

**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.

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

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

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

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

23 (4) ~~(5) If as of the effective date of this section~~ **OCTOBER 1,**  
24 **2007** an intermediate school district or school district is  
25 operating a year-round school or program or is operating a school  
26 that is an international baccalaureate academy that provides 1,160  
27 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 justification  
19 for the school or program to operate on a calendar that differs  
20 from the common school calendar adopted under subsection (1), the  
21 superintendent of public instruction shall grant the waiver. The  
22 superintendent of public instruction shall establish standards for  
23 determining a bona fide year-round school or program for the  
24 purposes of this subsection. **HOWEVER, IN ADDITION TO GRANTING**  
25 **WAIVERS BASED ON THE STANDARDS ESTABLISHED BY THE SUPERINTENDENT OF**  
26 **PUBLIC INSTRUCTION, IF A SCHOOL OR PROGRAM MEETS ANY OF THE**  
27 **FOLLOWING, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL CONSIDER**

1 THE SCHOOL OR PROGRAM TO BE A BONA FIDE YEAR-ROUND SCHOOL OR  
2 PROGRAM AND SHALL GRANT THE WAIVER FOR THE SCHOOL OR PROGRAM AND  
3 ALL PUPILS ENROLLED IN THE SCHOOL OR PROGRAM:

4 (A) FOR ALL PUPILS, HAS THE SAME START DATE FOR THE SCHOOL  
5 YEAR AS AN INSTITUTION OF HIGHER EDUCATION AND SHARES FACILITIES,  
6 FACULTY, OR COURSES WITH THE INSTITUTION OF HIGHER EDUCATION.

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.

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

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

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

22 (5) ~~(6)~~—If an intermediate school district or school district  
23 is operating or begins operating a school or program on a trimester  
24 schedule, the intermediate school district or school district may  
25 apply to the superintendent of public instruction for a waiver from  
26 the requirements of subsection (2) for that school or program. The  
27 application shall be in writing in the form and manner prescribed

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

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

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

26 (8) ~~(9)~~—As used in this section:

27 (a) "Board" means the board of a school district or board of

1 directors of a public school academy.

2 (b) "Constituent district" means a constituent district of the  
3 intermediate school district or a public school academy that is  
4 located within the boundaries of the intermediate school district  
5 and that receives services from the intermediate school district.

6 (c) "School district" means a school district or a public  
7 school academy.

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

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

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

27 (2) ~~(4)~~ If a school district, intermediate school district, or

1 public school academy is operating a year-round school or program  
2 as of September 29, 2005 or is operating as of that date a school  
3 that is an international baccalaureate academy that provides 1,160  
4 hours of pupil instruction per school year, then subsection ~~(2)~~-(1)  
5 does not apply to that school or program. If a school district,  
6 intermediate school district, or public school academy begins  
7 operating a year-round school or program after September 29, 2005,  
8 the school district, intermediate school district, or public school  
9 academy may apply to the superintendent of public instruction for a  
10 waiver from the requirements of subsection ~~(2)~~-(1). **A SCHOOL**  
11 **DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY**  
12 **SHALL NOT APPLY FOR A WAIVER UNDER THIS SUBSECTION UNLESS THE BOARD**  
13 **OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF**  
14 **DIRECTORS OF THE PUBLIC SCHOOL ACADEMY HAS HELD AT LEAST 1 PUBLIC**  
15 **HEARING TO DISCUSS THE PROPOSED ALTERNATIVE SCHOOL CALENDAR FOR THE**  
16 **SCHOOL OR PROGRAM AND WHETHER OR NOT TO APPLY FOR THE WAIVER.** Upon  
17 application, if the superintendent of public instruction determines  
18 that a school or program is a bona fide year-round school or  
19 program established for educational reasons, the superintendent of  
20 public instruction shall grant the waiver. The superintendent of  
21 public instruction shall establish standards for determining a bona  
22 fide year-round school or program for the purposes of this  
23 subsection. **HOWEVER, IN ADDITION TO GRANTING WAIVERS BASED ON THE**  
24 **STANDARDS ESTABLISHED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION,**  
25 **IF A SCHOOL OR PROGRAM MEETS ANY OF THE FOLLOWING, THE**  
26 **SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL CONSIDER THE SCHOOL OR**  
27 **PROGRAM TO BE A BONA FIDE YEAR-ROUND SCHOOL OR PROGRAM AND SHALL**

1 GRANT THE WAIVER FOR THE SCHOOL OR PROGRAM AND ALL PUPILS ENROLLED  
2 IN THE SCHOOL OR PROGRAM:

3 (A) FOR ALL PUPILS, HAS THE SAME START DATE AS AN INSTITUTION  
4 OF HIGHER EDUCATION AND SHARES FACILITIES, FACULTY, OR COURSES WITH  
5 THE INSTITUTION OF HIGHER EDUCATION.

6 (B) OPERATES ON A SCHOOL CALENDAR THAT INCLUDES A SUMMER BREAK  
7 THAT IS NOT GREATER THAN 8 WEEKS FOR THE FIRST 2 SCHOOL YEARS  
8 BEGINNING AFTER THE DATE OF THE APPLICATION AND IS NOT GREATER THAN  
9 6 WEEKS FOR SUBSEQUENT SCHOOL YEARS.

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

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

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

21 (3) ~~(5)~~—If an intermediate school district contracts with a  
22 constituent district or public school academy to provide programs  
23 or services for pupils of the constituent district or public school  
24 academy; operates a program or service within a building owned by a  
25 constituent district or a public school academy located within the  
26 intermediate school district's boundaries; or otherwise provides  
27 instructional programs or services for pupils of a constituent



1 district or public school academy, and if the school district's or  
2 public school academy's school year begins before Labor ~~day~~ **DAY**  
3 under subsection ~~(3) or (4)~~, **(2)**, then the intermediate school  
4 district may provide programs or services according to the school  
5 district's or public school academy's calendar.

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

12 **(5)** ~~(7)~~—This section does not prohibit a school district,  
13 intermediate school district, or public school academy from  
14 offering or requiring professional development for its personnel  
15 that is conducted before Labor ~~day~~ **DAY**.

16 **(6)** ~~(8)~~—As used in this section, "Labor ~~day~~ **DAY**" means the  
17 first Monday in September.

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