularly review any educational program provided in a child caring institution to ensure that the educational program complies with the provisions of this act and rules promulgated under this act.

(2) As used in this section, "child caring institution" means that term as defined in section 1 of 1973 PA 116, MCL 722.111.

History: Add. 2024, Act 11, Eff. Apr. 2, 2025
Popular Name: Act 451

380.1282 Grades, schools, and departments; courses of study; opportunity to achieve state endorsement; special assistance.

Sec. 1282.

(1) The board of a school district shall establish and carry on the grades, schools, and departments it considers necessary or desirable for the maintenance and improvement of its schools and determine the courses of study to be pursued.

(2) The board of a school district shall provide a core academic curriculum, learning processes, special assistance particularly for students with reading disorders or who have demonstrated marked difficulty in achieving success on standardized tests, and sufficient access to each of these so that all pupils have a fair opportunity to achieve a state endorsement under section 1279. The board shall use Michigan education assessment program (MEAP) test results as an indicator of which pupils need special assistance to have a fair opportunity to achieve state endorsement under section 1279 and of whether the school district's curriculum is adequately aligned to prepare pupils to achieve that state endorsement. This special assistance may include at least 1 meeting attended by at least the pupil and a member of the school district's staff or a local or intermediate school district consultant who is knowledgeable in the measurement and evaluation of pupils. The school district may provide the meeting as a group meeting for pupils in similar circumstances. If the pupil is a minor, the school district shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the meeting and shall mail a notice of the meeting to the pupil's parent, legal guardian, or person in loco parentis. The purpose of this meeting and any subsequent meeting under this subsection should be to determine an educational program for the pupil designed to assist the pupil to be prepared to achieve state endorsement under section 1279. In addition, the school district may provide for subsequent meetings with the pupil conducted by a counselor or teacher designated by the pupil's principal, and shall invite and encourage the pupil's parent, legal guardian, or person in loco parentis to attend the subsequent meetings. The school district may provide special programs for the pupil or develop a program using the educational programs regularly provided by the school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1997, Act 181, Imd. Eff. Dec. 30, 1997
Popular Name: Act 451

380.1282a Repealed. 2001, Act 121, Imd. Eff. Sept. 28, 2001.

Compiler's Notes: The repealed section pertained to literacy and mathematics skills.
Popular Name: Act 451

380.1283 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to attendance areas.
Popular Name: Act 451

380.1284 Length of school year; certification; strikes or teachers' conferences; rules.

Sec. 1284.

(1) The board of a school district or of a public school academy shall determine the length of the school year. However, if the board does not want the school district's or public school academy's state school aid payments to be withheld as described in section 101 of the state school aid act of 1979, MCL 388.1701, the board shall ensure that the school district or public school academy provides at least the minimum amount of pupil instruction during each school year required under section 101 of the state school aid act of 1979, MCL 388.1701.

(2) Not later than August 1 of each year, the board of each school district and the board of directors of each public school academy shall certify to the state board the number of hours of pupil instruction in the previous school year.

(3) Time during which there is no pupil instruction because of strikes or teachers' conferences shall not be counted as pupil instruction.

(4) The superintendent of public instruction shall promulgate rules for the implementation of this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1992, Act 143, Imd. Eff. July 15, 1992 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 1997, Act 53, Imd. Eff. July 1, 1997 ;-- Am. 2006, Act 534, Imd. Eff. Dec. 29, 2006
Popular Name: Act 451

Admin Rule: R 340.1 et seq. of the Michigan Administrative Code.

380.1284a Common school calendar; exceptions; definitions.

Sec. 1284a.

(1) Not later than July 1, 2008, an intermediate school district, in cooperation with its constituent districts, shall adopt a common school calendar to apply to all of its constituent districts and to its intermediate school district programs. The intermediate school district shall post the common school calendar on its website. The common school calendar shall meet all of the following:

(a) Shall be in compliance with sections 1284 and 1284b.

(b) Shall identify the dates for each school year when school will not be in session for a winter holiday break and a spring break. The common school calendar shall identify these dates specifically for at least the next 5 school years, but may describe these dates more generally for school years thereafter as long as the dates may be readily determined.

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

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

(4) If a collective bargaining agreement that provides a complete school calendar is in effect for employees of a

school district or intermediate school district as of the effective date of this section, and if that school calendar is not in compliance with the common school calendar adopted under subsection (1), then subsection (2) does not apply to that school district or intermediate school district until after the expiration of that collective bargaining agreement.

(5) If as of the effective date of this section an intermediate school district or school district is operating a year-round school or program or is operating a school that is an international baccalaureate academy that provides 1,160 hours of pupil instruction per school year, then subsection (2) does not apply to that school or program. If after the effective date of this section an intermediate school district or school district begins operating a year-round school or program, the intermediate school district or school district may apply to the superintendent of public instruction for a waiver from the requirements of subsection (2) for that school or program. The application shall be in writing in the form and manner prescribed by the department and shall provide justification for the school or program to operate on a calendar that differs from the common school calendar adopted under subsection (1). Upon application, if the superintendent of public instruction determines that a school or program is a bona fide year-round school or program established for educational reasons and that there is sufficient justification for the school or program to operate on a calendar that differs from the common school calendar adopted under subsection (1), the superintendent of public instruction shall grant the waiver. The superintendent of public instruction shall establish standards for determining a bona fide year-round school or program for the purposes of this subsection.

(6) If an intermediate school district or school district is operating or begins operating a school or program on a trimester schedule, the intermediate school district or school district may apply to the superintendent of public instruction for a waiver from the requirements of subsection (2) for that school or program. The application shall be in writing in the form and manner prescribed by the department and shall provide justification for the school or program to operate on a calendar that differs from the common school calendar adopted under subsection (1). Upon application, if the superintendent of public instruction determines that a school or program is operating on a bona fide trimester schedule established for educational reasons and that there is sufficient justification for the school or program to operate on a calendar that differs from the common school calendar adopted under subsection (1), the superintendent of public instruction shall grant the waiver. The superintendent of public instruction shall establish standards for determining a bona fide trimester schedule for the purposes of this subsection.

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

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

(9) As used in this section:

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

(b) "Constituent district" means a constituent district of the intermediate school district or a public school academy that is located within the boundaries of the intermediate school district and that receives services from the intermediate school district.

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

History: Add. 2007, Act 101, Imd. Oct. 1, 2007

Compiler's Notes: Former MCL 380.1284a, which pertained to common calendars within intermediate school districts, was repealed by Act 289 of 1985, Eff. July 1, 1996.

Popular Name: Act 451

380.1284b School in session before Labor day; prohibition; effect of collective bargaining agreement; year-round school or program; waiver; exception; "Labor day" defined.

Sec. 1284b.

(1) Until subsection (2) applies to the school district, public school academy, or intermediate school district, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the district's or public school academy's schools are not in session on the Friday before Labor day.

(2) Except as otherwise provided in this section, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that the district's or public school academy's school year does not begin before Labor day.

(3) If a collective bargaining agreement that provides a complete school calendar is in effect for employees of a

school district, public school academy, or intermediate school district as of the effective date of the amendatory act that added subsection (2), and if that school calendar is not in compliance with subsection (2), then subsection (2) does not apply to that school district, public school academy, or intermediate school district until after the expiration of that collective bargaining agreement.

(4) If a school district, intermediate school district, or public school academy is operating a year-round school or program as of September 29, 2005 or is operating as of that date a school that is an international baccalaureate academy that provides 1,160 hours of pupil instruction per school year, then subsection (2) does not apply to that school or program. If a school district, intermediate school district, or public school academy begins operating a year-round school or program after September 29, 2005, the school district, intermediate school district, or public school academy may apply to the superintendent of public instruction for a waiver from the requirements of subsection (2). Upon application, if the superintendent of public instruction determines that a school or program is a bona fide year-round school or program established for educational reasons, the superintendent of public instruction shall grant the waiver. The superintendent of public instruction shall establish standards for determining a bona fide year-round school or program for the purposes of this subsection.

(5) If an intermediate school district contracts with a constituent district or public school academy to provide programs or services for pupils of the constituent district or public school academy; operates a program or service within a building owned by a constituent district or a public school academy located within the intermediate school district's boundaries; or otherwise provides instructional programs or services for pupils of a constituent district or public school academy, and if the school district's or public school academy's school year begins before Labor day under subsection (3) or (4), then the intermediate school district may provide programs or services according to the school district's or public school academy's calendar.

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

(7) This section does not prohibit a school district, intermediate school district, or public school academy from offering or requiring professional development for its personnel that is conducted before Labor day.

(8) As used in this section, "Labor day" means the first Monday in September.

History: Add. 1999, Act 141, Eff. Mar. 10, 2000 ;-- Am. 2001, Act 167, Imd. Eff. Nov. 26, 2001 ;-- Am. 2005, Act 144, Imd. Eff. Sept. 29, 2005 ;-- Am. 2006, Act 235, Imd. Eff. June 26, 2006

Popular Name: Act 451

380.1285 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to establishment and operation of child care centers.

Popular Name: Act 451

380.1285a Child care center subject to fire prevention or fire safety requirements; requirements for operation of before- or after-school program.

Sec. 1285a.

(1) If a school district or intermediate school district operates a child care center, as defined in section 1 of 1973 PA 116, MCL 722.111, then, except as provided in this subsection, the child care center is subject to the requirements of 1973 PA 116, MCL 722.111 to 722.128. If a child care center established and operated by a school district or intermediate school district is located in a school building that is approved and inspected by the bureau of fire services created in section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b, or other similar authority as provided in section 3 of 1937 PA 306, MCL 388.853, for school purposes and is in compliance with school fire safety rules, as determined by the bureau of fire services or a fire inspector certified pursuant to section 2b of the fire prevention code, 1941 PA 207, MCL 29.2b, the child care center is not subject to any fire prevention or fire safety requirements under 1973 PA 116, MCL 722.111 to 722.128. Beginning July 1, 2003, as used in this subsection, "child care center" does not include a program described in subsection (2) that has been granted an exemption from child care center approval by the department of human services as provided under section 1(2) of 1973 PA 116, MCL 722.111.

(2) Beginning July 1, 2003, if a school district, public school academy, or intermediate school district operates or contracts for the operation of a before- or after-school program for children in grades K to 8, and if the program is exempt from child care center approval as provided under section 1(2) of 1973 PA 116, MCL 722.111, all of the following apply to the operation of the program:

(a) The program shall meet all of the following staffing requirements:

(i) Shall have at least 2 adult program staff members present at all times when children are present.

(ii) Shall have a child to adult program staff member ratio that meets the following:

(A) For children in grades K to 3, is no greater than the lesser of either 20 children to 1 adult program staff member or the average pupil to teacher ratio during school hours in that school district, public school academy, or intermediate school district in regular K to 3 classrooms.

(B) For children in grades 4 to 8, is no greater than the lesser of either 25 children to 1 adult program staff member or the average pupil to teacher ratio during school hours in that school district, public school academy, or intermediate school district in regular grade 4 to 8 classrooms.

(iii) Within 3 months after he or she begins to work in the program, each adult program staff member shall hold valid certification in cardiopulmonary resuscitation and basic first aid issued by the American red cross, American heart association, or a comparable organization or institution approved by the department.

(b) The program shall be located at school in facilities comparable to rooms used by pupils during the regular school day.

(c) The program shall provide daily activities and relationships that offer each child in the program opportunities for physical development; social development, including positive self-concept; and intellectual development.

(d) If food is served, the food service shall comply with the same nutrition requirements that apply to food service by the school district, public school academy, or intermediate school district during the regular school day.

(e) If the school district, public school academy, or intermediate school district uses its employees to staff the program, before assigning a staff member to work in the program, the school district, public school academy, or intermediate school district shall comply with sections 1230 and 1230a with respect to that individual to the same extent as if the individual were being hired as a teacher. If the school district, public school academy, or intermediate school district contracts for the operation or staffing of the program, the contract shall contain assurance that the contracting person or entity, before assigning an individual to work in the program, will comply with sections 1230 and 1230a with respect to that individual to the same extent as if the person or entity were a school district employing the individual as a teacher. The department of state police shall provide information to a school district, public school academy, intermediate school district, or contracting person or entity requesting information under this subdivision to the same extent as if the school district, public school academy, intermediate school district, or person or entity were a school district making the request under section 1230 or 1230a.

(f) The board of the school district or intermediate school district or board of directors of the public school academy, in consultation with the director of the program and the principal of the school at which the program is operated, shall develop, adopt, and annually review a policy concerning the program that, at a minimum, addresses safety procedures for the program, including first aid, food safety, discipline, dispensing and storage of medication, and access to student emergency information and telephones.

(g) Not later than September 1 of each school year, the board of the school district or intermediate school district or board of directors of the public school academy shall adopt and submit to the secretary of the intermediate school board a resolution affirming that the program and the corresponding policies comply with this section. This submission shall include a copy of the policy under subdivision (f).

(h) The board of the school district or intermediate school district or board of directors of the public school academy shall make copies of the policy under subdivision (f), and of any annual reviews or revisions, available to the public.

(3) Not later than April 1, 2003, the department, in consultation with the department of human services, shall develop and make available to the public model standards for before- or after-school programs operated under subsection (2) that address human relationships; indoor environment; outdoor environment; activities; safety, health, and nutrition; and administration. In developing these model standards, the department shall give substantial consideration to similar factors in the requirements placed on child care centers under 1973 PA 116, MCL 722.111 to 722.128. A school district, public school academy, or intermediate school district is not required to follow these model standards.

(4) Beginning July 1, 2003, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that any written information published or distributed by the school district, public school academy, or intermediate school district concerning a before- or after-school program it operates under subsection (2) includes a statement in at least 10-point type notifying the public whether the program follows or deviates from the model standards developed under subsection (3).

History: Add. 1996, Act 285, Imd. Eff. June 17, 1996 ;-- Am. 2002, Act 695, Eff. Mar. 31, 2003 ;-- Am. 2006, Act 198, Imd. Eff. June 19, 2006

Compiler's Notes: For transfer of powers and duties of state fire marshal to department of labor and economic growth, bureau of construction

codes and fire safety, by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

Popular Name: Act 451

380.1286, 380.1287 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed sections pertained to provision of facilities, equipment, and teachers for kindergarten classes and vocational education programs.

Popular Name: Act 451

380.1288 Course requiring wearing of industrial quality personal protective devices.

Sec. 1288.

If participating in a course or visiting a course would result in a pupil, teacher, or visitor being exposed to danger of physical harm, each pupil and teacher participating in the course and each visitor to the course shall wear industrial quality personal protective devices, which have been sanitized prior to use, while participating in or visiting the course or participating in or visiting safety training required for the course. The board of a school district or intermediate school district or board of directors of a public school academy shall furnish the protective devices for pupils, teachers, and visitors to the classrooms, laboratories, and field sites used for the course or training.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 2016, Act 532, Eff. Apr. 9, 2017

Popular Name: Act 451

Admin Rule: R 390.1301 et seq. of the Michigan Administrative Code.

380.1289 Participation of female pupils in interscholastic athletic activities.

Sec. 1289.

Female pupils shall be permitted to compete for a position in all interscholastic athletic activities. If a school has a girls' team in an interscholastic athletic activity, a female shall be permitted to compete for a position on any other team for that activity. This subsection shall not be construed to prevent or interfere with the selection of competing teams solely on the basis of athletic ability.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1994, Act 416, Eff. Mar. 30, 1995 ;-- Am. 1995, Act 289, Eff. July 1, 1996

Popular Name: Act 451

380.1291 Local school security task force.

Sec. 1291.

The board of a school district may establish a local school security task force for the school district to perform functions at the local level similar to those performed at the state level by the school security task force created under the school security task force act. The local school security task force shall include representatives of parents, teachers and other school employees, school administrators, law enforcement officials, pupils, and other members of the community affected by weapons in schools. A school district may use school operating funds for the activities of its local school security task force. This section does not require a school district to establish a local

school security task force, or create liability for a school district that does not establish a local school security task force.

History: Add. 1993, Act 320, Eff. Apr. 1, 1994

Popular Name: Act 451

380.1291[1] Michigan information network.

Sec. 1291.

(1) Not later than June 30, 1995, the department of management and budget shall prepare a state plan for creation of a Michigan information network linking each local and intermediate school district, public school academy, community college, independent nonprofit college or university located in this state, and state public university and each state, local, or regional library on an equal basis by fiber optic or coaxial cable or other comparable system allowing a world-class statewide interactive video and data access and exchange system.

