

SENATE BILL No. 158

March 12, 1991, Introduced by Senators POSTHUMUS, DE GROW, CRUCE, EMMONS, EHLERS, SCHWARZ, N. SMITH and WELBORN and referred to the Committee on Education.

A bill to amend sections 1289 and 1521 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

being sections 380.1289 and 380.1521 of the Michigan Compiled Laws; and to add section 1283a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1289 and 1521 of Act No. 451 of the
2 Public Acts of 1976, being sections 380.1289 and 380.1521 of the
3 Michigan Compiled Laws, are amended and section 1283a is added to
4 read as follows:

5 SEC. 1283A. (1) NOT LATER THAN OCTOBER 1, 1991, EACH LOCAL
6 SCHOOL DISTRICT SHALL ESTABLISH A SCHOOLS OF CHOICE PLANNING COM-
7 MITTEE CONSISTING OF REPRESENTATIVE PARENTS, TEACHERS, AND
8 BUILDING PRINCIPALS AND OTHER SCHOOL ADMINISTRATORS.

1 (2) NOT LATER THAN APRIL 1, 1992, THE SCHOOLS OF CHOICE
2 PLANNING COMMITTEE IN EACH LOCAL SCHOOL DISTRICT SHALL DEVELOP
3 AND SUBMIT TO THE DEPARTMENT FOR APPROVAL AN IN-DISTRICT SCHOOLS
4 OF CHOICE PROGRAM THAT COMPLIES WITH SUBSECTION (4).

5 (3) BEGINNING IN THE 1992-93 SCHOOL YEAR, EACH LOCAL SCHOOL
6 DISTRICT SHALL IMPLEMENT AN IN-DISTRICT SCHOOLS OF CHOICE PLAN
7 APPROVED BY THE DEPARTMENT.

8 (4) TO BE APPROVED BY THE DEPARTMENT, AN IN-DISTRICT SCHOOLS
9 OF CHOICE PROGRAM SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

10 (A) A PLAN TO ENSURE THAT THE PARENT, LEGAL GUARDIAN, OR
11 PERSON IN LOCO PARENTIS OF EACH SCHOOL-AGED CHILD RESIDING WITHIN
12 THE LOCAL DISTRICT IS PROVIDED WITH BOTH OF THE FOLLOWING:

13 (i) ADEQUATE INFORMATION ABOUT THE SCHOOLS OF CHOICE PROGRAM
14 TO ALLOW THE PARENT, LEGAL GUARDIAN, OR PERSON IN LOCO PARENTIS
15 TO MAKE INFORMED DECISIONS ABOUT WHICH SCHOOL HIS OR HER CHILD
16 WILL ATTEND.

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

19 (B) A PLAN TO ENSURE THAT TRANSPORTATION TO THE SCHOOL OF
20 CHOICE WITHIN THE DISTRICT IS PROVIDED TO A PUPIL IF THE PUPIL IS
21 DETERMINED BY THE DEPARTMENT TO BE FROM A LOW INCOME FAMILY
22 ACCORDING TO STATE BOARD RULE OR TO BE FROM A SINGLE-PARENT OR
23 2-CAREER FAMILY WHOSE FAMILY INCOME IS BELOW A LEVEL SET BY STATE
24 BOARD RULE AND WHO CANNOT PROVIDE TRANSPORTATION FOR THE PUPIL
25 BECAUSE OF A JOB-RELATED CONFLICT.

26 (C) A PLAN TO ENSURE THAT EACH PUPIL HAS AN EQUAL
27 OPPORTUNITY FOR ENROLLMENT WITHIN THE OPEN ENROLLMENT

1 AVAILABILITY PROVIDED IN THE SCHOOL THAT HIS OR HER PARENT, LEGAL
2 GUARDIAN, OR PERSON IN LOCO PARENTIS CHOOSES FOR HIM OR HER. THE
3 PLAN SHALL PROVIDE THAT, IF THE NUMBER OF PUPIL APPLICANTS
4 EXCEEDS THE NUMBER ALLOWED BY THE DISTRICT FOR A PARTICULAR
5 SCHOOL, PUPILS WILL BE SELECTED TO ATTEND THE SCHOOL THROUGH A
6 RANDOM SELECTION PROCESS.

