

# HOUSE BILL No. 4107

February 7, 1991, Introduced by Reps. Trim, McNutt, Bryant, Middleton, Nye, Willis Bullard, Martin, Horton and Kosteva and referred to the Committee on Education.

A bill to amend section 1283 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

being section 380.1283 of the Michigan Compiled Laws; and to add section 1283a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1283 of Act No. 451 of the Public Acts  
2 of 1976, being section 380.1283 of the Michigan Compiled Laws, is  
3 amended and section 1283a is added to read as follows:

4 Sec. 1283. ~~The~~ EXCEPT AS PROVIDED IN SECTION 1283A, THE  
5 board of a school district may establish attendance areas within  
6 the school district.

7 SEC. 1283A. (1) THE BOARD OF EACH SCHOOL DISTRICT, BY  
8 RESOLUTION AT A MEETING THE TIME, PLACE, AND AGENDA OF WHICH IS  
9 PUBLICIZED IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE

1 SCHOOL DISTRICT, SHALL DETERMINE WHETHER THE SCHOOL DISTRICT WILL  
2 IMPLEMENT OR CONTINUE TO IMPLEMENT A SCHOOLS OF CHOICE PLAN.  
3 BEFORE JANUARY 1, 1993, EACH SCHOOL BOARD SHALL NOTIFY THE STATE  
4 BOARD IN WRITING WHETHER THE SCHOOL DISTRICT HAS IMPLEMENTED, IS  
5 IMPLEMENTING, WILL IMPLEMENT, OR WILL NOT IMPLEMENT A SCHOOLS OF  
6 CHOICE PLAN. A SCHOOL BOARD THAT NOTIFIES THE STATE BOARD THAT  
7 THE SCHOOL DISTRICT IS IMPLEMENTING OR WILL IMPLEMENT A SCHOOLS  
8 OF CHOICE PLAN MAY AT ANY TIME CHOOSE NOT TO IMPLEMENT THE PLAN,  
9 BUT SHALL PROMPTLY NOTIFY THE STATE BOARD OF ITS REVISED DECISION  
10 AND THE REASONS FOR THE DECISION.

11 (2) IF A SCHOOL BOARD THAT DOES NOT HAVE A SCHOOLS OF CHOICE  
12 PLAN ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS  
13 SECTION RESOLVES TO IMPLEMENT A SCHOOLS OF CHOICE PLAN, THE  
14 SCHOOL BOARD SHALL ESTABLISH A DISTRICT SCHOOLS OF CHOICE PLAN-  
15 NING COMMITTEE. THE COMMITTEE SHALL BE COMPOSED OF 1/3 PARENTS  
16 AND PUPILS, 1/3 TEACHERS, AND 1/3 SCHOOL BOARD MEMBERS AND ADMIN-  
17 ISTRATORS, INCLUDING, BUT NOT LIMITED TO, BUILDING  
18 ADMINISTRATORS. THE DISTRICT SCHOOLS OF CHOICE PLANNING COMMIT-  
19 TEE SHALL DEVELOP AND SUBMIT TO THE SCHOOL BOARD A SCHOOLS OF  
20 CHOICE PLAN FOR THE SCHOOL DISTRICT OR A REPORT RECOMMENDING  
21 OTHER ACTION BY THE BOARD. UNDER THE PLAN, FOR EACH CHILD RESID-  
22 ING WITHIN THE SCHOOL DISTRICT, THE PARENT, LEGAL GUARDIAN, OR  
23 PERSON IN LOCO PARENTIS WITH WHOM THE CHILD RESIDES SHALL BE  
24 GIVEN, TO THE EXTENT PERMITTED BY BUILDING CAPACITY; PROXIMITY OF  
25 THE CHILD'S RESIDENCE TO THE SCHOOL; AVAILABLE TRANSPORTATION;  
26 SPECIAL NEEDS, TALENTS, AND LEARNING ABILITIES AND STYLES OF  
27 PUPILS; AND OTHER APPROPRIATE FACTORS, THE OPPORTUNITY TO SELECT