(2) All educational entities in this state are encouraged to participate in the Michigan information network created in subsection (1) and in similar networks or systems and are encouraged to use computer, telecommunications, and other interactive technology to develop and use distance learning for educational purposes.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1994, Act 416, Eff. Mar. 30, 1995

Compiler's Notes: Section 1291, as added by Act 335 of 1993, was compiled as MCL 380.1291[1] to distinguish it from another section 1291, deriving from Act 320 of 1993 and pertaining to local school security task force. For transfer of statutory authority, powers, duties, functions, and responsibilities of certain units, teams, divisions, and offices within the department of management and budget to the department of information technology by type III transfer, see E.R.O. No. 2001-1, compiled at MCL 18.41 of the Michigan compiled laws.

Popular Name: Act 451

380.1293 Post-graduation opportunities informational packets; contents; availability.

Sec. 1293.

(1) By not later than August 1, 2023, and by not later than August 1 each year thereafter, the department shall develop or update and shall make available to all school districts, intermediate school districts, public school academies, and nonpublic schools informational packets to be given by school officials to each pupil or student enrolled in any of grades 8 to 12 in the school district, intermediate school district, public school academy, or nonpublic school. An informational packet described in this subsection may consist of a collection of links to web-based exploratory programs or written material shared in electronic form and must include, but is not limited to, all of the following:

(a) Information, disaggregated by prosperity region, regarding the location of school districts, intermediate school districts, and public school academies that choose to offer early/middle college programs, advanced placement (AP) programs, and college-level examination programs (CLEP) that are available under state or federal law to pupils enrolled in any of grades 8 to 12.

(b) Information regarding the average tuition and average fees associated with attendance at each public university and community college in this state.

(c) The 6-year success rate for each public university and community college in this state.

(d) Information regarding the dollar value for student loans disbursed, the number of unique student loans, and the number of unique recipients who received student loans incurred by individuals attending a postsecondary institution in this state.

(e) A list of at least 10 postsecondary vocational training opportunities for individuals who have been awarded a high school diploma or who have been granted a high school equivalency certificate, as that term is defined in section 4 of the state school aid act of 1979, MCL 388.1604. The list described in this subdivision must include, but is not limited to, the average costs associated with certification through the listed vocational training opportunities.

(f) A list of at least 20 of the most in-demand occupations in this state, as determined by the department. The list under this subdivision must include, but is not limited to, a breakdown of the average salary for each occupation and the required educational level for each occupation.

(g) A list of public and private resources designed to aid pupils and the parents and legal guardians of pupils in navigating postsecondary education. The list under this subdivision must include, but is not limited to, information concerning public and private scholarship opportunities available to pupils.

(h) A list of public-service opportunities for high school graduates. The list under this subdivision must include, but is not limited to, information concerning opportunities available for high school graduates in the public-safety sector, including, but not limited to, opportunities in the Armed Forces of the United States, police departments, and fire departments. As used in this subdivision, "Armed Forces of the United States" means the United States Army, Air Force, Navy, Marine Corps, Space Force, or Coast Guard or other military force designated by Congress as a part of the Armed Forces of the United States, including the reserve components.

(i) Information regarding any postsecondary training and tuition assistance available to those who choose a career in public service.

(2) By not later than August 1, 2023, and by not later than August 1 each year thereafter, the department shall post the informational packet made available to school districts, intermediate school districts, public school academies, and nonpublic schools under subsection (1) on its website homepage.

(3) By not later than October 1, 2023, and by not later than October 1 each year thereafter, the board of a school district or intermediate school district, board of directors of a public school academy, or governing body of a nonpublic school shall ensure that the superintendent or chief administrator, as applicable, of each school operated by the board, board of directors, or governing body provides, in electronic form or nonelectronic form, the informational packet made available to the school district, intermediate school district, public school academy, or nonpublic school under subsection (1) to each pupil enrolled in any of grades 8 to 12 in the school district, intermediate school district, public school academy, or nonpublic school.

(4) Each other department or agency of this state shall assist the department in compiling any information that is necessary for the implementation of this section.

History: Add. 2022, Act 88, Eff. Mar. 29, 2023

Compiler's Notes: Former MCL 380.1293, which pertained to adult education courses, was repealed by Act 289 of 1995, Eff. July 1, 1996.

Popular Name: Act 451

380.1294 Parent involvement plan; adoption; distribution; review.

Sec. 1294.

(1) Not later than January 1, 2005, the board of a school district or intermediate school district or the board of directors of a public school academy shall adopt and implement a parent involvement plan designed to encourage parental participation.

(2) The board or board of directors shall provide a copy of the parent involvement plan to the parent or legal guardian of each pupil. The board or board of directors may provide the copy of the policy by including the policy in its student handbook or a similar publication that is distributed to all pupils and parents.

(3) The board or board of directors shall provide a copy of the parent involvement plan to the department upon request by the department.

(4) The department shall review parental involvement practices that have been implemented by public schools in this state and elsewhere and shall post information at the department website about successful parental involvement policies and practices.

History: Add. 2004, Act 107, Imd. Eff. May 20, 2004

Popular Name: Act 451

380.1295 Parental involvement contracts.

Sec. 1295.

(1) School districts are encouraged to develop and implement parental involvement contracts with parents of pupils. These parental involvement contracts should be voluntary and should be designed to encourage and

facilitate a parent's involvement in his or her child's education.

(2) Not later than 90 days after the effective date of this section, the department shall develop and make available to school districts a model parental involvement contract that may be used for the purposes of subsection (1). The model parental involvement contract shall establish a learning partnership between parent, teacher, and pupil, and shall address at least all of the following:

- (a) That the pupil's parent or guardian will do all of the following:
 - (i) Review homework assignments and offer assistance when needed.
 - (ii) Ensure that the pupil gets to school each day, on time and ready to learn.
 - (iii) Demonstrate interest in the pupil's well-being by attending school functions and supporting the pupil's school activities.
 - (iv) Make every effort to attend parent-teacher conferences.
 - (b) That the pupil will do all of the following:
 - (i) Participate in class discussions and complete assignments in a manner that is accurate, neat, and timely.
 - (ii) Come to school each school day and be on time.
 - (iii) Pay attention in class and complete assigned lessons.
 - (iv) Obey the rules and codes of conduct set for the classroom.
 - (v) Respect teachers, school administrators, and other pupils at all times by not antagonizing, intimidating, or threatening them.
 - (c) That the teacher will do all of the following:
 - (i) Set high standards for quality instruction that promote development of grade-appropriate academic skills.
 - (ii) Keep accurate attendance records and inform the parent or guardian promptly if an attendance problem starts to develop.
 - (iii) Teach pupils how to study and review basic concepts taught in class.
 - (iv) Maintain a welcome atmosphere and scheduling flexibility toward parent or guardian visits and participation.
 - (d) That the contract should include a way for the pupil's parent or guardian to explain any obstacles that prevent him or her from complying with the contract.
- (3) If a parental involvement contract includes an explanation described in subsection (2)(d), school officials shall consider accessing possible resources to help overcome the obstacles identified by the parent or guardian.

History: Add. 2001, Act 29, Imd. Eff. June 28, 2001

Popular Name: Act 451

380.1296 Auxiliary services for pupils in nonpublic schools; use of state school aid; scope of auxiliary services; rules.

Sec. 1296.

The board of a school district that provides auxiliary services specified in this section to its resident pupils in the elementary and secondary grades shall provide the same auxiliary services on an equal basis to pupils in the elementary and secondary grades at nonpublic schools. The board may use state school aid to pay for the auxiliary services. The auxiliary services shall include health and nursing services and examinations; street crossing guards services; national defense education act testing services; teacher of speech and language services; school social work services; school psychological services; teacher consultant services for students with a disability and other ancillary services for students with a disability; remedial reading; and other services determined by the legislature. Auxiliary services shall be provided under rules promulgated by the superintendent of public instruction.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008

Popular Name: Act 451

Admin Rule: R 340.291 et seq. of the Michigan Administrative Code.

380.1297 Educational program for certain children; board as agent for federal government; payment of per capita operation and capital outlay costs; deduction of allotments; approval; section inapplicable to land attached under MCL 380.1298.

Sec. 1297.

(1) The board of a school district may serve as an agent for the federal government in providing the district's educational program, either within its own district or upon the premises of a military encampment or hospital over which the federal government has taken exclusive jurisdiction, to pupils of parents or guardians who live on land over which the federal government has exclusive jurisdiction.

(2) The federal government shall pay the full per capita operation costs for each pupil educated by the school district on its own premises, and the full per capita operation costs, plus all costs for capital outlay, for each pupil educated by the district upon the premises of the federal government. In determining the per capita cost, allotments made for a pupil on a membership basis from state school aid shall be deducted.

(3) The state board shall approve the items included or excluded in determining the operation and capital outlay costs.

(4) This section does not apply if land is attached pursuant to section 1298.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

380.1298 Attachment of land under exclusive federal jurisdiction; hearing; rights and privileges of pupils.

Sec. 1298.

Land over which the federal government is exercising exclusive jurisdiction may be attached for educational purposes by the state board after a hearing to a school district offering educational programs for pupils residing on the land. The pupils shall be residents of the district entitled to all the educational rights and privileges of other resident pupils.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

380.1299 Limited open forum; equal access and opportunity; definitions.

Sec. 1299.

(1) A public school that operates 1 or more of grades 7 to 12 and that has a limited open forum shall not deny equal access or a fair opportunity to, or discriminate against, any pupil or pupils who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at the meeting. A public school has a limited open forum whenever the public school grants an offering to or opportunity for 1 or more noncurriculum-related student groups to meet on school premises during noninstructional time. A public school shall be considered to offer a fair opportunity to pupils who wish to conduct a meeting within the limited open forum if the public school uniformly provides for all of the following:

(a) The meeting is voluntary and student-initiated.

(b) There is no sponsorship of the meeting by the public school, the government, or either's agents or employees.

(c) Employees or agents of the public school or government are present at religious meetings only in a nonparticipatory capacity.

(d) The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.

(e) Persons not affiliated with the public school may not direct, conduct, control, or regularly attend activities of student groups.

(2) Subsection (1) does not authorize this state or any political subdivision of this state to do any of the following:

(a) Influence the form or content of any prayer or other religious activity.

(b) Require any person to participate in prayer or other religious activity.

(c) Expend public funds beyond the incidental cost of providing the space for student-initiated meetings.

(d) Compel any school agent or employee to attend a school meeting if the content of the speech at the meeting

is contrary to the beliefs of the agent or employee.

(e) Sanction meetings that are otherwise unlawful.

(f) Limit the rights of groups of pupils which are not of a specified numerical size.

(g) Abridge the constitutional rights of any person.

(3) Subsection (1) does not limit the authority of a public school to maintain order and discipline on school premises, to protect the well-being of pupils and faculty, and to assure that attendance of pupils at meetings is voluntary.

(4) As used in this section:

(a) "Meeting" includes those activities of student groups that are permitted under a public school's limited open forum and are not directly related to the school curriculum.

(b) "Noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

(c) "Public school" includes a public school's employees and persons or entities under contract with the public school.

(d) "Sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

History: Add. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 1996, Act 283, Imd. Eff. June 17, 1996

Popular Name: Act 451

380.1300 Native American individuals; permissions regarding traditional regalia and objects.

Sec. 1300.

(1) The board of a school district or intermediate school district or board of directors of a public school academy shall ensure that a Native American individual is permitted to wear traditional regalia and to bring traditional objects to ceremonies of honor.

(2) As used in this section:

(a) "Ceremonies of honor" means formal and informal public occasions celebrating academic, athletic, and other student achievement, including, but not limited to, graduation, commencement, convocation, and honor society events.

(b) "Traditional objects" means any cultural, religious, or ceremonial items or objects that hold tribal or ancestral meaning, significance, or importance for a Native American. Traditional objects does not include an item or object that is prohibited under section 1313 or section 473 of the Michigan penal code, 1931 PA 328, MCL 750.473.

(c) "Traditional regalia" means any cultural, religious, or ceremonial clothing or wearable items representing a Native American's tribal or ancestral traditions. Traditional regalia does not include clothing or an item that is prohibited under section 1313 or section 473 of the Michigan penal code, 1931 PA 328, MCL 750.473.

History: Add. 2024, Act 209, Eff. Apr. 2, 2025

Compiler's Notes: Former MCL 380.1300, which pertained to regulations, was repealed by Act 289 of 1995, Eff. July 1, 1996.

Popular Name: Act 451

380.1300a Sexual harassment policy.

Sec. 1300a.

Not later than January 1, 1995, the board of each school district shall adopt and implement a written sexual harassment policy. At a minimum, the policy shall prohibit sexual harassment by school district employees, board members and pupils directed toward other employees or pupils and shall specify penalties for violation of the policy.

History: Add. 1993, Act 335, Imd. Eff. Dec. 31, 1993

Popular Name: Act 451

380.1301 Pregnant persons; expulsion or exclusion from public school prohibited; withdrawal; alternative educational program or program of special services; rules.

Sec. 1301.

(1) A person who has not completed high school may not be expelled or excluded from a public school because of being pregnant.

(2) A pregnant person who is under the compulsory school age may withdraw from a regular public school program in accordance with rules promulgated by the state board.

(3) The board of a local or intermediate school district may provide an accredited alternative educational program for school age expectant parents and school age parents and their children, or provide a program of special services within the conventional school setting, or contract with another school district offering the educational program.

(4) The state board shall promulgate rules to implement this section.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1980, Act 109, Imd. Eff. May 10, 1980

Popular Name: Act 451

Admin Rule: R 340.1121 et seq. of the Michigan Administrative Code.

380.1302 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to eligibility requirements for driver education courses.

Popular Name: Act 451

380.1303 Pocket pager, electronic communication device, or other personal communication device; applicability of subsection (1).

Sec. 1303.

(1) Until the end of the 2003-2004 school year, unless the board or board of directors adopts its own local policy to the contrary, the board of a school district or board of directors of a public school academy shall not permit any pupil to carry a pocket pager, electronic communication device, or other personal communication device in school except for health or other unusual reasons approved by the board or board of directors. A board or board of directors may develop penalties that it considers appropriate for a pupil who violates this prohibition or its own policy.

(2) Beginning with the 2004-2005 school year, subsection (1) does not apply and the board of a school district or board of directors of a public school academy may adopt and implement its own local policy concerning whether or not a pupil may carry a pocket pager, electronic communication device, or other personal communication device in school.

History: Add. 1988, Act 215, Imd. Eff. July 1, 1988 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 2003, Act 132, Imd. Eff. Aug. 1, 2003

380.1305 Bomb threat; search by school employee.

Sec. 1305.

If a public or nonpublic school is closed or vacated due to a bomb threat, a school official shall not require a school employee to remain in or to search the school unless the governing body that operates the school has ensured that employee has received appropriate training approved by the appropriate law enforcement agency dealing with bomb threats.

History: Add. 2004, Act 56, Imd. Eff. Apr. 12, 2004

380.1306 School lockers; no presumption of privacy; search policy; assistance of law enforcement agency; model policy; admissibility of evidence.

Sec. 1306.

(1) A pupil who uses a locker that is the property of a school district, local act school district, intermediate school district, or public school academy is presumed to have no expectation of privacy in that locker or that locker's contents.

(2) If the board of a school district, local act school district, or intermediate school district or board of directors of a public school academy operates a school that has pupil lockers, then not later than 180 days after the effective date of this section the board or board of directors shall adopt a policy on searches of pupils' lockers and locker contents. This policy shall provide that, in the course of a search conducted pursuant to the policy, the privacy rights of the pupil shall be respected regarding any items that are not illegal or against school policy. The board or board of directors shall provide a copy of this policy to each pupil at a school that has lockers and to the parent or legal guardian of each of those pupils. The board or board of directors shall also provide a copy of the policy to the department upon request by the department.

(3) A public school principal or his or her designee may search a pupil's locker and the locker's contents at any time in accordance with the policy under subsection (2).

(4) A law enforcement agency having jurisdiction over the school may assist school personnel in conducting a search of a pupil's locker and the locker's contents if that assistance is at the request of the school principal or his or her designee and the search is conducted in accordance with the policy under subsection (2).

(5) Not later than 90 days after the effective date of this section, the superintendent of public instruction shall develop and make available a model policy on searches of pupils' lockers and locker contents that may be adopted for the purposes of this section.