7 (D) A PROVISION THAT IF THE LOCAL SCHOOL DISTRICT HAS JOINED
8 AN ATHLETIC ASSOCIATION, THE PUPILS AND SCHOOLS OF THE LOCAL
9 SCHOOL DISTRICT WILL REMAIN SUBJECT TO THE RULES OF THAT ASSOCIA-
10 TION, AND A PROVISION THAT A PUPIL WHO TRANSFERS TO A DIFFERENT
11 SCHOOL IN THE DISTRICT PURSUANT TO THIS SECTION SHALL BE INELIGI-
12 BLE TO PARTICIPATE IN INTERSCHOLASTIC ATHLETICS FOR A PERIOD OF 1
13 SCHOOL YEAR FROM THE DATE HE OR SHE TRANSFERS.

14 (E) A PLAN TO ENSURE THAT THE LOCAL SCHOOL DISTRICT MAIN-
15 TAINS ALL EXISTING STANDARDS OF RACIAL AND ETHNIC INTEGRATION
16 WITHIN THE LOCAL SCHOOL DISTRICT.

17 (5) TO IMPLEMENT THIS SECTION, THE DEPARTMENT SHALL DO ALL
18 OF THE FOLLOWING:

19 (A) DEVELOP AND PROVIDE TO EACH LOCAL SCHOOL DISTRICT A
20 GUIDE TO THE CRITERIA USED IN DETERMINING ELIGIBILITY FOR ADDI-
21 TIONAL TRANSPORTATION ASSISTANCE UNDER THE STATE SCHOOL AID ACT
22 OF 1979 FOR IMPLEMENTING AN IN-DISTRICT SCHOOLS OF CHOICE
23 PROGRAM.

24 (B) PROVIDE TECHNICAL ASSISTANCE AND ADMINISTRATIVE SUPPORT
25 TO LOCAL SCHOOL DISTRICTS AS REQUESTED.

26 (C) DISSEMINATE INFORMATION TO LOCAL SCHOOL DISTRICTS, THE
27 PUBLIC, AND THE LEGISLATURE ON THE CHARACTERISTICS AND OUTCOMES

1 OF THE VARIOUS IN-DISTRICT SCHOOLS OF CHOICE PLANS IMPLEMENTED
2 UNDER THIS SECTION.

3 (D) MONITOR ALL IN-DISTRICT SCHOOLS OF CHOICE PROGRAMS
4 IMPLEMENTED UNDER THIS SECTION TO ENSURE THAT THEY COMPLY WITH
5 THE TRANSPORTATION REQUIREMENTS DESCRIBED IN SUBDIVISION (A).

6 (E) DEVELOP GUIDELINES AND RECOMMENDATIONS FOR A POSSIBLE
7 TRANSITION TO AN INTERMEDIATE DISTRICT SCHOOLS OF CHOICE PROGRAM
8 WITHIN THE BOUNDARIES OF AN INTERMEDIATE SCHOOL DISTRICT.

9 (6) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THIS
10 SECTION AND SHALL REPORT AND MAKE RECOMMENDATIONS TO THE HOUSE
11 AND SENATE APPROPRIATIONS COMMITTEES NOT LATER THAN DECEMBER 31,
12 1991 ON ANY FUNDING INCREASES THAT SHOULD BE PROVIDED IN THE
13 STATE SCHOOL AID ACT OF 1979 TO PAY FOR ANY ADDITIONAL TRANSPOR-
14 TATION COSTS ATTRIBUTABLE TO IN-DISTRICT SCHOOLS OF CHOICE UNDER
15 THIS SECTION.

16 (7) AS USED IN THIS SECTION, "LOCAL SCHOOL DISTRICT" MEANS A
17 SCHOOL DISTRICT OR LOCAL ACT SCHOOL DISTRICT.