1 THE PUBLIC SCHOOL THAT HIS OR HER CHILD WILL ATTEND. THE CHOICES  
2 MAY INCLUDE, BUT ARE NOT LIMITED TO, VOCATIONAL-TECHNICAL  
3 SCHOOLS, MAGNET SCHOOLS, AND OTHER SPECIALTY SCHOOLS, INCLUDING  
4 SCHOOLS WITHIN SCHOOLS. THIS SUBSECTION DOES NOT PROHIBIT A  
5 PLANNING COMMITTEE FROM MAKING SPECIAL PROVISIONS TO ALLOW A  
6 PUPIL WHO IS NOT LESS THAN 16 YEARS OF AGE TO CHOOSE THE SCHOOL  
7 THE PUPIL WILL ATTEND OR FOR A PUPIL WHOSE CUSTODIAL PARENTS DO  
8 NOT AGREE ON THE SCHOOL THAT THEIR CHILD WILL ATTEND.

9 (3) A SCHOOLS OF CHOICE PLAN REQUIRED BY SUBSECTION (2)  
10 SHALL INCLUDE, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

11 (A) A MEANS TO ENSURE THAT ALL SCHOOL-AGED CHILDREN, PAR-  
12 ENTS, LEGAL GUARDIANS, AND PERSONS IN LOCO PARENTIS OF A  
13 SCHOOL-AGED CHILD RESIDING WITHIN THE SCHOOL DISTRICT ARE PRO-  
14 VIDED WITH ALL OF THE FOLLOWING:

15 (i) INFORMATION ABOUT THE SCHOOLS OF CHOICE PLAN AND THE  
16 PHILOSOPHY AND STAFFING OF EACH SCHOOL SO THAT THEY MAY MAKE  
17 INFORMED DECISIONS ABOUT WHICH SCHOOL THE CHILD WILL ATTEND.

18 (ii) ACCESS TO COUNSELING ABOUT THE SCHOOLS OF CHOICE PLAN.

19 (iii) EXISTING INFORMATION BASED ON TESTING AND ANALYSIS AS  
20 TO THE INTELLIGENCE, LEARNING STYLE, SPECIAL TALENTS, AND EDUCA-  
21 TIONAL NEEDS OF THE CHILD.

22 (B) A MEANS TO ENSURE THAT TRANSPORTATION TO THE SCHOOL OF  
23 CHOICE IS PROVIDED TO A CHILD IF THE CHILD IS FROM A LOW INCOME  
24 FAMILY, AS DETERMINED BY THE DEPARTMENT, OR FROM A SINGLE PARENT  
25 OR 2-CAREER FAMILY THAT FALLS BELOW AN INCOME LEVEL DETERMINED BY  
26 THE DEPARTMENT AND THAT CANNOT PROVIDE TRANSPORTATION FOR THE  
27 CHILD DUE TO A JOB-RELATED SCHEDULE.

1 (C) SUBJECT TO SUBSECTION (2), A MEANS TO ENSURE THAT EACH  
2 CHILD HAS AN EQUAL OPPORTUNITY FOR ENROLLMENT IN THE SCHOOL THAT  
3 HIS OR HER PARENT, LEGAL GUARDIAN, OR PERSON IN LOCO PARENTIS  
4 CHOOSES FOR HIM OR HER.

5 (D) A MEANS TO ENSURE THAT SUCCESSFUL SCHOOL PROGRAMS, AS  
6 MEASURED BY INCREASED PUPIL ENROLLMENT OR IMPROVED PUPIL PER-  
7 FORMANCE, OR BOTH, ARE PROVIDED WITH ADEQUATE RESOURCES TO CON-  
8 TINUE AND EXPAND, CONSISTENT WITH THE SCHOOL IMPROVEMENT PLAN AND  
9 PROCESS.

10 (E) A MEANS TO ENSURE THAT THE TEACHERS AND PRINCIPALS OF A  
11 SCHOOL BUILDING HAVE THE AUTHORITY TO MAKE DECISIONS REGARDING  
12 SCHOOL PROGRAMS FOR THEIR BUILDING AS LONG AS THE SCHOOL PROGRAMS  
13 ARE CONSISTENT WITH THE LOCALLY-APPROVED SCHOOL IMPROVEMENT  
14 PLAN.

