

**SUBSTITUTE FOR  
HOUSE BILL NO. 5193**

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

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

8       (a) Shall be in compliance with sections 1284 and 1284b.

(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.~~

~~(4) (5) If as of the effective date of this section~~ **OCTOBER 1, 2007** 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)

1 does not apply to that school or program. If after ~~the effective~~  
2 ~~date of this section~~ **OCTOBER 1, 2007** an intermediate school  
3 district or school district begins operating a year-round school or  
4 program, the intermediate school district or school district may  
5 apply to the superintendent of public instruction for a waiver from  
6 the requirements of subsection (2) for that school or program. **A**  
7 **SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT SHALL NOT APPLY FOR**  
8 **A WAIVER UNDER THIS SUBSECTION UNLESS THE BOARD OF THE SCHOOL**  
9 **DISTRICT OR INTERMEDIATE SCHOOL DISTRICT HAS HELD AT LEAST 1 PUBLIC**  
10 **HEARING TO DISCUSS THE PROPOSED ALTERNATIVE SCHOOL CALENDAR FOR THE**  
11 **SCHOOL OR PROGRAM AND WHETHER OR NOT TO APPLY FOR THE WAIVER.** The  
12 application shall be in writing in the form and manner prescribed  
13 by the department and shall provide justification for the school or  
14 program to operate on a calendar that differs from the common  
15 school calendar adopted under subsection (1). Upon application, if  
16 the superintendent of public instruction determines that a school  
17 or program is a bona fide year-round school or program established  
18 for educational reasons and that there is sufficient **ACADEMIC**  
19 justification for the school or program to operate on a calendar  
20 that differs from the common school calendar adopted under  
21 subsection (1), the superintendent of public instruction shall  
22 grant the waiver. **THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL**  
23 **ACT ON A WAIVER APPLICATION UNDER THIS SUBSECTION WITHIN 30 DAYS**  
24 **AFTER RECEIPT OF A PROPERLY SUBMITTED APPLICATION.** The  
25 superintendent of public instruction shall establish standards for  
26 determining a bona fide year-round school or program for the  
27 purposes of this subsection. **IF A SCHOOL OR PROGRAM MEETS ANY OF**

1 THE FOLLOWING, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL  
2 CONSIDER THE SCHOOL OR PROGRAM TO BE A BONA FIDE YEAR-ROUND SCHOOL  
3 OR PROGRAM:

4 (A) HAS A SCHOOL CALENDAR COTERMINOUS WITH A COLLEGE OR  
5 UNIVERSITY. A WAIVER APPROVED FOR A SCHOOL OR PROGRAM DESCRIBED IN  
6 THIS SUBDIVISION SHALL COVER ONLY THAT SPECIFIC SCHOOL OR PROGRAM.

7 (B) OPERATES ON A SCHOOL CALENDAR THAT INCLUDES A SUMMER BREAK  
8 THAT IS NOT GREATER THAN 8 WEEKS FOR THE FIRST 2 SCHOOL YEARS  
9 BEGINNING AFTER THE DATE OF THE APPLICATION AND IS NOT GREATER THAN  
10 6 WEEKS FOR SUBSEQUENT SCHOOL YEARS. THE SCHOOL CALENDAR FOR A  
11 SCHOOL OR PROGRAM DESCRIBED IN THIS SUBDIVISION MUST BE FOR AN  
12 ACADEMIC PURPOSE AND MUST FURTHER STATE EDUCATIONAL GOALS.

13 (C) IS A SCHOOL ON THE LIST UNDER SECTION 1280C(1) OF THE  
14 PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS DETERMINED TO  
15 BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS  
16 STATE AND SELECTS A MODEL THAT REQUIRES INCREASED LEARNING TIME AS  
17 A CONDITION OF REFORM.

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

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

24 (5) ~~(6)~~—If an intermediate school district or school district  
25 is operating or begins operating a school or program on a trimester  
26 schedule, the intermediate school district or school district may  
27 apply to the superintendent of public instruction for a waiver from

1 the requirements of subsection (2) for that school or program. The  
2 application shall be in writing in the form and manner prescribed  
3 by the department and shall provide justification for the school or  
4 program to operate on a calendar that differs from the common  
5 school calendar adopted under subsection (1). Upon application, if  
6 the superintendent of public instruction determines that a school  
7 or program is operating on a bona fide trimester schedule  
8 established for educational reasons and that there is sufficient  
9 justification for the school or program to operate on a calendar  
10 that differs from the common school calendar adopted under  
11 subsection (1), the superintendent of public instruction shall  
12 grant the waiver. The superintendent of public instruction shall  
13 establish standards for determining a bona fide trimester schedule  
14 for the purposes of this subsection.

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

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

(8) IF AN INTERMEDIATE SCHOOL DISTRICT OR SCHOOL DISTRICT HAS ALREADY RECEIVED A WAIVER UNDER SUBSECTION (4) FOR 3 OR MORE CONSECUTIVE SCHOOL YEARS AND IS APPLYING FOR A CONTINUATION OF THAT WAIVER, THE INTERMEDIATE SCHOOL DISTRICT OR SCHOOL DISTRICT SHALL INCLUDE IN THE APPLICATION, IN THE FORM AND MANNER PRESCRIBED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION, A REPORT DEMONSTRATING ACADEMIC PROGRESS ACHIEVED OVER THE CORRESPONDING SCHOOL YEARS.

(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.