(6) Any evidence obtained as a result of a search of a pupil's locker or locker's contents shall not be inadmissible in any court or administrative proceedings because the search violated this section, violated the policy under subsection (2), or because no policy was adopted.

History: Add. 2000, Act 87, Imd. Eff. May 1, 2000

Popular Name: Act 451

380.1307 Use of seclusion and restraint in public schools; uniform policy; objectives; right or remedy under state or federal law.

Sec. 1307.

(1) It is the intent of the legislature that sections 1307 to 1307h shall provide for a uniform policy regarding the use of seclusion and restraint in the public schools that accomplishes the following objectives:

(a) Promotes the care, safety, welfare, and security of the school community and the dignity of each pupil.

(b) Encourages the use of proactive, effective, evidence- and research-based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all pupils.

(c) Ensures that seclusion and physical restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation, and reporting by trained personnel.

(d) Clearly defines the terms "seclusion", "restraint", "emergency seclusion", and "emergency physical restraint" and clearly states the procedures for the use of emergency seclusion and emergency physical restraint.

(2) Sections 1307 to 1307h do not limit any right or remedy of an individual under state or federal law.

History: Add. 2016, Act 394, Eff. Mar. 29, 2017
Popular Name: Act 451

380.1307a Use of seclusion and restraint in public schools; adoption and implementation of local policy; noncompliance as violation of act.

Sec. 1307a.

Not later than December 1, 2016, the department shall develop a state policy regarding the use of seclusion and restraint in the public schools that includes all of the elements under sections 1307b to 1307h, along with guidelines as the department considers appropriate. Not later than the beginning of the 2017-2018 school year, the board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a local policy that is consistent with the state policy under this section. A person who fails to comply with this section or who fails to comply with any of the requirements of the state policy developed under this section is considered to have failed to comply with and to have violated this act.

History: Add. 2016, Act 395, Eff. Mar. 29, 2017
Popular Name: Act 451

380.1307b Statement of prohibited practices.

Sec. 1307b.

The state policy under section 1307a shall include a clear statement that all of the following practices are prohibited for school personnel in the public schools of this state under all circumstances, including emergency situations:

- (a) Corporal punishment, as defined in section 1312.
- (b) The deprivation of basic needs.
- (c) Child abuse.
- (d) Seclusion, other than emergency seclusion.
- (e) The intentional application of any noxious substance or stimulus that results in physical pain or extreme discomfort. A noxious substance or stimulus is prohibited whether it is generally acknowledged or is specific to the pupil.
- (f) Mechanical restraint.
- (g) Chemical restraint.
- (h) Any restraint that negatively impacts breathing.
- (i) Prone restraint.
- (j) Physical restraint, other than emergency physical restraint.
- (k) Any other type of restraint.

History: Add. 2016, Act 396, Eff. Mar. 29, 2017
Popular Name: Act 451

380.1307c Emergency seclusion and emergency physical restraint; state policy; provisions.

Sec. 1307c.

The state policy under section 1307a shall include at least all of the following provisions concerning use of emergency seclusion and emergency physical restraint:

- (a) Emergency seclusion and emergency physical restraint may be used only under emergency situations and only

if essential to providing for the safety of the pupil or safety of another.

(b) Emergency seclusion and emergency physical restraint may not be used in place of appropriate less restrictive interventions.

(c) Emergency seclusion and emergency physical restraint shall be performed in a manner that, based on research and evidence, is safe, appropriate, and proportionate to and sensitive to the pupil's severity of behavior, chronological and developmental age, physical size, gender, physical condition, medical condition, psychiatric condition, and personal history, including any history of physical or sexual abuse or other trauma.

(d) A requirement that school personnel shall call key identified personnel for help from within the school building either immediately at the onset of an emergency situation or, if it is reasonable under the particular circumstances for school personnel to believe that diverting their attention to calling for help would increase the risk to the safety of the pupil or to the safety of others, as soon as possible once the circumstances no longer support such a belief.

(e) A requirement that the school district, intermediate school district, or public school academy must ensure that substitute teachers are informed of and understand the procedures regarding use of emergency seclusion and emergency physical restraint. This requirement may be satisfied using online training and an online acknowledgment of understanding developed or approved by the department and completed by the substitute teacher.

(f) Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his or her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended and generally no longer than 15 minutes for an elementary school pupil or 20 minutes for a middle school or high school pupil. If an emergency seclusion lasts longer than 15 minutes for an elementary school pupil or 20 minutes for a middle school or high school pupil, all of the following are required:

(i) Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.

(ii) Documentation to explain the extension beyond the time limit.

(g) Emergency physical restraint should not be used any longer than necessary, based on research and evidence, to allow a pupil to regain control of his or her behavior to the point that the emergency situation necessitating the use of emergency physical restraint is ended and generally no longer than 10 minutes. If an emergency physical restraint lasts longer than 10 minutes, all of the following are required:

(i) Additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel.

(ii) Documentation to explain the extension beyond the time limit.

(h) While using emergency seclusion or emergency physical restraint, school personnel must do all of the following:

(i) Involve key identified personnel to protect the care, welfare, dignity, and safety of the pupil.

(ii) Continually observe the pupil in emergency seclusion or emergency physical restraint for indications of physical distress and seek medical assistance if there is a concern.

(iii) Document observations.

(iv) Ensure to the extent practicable, in light of the ongoing emergency situation, that the emergency physical restraint does not interfere with the pupil's ability to communicate using the pupil's primary mode of communication.

(v) Ensure that at all times during the use of emergency seclusion or emergency physical restraint there are school personnel present who can communicate with the pupil using the pupil's primary mode of communication.

History: Add. 2016, Act 397, Eff. Mar. 29, 2017

Popular Name: Act 451

380.1307d Documentation and reporting of seclusion and restraint; state policy; provisions.

Sec. 1307d.

The state policy under section 1307a shall include at least all of the following provisions concerning documentation and reporting of seclusion and restraint:

(a) Each use of seclusion or restraint and the reason for each use shall be documented in writing and reported in writing or orally to the school building administration and the pupil's parent or guardian immediately and documented in a written report for each use of seclusion or restraint, including multiple uses within a given day, with this written report provided to the parent or guardian within the earlier of 1 school day or 7 calendar days.

(b) After any use of seclusion or restraint, school personnel must make reasonable efforts to debrief and consult

with the parent or guardian, or with the parent or guardian and the pupil, as appropriate, regarding the determination of future actions. The debriefing and consultation shall be done in accordance with department guidelines and documented on forms developed by the department.

(c) If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel are encouraged to do all of the following:

- (i) Conduct a functional behavioral assessment.
- (ii) Develop or revise a positive behavioral intervention and support plan to facilitate the elimination of the use of seclusion and restraint.
- (iii) Develop an assessment and planning process conducted by a team knowledgeable about the pupil, including at least the parent or guardian; the pupil, if appropriate; the individuals responsible for implementation of the positive behavioral intervention and support plan; and individuals knowledgeable in positive behavioral intervention and support.

History: Add. 2016, Act 398, Eff. Mar. 29, 2017

Popular Name: Act 451

380.1307e Development and implementation of emergency intervention plan; state policy; provisions.

Sec. 1307e.

The state policy under section 1307a shall include at least all of the following provisions concerning development and implementation of an emergency intervention plan:

(a) If a pupil exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion or emergency physical restraint, school personnel should develop a written emergency intervention plan to protect the health, safety, and dignity of the pupil. The emergency intervention plan should be developed in partnership with the parent or guardian by a team that includes a teacher, an individual knowledgeable about the legally permissible use of emergency seclusion and emergency physical restraint, and an individual knowledgeable about the use of positive behavioral intervention and support to eliminate the use of seclusion and restraint. The emergency intervention plan should be developed and implemented by taking all of the following documented steps:

- (i) Describe in detail the emergency intervention procedures.
- (ii) Describe in detail the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.
- (iii) Make inquiry to the pupil's medical personnel, with parental consent, regarding any known medical or health contraindications for the use of emergency seclusion or emergency physical restraint.
- (iv) Conduct a peer review by knowledgeable school personnel.
- (v) Provide the parent or guardian with all of the following, in writing and orally:
 - (A) A detailed explanation of the positive behavioral intervention and support strategies that will be utilized to reduce the risk of the pupil's behavior creating an emergency situation.
 - (B) An explanation of what constitutes an emergency situation as defined in section 1307h, including examples of situations that would fall within the definition and situations that would fall outside the definition.
 - (C) A detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion and emergency physical restraint.
 - (D) A detailed explanation of the legal limits on the use of emergency seclusion and emergency physical restraint, including examples of legally permissible and prohibited use.
 - (E) A description of possible discomforts or risks.
 - (F) Answers to any questions.

(b) A pupil who is the subject of an emergency intervention plan should be told or shown the circumstances under which emergency seclusion or emergency physical restraint could be used.

(c) Emergency seclusion or emergency physical restraint must only be used in response to an ongoing emergency situation and not as a planned response for the convenience of school personnel, as discipline or punishment, or as a substitute for an appropriate educational program. The development of an emergency intervention plan shall be solely for the purpose of protecting the health, safety, and dignity of the pupil and does not expand the legally permissible use of emergency seclusion or emergency physical restraint.

History: Add. 2016, Act 399, Eff. Mar. 29, 2017

380.1307f Data collection; state policy; provisions.

Sec. 1307f.

The state policy under section 1307a shall include at least all of the following provisions concerning data collection:

(a) A school district or public school academy, or an intermediate school district program in which pupils are enrolled, in accordance with department guidelines, shall collect and report data on and related to the use of restraint and seclusion in the school district, public school academy, or intermediate school district program. In collecting and reporting this data, a school district, public school academy, or intermediate school district program shall use existing data collection and reporting systems whenever possible. Incidents of use shall, at a minimum, be reported by race, age, grade, gender, disability status, medical condition, identity of the school personnel initiating the use of the restraint or seclusion, and identity of the school or program where the use occurred.

(b) All of the following should occur with respect to the data collected under subdivision (a):

(i) The data should be analyzed by the school and school district, public school academy, or intermediate school district in which the pupil is enrolled to determine the efficacy of the school's schoolwide system of behavioral support.

(ii) The data should be analyzed by the school and school district, public school academy, or intermediate school district in the context of attendance, suspension, expulsion, and dropout data.

(iii) The data should be analyzed by the school and school district, public school academy, or intermediate school district for the purposes of continuous improvement of training and technical assistance toward the elimination of seclusion and restraint.

(iv) The data should be analyzed by the school and school district, public school academy, or intermediate school district on a schedule determined by the department.

(v) The data should be reported electronically to the department in accordance with department guidelines by the school district, public school academy, or intermediate school district.

(c) The department shall make available redacted, aggregate data on the reported use of seclusion and restraint, compiled by school district, public school academy, and intermediate school district on a quarterly basis.

History: Add. 2016, Act 400, Eff. Mar. 29, 2017

Popular Name: Act 451

380.1307g Training; state policy; provisions.

Sec. 1307g.

The state policy under section 1307a shall include at least all of the following provisions concerning training, which may include online training that is developed or approved by the department:

(a) In accordance with department guidelines, a school district, intermediate school district, or public school academy shall implement a comprehensive training framework that includes awareness training for all school personnel who have regular contact with pupils and comprehensive training for key identified personnel as described in subdivision (b).

(b) A school district, intermediate school district, or public school academy shall identify sufficient key personnel to ensure that trained personnel are generally available for an emergency situation. Before using emergency seclusion or emergency physical restraint with pupils, key identified personnel who may have to respond to an emergency situation shall be trained in all of subparagraphs (i) to (xvi) as follows and should be trained in all of subparagraphs (xvii) to (xx) as follows:

(i) Proactive practices and strategies that ensure the dignity of pupils.

(ii) De-escalation techniques.

(iii) Techniques to identify pupil behaviors that may trigger emergency situations.

(iv) Related safety considerations, including information regarding the increased risk of injury to pupils and school personnel when seclusion or restraint is used.

- (v) Instruction in the use of emergency seclusion and emergency physical restraint.
- (vi) Identification of events and environmental factors that may trigger emergency situations.
- (vii) Instruction on the state policy on the use of seclusion and restraint.
- (viii) Description and identification of dangerous behaviors.
- (ix) Methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted.
- (x) Types of seclusion.
- (xi) Types of restraint.
- (xii) The risk of using seclusion or restraint in consideration of a pupil's known and unknown physical or mental health conditions or psychological limitations.
- (xiii) The effects of seclusion and restraint on all pupils.
- (xiv) How to monitor for and identify the physical signs of distress and the implications for pupils generally and for pupils with particular physical or mental health conditions or psychological limitations.
- (xv) How to obtain appropriate medical assistance.
- (xvi) Cardiopulmonary resuscitation and first aid.
- (xvii) Conflict resolution.
- (xviii) Mediation.
- (xix) Social skills training.
- (xx) Positive behavioral intervention and support strategies.

History: Add. 2016, Act 401, Eff. Mar. 29, 2017

Popular Name: Act 451

380.1307h Definitions.

Sec. 1307h.

As used in sections 1307 to 1307h:

- (a) "Chemical restraint" means the administration of medication for the purpose of restraint.
- (b) "De-escalation techniques" means evidence- and research-based strategically employed verbal or nonverbal interventions used to reduce the intensity of threatening behavior before, during, and after a crisis situation occurs.
- (c) "Documentation" means documentation developed by the department that is uniform across the state.
- (d) "Emergency physical restraint" means a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provides an opportunity for the pupil to regain self-control while maintaining the safety of the pupil and others. Emergency physical restraint does not include physical restraint that is used for the convenience of school personnel, as a substitute for an educational program, as a form of discipline or punishment, as a substitute for less restrictive alternatives, as a substitute for adequate staffing, or as a substitute for school personnel training in positive behavioral intervention and support. Emergency physical restraint does not include a practice prohibited under section 1307b. Emergency physical restraint does not include physical restraint when contraindicated based on a pupil's disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.
- (e) "Emergency seclusion" means a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the pupil to regain self-control while maintaining the safety of the pupil and others. To qualify as emergency seclusion, there must be continuous observation by school personnel of the pupil in seclusion, and the room or area used for confinement must comply with state and local fire and building codes; must not be locked; must not prevent the pupil from exiting the area if school personnel become incapacitated or leave that area; and must provide for adequate space, lighting, ventilation, viewing, and the safety and dignity of the pupil and others, in accordance with department guidelines. Emergency seclusion does not include the confinement of preschool children or of pupils who are severely self-injurious or suicidal; seclusion that is used for the convenience of school personnel, as a substitute for an educational program, as a form of discipline or punishment, as a substitute for less restrictive alternatives, as a substitute for adequate staffing, or as a substitute for school personnel training in positive behavioral intervention and support; or a practice prohibited under section 1307b. Emergency seclusion does not include seclusion when contraindicated based on a pupil's disability, health care needs, or medical or psychiatric condition, as documented in a record or records made available to the school.
- (f) "Emergency situation" means a situation in which a pupil's behavior poses imminent risk to the safety of the individual pupil or to the safety of others. An emergency situation requires an immediate intervention.

(g) "Functional behavioral assessment" means an evidence- and research-based systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A functional behavioral assessment shall describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting conditions where problematic behaviors occur, and identify the factors that are maintaining the behaviors over time.

(h) "Key identified personnel" means those individuals who have received the mandatory training described in section 1307g(b)(i) to (xvi).

(i) "Law enforcement officer" means an individual licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(j) "Mechanical restraint" means the use of any device, article, garment, or material attached to or adjacent to a pupil's body to perform restraint.

(k) "Physical restraint" means restraint involving direct physical contact.

(l) "Positive behavioral intervention and support" means a framework to assist school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum of intensifying supports based on pupil need that unites examination of the function of the problem behavior and the teaching of alternative skill repertoires to enhance academic and social behavior outcomes for all pupils.

(m) "Positive behavioral intervention and support plan" means a pupil-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies, including, as appropriate to the pupil, guidance or instruction for the pupil to use new skills as a replacement for problem behaviors, some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged, and procedures for monitoring, evaluating, and modifying the plan as necessary.

(n) "Prone restraint" means the restraint of an individual facedown.

(o) "Regularly and continuously work under contract" means that term as defined in section 1230.