15 (F) IF THE DISTRICT IS UNDER A COURT ORDERED DESEGREGATION  
16 PLAN, AN EXPLANATION OF HOW PUPIL ASSIGNMENT AND TRANSFER POLI-  
17 CIES WILL MAINTAIN THE INTEGRITY OF THE DESEGREGATION PLAN.

18 (G) A PROVISION THAT IF THE SCHOOL BOARD HAS JOINED AN ATH-  
19 LETIC ASSOCIATION, THE PUPILS AND SCHOOLS OF THE SCHOOL DISTRICT  
20 REMAIN SUBJECT TO THE RULES OF THAT ASSOCIATION.

21 (H) A PROCESS BY WHICH A PUPIL MAY ENROLL IN A DIFFERENT  
22 SCHOOL DURING THE SCHOOL YEAR.

23 (4) WHEN A DISTRICT SCHOOLS OF CHOICE PLANNING COMMITTEE  
24 BEGINS DEVELOPING A SCHOOLS OF CHOICE PLAN, EACH SCHOOL WITHIN  
25 THE SCHOOL DISTRICT SHALL ESTABLISH A BUILDING LEVEL SCHOOLS OF  
26 CHOICE PLANNING COMMITTEE. THE PROCESS USED TO CHOOSE MEMBERS  
27 MAY BE APPOINTIVE OR INFORMALLY ELECTIVE. THIS COMMITTEE SHALL

1 BE COMPOSED OF TEACHERS AND ADMINISTRATORS FROM THE SCHOOL, PLUS  
2 PARENTS AND OTHER RESIDENTS OF THE SCHOOL DISTRICT. A BUILDING  
3 LEVEL PLANNING COMMITTEE MAY BE A PRESENTLY EXISTING COMMITTEE IF  
4 THE COMMITTEE MEETS THE MEMBERSHIP REQUIREMENTS OF THIS  
5 SUBSECTION. THE BUILDING LEVEL PLANNING COMMITTEE SHALL WORK  
6 WITH, OR MAY BE THE SAME COMMITTEE AS, THE SCHOOL IMPROVEMENT  
7 PROCESS COMMITTEE AND SHALL EXAMINE THE STRENGTHS AND EDUCATIONAL  
8 GOALS OF ITS SCHOOL AND CONSIDER WAYS IN WHICH THE SCHOOL COULD  
9 OFFER TO SCHOOL-AGED CHILDREN RESIDING WITHIN THE SCHOOL DISTRICT  
10 HIGH QUALITY EDUCATIONAL PROGRAMS DESIGNED TO MEET THE PARTICULAR  
11 EDUCATIONAL NEEDS OF THE CHILDREN. THE BUILDING LEVEL PLANNING  
12 COMMITTEE SHALL PREPARE AND TRANSMIT A REPORT OF ITS FINDINGS TO  
13 THE DISTRICT SCHOOLS OF CHOICE PLANNING COMMITTEE WHICH SHALL USE  
14 THE REPORT TO DEVELOP THE SCHOOLS OF CHOICE PLAN FOR THE  
15 DISTRICT.

16 (5) AFTER THE DISTRICT SCHOOLS OF CHOICE PLANNING COMMITTEE  
17 DEVELOPS THE SCHOOLS OF CHOICE PLAN, THE COMMITTEE AND THE SCHOOL  
18 BOARD SHALL HOLD 1 OR MORE JOINT PUBLIC HEARINGS WITHIN THE  
19 SCHOOL DISTRICT TO EXPLAIN THE PLAN. THE EXPLANATION OF THE  
20 SCHOOLS OF CHOICE PLAN SHALL INCLUDE, BUT IS NOT LIMITED TO, ALL  
21 OF THE FOLLOWING:

22 (A) A LIST AND DESCRIPTION OF EACH SCHOOL THAT MAY BE  
23 CHOSEN.

24 (B) THE METHOD OF PUPIL SELECTION IF THE NUMBER OF PUPILS  
25 WANTING TO ENROLL IN A PARTICULAR SCHOOL IS GREATER THAN THE  
26 SCHOOL CAN ACCOMMODATE.

1 (C) THE FISCAL IMPACT OF THE PROGRAM, INCLUDING  
2 TRANSPORTATION, ON THE SCHOOL DISTRICT.