18 Sec. 1289. (1) A board of a school district may join an
19 organization, association, or league ~~which~~ THAT has as its
20 object the promotion and regulation of sport and athletic, orato-
21 rical, musical, dramatic, creative arts, or other contests by or
22 between pupils if the organization, association, or league pro-
23 vides in its constitution or bylaws that a representative of the
24 state board shall be an ex officio member of its governing body
25 with the same rights and privileges as other members of its gov-
26 erning body.

1 (2) An association established for the purpose of organizing
2 and conducting athletic events, contests, or tournaments among
3 schools shall be the official association of the state. The
4 association shall be responsible for the adoption and enforcement
5 of regulations relative to eligibility of pupils in schools for
6 participation in interscholastic athletic events, contests, or
7 tournaments. THE ASSOCIATION'S ELIGIBILITY REGULATIONS SHALL
8 PROVIDE THAT A PUPIL WHO TRANSFERS FROM 1 SCHOOL TO ANOTHER PUR-
9 SUANT TO AN IN-DISTRICT SCHOOLS OF CHOICE PROGRAM UNDER
10 SECTION 1283A OR PURSUANT TO AN INTERMEDIATE SCHOOL DISTRICT
11 SCHOOLS OF CHOICE PILOT PROGRAM UNDER SECTION 91 OF THE STATE
12 SCHOOL AID ACT OF 1976, BEING SECTION 388.1691 OF THE MICHIGAN
13 COMPILED LAWS, IS INELIGIBLE TO PARTICIPATE IN INTERSCHOLASTIC
14 ATHLETIC ACTIVITIES FOR A PERIOD OF 1 SCHOOL YEAR FROM THE DATE
15 OF TRANSFER, AS PROVIDED IN SECTION 1283A AND SECTION 91 OF THE
16 STATE SCHOOL AID ACT OF 1979.

17 (3) Female pupils shall be permitted to participate in all
18 noncontact interscholastic athletic activities, including, BUT
19 NOT LIMITED TO, archery, badminton, baseball, bowling, fencing,
20 golf, gymnastics, riflery, shuffleboard, skiing, swimming,
21 diving, table tennis, track and field, and tennis. If a school
22 has a girls' team in a noncontact interscholastic athletic activ-
23 ity, a female shall be permitted to compete for a position on any
24 other team for that activity. This subsection shall not be con-
25 strued to prevent or interfere with the selection of competing
26 teams solely on the basis of athletic ability.

1 Sec. 1521. A board may join an organization created
2 pursuant to section 1289 ~~which~~ THAT has as its object the
3 promotion of sport and the adoption of rules for the conduct of
4 athletic contests between students. The association is the offi-
5 cial association of the state for the purpose of organizing and
6 conducting athletic events, contests, and tournaments among
7 schools. The association shall be responsible for the adoption
8 and enforcement of regulations relative to eligibility of ath-
9 letes in schools for participation in interscholastic athletic
10 events, contests, and tournaments. THE ASSOCIATION'S ELIGIBILITY
11 REGULATIONS SHALL PROVIDE THAT A PUPIL WHO TRANSFERS FROM 1
12 SCHOOL TO ANOTHER PURSUANT TO AN IN-DISTRICT SCHOOLS OF CHOICE
13 PROGRAM UNDER SECTION 1283A OR PURSUANT TO AN INTERMEDIATE SCHOOL
14 DISTRICT SCHOOLS OF CHOICE PILOT PLAN UNDER SECTION 91 OF THE
15 STATE SCHOOL AID ACT OF 1976, BEING SECTION 388.1691 OF THE
16 MICHIGAN COMPILED LAWS, IS INELIGIBLE TO PARTICIPATE IN INTER-
17 SCHOLASTIC ATHLETIC ACTIVITIES FOR A PERIOD OF 1 SCHOOL YEAR FROM
18 THE DATE OF TRANSFER, AS PROVIDED IN SECTION 1283A AND SECTION 91
19 OF THE STATE SCHOOL AID ACT OF 1979.

20 Section 2. This amendatory act shall not take effect unless
21 Senate Bill No. 159

22 of the 86th Legislature is enacted into law.