(p) "Restraint" means an action that prevents or significantly restricts a pupil's movement. Restraint does not include the brief holding of a pupil in order to calm or comfort, the minimum contact necessary to physically escort a pupil from 1 area to another, the minimum contact necessary to assist a pupil in completing a task or response if the pupil does not resist or resistance is minimal in intensity or duration, or the holding of a pupil for a brief time in order to prevent an impulsive behavior that threatens the pupil's immediate safety, such as running in front of a car. Restraint does not include the administration of medication prescribed by and administered in accordance with the directions of a physician, an adaptive or protective device recommended by a physician or therapist when it is used as recommended, or safety equipment used by the general pupil population as intended, such as a seat belt or safety harness on school transportation. Restraint does not include necessary actions taken to break up a fight, to stop a physical assault, as defined in section 1310, or to take a weapon from a pupil. Restraint does not include actions that are an integral part of a sporting event, such as a referee pulling football players off of a pile or a similar action.

(q) "Restraint that negatively impacts breathing" means any restraint that inhibits breathing, including floor restraints, facedown position, or any position in which an individual is bent over in such a way that it is difficult to breathe. This includes a seated or kneeling position in which an individual being restrained is bent over at the waist and restraint that involves sitting or lying across an individual's back or stomach.

(r) "School personnel" includes all individuals employed in a public school or assigned to regularly and continuously work under contract or under agreement in a public school, or public school personnel providing service at a nonpublic school. Except for sections 1307d and 1307f, school personnel does not include a law enforcement officer assigned to regularly and continuously work under contract or under agreement in a public school.

(s) "Seclusion" means the confinement of a pupil in a room or other space from which the pupil is physically prevented from leaving. Seclusion does not include the general confinement of pupils if that confinement is an integral part of an emergency lockdown drill required under section 19(5) of the fire prevention code, 1941 PA 207, MCL 29.19, or of another emergency security procedure that is necessary to protect the safety of pupils.

History: Add. 2016, Act 402, Eff. Mar. 29, 2017 ;-- Am. 2017, Act 260, Eff. Mar. 28, 2018

Popular Name: Act 451

380.1308 Statewide school safety information policy; critical incident mapping data.

Sec. 1308.

(1) Not later than October 6, 1999, the superintendent of public instruction, attorney general, and director of the department of state police shall adopt, publish, and distribute to school boards, county prosecutors, and local law

enforcement agencies the statewide school safety information policy described in subsection (2). Not later than January 6, 2000, each school board, county prosecutor, and local law enforcement agency shall do both of the following:

(a) Meet and confer as appropriate on the implementation of the statewide school safety information policy for each school district and on any related issues that are unique to the affected locality. The appropriate local law enforcement agency or agencies to be involved must be determined locally, consistent with the statewide school safety information policy.

(b) Begin compliance with the statewide school safety information policy.

(2) The statewide school safety information policy required under subsection (1) must identify the types of incidents occurring at school that must be reported to law enforcement agencies and must establish procedures to be followed when such an incident occurs at school. The statewide school safety information policy also may address procedures for reporting incidents involving possession of a dangerous weapon as required under section 1313. The statewide school safety information policy must address at least all of the following:

(a) Law enforcement protocols and priorities for the reporting process. The law enforcement protocols must be developed with the cooperation of the appropriate state or local law enforcement agency. The law enforcement priorities must include at least investigation of reported incidents, identification of those involved in a reported incident, assistance in prevention of these types of incidents, and, when appropriate, assistance from a child protection agency.

(b) Definition of the types of incidents requiring reporting to law enforcement and response by law enforcement, taking into account the intent of the actor and the circumstances surrounding the incident.

(c) Protocols for responding to reportable incidents, addressing at least all of the following:

(i) Initial notification and reporting by school officials.

(ii) The information to be provided by school officials.

(iii) Initial response by law enforcement agencies that must be specifically tailored for incidents in progress, incidents not in progress, and incidents involving delayed reporting. School officials shall be consulted to determine the extent of law enforcement involvement required by the situation.

(iv) Custody of actors.

(d) The amount and nature of assistance to be provided by school officials, and the scope of their involvement in law enforcement procedures. This provision requires school officials to notify the parent or legal guardian of a minor pupil who is a victim or witness when law enforcement authorities interview the pupil.

(e) Any other matters that will facilitate reporting of incidents affecting school safety and the exchange of other information affecting school safety.

(3) A school board or its designee shall report to the appropriate state or local law enforcement agencies and prosecutors all information that is required to be reported to those officials under the statewide school safety information policy.

(4) If school officials of a school district determine that an incident has occurred at school that is required to be reported to law enforcement agencies according to the statewide school safety information policy under this section or under subsection (3), the superintendent of the school district, or his or her designee, immediately shall report that finding to the appropriate state or local law enforcement agency in the manner prescribed in the statewide school safety information policy.

(5) If provided in the statewide school safety information policy under this section, a local law enforcement agency that has jurisdiction over a school building of a school district shall report to the school officials of the school building incidents reported to the law enforcement agency that allege the commission of a crime and that, according to the incident report, either occurred on school property or within 1,000 feet of the school property or involved a pupil or staff member of the school as a victim or alleged perpetrator. Upon request by a law enforcement agency, school officials shall provide the law enforcement agency with any information the law enforcement agency determines it needs to provide this report to school officials.

(6) If provided in the statewide school safety information policy under this section, the prosecuting attorney of a county shall notify a school district located in whole or in part in that county of any criminal or juvenile court action initiated or taken against a pupil of the school district, including, but not limited to, convictions, adjudications, and dispositions. This notification must be made to either the school district superintendent or to the intermediate superintendent of the intermediate school district in which the county is located, as provided in the policy or by local agreement. If the notification is made to the intermediate superintendent, the intermediate superintendent shall forward the information to the superintendent of the school district in which the pupil is enrolled. Upon receipt of information under this subsection, a school district superintendent shall share the information with appropriate school building personnel. The prosecuting attorney may inquire of each school age individual involved in a court action described in this subsection whether the individual is a pupil in a school district and, if so, in which school district.

(7) If provided for in the statewide school safety information policy under this section, the appropriate court shall inform an appropriate school administrator of the name of the individual assigned to monitor a convicted or adjudicated youth attending a public school and of how that individual may be contacted.

(8) A school board, county prosecutor, and local law enforcement agency may enter into a local agreement or take other measures to facilitate the sharing of school safety information or to promote school safety if the agreement or other measures are consistent with the statewide school safety information policy.

(9) A school board shall cooperate with local law enforcement agencies to ensure that detailed and accurate building plans, blueprints or critical incident mapping data, and site plans, as appropriate, for each school building operated by the school board are provided to the appropriate local law enforcement agency. Critical incident mapping data provided pursuant to this subsection must meet all of the following requirements:

(a) Be compatible with software platforms used by a local, state, or federal public safety agency that provide emergency services.

(b) Be provided in a printable format.

(c) Be verified for accuracy through a walkthrough of a school building and school grounds.

(d) Be oriented true north.

(10) Reporting of information by a school district or school personnel under this section is subject to 20 USC 1232g, commonly referred to as the family educational rights and privacy act of 1974.

(11) If a pupil is involved in an incident reported to law enforcement according to the statewide school safety information policy under this section, then upon request by school officials, the pupil's parent or legal guardian shall execute any waivers or consents necessary to allow school officials access to school, court, or other pertinent records of the pupil concerning the incident and action taken as a result of the incident.

(12) As used in this section:

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

(b) "Critical incident mapping data" means information provided in an electronic or digital format to assist law enforcement or emergency first responders in an emergency. The information provided must include, but is not limited to, all of the following:

(i) Accurate floor plans overlaid on or current aerial imagery of a school building or school plan.

(ii) Site specific labeling that matches the structure of the school building, including room labels, hallway names, external door or stairwell numbers, locations of hazards, key utility locations, key boxes, automated external defibrillators, and trauma kits.

(iii) Site specific labeling that matches the school grounds, including parking areas, athletic fields, surrounding roads, and neighboring properties.

(iv) Gridded overlay with x/y coordinates.

(c) "School board" and "school district" mean those terms as defined in section 1311.

History: Add. 1999, Act 102, Imd. Eff. July 6, 1999 ;-- Am. 2016, Act 363, Eff. Aug. 1, 2017 ;-- Am. 2022, Act 257, Eff. Mar. 29, 2023
Popular Name: Act 451

380.1308a Repealed. 2024, Act 264, Eff. Apr. 2, 2025.

Compiler's Notes: The repealed section pertained to a report to department of state police on certain crimes occurring at school.

380.1308b Emergency operations plan; requirements; notice; exemption of certain information from freedom of information act; "school building" defined.

Sec. 1308b.

(1) Beginning in the 2019-2020 school year, and at least biennially thereafter, a school district, intermediate school district, or public school academy shall, in conjunction with at least 1 law enforcement agency that has jurisdiction over the school district, intermediate school district, or public school academy, conduct a review of the emergency operations plan developed or adopted under subsection (2), including a review of the vulnerability assessment under subsection (3), or conduct a review of the statewide school safety information policy described under subsection (4), as applicable.

(2) Subject to subsection (3), not later than January 1, 2020, a school district, intermediate school district, or

public school academy shall develop an emergency operations plan for each school building operated by the school district, intermediate school district, or public school academy with input from the public. The board of the school district or intermediate school district or the board of directors of the public school academy shall adopt the emergency operations plan by a majority vote of the members serving on the board or board of directors at a public meeting of the board or board of directors held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(3) The emergency operations plan developed and adopted under subsection (2) must include guidelines and procedures that address at least all of the following:

- (a) School violence and attacks.
- (b) Threats of school violence and attacks.
- (c) Bomb threats.
- (d) Fire.
- (e) Weather-related emergencies.
- (f) Intruders.
- (g) Parent and pupil reunification.
- (h) Threats to a school-sponsored activity or event whether or not it is held on school premises.
- (i) A plan to train teachers on mental health and pupil and teacher safety.
- (j) A plan to improve school building security.
- (k) An active violence protocol.
- (l) Continuity of operations after an incident.
- (m) A vulnerability assessment.

(4) A school district, intermediate school district, or public school academy that adopts and implements a statewide school safety information policy under section 1308 that meets the requirements under subsection (3) is in compliance with subsection (2).

(5) A school district, intermediate school district, or public school academy shall provide notice to the department of a completed emergency operations plan review under subsection (1) not later than 30 days after the completion of the review, in a form and manner prescribed by the department. A school district, intermediate school district, or public school academy shall also provide notice to the department of the adoption of an emergency operations plan under subsection (2) not later than 30 days after the adoption of the emergency operations plan, in a form and manner prescribed by the department.

(6) At least annually, the department shall provide to the office of school safety within the department of state police a list of each school district, intermediate school district, or public school academy that has not developed and adopted an emergency operations plan under subsection (2).

(7) The office of school safety within the department of state police shall coordinate with a law enforcement agency that has jurisdiction over a school district, intermediate school district, or public school academy that has not developed and adopted an emergency operations plan under subsection (2) to notify the governing body of the school district, intermediate school district, or public school academy that the school district, intermediate school district, or public school academy has not developed and adopted an emergency operations plan.

(8) An emergency operations plan developed and adopted under subsection (2), any information provided to the department under subsection (5), and any information provided to the department of state police under subsection (6) is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(9) As used in this section, "school building" means any of the following:

- (a) A building intended to be used to provide instruction for pupils, including an addition to an existing building.
- (b) A recreational or athletic structure or field intended to be used by pupils.

History: Add. 2018, Act 436, Eff. Mar. 21, 2019

Popular Name: Act 451

380.1308c Promulgation of rules for standardized response terminology.

Sec. 1308c.

(1) By not later than July 1, 2026, the department of state police, in collaboration with the school safety and mental health commission, shall promulgate rules, in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, establishing standardized response terminology and provide the terminology, as established in rule, to public schools, nonpublic schools, and local law enforcement agencies. The standardized

response terminology described in this subsection must include, at a minimum, both of the following:

(a) Direction concerning terminology that should be utilized by public schools, nonpublic schools, and local law enforcement agencies in response to certain situations that occur in or at a school building operated by the public school or nonpublic school.

(b) Direction concerning the use of a color-coding system to indicate when the terminology described in subdivision (a) should be in use at a public school or nonpublic school.

(2) As used in this section, "school building" means any of the following:

(a) A building intended to be used to provide instruction for pupils, including an addition to an existing building.

(b) A recreational or athletic structure or field intended to be used by pupils.

History: Add. 2024, Act 271, Eff. Apr. 2, 2025

Popular Name: Act 451

380.1308d Adoption and implementation of standardized response terminology.

Sec. 1308d.

(1) Beginning with the 2026-2027 school year, the governing body of a public school or nonpublic school shall adopt and implement the standardized response terminology described in section 1308c.

(2) As used in this section, "governing body" means the board of a school district, an intermediate school board, the board of directors of a public school academy, or the governing body of a nonpublic school.

History: Add. 2024, Act 270, Eff. Apr. 2, 2025

Popular Name: Act 451

380.1308e Behavior threat assessment and management team; duties; school safety and security training materials.

Sec. 1308e.

(1) By not later than October 1, 2026, the board of a school district or intermediate school district, board of directors of a public school academy, or governing body of a nonpublic school shall ensure that each school operated by the board, board of directors, or governing body has a behavior threat assessment and management team. The behavior threat assessment and management team must include, but is not limited to, the following individuals:

(a) A school administrator. The school administrator shall ensure that the behavior threat assessment and management team fulfills the duties described in subsection (2).

(b) A mental health professional.

(c) A school resource officer or other law enforcement official. A law enforcement official who is not a school resource officer must be from the local law enforcement agency that has jurisdiction over the school.

(2) The behavior threat assessment and management team's duties include, but are not limited to, the following:

(a) Defining prohibited and concerning behavior and educating the school community on warning signs that may indicate that someone is at risk for potential harm to themselves or others.

(b) Monitoring, assessing, and performing inquiries into concerning behavior.

(c) Distinguishing between credible and noncredible threats.

(d) Developing a central reporting mechanism and educating students, parents, legal guardians, and school personnel on how to report concerning behavior and what is appropriate to report.

(e) Outlining the relationship between school personnel and law enforcement and determining the threshold for when a situation requires the intervention of law enforcement.

(f) Developing a written plan to assist a student who is engaging in concerning behavior. A written plan created under this subdivision must consider using supportive measures in addition to any punitive measures imposed.

(3) The department of state police, in collaboration with the office of school safety created by law, shall develop school safety and security training material and provide the training material annually to public and nonpublic schools in this state. The training material developed under this subsection must include, but is not limited to, the following:

(a) An operational guide created by the United States Secret Service Threat Assessment Center that provides actionable steps that schools can use to develop comprehensive targeted violence prevention plans for conducting threat assessments in schools.

(b) Model forms that schools can use when completing a threat assessment.

(4) Upon request from the governing body of a public or nonpublic school, the department of state police shall provide training to employees of that school on effective use of the school safety and security training material developed under subsection (3).

(5) As used in this section:

(a) "Mental health professional" means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

(b) "Supportive measures" means interventions involving school-based and community-based support structures that focus on building resiliency and protecting the student while also addressing any safety concerns.

History: Add. 2024, Act 272, Eff. Apr. 2, 2025

Popular Name: Act 451

380.1309 Conduct constituting suspension; action by teacher; report; supervision; conference; return by student; adoption of local policy by school board; definitions.

Sec. 1309.

(1) If a teacher in a public school has good reason to believe that a pupil's conduct in a class, subject, or activity constitutes conduct for which the pupil may be suspended from a class, subject, or activity according to the local policy required under subsection (2), the teacher may cause the pupil to be suspended from the class, subject, or activity for up to 1 full school day. The teacher shall immediately report the suspension and the reason for the suspension to the school principal and send the pupil to the school principal or the school principal's designee for appropriate action. If that action requires the continued presence of the pupil at school, the pupil shall be under appropriate supervision. As soon as possible after a suspension under this section, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. Whenever practicable, a school counselor, school psychologist, or school social worker shall attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. During a suspension under this section, the pupil shall not be returned that school day to the class, subject, or activity from which he or she was suspended without the concurrence of the teacher of the class, subject, or activity and the school principal.

(2) A school board shall adopt a local policy specifying the types of conduct for which a pupil may be suspended from a class, subject, or activity by a teacher under this section. This policy shall be included in the school board's code of student conduct.

(3) As used in this section:

(a) "School board" means that term as defined in section 1311a.

(b) "School principal" means the chief administrator of a school.

History: Add. 1999, Act 103, Imd. Eff. July 6, 1999

Popular Name: Act 451

380.1310 Physical assault at school against another pupil; suspension or expulsion; alternative education program; definitions.