3 (6) AFTER RECEIPT OF PUBLIC OPINION CONCERNING THE SCHOOLS  
4 OF CHOICE PLAN, THE DISTRICT SCHOOLS OF CHOICE PLANNING COMMITTEE  
5 MAY REVISE THE PLAN. UPON FINALIZATION OF THE SCHOOLS OF CHOICE  
6 PLAN BY THE DISTRICT SCHOOLS OF CHOICE PLANNING COMMITTEE, THE  
7 SCHOOL BOARD SHALL APPROVE AND IMPLEMENT, SUBJECT TO SUBSECTION  
8 (7), OR REJECT, THE PLAN.

9 (7) IN A SCHOOL DISTRICT THAT IS UNDER A COURT ORDERED  
10 DESEGREGATION PLAN, A SCHOOLS OF CHOICE PLAN SHALL NOT BE IMPE-  
11 MENTED UNTIL THE PLAN RECEIVES COURT APPROVAL.

12 (8) EACH SCHOOL DISTRICT IMPLEMENTING A SCHOOLS OF CHOICE  
13 PLAN SHALL REPORT TO THE DEPARTMENT NOT LATER THAN JUNE 30 OF  
14 EACH YEAR FOR 5 YEARS, IN A MANNER AND ON A FORM PRESCRIBED BY  
15 THE DEPARTMENT, THE RESULTS OF THE IMPLEMENTATION OF THE PLAN.  
16 THIS SUBSECTION INCLUDES A SCHOOL DISTRICT THAT IMPLEMENTED A  
17 SCHOOLS OF CHOICE PLAN BEFORE THE EFFECTIVE DATE OF THE AMENDA-  
18 TORY ACT THAT ADDED THIS SECTION.

19 (9) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

20 (A) PROVIDE GUIDELINES FOR SCHOOL DISTRICTS TO USE IN DETER-  
21 MINING HOW PUPILS FROM FAMILIES NEEDING TRANSPORTATION ASSISTANCE  
22 WILL BE TRANSPORTED.

23 (B) PROVIDE TRAINING, TECHNICAL ASSISTANCE, AND ADMINISTRA-  
24 TIVE SUPPORT, AS NECESSARY, TO SCHOOL DISTRICTS IMPLEMENTING THIS  
25 SECTION.

1 (C) DISSEMINATE INFORMATION TO SCHOOL DISTRICTS, THE PUBLIC,  
2 AND THE LEGISLATURE ON THE CHARACTERISTICS AND SUCCESS OF THE  
3 SCHOOLS OF CHOICE PLANS IMPLEMENTED UNDER THIS SECTION.

4 (D) MONITOR ALL NEW SCHOOLS OF CHOICE PLANS IMPLEMENTED  
5 UNDER THIS SECTION AND DETERMINE IF THE PLANS ARE IN COMPLIANCE  
6 WITH SUBSECTION (3).

7 (10) A MEETING OF A SCHOOLS OF CHOICE PLANNING COMMITTEE  
8 ESTABLISHED UNDER THIS SECTION SHALL BE HELD PURSUANT TO THE OPEN  
9 MEETINGS ACT, ACT NO. 267 OF THE PUBLIC ACTS OF 1976, BEING SEC-  
10 TIONS 15.261 TO 15.275 OF THE MICHIGAN COMPILED LAWS. PUBLIC  
11 NOTICE OF THE TIME, DATE, AND PLACE OF THE MEETING SHALL BE GIVEN  
12 IN THE MANNER REQUIRED BY ACT NO. 267 OF THE PUBLIC ACTS OF  
13 1976.

14 (11) ALL DOCUMENTS PREPARED, OWNED, USED, IN THE POSSESSION  
15 OF, OR RETAINED BY A SCHOOLS OF CHOICE PLANNING COMMITTEE ESTAB-  
16 LISHED UNDER THIS SECTION IN THE PERFORMANCE OF AN OFFICIAL FUNC-  
17 TION SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH THE  
18 FREEDOM OF INFORMATION ACT, ACT NO. 442 OF THE PUBLIC ACTS OF  
19 1976, BEING SECTIONS 15.231 TO 15.246 OF THE MICHIGAN COMPILED  
20 LAWS.