~~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.~~

(1) ~~(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~~. **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.~~

(2) ~~(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)~~ **(1)** 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)~~ **(1)**. **A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY SHALL NOT APPLY FOR A WAIVER UNDER THIS SUBSECTION UNLESS THE BOARD OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY HAS HELD AT LEAST 1 PUBLIC HEARING TO DISCUSS THE PROPOSED ALTERNATIVE SCHOOL CALENDAR FOR THE SCHOOL OR PROGRAM AND WHETHER OR NOT TO APPLY FOR THE WAIVER.** Upon application, if the superintendent of public instruction determines that a school or program is a bona fide year-round school or

1 program established for educational reasons AND THAT THERE IS  
2 SUFFICIENT ACADEMIC JUSTIFICATION FOR THE SCHOOL OR PROGRAM TO  
3 OPERATE ON A CALENDAR THAT DOES NOT COMPLY WITH SUBSECTION (1), the  
4 superintendent of public instruction shall grant the waiver. THE  
5 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ACT ON A WAIVER  
6 APPLICATION UNDER THIS SUBSECTION WITHIN 30 DAYS AFTER RECEIPT OF A  
7 PROPERLY SUBMITTED APPLICATION. The superintendent of public  
8 instruction shall establish standards for determining a bona fide  
9 year-round school or program for the purposes of this subsection.  
10 IF A SCHOOL OR PROGRAM MEETS ANY OF THE FOLLOWING, THE  
11 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL CONSIDER THE SCHOOL OR  
12 PROGRAM TO BE A BONA FIDE YEAR-ROUND SCHOOL OR PROGRAM:

13 (A) HAS A SCHOOL CALENDAR COTERMINOUS WITH A COLLEGE OR  
14 UNIVERSITY. A WAIVER APPROVED FOR A SCHOOL OR PROGRAM DESCRIBED IN  
15 THIS SUBDIVISION SHALL COVER ONLY THAT SPECIFIC SCHOOL OR PROGRAM.

16 (B) OPERATES ON A SCHOOL CALENDAR THAT INCLUDES A SUMMER BREAK  
17 THAT IS NOT GREATER THAN 8 WEEKS FOR THE FIRST 2 SCHOOL YEARS  
18 BEGINNING AFTER THE DATE OF THE APPLICATION AND IS NOT GREATER THAN  
19 6 WEEKS FOR SUBSEQUENT SCHOOL YEARS. THE SCHOOL CALENDAR FOR A  
20 SCHOOL OR PROGRAM DESCRIBED IN THIS SUBDIVISION MUST BE FOR AN  
21 ACADEMIC PURPOSE AND MUST FURTHER STATE EDUCATIONAL GOALS.

22 (C) IS A SCHOOL ON THE LIST UNDER SECTION 1280C(1) OF THE  
23 PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS DETERMINED TO  
24 BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS  
25 STATE AND SELECTS A MODEL THAT REQUIRES INCREASED LEARNING TIME AS  
26 A CONDITION OF REFORM.

27 (D) HAS ADOPTED A PLAN USED BY OR SIMILAR TO A PLAN USED BY



1 OTHER SCHOOLS OR PROGRAMS TO CONDUCT AN EXTENDED SCHOOL CALENDAR,  
2 SUCH AS 45 DAYS ON AND 15 DAYS OFF, 60 DAYS ON AND 20 DAYS OFF, 60  
3 DAYS ON AND 15 DAYS OFF, OR 90 DAYS ON AND 30 DAYS OFF.

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

6 (3) ~~(5)~~—If an intermediate school district contracts with a  
7 constituent district or public school academy to provide programs  
8 or services for pupils of the constituent district or public school  
9 academy; operates a program or service within a building owned by a  
10 constituent district or a public school academy located within the  
11 intermediate school district's boundaries; or otherwise provides  
12 instructional programs or services for pupils of a constituent  
13 district or public school academy, and if the school district's or  
14 public school academy's school year begins before Labor ~~day~~ **DAY**  
15 under subsection ~~(3) or (4)~~, **(2)**, then the intermediate school  
16 district may provide programs or services according to the school  
17 district's or public school academy's calendar.

18 (4) ~~(6)~~—This section does not apply to a public school that  
19 operates all of grades 6 to 12 at a single site, that aligns its  
20 high school curriculum with advanced placement courses as the  
21 capstone of the curriculum, and that ends its second academic  
22 semester concurrently with the end of the advanced placement  
23 examination period.

24 (5) ~~(7)~~—This section does not prohibit a school district,  
25 intermediate school district, or public school academy from  
26 offering or requiring professional development for its personnel  
27 that is conducted before Labor ~~day~~ **DAY**.

1           (6) IF AN INTERMEDIATE SCHOOL DISTRICT OR SCHOOL DISTRICT HAS  
2 ALREADY RECEIVED A WAIVER UNDER SUBSECTION (2) FOR 3 OR MORE  
3 CONSECUTIVE SCHOOL YEARS AND IS APPLYING FOR A CONTINUATION OF THAT  
4 WAIVER, THE INTERMEDIATE SCHOOL DISTRICT OR SCHOOL DISTRICT SHALL  
5 INCLUDE IN THE APPLICATION, IN THE FORM AND MANNER PRESCRIBED BY  
6 THE SUPERINTENDENT OF PUBLIC INSTRUCTION, A REPORT DEMONSTRATING  
7 ACADEMIC PROGRESS ACHIEVED OVER THE CORRESPONDING SCHOOL YEARS.

8           (7) ~~(8)~~As used in this section, "Labor ~~day~~" **DAY** means the  
9 first Monday in September.

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