Sec. 1310.

(1) Subject to section 1310d, if a pupil enrolled in grade 6 or above commits a physical assault at school against

another pupil and the physical assault is reported to the school board, school district superintendent, or building principal, then the school board or the designee of the school board as described in section 1311(1) on behalf of the school board shall suspend or expel the pupil from the school district for up to 180 school days. A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a school district is not required to allow an individual expelled from another school district under this section to attend school in the school district during the expulsion.

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

(3) As used in this section:

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

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

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

(d) "School district" means a school district, intermediate school district, or public school academy.

History: Add. 1999, Act 102, Imd. Eff. July 6, 1999 ;-- Am. 2000, Act 230, Imd. Eff. June 27, 2000 ;-- Am. 2016, Act 365, Eff. Aug. 1, 2017

Popular Name: Act 451

380.1310a Report.

Sec. 1310a.

(1) At least annually, each school board shall prepare and submit to the superintendent of public instruction, in the form and manner prescribed by the superintendent of public instruction, a report stating the number of pupils expelled from the school district during the immediately preceding school year, with a brief description of the incident that caused each expulsion. The superintendent of public instruction shall submit the report required under this subsection to the school safety commission.

(2) In order to obtain an accurate local picture of school crime and to develop the partnerships necessary to plan and implement school safety programs, at least annually, each school board shall post on its website, in the form and manner prescribed by the superintendent of public instruction, incidents of crime occurring at school within the school district. In determining the form and manner of this report, the superintendent of public instruction shall consult with local and intermediate school districts and law enforcement officials. The report must include at least crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes including, but not limited to, theft and vandalism. For a property crime, the report must include an estimate of the cost to the school district resulting from the property crime. The school crime reporting requirements of this subsection are intended to do all of the following:

(a) Help policymakers and program designers develop appropriate prevention and intervention programs.

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

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

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

(3) Each school building must collect and keep current on a weekly basis the information required for the report

under subsection (2) and must provide that information, within 7 days, upon request. At least annually, each school board shall make a copy disaggregated by school building, of the most recent report for the school district under subsection (2) available to the school safety commission and the parent or legal guardian of each pupil enrolled in the school district.

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

History: Add. 1999, Act 102, Imd. Eff. July 6, 1999 ;-- Am. 2000, Act 230, Imd. Eff. June 27, 2000 ;-- Am. 2016, Act 532, Eff. Apr. 9, 2017 ;-- Am. 2024, Act 264, Eff. Apr. 2, 2025

Popular Name: Act 451

380.1310b Policy prohibiting bullying; adoption and implementation; public hearing; submission of policy to department; contents of policy; annual report of incidents of bullying; form and procedure; school employee, school volunteer, pupil, or parent or guardian reporting act of bullying to school official; modified policy; definitions; section to be known as "Matt Epling Safe School Law."

Sec. 1310b.

(1) The board of a school district or intermediate school district or board of directors of a public school academy shall adopt and implement a policy prohibiting bullying at school, as defined in this section.

(2) Subject to subsection (3), before adopting the policy required under subsection (1) or any modification to the policy, the board or board of directors shall hold at least 1 public hearing on the proposed policy or modification. This public hearing may be held as part of a regular board meeting. Subject to subsection (3), not later than 30 days after adopting or modifying the policy under subsection (1), the board or board of directors shall submit a copy of its policy to the department.

(3) If, as of March 31, 2015, a school district, intermediate school district, or public school academy has already adopted and implemented an existing policy prohibiting bullying at school and that policy is in compliance with subsections (1) and (5), the board of the school district or intermediate school district or board of directors of the public school academy is not required to adopt and implement a modified policy under subsection (1). However, this subsection applies to a school district, intermediate school district, or public school academy described in this subsection only if the board or board of directors submits a copy of its policy to the department not later than May 31, 2015.

(4) Not later than 1 year after the deadline under subsection (2) for districts and public school academies to submit copies of their modified policies to the department, the department shall submit a report to the senate and house standing committees on education summarizing the status of the implementation of the modifications to policies required under 2014 PA 478.

(5) A policy adopted pursuant to subsection (1) shall include at least all of the following:

(a) A statement prohibiting bullying of a pupil. Not later than October 1, 2015, this statement shall be modified as necessary to comply with 2014 PA 478 including, but not limited to, the inclusion of cyberbullying as a form of bullying.

(b) A statement prohibiting retaliation or false accusation against a target of bullying, a witness, or another person with reliable information about an act of bullying.

(c) A provision indicating that all pupils are protected under the policy and that bullying is equally prohibited without regard to its subject matter or motivating animus.

(d) The identification by job title of school officials responsible for ensuring that the policy is implemented.

(e) A statement describing how the policy is to be publicized.

(f) A procedure for providing notification to the parent or legal guardian of a victim of bullying and the parent or legal guardian of a perpetrator of the bullying.

(g) A procedure for reporting an act of bullying.

(h) A procedure for prompt investigation of a report of violation of the policy or a related complaint, identifying either the principal or the principal's designee as the person responsible for the investigation.

(i) A procedure for each public school to document any prohibited incident that is reported and a procedure to report all verified incidents of bullying and the resulting consequences, including discipline and referrals, to the board of the school district or intermediate school district or board of directors of the public school academy on an annual basis.

(j) An assurance of confidentiality for an individual who reports an act of bullying and procedures to safeguard

that confidentiality.

(6) The legislature encourages a board or board of directors to include all of the following in the policy required under this section:

(a) Provisions to form bullying prevention task forces, programs, teen courts, and other initiatives involving school staff, pupils, school clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders.

(b) A requirement for annual training for administrators, school employees, and volunteers who have significant contact with pupils on preventing, identifying, responding to, and reporting incidents of bullying.

(c) A requirement for educational programs for pupils and parents on preventing, identifying, responding to, and reporting incidents of bullying and cyberbullying.

(d) Provisions for considering the use of restorative practices in the correction of bullying behavior, as described in section 1310c.

(7) The department shall establish a form and procedure for school districts and public school academies to report incidents of bullying to the department on an annual basis and shall make this information readily available to the public. A school district or public school academy shall report incidents of bullying to the department according to the form and procedures established by the department. The department shall ensure that the information collected and made available under this subsection does not include personally identifiable information about any individual who reports or is involved in a specific incident of bullying.

(8) A school employee, school volunteer, pupil, or parent or guardian who promptly reports in good faith an act of bullying to the appropriate school official designated in the school district's or public school academy's policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. However, this immunity does not apply to a school official who is designated under subsection (5)(d), or who is responsible for remedying the bullying, when acting in that capacity.

(9) If the board of a school district or intermediate school district or board of directors of a public school academy amends or otherwise modifies its policy required under this subsection at any time after a copy of the policy was initially submitted to the department under subsection (2) or (3), the board or board of directors shall submit a copy of the modified policy to the department not later than 30 days after adopting the modification.

(10) As used in this section:

(a) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. "At school" includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the school district or public school academy.

(b) "Bullying" means any written, verbal, or physical act, or any electronic communication, including, but not limited to, cyberbullying, that is intended or that a reasonable person would know is likely to harm 1 or more pupils either directly or indirectly by doing any of the following:

(i) Substantially interfering with educational opportunities, benefits, or programs of 1 or more pupils.

(ii) Adversely affecting the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.

(iii) Having an actual and substantial detrimental effect on a pupil's physical or mental health.

(iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

(c) "Cyberbullying" means any electronic communication that is intended or that a reasonable person would know is likely to harm 1 or more pupils either directly or indirectly by doing any of the following:

(i) Substantially interfering with educational opportunities, benefits, or programs of 1 or more pupils.

(ii) Adversely affecting the ability of a pupil to participate in or benefit from the school district's or public school's educational programs or activities by placing the pupil in reasonable fear of physical harm or by causing substantial emotional distress.

(iii) Having an actual and substantial detrimental effect on a pupil's physical or mental health.

(iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

(d) "Restorative practices" means that term as defined in section 1310c.

(e) "Telecommunications access device" and "telecommunications service provider" mean those terms as defined in section 219a of the Michigan penal code, 1931 PA 328, MCL 750.219a.

(11) This section shall be known as "The Matt Epling Safe School Law".

History: Add. 2011, Act 241, Imd. Eff. Dec. 6, 2011 ;-- Am. 2014, Act 478, Eff. Mar. 31, 2015 ;-- Am. 2016, Act 362, Eff. Aug. 1, 2017
Popular Name: Act 451

380.1310c Restorative practices as alternative or in addition to suspension or expulsion; definitions.

Sec. 1310c.

(1) A school board or its designee shall consider using restorative practices as an alternative or in addition to suspension or expulsion under this act. If a school board or its designee suspends or expels a pupil under this act, the school board or its designee shall consider using restorative practices in addition to suspension or expulsion. If a school board or its designee decides not to suspend or expel a pupil for a disciplinary issue, the school board or its designee shall consider using restorative practices to address the disciplinary issue.

(2) Restorative practices may include victim-offender conferences that are initiated by the victim; that are approved by the victim's parent or legal guardian or, if the victim is at least age 15, by the victim; that are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender; and that provide an opportunity for the offender to accept responsibility for the harm caused to those affected by the misconduct and to participate in setting consequences to repair the harm. The attendees, known as a restorative practices team, may require the pupil to do 1 or more of the following: apologize; participate in community service, restoration, or counseling; or pay restitution. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants. Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.

(3) As used in this section:

(a) "Bullying" and "cyberbullying" mean those terms as defined in section 1310b.

(b) "Restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a pupil's misconduct.

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

(d) "School district" means a school district, an intermediate school district, or a public school academy.

History: Add. 2016, Act 361, Eff. Aug. 1, 2017

Popular Name: Act 451

380.1310d Suspension or expulsion of pupil; factors; exercise of discretion; rebuttable presumption; section inapplicable for possession of firearm in weapon free school zone; consideration of factors mandatory; definitions.

Sec. 1310d.

(1) Before suspending or expelling a pupil under section 1310, 1311(1), 1311(2), or 1311a, the board of a school district or intermediate school district or board of directors of a public school academy, or a superintendent, school principal, or other designee under section 1311(1), shall consider each of the following factors:

(a) The pupil's age.

(b) The pupil's disciplinary history.

(c) Whether the pupil is a student with a disability.

(d) The seriousness of the violation or behavior committed by the pupil.

(e) Whether the violation or behavior committed by the pupil threatened the safety of any pupil or staff member.

(f) Whether restorative practices will be used to address the violation or behavior committed by the pupil.

(g) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

(2) Except as provided in subsection (3), this section applies to give the board of a school district or intermediate school district or board of directors of a public school academy, or its designee, discretion over whether or not to suspend or expel a pupil under section 1310, 1311(1), 1311(2), or 1311a. In exercising this discretion with regard to a suspension of more than 10 days or an expulsion, there is a rebuttable presumption that a suspension or expulsion is not justified unless the board or board of directors, or its designee, can demonstrate that it considered each of the factors listed under subsection (1). For a suspension of 10 or fewer days, there is no rebuttable presumption, but the board or board of directors, or its designee, shall consider each of the factors listed under subsection (1).

(3) This section does not apply to a pupil being expelled under section 1311(2) for possessing a firearm in a

weapon free school zone.

(4) Except as provided in subsection (3), consideration of the factors listed in subsection (1) is mandatory before suspending or expelling a student under section 1310, 1311(1), 1311(2), or 1311a. The method used for consideration of the factors is at the sole discretion of the board of a school district or intermediate school district or board of directors of a public school academy, or its designee.

(5) As used in this section:

(a) "Expel" means to exclude a pupil from school for disciplinary reasons for a period of 60 or more school days.

(b) "Firearm" means that term as defined in section 1311.

(c) "Suspend" means to exclude a pupil from school for disciplinary reasons for a period of fewer than 60 school days.

(d) "Weapon free school zone" means that term as defined in section 1311.

History: Add. 2016, Act 360, Eff. Aug. 1, 2017

Popular Name: Act 451

380.1310e Suspension or expulsion of pupil; reporting of sexual assault; exceptions; "sexual assault" and "title IX coordinator" defined.

Sec. 1310e.

(1) Notwithstanding any other provision of this act, except as otherwise provided in subsection (2), the board of a school district or intermediate school district or board of directors of a public school academy shall not expel a pupil, or suspend a pupil for more than 10 school days, for an action that the pupil took immediately preceding, immediately following, or that could be reasonably tied to an incident in which the pupil reports being sexually assaulted or an incident in which a school official, staff member, or other individual witnesses and reports a sexual assault on the pupil or receives and reports credible evidence that the pupil has been sexually assaulted. The board of a school district or intermediate school district or board of directors of a public school academy is encouraged to follow the recommendations or guidance of the title IX coordinator for the school district, intermediate school district, or public school academy in deciding to suspend a pupil described in this subsection.

(2) Subsection (1) does not apply to a pupil if any of the following are met concerning an incident reported under subsection (1):

(a) The pupil is convicted of, pleads guilty to, pleads responsible for, or is adjudicated responsible for aggravated assault, felonious assault, assault with intent to commit murder, assault with intent for great bodily harm, assault with intent to maim, attempted murder, homicide, or manslaughter in violation of section 81a, 82, 83, 84, 86, 91, 316, 317, or 321 of the Michigan penal code, 1931 PA 328, MCL 750.81a, 750.82, 750.83, 750.84, 750.86, 750.91, 750.316, 750.317, and 750.321, or an act constituting criminal sexual assault in violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, in a court of competent jurisdiction.

(b) The pupil commits an act described in section 1311(2).

(c) A completed title IX investigation determines by clear and convincing evidence that the report of sexual assault is conclusively false.

(d) The board of the school district or intermediate school district or board of directors of the public school academy, or its designee, considered any reports of sexual assault under subsection (1) and the factors under section 1310d(1) and determined that the expulsion or suspension of more than 10 days is justified.

(3) As used in this section:

(a) "Sexual assault" means an act that constitutes criminal sexual conduct in violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

(b) "Title IX coordinator" means the official responsible for overseeing compliance with title IX of the education amendments of 1972, 20 USC 1681 to 1688.

History: Add. 2023, Act 51, Eff. Sept. 27, 2023

Popular Name: Act 451

380.1311 Suspension or expulsion of pupil.

Sec. 1311.

(1) Subject to subsection (2), the school board, or the school district superintendent, a school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil who commits criminal sexual conduct against another pupil enrolled in the same school district or a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with section 1711.

(2) Subject to subsection (3) and section 1310d, if a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, commits criminal sexual conduct in a school building or on school grounds, or pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another pupil enrolled in the same school district, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (6). However, a school board is not required to expel a pupil for possessing a weapon if the pupil establishes in a clear and convincing manner at least 1 of the following:

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

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

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

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

(3) There is a rebuttable presumption that expulsion under subsection (2) for possession of a weapon is not justified if both of the following are met:

(a) The school board or its designee determines in writing that at least 1 of the factors listed in subsection (2)(a) to (d) has been established in a clear and convincing manner.

(b) The pupil has no history of suspension or expulsion.

(4) If an individual is expelled under subsection (2), the expelling school district shall enter on the individual's permanent record that he or she has been expelled under subsection (2). Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled under subsection (2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311m or a cyber school as defined in section 551, an individual expelled under subsection (2) is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (6). Except as otherwise provided by law, a program operated for individuals expelled under subsection (2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual expelled from a school district under subsection (2) is not placed in an alternative education program, strict discipline academy, or cyber school, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil expelled under subsection (2) than the amount of the foundation allowance the school district receives for the pupil as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

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

(6) The parent or legal guardian of an individual expelled under subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement,

the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

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

(b) An individual who was in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 90 school days after the date of expulsion. An individual who was in grade 5 or below at the time of the expulsion and who has been expelled under subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 10 school days after the date of the expulsion. An individual who was in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.

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

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

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

- (i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.
- (ii) The extent to which reinstatement of the individual would create a risk of school district liability or individual liability for the school board or school district personnel.
- (iii) The age and maturity of the individual.
- (iv) The individual's school record before the incident that caused the expulsion.
- (v) The individual's attitude concerning the incident that caused the expulsion.
- (vi) The individual's behavior since the expulsion and the prospects for remediation of the individual.
- (vii) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.

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

(g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

(7) A school board or school administrator that complies with subsection (2) is not liable for damages for expelling a pupil under subsection (2), and the authorizing body of a public school academy is not liable for

damages for expulsion of a pupil by the public school academy under subsection (2).

(8) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (6).

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

(10) If a pupil expelled from a public school district under subsection (2) is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or alternative education program shall immediately become eligible for the prorated share of either the public school academy or operating school district's foundation allowance or the expelling school district's foundation allowance, whichever is higher.

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

(12) As used in this section:

(a) "Arson" means a felony violation of chapter X of the Michigan penal code, 1931 PA 328, MCL 750.71 to 750.79.

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

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

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

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

(f) "School district" means a school district, intermediate school district, or public school academy.

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

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 1994, Act 328, Eff. Jan. 1, 1995 ;-- Am. 1995, Act 250, Imd. Eff. Jan. 2, 1996 ;-- Am. 1999, Act 23, Imd. Eff. May 12, 1999 ;-- Am. 2007, Act 138, Imd. Eff. Nov. 13, 2007 ;-- Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008 ;-- Am. 2016, Act 364, Eff. Aug. 1, 2017 ;-- Am. 2018, Act 145, Eff. Aug. 8, 2018

Popular Name: Act 451

380.1311a Physical assault by pupil against employee, volunteer, or contractor; expulsion; verbal assault or bomb threat; suspension or expulsion; alternative services; referral; reinstatement; immunity from liability; petition for reinstatement form; rights of pupils eligible for special education programs and services; eligibility of school for prorated share of foundation allowance; report of assaults; responsibility for enrollment in educational program; definitions.

Sec. 1311a.

(1) Subject to section 1310d, if a pupil enrolled in grade 6 or above commits a physical assault at school against a person employed by or engaged as a volunteer or contractor by the school board and the physical assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the assault, by another person on the victim's behalf, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (5). A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board.

(2) Subject to section 1310d, if a pupil enrolled in grade 6 or above commits a verbal assault, as defined by school board policy, at school against a person employed by or engaged as a volunteer or contractor by the school board and the verbal assault is reported to the school board, school district superintendent, or building principal by the victim or, if the victim is unable to report the verbal assault, by another person on the victim's behalf, or if a pupil enrolled in grade 6 or above makes a bomb threat or similar threat directed at a school building, other school

property, or a school-related event, then the school board, or the designee of the school board as described in section 1311(1) on behalf of the school board, shall suspend or expel the pupil from the school district for a period of time as determined in the discretion of the school board or its designee. A district superintendent or building principal who receives a report described in this subsection shall forward the report to the school board. Notwithstanding section 1147, a school district is not required to allow an individual expelled from another school district under this subsection to attend school in the school district during the expulsion.

(3) If an individual is permanently expelled pursuant to this section, the expelling school district shall enter on the individual's permanent record that he or she has been permanently expelled pursuant to this section. Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled pursuant to this section and section 1311(2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311m, an individual permanently expelled pursuant to this section is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (5). Except as otherwise provided by law, a program operated for individuals expelled pursuant to this section and section 1311(2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual permanently expelled from a school district pursuant to this section is not placed in an alternative education program or strict discipline academy, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil permanently expelled pursuant to this section than the amount of the foundation allowance the school district receives for the pupil under section 20 of the state school aid act of 1979, MCL 388.1620.

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

(5) The parent or legal guardian of an individual permanently expelled pursuant to this section or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

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

(b) The individual shall not be reinstated before the expiration of 180 school days after the date of expulsion.

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

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

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

- (i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.
- (ii) The extent to which reinstatement of the individual would create a risk of school district or individual liability for the school board or school district personnel.
- (iii) The age and maturity of the individual.
- (iv) The individual's school record before the incident that caused the expulsion.
- (v) The individual's attitude concerning the incident that caused the expulsion.

- (vi) The individual's behavior since the expulsion and the prospects for remediation of the individual.
- (vii) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.
- (f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.
- (g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.
- (6) A school board or school administrator that complies with this section is not liable for damages for suspending or expelling a pupil pursuant to this section, and the authorizing body of a public school academy is not liable for damages for suspension or expulsion of a pupil by the public school academy pursuant to this section.
- (7) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (5). The department may designate the form used for a petition for reinstatement under section 1311 as a form that may be used under this section.
- (8) This section does not diminish any rights under federal law of a pupil who has been determined to be eligible for special education programs and services.
- (9) If a pupil expelled from a school district pursuant to this section is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or the alternative education program is immediately eligible for the prorated share of either the public school academy's or operating school district's foundation allowance or the expelling school district's foundation allowance, whichever is higher.
- (10) A school board or its designee shall report all assaults described in subsection (1) or (2) to appropriate state or local law enforcement officials and prosecutors as provided in the statewide school safety information policy under section 1308.
- (11) If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled pursuant to this section and pursuant to section 1311(2), and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office for safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.
- (12) As used in this section:
 - (a) "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.
 - (b) "Physical assault" means intentionally causing or attempting to cause physical harm to another through force or violence.
 - (c) "School board" means a school board, intermediate school board, or the board of directors of a public school academy.
 - (d) "School district" means a school district, intermediate school district, or public school academy.

History: Add. 1999, Act 104, Imd. Eff. July 6, 1999 ;-- Am. 2000, Act 230, Imd. Eff. June 27, 2000 ;-- Am. 2007, Act 138, Imd. Eff. Nov. 13, 2007 ;-- Am. 2016, Act 366, Eff. Aug. 1, 2017
Popular Name: Act 451

380.1311b Strict discipline academy; powers; definitions.

Sec. 1311b.

(1) A strict discipline academy is a public school under section 2 of article VIII of the state constitution of 1963, is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for the purposes of section 1225 and section 1351a, and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. A strict discipline academy is a body corporate and is a governmental agency. The powers granted to a strict discipline academy under sections 1311b to 1311l constitute the performance of essential public purposes and governmental functions of this state.

(2) As used in sections 1311b to 1311l:

(a) "Authorizing body" means any of the following that issues a contract as provided in sections 1311b to 1311l:

(i) The board of a school district that operates grades K to 12.

(ii) An intermediate school board.

(iii) The board of a community college.

(iv) The governing board of a state public university.

(b) "Certificated teacher" means an individual who holds a valid teaching certificate issued by the state board under section 1531.

(c) "Community college" means a community college organized under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or a federal tribally controlled community college that is recognized under the tribally controlled colleges and universities assistance act of 1978, 25 USC 1801 to 1852, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

(d) "Contract" means the executive act taken by an authorizing body that evidences the authorization of a strict discipline academy and that establishes, subject to the constitutional powers of the state board and applicable law, the written instrument executed by an authorizing body conferring certain rights, franchises, privileges, and obligations on a strict discipline academy, as provided by sections 1311b to 1311l, and confirming the status of a strict discipline academy as a public school in this state.

(e) "Entity" means a partnership, nonprofit or business corporation, labor organization, or any other association, corporation, trust, or other legal entity.

(f) "State public university" means a university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999 ;-- Am. 2012, Act 620, Eff. Mar. 28, 2013

Popular Name: Act 451

380.1311c Repealed. 2014, Act 256, Imd. Eff. June 30, 2014.

Compiler's Notes: The repealed section pertained to submission of report by strict discipline academy.

380.1311d Strict discipline academy; organization of corporation; authorizing body; application; oversight; suspension of power; fees; presumption of legal organization.

Sec. 1311d.

(1) A strict discipline academy shall be organized and administered under the direction of a board of directors in accordance with sections 1311b to 1311l and with bylaws adopted by the board of directors. A strict discipline academy corporation created to operate a strict discipline academy shall be organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, except that the strict discipline academy corporation is not required to comply with sections 170 to 177 of 1931 PA 327, MCL 450.170 to 450.177. To the extent disqualified under the state or federal constitution, a strict discipline academy shall not be organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more strict discipline academies under sections 1311b to 1311l:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not

issue a contract for a strict discipline academy to operate outside the school district's boundaries, and a strict discipline academy authorized by the board of a school district shall not operate outside that school district's boundaries.

(b) An intermediate school board. However, the board of an intermediate school district shall not issue a contract for a strict discipline academy to operate outside the intermediate school district's boundaries, and a strict discipline academy authorized by the board of an intermediate school district shall not operate outside that intermediate school district's boundaries.

(c) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a strict discipline academy to operate in a school district organized as a school district of the first class, a strict discipline academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a strict discipline academy to operate outside the boundaries of the community college district, and a strict discipline academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 strict discipline academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a strict discipline academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years.

(d) The governing board of a state public university.

(3) To obtain a contract to organize and operate 1 or more strict discipline academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application shall include at least all of the following:

(a) Identification of the applicant for the contract.

(b) Subject to the resolution adopted by the authorizing body under section 1311e, a list of the proposed members of the board of directors of the strict discipline academy and a description of the qualifications and method for appointment or election of members of the board of directors.

(c) The proposed articles of incorporation, which shall include at least all of the following:

(i) The name of the proposed strict discipline academy.

(ii) The purposes for the strict discipline academy corporation that will operate the strict discipline academy. This language shall provide that the strict discipline academy is established pursuant to sections 1311b to 1311l and that the strict discipline academy corporation is a governmental entity.

(iii) The name of the authorizing body.

(iv) The proposed time when the articles of incorporation will be effective.

(v) Other matters considered expedient to be in the articles of incorporation.

(d) A copy of the proposed bylaws of the strict discipline academy.

(e) Documentation meeting the application requirements of the authorizing body, including at least all of the following:

(i) The governance structure of the strict discipline academy.

(ii) A copy of the educational goals of the strict discipline academy and the curricula to be offered and methods of pupil assessment to be used by the strict discipline academy. To the extent applicable, the progress of the pupils in the strict discipline academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

(iii) The admission policy and criteria to be maintained by the strict discipline academy. The admission policy and criteria shall comply with section 1311g. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a strict discipline academy is being created and adequate information on the admission policy, criteria, and process.

(iv) The school calendar and school day schedule.

(v) The age or grade range of pupils to be enrolled.

(vi) The type of pupils to be enrolled in the strict discipline academy, as described in section 1311g(3) and (4).

(f) Descriptions of staff responsibilities and of the strict discipline academy's governance structure.

(g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the strict discipline academy will be located.

(h) An agreement that the strict discipline academy will comply with the provisions of sections 1311b to 1311l and, subject to the provisions of these sections, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.

(i) For a strict discipline academy authorized by a school district, an assurance that employees of the strict discipline academy will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not strict discipline academies.

(j) A description of and address for the proposed physical plant in which the strict discipline academy will be

located.

(4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each strict discipline academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the authorizing body can certify that the strict discipline academy is in compliance with statute, rules, and the terms of the contract.

(5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more strict discipline academies operating under a contract issued by the authorizing body, the state board may suspend the power of the authorizing body to issue new contracts to organize and operate strict discipline academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension.

(6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a strict discipline academy in an amount that exceeds a combined total of 3% of the total state school aid received by the strict discipline academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a strict discipline academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the strict discipline academy.

(7) A strict discipline academy shall be presumed to be legally organized if it has exercised the franchises and privileges of a strict discipline academy for at least 2 years.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999

Popular Name: Act 451

380.1311e Strict discipline academy; issuance of contract by authorizing body; placement of question on ballot; submission of contract and application to state board; selection, term, and number of members of board of directors; contract requirements; compliance with applicable law; immunity; exemption from tax; property acquisition and condemnation; definitions.

Sec. 1311e.

(1) An authorizing body is not required to issue a contract to any person or entity. Contracts for strict discipline academies must be issued on a competitive basis taking into consideration the resources available for the proposed strict discipline academy, the population to be served by the proposed strict discipline academy, and the educational goals to be achieved by the proposed strict discipline academy.

(2) If a person or entity applies to the board of a school district for a contract to organize and operate 1 or more strict discipline academies within the boundaries of the school district and the board does not issue the contract, the person or entity may petition the board to place the question of issuing the contract on the ballot to be decided by the school electors of the school district. The petition must contain all of the information required to be in the contract application under section 1311d and must be signed by a number of school electors of the school district equal to at least 15% of the total number of school electors of that school district. The petition must be filed with the secretary of the board. If the board receives a petition meeting the requirements of this subsection, the board shall place the question of issuing the contract on the ballot at its next annual school election held at least 60 days after receiving the petition. If a majority of the school electors of the school district voting on the question vote to issue the contract, the board shall issue the contract.

(3) Within 10 days after issuing a contract for a strict discipline academy, the board of the authorizing body shall submit to the state board a copy of the contract and of the application under section 1311d.

(4) An authorizing body shall adopt a resolution establishing the method of selection, length of term, and number of members of the board of directors of each strict discipline academy subject to its jurisdiction.

(5) A contract issued to organize and administer a strict discipline academy must contain at least all of the following:

(a) The educational goals the strict discipline academy is to achieve and the methods by which it will be held accountable. To the extent applicable, the pupil performance of a strict discipline academy shall be assessed using at least the Michigan student test of educational progress (M-STEP) or the Michigan merit examination developed under section 1279g, as applicable.

(b) A description of the method to be used to monitor the strict discipline academy's compliance with applicable law and its performance in meeting its targeted educational objectives.

(c) A description of the process for amending the contract during the term of the contract.

(d) All of the matters set forth in the application for the contract.

(e) For a strict discipline academy authorized by a school district, an agreement that employees of the strict

discipline academy will be covered by the collective bargaining agreements that apply to employees of the school district employed in similar classifications in schools that are not strict discipline academies.

(f) Procedures for revoking the contract and grounds for revoking the contract, including at least the grounds listed in section 13111.

(g) A description of and address for the proposed physical plant in which the strict discipline academy will be located.

(h) Requirements and procedures for financial audits. The financial audits must be conducted at least annually by a certified public accountant in accordance with generally accepted governmental auditing principles.

(i) The term of the contract and a description of the process and standards for renewal of the contract at the end of the term. The standards for renewal must include student growth as measured by assessments and other objective criteria as a significant factor in the decision of whether to renew the contract.

(j) For a contract that is entered into, extended, renewed, or modified on or after the effective date of the amendatory act that added this subdivision, a requirement that the names of the authorizing body and the primary educational management organization, if applicable, must appear and be verbally provided, as applicable, on all of the following:

(i) Unless prohibited by a local ordinance or local zoning authority, signage that is on the strict discipline academy's property and is erected, repaired, or installed on or after the effective date of the amendatory act that added this subdivision.

(ii) Promotional material that is created, modified, or distributed on or after the effective date of the amendatory act that added this subdivision.

(iii) The footer of the strict discipline academy's website pages.

(iv) The school application that a student must submit to enroll in the strict discipline academy.

(6) A strict discipline academy shall comply with all applicable law, including all of the following:

(a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(b) The freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(c) 1947 PA 336, MCL 423.201 to 423.217.

(d) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and 1274.

(e) Except for part 6a, all provisions of this act that explicitly apply to public school academies established under part 6a.

(7) A strict discipline academy and its incorporators, board members, officers, employees, and volunteers have governmental immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An authorizing body and its board members, officers, and employees are immune from civil liability, both personally and professionally, for any acts or omissions in authorizing a strict discipline academy if the authorizing body or the person acted or reasonably believed the person acted within the authorizing body's or the person's scope of authority.

(8) A strict discipline academy is exempt from all taxation on its earnings and property. Instruments of conveyance to or from a strict discipline academy are exempt from all taxation including taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. A strict discipline academy may not levy ad valorem property taxes or any other tax for any purpose. However, operation of 1 or more strict discipline academies by a school district or intermediate school district does not affect the ability of the school district or intermediate school district to levy ad valorem property taxes or any other tax.

(9) A strict discipline academy may acquire by purchase, gift, devise, lease, sublease, installment purchase agreement, land contract, option, or by any other means, hold and own in its own name buildings and other property for school purposes, and interests therein, and other real and personal property, including, but not limited to, interests in property subject to mortgages, security interests, or other liens, necessary or convenient to fulfill its purposes. For the purposes of condemnation, a strict discipline academy may proceed under the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75, excluding sections 6 to 9 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.56 to 213.59, or other applicable statutes, but only with the express, written permission of the authorizing body in each instance of condemnation and only after just compensation has been determined and paid.

(10) As used in this section:

(a) "Educational management organization" means an entity that enters into a management agreement with a strict discipline academy.

(b) "Entity" means a partnership, nonprofit or business corporation, or any other association, corporation, trust, or other legal entity.

(c) "Management agreement" means an agreement to provide comprehensive educational, administrative, management, or instructional services or staff to a strict discipline academy.

(d) "Primary educational management organization" means an educational management organization that is responsible for both of the following:

(i) Administrative services or staff.

(ii) Educational and instructional services or staff.

(e) "Promotional material" means any of the following:

- (i) Billboards.
- (ii) Internet advertisements.
- (iii) Television advertisements.
- (iv) Radio advertisements.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999 ;-- Am. 2009, Act 205, Imd. Eff. Jan. 4, 2010 ;-- Am. 2024, Act 212, Eff. Apr. 2, 2025
Popular Name: Act 451

380.1311f Levy of taxes or issuance of bonds by school district.

Sec. 1311f.

If a school district or intermediate school district applies for and obtains a contract to operate 1 or more strict discipline academies under sections 1311b to 1311l, the power of the school district or intermediate school district to levy taxes for any purpose under this act is not affected by the operation of a strict discipline academy by the school district or intermediate school district. Revenue from taxes levied by a school district or intermediate school district under this act or bonds issued by a school district or intermediate school district under this act may be used to support the operation or facilities of a strict discipline academy operated by the school district or intermediate school district in the same manner as that revenue may be used under this act by the school district or intermediate school district to support school district or intermediate school district operations and facilities. This section does not authorize a school district or intermediate school district to levy taxes or to issue bonds for any purpose that is not otherwise authorized under this act.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999
Popular Name: Act 451

380.1311g Strict discipline academy; location; tuition; admission policies or practices; enrollment; types of pupils; special education pupil; pupils committed to high-security or medium-security juvenile facility, mental health facility, or child caring institution; pupil ceasing to meet requirements under subsections (3) to (5); custody of or jurisdiction over child by department of corrections; residence requirements; grades.

Sec. 1311g.

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

(2) A strict discipline academy shall not charge tuition. Except as otherwise provided in subsection (6), a strict discipline academy shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, or any other basis that would be illegal if used by a school district. However, a strict discipline academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district.

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

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

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

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

(d) Other pupils who have been expelled from school, or pupils who have been suspended from school for a suspension that is for a period in excess of 10 school days, and who are referred to the strict discipline academy by that pupil's school or placed in the strict discipline academy by the pupil's parent or legal guardian.

(4) In addition to the types of pupils specified in subsection (3), a strict discipline academy shall be open for

enrollment of a special education pupil who does not meet the requirements of subsection (3) if the special education pupil's individualized education program team recommends that the special education pupil be placed in the strict discipline academy. As used in this subsection, "individualized education program team" means that term as defined in section 614 of the individuals with disabilities education act, 20 USC 1414.

(5) In addition to the types of pupils specified in subsections (3) and (4), a strict discipline academy may enroll a pupil who is placed in a high-security or medium-security juvenile facility, mental health facility, or child caring institution that is operated by a private agency or a pupil who became a resident of this state as an unaccompanied or resettled minor under the care of the department of health and human services and who is less than 22 years of age as of September 1 of the current school year.

(6) A strict discipline academy shall enroll only 1 or more of the types of pupils described in subsections (3) to (5). A pupil who is enrolled in a strict discipline academy under subsections (3) to (5) may, at the option of his or her parent or legal guardian, continue to remain enrolled in the strict discipline academy after he or she ceases to meet the requirements for enrollment under subsections (3) to (5) as long as he or she meets the other applicable requirements for enrollment.

(7) A strict discipline academy is not required to keep any group of pupils described in subsections (3) to (5) physically separated from another group of those pupils, as might otherwise be required under section 1311, section 1311a, or another provision of this act.

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

(9) Except for a foreign exchange student who is not a United States citizen, a strict discipline academy shall not enroll a pupil who is not a resident of this state. Enrollment in the strict discipline academy may be open to all individuals who reside in this state who meet the admission policy under subsections (3) to (5) and shall be open to all pupils who reside within the geographic boundaries, if any, of the authorizing body as described in section 1311d who meet the admission policy under subsections (3) to (5), except that admission to a strict discipline academy authorized by the board of a community college to operate, or operated by the board of a community college, on the grounds of a federal military installation, as described in section 1311d, shall be open to all pupils who reside in the county in which the federal military installation is located who meet the admission policy under subsections (3) to (5). For a strict discipline academy authorized by a state public university, enrollment shall be open to all pupils who reside in this state who meet the admission policy under subsections (3) to (5). If there are more applications to enroll in the strict discipline academy than there are spaces available, pupils shall be selected to attend using a random selection process. However, a strict discipline academy may give enrollment priority to a sibling of a pupil enrolled in the strict discipline academy. A strict discipline academy shall allow any pupil who was enrolled in the strict discipline academy in the immediately preceding school year to enroll in the strict discipline academy in the appropriate grade unless the appropriate grade is not offered at that strict discipline academy.

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

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999 ;-- Am. 2005, Act 28, Imd. Eff. May 23, 2005 ;-- Am. 2007, Act 21, Imd. Eff. June 19, 2007 ;-- Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008 ;-- Am. 2014, Act 256, Imd. Eff. June 30, 2014 ;-- Am. 2018, Act 42, Imd. Eff. Feb. 28, 2018

Popular Name: Act 451

380.1311h Strict discipline academy; additional powers.

Sec. 1311h.

(1) In addition to other powers set forth in sections 1311b to 1311m, a strict discipline academy may take action to carry out the purposes for which it was incorporated under sections 1311b to 1311m, including, but not limited to, all of the following:

(a) To sue and be sued in its name.

(b) To acquire, hold, and own in its own name real and personal property, or interests in real or personal property, for educational purposes by purchase, gift, grant, devise, bequest, lease, sublease, installment purchase agreement, land contract, option, or condemnation, and subject to mortgages, security interests, or other liens; and to sell or convey the property as the interests of the strict discipline academy require.

- (c) To receive and disburse funds for lawful purposes.
- (d) To enter into binding legal agreements with persons or entities as necessary for the operation, management, financing, and maintenance of the strict discipline academy, if the agreement is in compliance with sections 7 and 18 of the state school aid act of 1979, MCL 388.1607 and 388.1618.
- (e) To incur temporary debt in accordance with section 1225.
- (f) To solicit and accept any grants or gifts for educational purposes and to establish or permit to be established on its behalf 1 or more nonprofit corporations the purpose of which is to assist the strict discipline academy in the furtherance of its public purposes.
- (g) To borrow money and issue bonds in accordance with section 1351a and in accordance with part VI of the revised municipal finance act, 2001 PA 34, MCL 141.2601 to 141.2613, except that the borrowing of money and issuance of bonds by a strict discipline academy is not subject to section 1351a(4) or section 1351(2) to (4). Bonds issued under this section are full faith and credit obligations of the strict discipline academy, pledging the general funds or any other money available for such a purpose. Bonds issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999 ;-- Am. 2012, Act 620, Eff. Mar. 28, 2013 ;-- Am. 2024, Act 214, Eff. Apr. 17, 2025
Popular Name: Act 451

380.1311i School district subject to court desegregation order.

Sec. 1311i.

If a strict discipline academy is operated by a school district that is subject to a court desegregation order, pupil selection at the strict discipline academy is subject to that order.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999
Popular Name: Act 451

380.1311j Use of certificated and noncertificated teachers; teaching techniques or methods.

Sec. 1311j.

(1) Except as otherwise provided by law, a strict discipline academy shall use certificated teachers according to state board or superintendent of public instruction rule.

(2) A strict discipline academy operated by a state public university or community college may use noncertificated individuals to teach as follows:

(a) If the strict discipline academy is operated by a state public university, the strict discipline academy may use as a classroom teacher in any grade a faculty member who is employed full-time by the state public university and who has been granted institutional tenure, or has been designated as being on tenure track, by the state public university.

(b) For a strict discipline academy operated by a community college, the strict discipline academy may use as a classroom teacher a full-time member of the community college faculty who has at least 5 years' experience at that community college in teaching the subject matter that he or she is teaching at the strict discipline academy.

(c) In any other situation in which a school district is permitted under this act to use noncertificated teachers.

(3) A strict discipline academy may develop and implement new teaching techniques or methods or significant revisions to known teaching techniques or methods, and shall report those to the authorizing body and state board to be made available to the public. A strict discipline academy may use any instructional technique or delivery method that may be used by a school district.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999
Popular Name: Act 451

380.1311k Personnel; publication of salaries.

Sec. 1311k.

(1) A strict discipline academy, with the approval of the authorizing body, may employ or contract with personnel as necessary for the operation of the strict discipline academy, prescribe the personnel's duties, and fix the personnel's compensation.

(2) By not later than November 1 of each year, each strict discipline academy shall post all of the following information on its website that is accessible to the public:

(a) The average salary for new teachers and the average salary for veteran teachers employed by the strict discipline academy or employed by an educational management organization and assigned to the strict discipline academy, or, if there are fewer than 5 new teachers or 5 veteran teachers at the strict discipline academy, the average salary for all teachers employed by the strict discipline academy or employed by an educational management organization and assigned to the strict discipline academy.

(b) The average salary for support staff employed by the strict discipline academy or employed by an educational management organization and assigned to the strict discipline academy.

(3) As used in this section:

(a) "Educational management organization" means an entity that enters into a management agreement with a strict discipline academy.

(b) "Entity" means a partnership, nonprofit or business corporation, or any other association, corporation, trust, or other legal entity.

(c) "Management agreement" means an agreement to provide comprehensive educational, administrative, management, or instructional services or staff to a strict discipline academy.

(d) "New teacher" means an individual who has held a teaching certificate for less than 5 years.

(e) "Support staff" includes, but is not limited to, student-facing paraprofessionals, food service workers, bus drivers, and literacy coaches.

(f) "Veteran teacher" means an individual who has held a teaching certificate for 5 or more years.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999 ;-- Am. 2024, Act 214, Eff. Apr. 17, 2025

Popular Name: Act 451

380.1311l Authorizing body as fiscal agent; revocation of contract.

Sec. 1311l.

(1) The authorizing body for a strict discipline academy is the fiscal agent for the strict discipline academy. A state school aid payment for a strict discipline academy shall be paid to the authorizing body that is the fiscal agent for that strict discipline academy, which shall then forward the payment to the strict discipline academy. An authorizing body has the responsibility to oversee a strict discipline academy's compliance with the contract and all applicable law. A contract issued under sections 1311b to 1311l may be revoked by the authorizing body that issued the contract if the authorizing body determines that 1 or more of the following has occurred:

(a) Failure of the strict discipline academy to abide by and meet the educational goals set forth in the contract.

(b) Failure of the strict discipline academy to comply with all applicable law.

(c) Failure of the strict discipline academy to meet generally accepted public sector accounting principles.

(d) The existence of 1 or more other grounds for revocation as specified in the contract.

(2) The decision of an authorizing body to revoke a contract under this section is solely within the discretion of the authorizing body, is final, and is not subject to review by a court or any state agency. An authorizing body that revokes a contract under this section is not liable for that action to the strict discipline academy, strict discipline academy corporation, a pupil of the strict discipline academy, the parent or guardian of a pupil of the strict discipline academy, or any other person.

History: Add. 1999, Act 23, Imd. Eff. May 12, 1999
Popular Name: Act 451

380.1311m Strict discipline academy; compliance with public employees health benefit act.

Sec. 1311m.

If the board of directors of a strict discipline academy provides medical, optical, or dental benefits to employees and their dependents, the board of directors shall provide those benefits in accordance with the public employees health benefit act and shall comply with that act.

History: Add. 2007, Act 107, Imd. Eff. Oct. 1, 2007
Popular Name: Act 451

380.1312 "Corporal punishment" defined; infliction of corporal punishment by employee, volunteer, or contractor; exercise of necessary reasonable physical force; liability; violation; deference given to reasonable good-faith judgments; development, implementation, and enforcement of code of student conduct; model list of alternatives to use of corporal punishment; authority permitting corporal punishment void.

Sec. 1312.

(1) As used in this section, "corporal punishment" means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.

(2) Corporal punishment does not include physical pain caused by reasonable physical activities associated with athletic training.

(3) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy shall not inflict or cause to be inflicted corporal punishment upon any pupil under any circumstances.

(4) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy may use reasonable physical force upon a pupil as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning. In maintaining that order and control, the person may use physical force upon a pupil as may be necessary for 1 or more of the following:

(a) To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district or public school academy functions within a school or at a school-related activity, if that pupil has refused to comply with a request to refrain from further disruptive acts.

(b) For self-defense or the defense of another.

(c) To prevent a pupil from inflicting harm on himself or herself.

(d) To quell a disturbance that threatens physical injury to any person.

(e) To obtain possession of a weapon or other dangerous object upon or within the control of a pupil.

(f) To protect property.

(5) A person employed by or engaged as a volunteer or contractor by a local or intermediate school board or public school academy who exercises necessary reasonable physical force upon a pupil, or upon another person of school age in a school-related setting, as described in subsection (4) is not liable in a civil action for damages arising from the use of that physical force and is presumed not to have violated subsection (3) by the use of that physical force. This subsection does not alter or limit a person's immunity from liability provided under 1964 PA 170, MCL 691.1401 to 691.1415.

(6) A person who willfully or through gross negligence violates subsection (3) or who willfully or through gross negligence violates subsection (4) may be appropriately disciplined by his or her school board or public school academy. This subsection does not limit a school board's or public school academy's authority to discipline an employee for a violation of its own policies.

(7) In determining whether an employee, volunteer, or contractor has acted in accordance with subsection (4), deference shall be given to reasonable good-faith judgments made by that person.

(8) A local or intermediate school district or a public school academy shall develop and implement a code of student conduct and shall enforce its provisions with regard to pupil misconduct in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school sponsored activity or event whether or not it is held on school premises.

(9) The department shall develop a model list of alternatives to the use of corporal punishment. This model list shall be developed in consultation with organizations that represent the interests of teachers, school employees, school boards, school administrators, pupils, parents, and child advocates, plus any other organization that the state board of education may wish to consult. The department shall send this model list to each school district, public school academy, and intermediate school district in the state and to each nonpublic school in the state that requests it. A local or intermediate school board or public school academy shall approve and cause to be distributed to each employee, volunteer, and contractor a list of alternatives to the use of corporal punishment. Upon request, the department of education shall provide assistance to schools in the development of programs and materials to implement this section.

(10) Any resolution, bylaw, rule, policy, ordinance, or other authority permitting corporal punishment is void.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1988, Act 521, Eff. Mar. 30, 1989 ;-- Am. 1992, Act 6, Imd. Eff. Mar. 10, 1992 ;-- Am. 1995, Act 289, Eff. July 1, 1996 ;-- Am. 2000, Act 461, Imd. Eff. Jan. 10, 2001

Popular Name: Act 451

380.1313 Dangerous weapon found in possession of pupil; report; confiscation by school official; determination of legal owner; "dangerous weapon" defined.

Sec. 1313.

(1) If a dangerous weapon is found in the possession of a pupil while the pupil is in attendance at school or a school activity or while the pupil is enroute to or from school on a school bus, the superintendent of the school district or intermediate school district, or his or her designee, immediately shall report that finding to the pupil's parent or legal guardian and the local law enforcement agency.

(2) If a school official finds that a dangerous weapon is in the possession of a pupil as described in subsection (1), the school official may confiscate the dangerous weapon or shall request a law enforcement agency to respond as soon as possible and to confiscate the dangerous weapon. If a school official confiscates a dangerous weapon under this subsection, the school official shall give the dangerous weapon to a law enforcement agency and shall not release the dangerous weapon to any other person, including the legal owner of the dangerous weapon. A school official who complies in good faith with this section is not civilly or criminally liable for that compliance.

(3) A law enforcement agency that takes possession of a dangerous weapon under subsection (2) shall check all available local and state stolen weapon and stolen property files and the national crime information center stolen gun and property files to determine the legal owner of the dangerous weapon. If the dangerous weapon is a pistol, the law enforcement agency also shall check the state pistol registration records to determine the legal owner. If the law enforcement agency is able to determine the legal owner of the dangerous weapon, and if the legal owner did not knowingly provide the dangerous weapon to the pupil or lawfully provided the dangerous weapon to the pupil but did not know or have reason to know that the pupil would possess the dangerous weapon while in attendance at school or a school activity or while en route to or from school on a school bus, the law enforcement agency shall send by certified mail to the legal owner a notice that the agency is in possession of the dangerous weapon and that the legal owner has 90 days from receipt of the notice to claim the dangerous weapon.

(4) As used in this section, "dangerous weapon" means a firearm, dagger, dirk, stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles.

History: Add. 1987, Act 211, Imd. Eff. Dec. 22, 1987 ;-- Am. 1995, Act 76, Eff. Aug. 1, 1995

Popular Name: Act 451

380.1313a Informational notice on best practices for storage of firearms.

Sec. 1313a.

(1) By not later than July 1, 2025, the department of health and human services shall develop, and provide to the department, an informational notice in English, Spanish, and Arabic containing information and best practices regarding the storage of firearms. This notice must include at least all of the following:

- (a) An overview of the requirements under section 9 of 1927 PA 372, MCL 28.429.
- (b) Answers to frequently asked questions about firearm storage requirements.
- (c) Guidance on where a parent or legal guardian can obtain gun locks and gun safes, including free or low-cost options.

(2) The department shall share the informational notice developed under subsection (1) with all public schools and nonpublic schools.

(3) Beginning July 1, 2026, the department of health and human services shall update annually the informational notice developed under subsection (1) to account for any change in the law. The updated notice must be provided annually to the department by not later than July 1.

History: Add. 2024, Act 257, Eff. Apr. 2, 2025

Popular Name: Act 451

380.1313b Distribution of informational notice on best practices for storage of firearms.

Sec. 1313b.

(1) Beginning October 1, 2025, and every October 1 thereafter, the board of a school district or intermediate school district, the board of directors of a public school academy, or the governing body of a nonpublic school shall distribute the informational notice developed under section 1313a to the parent or legal guardian of each student enrolled in the school district, intermediate school district, public school academy, or nonpublic school. The informational notice may be distributed electronically or by mail.

(2) By not later than October 1, 2025, the department shall post the English, Spanish, and Arabic versions of the informational notice developed under section 1313a on the department's website.

(3) By not later than October 1, 2025, the board of a school district or intermediate school district, the board of directors of a public school academy, or the governing body of a nonpublic school shall post links to the department webpages described in subsection (2) on the website of the school district, public school academy, or nonpublic school.

(4) The department, the department of health and human services, a school district, an intermediate school district, a public school academy, a nonpublic school, and any officers, board members, or employees of those institutions are immune from civil liability, both personally and professionally, for any damages allegedly caused by, arising out of, or relating to the informational notice developed under section 1313a.

History: Add. 2024, Act 258, Eff. Apr. 2, 2025

Popular Name: Act 451

380.1316 Public school fraternity, sorority, or secret society prohibited; definition.

Sec. 1316.

(1) A school official or a board of a school district shall not authorize, support, or permit the creation and existence of a public school fraternity, sorority, or secret society.

(2) A fraternity, sorority, or secret society is declared an obstruction to education and inimical to the public welfare.

(3) As used in this section, a "public school fraternity, sorority, or secret society" means an organization whose active membership is composed wholly or in part of pupils of the public schools of this state enrolled in 1 or more of the 12 grades and perpetuating itself by taking in additional members from the pupils enrolled in the public schools on the basis of the decision of its membership, rather than upon the right of a pupil who is qualified by the

regulations of the school to be a member of and take part in class or group exercises, subjects required by the course of study, or program of school activities fostered and promoted by the board and superintendent of schools or by the board and intermediate superintendent for a school not employing a superintendent of schools.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

380.1317 Public school employee or volunteer; prohibited conduct; exceptions; penalties; definitions.

Sec. 1317.

(1) Except as otherwise provided in subsection (2), a public school employee or volunteer shall not do any of the following:

(a) Knowingly sell, market, distribute, or promote the use of a dietary supplement that contains a performance-enhancing compound to a pupil with whom the public school employee or volunteer has contact as part of his or her duties as a public school employee or activities as a public school volunteer.

(b) Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound by a pupil with whom the public school employee or volunteer has contact as part of his or her duties as a public school employee or activities as a public school volunteer.

(2) This section does not prohibit a public school employee or volunteer from doing any of the following:

(a) Providing, endorsing, or promoting the use of a dietary supplement that contains a performance-enhancing compound to, or suggesting the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound by, the public school employee's or volunteer's own child.

(b) Selling, marketing, distributing, or promoting the use of a dietary supplement that contains a performance-enhancing compound to, or endorsing or suggesting the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound by, a pupil as part of an activity that meets all of the following:

(i) Does not occur on school property or at a school-related function.

(ii) Is entirely separate from any aspect of the public school employee's employment as a public school employee or public school volunteer's activities as a public school volunteer.

(iii) Does not in any way involve information about or contacts with a pupil that the public school employee or volunteer has had direct or indirect access to through any aspect of the public school employee's employment as a public school employee or public school volunteer's activities as a public school volunteer.

(3) A person who violates this section is subject to the penalties under section 1804.

(4) As used in this section:

(a) "Dietary supplement" means that term as defined in section 201 of the federal food, drug, and cosmetic act, chapter 675, 52 Stat. 1040, 21 U.S.C. 321.

(b) "Performance-enhancing compound" means a manufactured product for oral ingestion, intranasal application, or inhalation that meets both of the following:

(i) Contains a stimulant, amino acid, hormone precursor, herb or other botanical, or any other substance that is not an essential vitamin or mineral.

(ii) Is intended to increase athletic or intellectual performance, promote muscle growth, or increase an individual's endurance or capacity for exercise.

(c) "Public school employee" means a person employed by a school district, local act school district, intermediate school district, or public school academy. For the purposes of this section, public school employee also includes a person performing services on behalf of a school district, local act school district, intermediate school district, or public school academy pursuant to a contract.

(d) "Public school volunteer" means a person serving as a volunteer in any capacity in a public school.

History: Add. 1999, Act 187, Eff. Feb. 23, 2000

Popular Name: Act 451

380.1318 Use of performance-enhancing substances in interscholastic athletics; eligibility policy; list of drugs to be provided by department of community health.

Sec. 1318.

(1) The board of a school district or board of directors of a public school academy shall ensure that its policies concerning a pupil's eligibility for participation in interscholastic athletics include use of a performance-enhancing substance by the pupil as a violation that will affect a pupil's eligibility, as determined by the board or board of directors. The governing body of a nonpublic school is encouraged to adopt an eligibility policy that meets the requirements of this section.

(2) For the purposes of this section, the department of community health shall develop, periodically update, and make available to school districts, public school academies, and nonpublic schools a list of performance-enhancing substances. The department of community health shall base the list on the list of banned drugs contained in bylaw 31.2.3.1 of the bylaws of the national collegiate athletic association.

History: Add. 2006, Act 215, Imd. Eff. June 26, 2006

380.1319 Athletic coaches; cardiopulmonary resuscitation certification requirements; liability.

Sec. 1319.

(1) Beginning with the 2025-2026 school year, the board of a school district or intermediate school district, board of directors of a public school academy, or governing body of a nonpublic school shall not permit an individual to serve as an athletic coach at a high school operated by the board, board of directors, or governing body unless that individual maintains a valid certification in cardiopulmonary resuscitation and use of an automated external defibrillator issued by the American Red Cross, American Heart Association, or a comparable organization or institution approved by the department.

(2) An individual described in this section who performs cardiopulmonary resuscitation or uses an automated external defibrillator in the course of that individual's employment as an athletic coach is not liable in a civil action for damages resulting from an act or omission occurring in that performance except an act or omission constituting gross negligence or willful or wanton misconduct.

History: Add. 2024, Act 37, Eff. Apr. 2, 2025

Popular Name: Act 451

380.1321 Transportation for pupils; requirements; payment.

Sec. 1321.

(1) Except as otherwise provided in this section, if a board of a school district provides transportation for its resident pupils, other than students with a disability transported under article 3 or other pupils who cannot safely walk to school, the school board shall provide transportation to and from school for each resident public or nonpublic school pupil if both of the following requirements are met:

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

(b) The pupil attends either the public or the nearest state approved nonpublic school in the school district to which the pupil is eligible to be admitted.

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

(3) A school district is not required to transport or pay for transportation of a resident pupil living within 1-1/2 miles, by the nearest traveled route, to the public or state approved nonpublic school in which the pupil is enrolled. A school district is not required to transport or pay for the transportation of a resident pupil attending a nonpublic school who lives in an area less than 1-1/2 miles from a public school in which public school pupils are not transported, except that the school district shall transport or pay for the transportation of the resident pupil from the public school within the area to the nonpublic school the pupil attends.

(4) A school district is not required to transport or pay for the transportation of resident pupils to state approved

nonpublic schools located outside the district unless the school district transports some of its resident pupils, other than students with a disability under article 3, to public schools located outside the district, in which case the school district shall transport or pay for the transportation of resident pupils attending a state approved nonpublic school at least to the distance of the public schools located outside the district to which the district transports resident pupils and in the same general direction.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1982, Act 20, Imd. Eff. Mar. 4, 1982 ;-- Am. 1990, Act 163, Imd. Eff. July 2, 1990 ;-- Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008 ;-- Am. 2016, Act 428, Eff. Apr. 4, 2017

Popular Name: Act 451

380.1322 Transportation for pupils; routes; rules; construction of section; vehicles.

Sec. 1322.

(1) A pupil attending public school or the nearest state approved nonpublic school available, to which nonpublic school the pupil may be admitted, shall be transported along the regular routes as determined by the board to public and state approved nonpublic schools. Transportation to public and the nearest state approved nonpublic school located within or outside the district to which nonpublic school the pupil is eligible to be admitted shall be provided under the rules promulgated by the state board. Rules shall not require the transportation or payment for transportation for nonpublic school pupils on days when public school pupils are not transported.

(2) This section shall not be construed to require or permit transportation of pupils to a state approved nonpublic school attending in the elementary grades when transportation is furnished by the school district for secondary pupils only, nor to require or permit the transportation of pupils to a state approved nonpublic school attending the secondary grades when transportation is furnished by the district for elementary pupils only.

(3) Vehicles used for the transportation of pupils shall be adequate and of ample capacity.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

Admin Rule: R 340.281 et seq. of the Michigan Administrative Code.

380.1323 Transportation of nonpublic school pupils to and from auxiliary service sites; payment of costs; applicability of subsection (1).

Sec. 1323.

(1) Except as otherwise provided in this section, the board of a school district that provides auxiliary services to pupils pursuant to section 1296 shall provide transportation from the nonpublic school to and from the site where the auxiliary services are provided to resident and nonresident nonpublic school pupils receiving those services, to the extent the reasonable costs of the transportation of nonspecial education pupils are paid for by the state, except for pupils whose transportation costs are being reimbursed under section 71 of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being section 388.1671 of the Michigan Compiled Laws.

(2) The board of a school district that does not provide transportation for public school pupils, other than special education pupils, is not required to transport nonpublic school pupils to and from auxiliary service sites for nonspecial education auxiliary services.

(3) The requirements of subsection (1) do not apply if the superintendent of public instruction determines that a school district is in substantial compliance with section 1296 without the provision of transportation between the nonpublic school and the site where the auxiliary services are provided.

History: Add. 1986, Act 151, Imd. Eff. July 3, 1986

Popular Name: Act 451

380.1324 Transportation for pupils; contracts; price.

Sec. 1324.

The board of a school district or board of directors of a public school academy may enter into a contract with the board of another school district or board of directors of a public school academy or with private persons to furnish transportation for nonresident pupils attending public and state approved nonpublic schools located within the school district or in other school districts. The price paid for the transportation shall not be less than the actual cost of the transportation to the school district or public school academy furnishing transportation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1994, Act 416, Eff. Mar. 30, 1995

Popular Name: Act 451

380.1325 School district, intermediate school district, or consortium of districts contracting with other districts to provide transportation for pupils.

Sec. 1325.

(1) A school district, intermediate school district, or consortium consisting of any combination of local or intermediate districts may contract with the board of another district to provide transportation for the pupils of the other district either within or outside the other district.

(2) For purposes of providing the transportation, and subject to the requirements of this act for school buildings, supplies, and vehicles, a local or intermediate district or consortium that enters into a contract with another district to provide transportation as described in subsection (1) may do 1 or more of the following:

- (a) Acquire 1 or more sites, acquire or construct 1 or more buildings, or improve or enlarge 1 or more existing buildings.
- (b) Furnish, equip, operate, and maintain 1 or more buildings.
- (c) Acquire school buses, other school vehicles, and related supplies.

History: Add. 1992, Act 140, Imd. Eff. July 15, 1992

Popular Name: Act 451

380.1331 Repealed. 1990, Act 189, Eff. Aug. 15, 1990.

Compiler's Notes: The repealed section pertained to transportation of pupils to educational programs at fairs, health clinics, and educational functions.

Popular Name: Act 451

380.1332 Transportation for pupils; nonmandatory and noncredit events; fees; rules; additional school buses; insurance.

Sec. 1332.

(1) The board of a school district may collect a fee for transporting pupils enrolled in grades K to 12 to or from nonmandatory and noncredit events sponsored by the school district. Fees charged shall cover expenses for the trips involved, under rules promulgated by the state board.

(2) A board of education shall not purchase additional school buses for the sole purpose of implementing this section.

(3) Insurance to indemnify the school district, its officers, or employees against liability for damages arising out

of the use of school buses shall be obtained before fees or fares are charged.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

Admin Rule: R 340.241 et seq. of the Michigan Administrative Code.

380.1333 Repealed. 2016, Act 532, Eff. Apr. 9, 2017.

Compiler's Notes: The repealed section pertained to use of school bus by an organization for transporting senior citizens, retired or disabled persons, or persons other than pupils.

Popular Name: Act 451

380.1334 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to boarding of pupils.

Popular Name: Act 451

380.1335 Boarding schools; licensing and regulation.

Sec. 1335.

The state board shall license and regulate boarding schools.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977

Popular Name: Act 451

Admin Rule: R 340.481 et seq. of the Michigan Administrative Code.

380.1336 Repealed. 1990, Act 189, Eff. Aug. 15, 1990.

Compiler's Notes: The repealed section pertained to transportation routes and walking distances for pupils.

Popular Name: Act 451

380.1341 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to purchase of station wagons, passenger vans, and school bus.

Popular Name: Act 451

380.1341a, 380.1341b Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed sections pertained to cost of purchasing pupil transportation vehicles, school buses, and rehabilitating school buses, and an additional allowance for vehicle rental and amortization.
Popular Name: Act 451

380.1342 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to operation, storage, maintenance, and repair of school buses.
Popular Name: Act 451

380.1343, 380.1344 Repealed. 1990, Act 189, Eff. Aug. 15, 1990.

Compiler's Notes: The repealed sections pertained to safety specifications for and painting of school buses.
Popular Name: Act 451

380.1346 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed section pertained to camps for recreational and instructional purposes.
Popular Name: Act 451

380.1347 United States flag; purchase or possession; size; appliances; display.

Sec. 1347.

(1) For each public school building it operates, the board of a school district shall purchase or possess a United States flag of a size of not less than 4 feet 2 inches by 8 feet, flag staff, and the necessary appliances for displaying the flag upon the flag staff; shall erect the flag staff on the public school building or on a conspicuous place upon the school grounds; and shall display the flag upon the flag staff at all times during school hours, inclement weather excepted, in which case the flag shall be prominently displayed within the school building.

(2) In addition to the display of the flag at the school required under subsection (1), the board or board of directors shall ensure that a United States flag is displayed in each classroom or other instructional site in which pupils recite the pledge of allegiance to the flag of the United States.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 2012, Act 320, Eff. Mar. 28, 2013
Popular Name: Act 451

380.1347a Pledge of allegiance; recitation; definition.

Sec. 1347a.

(1) Beginning with the 2013-2014 school year, the board of a school district or intermediate school district or board of directors of a public school academy shall ensure that an opportunity to recite the pledge of allegiance to the flag of the United States is offered each school day to all public school pupils in each public school it operates.

(2) A pupil shall not be compelled, against the pupil's objections or those of the pupil's parent or legal guardian, to recite the pledge of allegiance.

(3) The board of a school district or intermediate school district or board of directors of a public school academy, and the school administrator in charge of a school building, shall ensure that a pupil is not subject to any penalty or bullying at school as a result of not reciting the pledge of allegiance.

(4) As used in this section, "pledge of allegiance to the flag of the United States" or "pledge of allegiance" means the pledge of allegiance to the flag prescribed in 4 USC 4.

History: Add. 2012, Act 321, Imd. Eff. Oct. 5, 2012

380.1348, 380.1349 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's Notes: The repealed sections pertained to information between community and board and contract with yearbook photographer.

Popular Name: Act 451