



HOUSE BILL No. 4158

February 4, 1993, Introduced by Reps. Nye, Oxender, Pitoniak, Gubow, Sikkema, Jondahl, Bobier, Dobb, Dalman, Munsell, O'Neill, Gilmer and Keith and referred to the Committee on Taxation.

A bill to amend sections 1204a, 1211, 1215, 1277, 1278, 1280, and 1451 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

section 1204a as amended and sections 1277, 1278, and 1280 as added by Act No. 25 of the Public Acts of 1990 and section 1211 as amended by Act No. 236 of the Public Acts of 1992, being sections 380.1204a, 380.1211, 380.1215, 380.1277, 380.1278, 380.1280, and 380.1451 of the Michigan Compiled Laws; and to repeal certain parts of the act on specific dates.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1204a, 1211, 1215, 1277, 1278, 1280,
2 and 1451 of Act No. 451 of the Public Acts of 1976, section 1204a
3 as amended and sections 1277, 1278, and 1280 as added by Act
4 No. 25 of the Public Acts of 1990 and section 1211 as amended by

1 Act No. 236 of the Public Acts of 1992, being sections 380.1204a,
2 380.1211, 380.1215, 380.1277, 380.1278, 380.1280, and 380.1451 of
3 the Michigan Compiled Laws, are amended to read as follows:

4 Sec. 1204a. (1) ~~The~~ IF THE board of a school district
5 ~~that~~ does not want THE SCHOOL DISTRICT to ~~forfeit a percentage~~
6 ~~of the school district's state school aid as described in~~
7 ~~section 19 of the state school aid act of 1979, Act No. 94 of the~~
8 ~~Public Acts of 1979, being section 388.1619 of the Michigan~~
9 ~~Compiled Laws, or that wants to receive and is eligible for addi-~~
10 ~~tional state school aid for quality programs as provided in~~
11 ~~sections 21(1) and 21a~~ BE SUBJECT TO AN ADJUSTMENT IN THE BASIC
12 GRANT UNDER SECTION 21(4)(E) of the state school aid act of 1979,
13 being ~~sections~~ SECTION 388.1621 ~~and 388.1621a~~ of the Michigan
14 Compiled Laws, THE BOARD shall prepare, make available to the
15 state board and the public, and provide that each school in the
16 school district distributes to the public at an open meeting, an
17 annual educational report. The annual educational report shall
18 include, but is not limited to, all of the following information
19 for each public school in the school district:

20 (a) The accreditation status of each school within the
21 school district, the process by which pupils are assigned to par-
22 ticular schools, and a description of each specialized school.

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

1 (c) A copy of the core curriculum and a description of its
2 implementation and the variances from the model core curriculum
3 developed by the state board pursuant to section 1278(2).

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

9 (e) For the year in which the report is filed and the previ-
10 ous school year, the district ~~membership~~ PUPIL retention report
11 as defined in section 6 of the state school aid act of 1979, ~~Act~~
12 ~~No. 94 of the Public Acts of 1979,~~ being section 388.1606 of the
13 Michigan Compiled Laws.

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

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

21 (2) ~~Within 90 days after the effective date of the amenda-~~
22 ~~tory act that added this section~~ NOT LATER THAN JUNE 11, 1990,
23 the state board shall prepare and make available to school dis-
24 tricts suggestions for accumulating the information listed in
25 subsection (1) and a model ANNUAL educational report for school
26 districts to consider in the implementation of this section.

1 Sec. 1211. (1) ~~Subject to section 753~~ UNTIL JANUARY 1,
2 1994, the board of a school district shall vote to levy PROPERTY
3 taxes necessary for school operating purposes to conduct the edu-
4 cational programs authorized by the board. ~~A vote under this~~
5 ~~subsection to levy operating millage greater than the millage~~
6 ~~allocated to the school district under section 5i or 1i of the~~
7 ~~property tax limitation act, Act No. 62 of the Public Acts of~~
8 ~~1933, being sections 211.205i and 211.211 of the Michigan~~
9 ~~Compiled Laws, shall be considered a vote to comply with section~~
10 ~~753.~~ BEGINNING JANUARY 1, 1994, EXCEPT AS PROVIDED IN
11 SUBSECTION (2), THE BOARD OF A SCHOOL DISTRICT SHALL NOT LEVY
12 PROPERTY TAXES OTHER THAN ALLOCATED MILLAGE FOR SCHOOL OPERATING
13 PURPOSES.

14 (2) UNTIL JANUARY 1, 1997, IF A SCHOOL DISTRICT'S 1993-1994
15 SCHOOL YEAR COMBINED STATE AND LOCAL REVENUE PER MEMBERSHIP PUPIL
16 IS DETERMINED BY THE DEPARTMENT TO EXCEED \$4,700.00 AND THE
17 SCHOOL DISTRICT DOES NOT LEVY A LOCAL SCHOOL DISTRICT INCOME TAX
18 UNDER THE LOCAL SCHOOL DISTRICT INCOME TAX ACT, THE BOARD OF THE
19 SCHOOL DISTRICT MAY LEVY FOR SCHOOL OPERATING PURPOSES IN ADDI-
20 TION TO ALLOCATED MILLAGE A TRANSITION MILLAGE RATE THAT IS NOT
21 GREATER THAN THE NUMBER OF MILLS DETERMINED BY THE DEPARTMENT TO
22 BE NECESSARY TO MAINTAIN THE SCHOOL DISTRICT'S COMBINED STATE AND
23 LOCAL REVENUE PER MEMBERSHIP PUPIL FOR 1994-1995 AT THE SAME
24 AMOUNT AS THE SCHOOL DISTRICT'S COMBINED STATE AND LOCAL REVENUE
25 PER MEMBERSHIP PUPIL IN 1993-1994.

26 (3) NOT LATER THAN APRIL 1, 1994, THE DEPARTMENT SHALL MAKE
27 PRELIMINARY DETERMINATIONS DESCRIBED IN SUBSECTION (2) FOR EACH

1 SCHOOL DISTRICT BASED ON THE INFORMATION RECEIVED FROM THE SCHOOL
2 DISTRICT AS OF MARCH 1, 1994. NOT LATER THAN OCTOBER 1, 1994,
3 THE DEPARTMENT SHALL MAKE FINAL DETERMINATIONS DESCRIBED IN
4 SUBSECTION (2) FOR EACH SCHOOL DISTRICT BASED ON FINAL AUDITED
5 INFORMATION FOR THE 1993-1994 SCHOOL YEAR. IF A SCHOOL DISTRICT
6 IMPOSES A SUMMER PROPERTY TAX LEVY UNDER PART 26, THE SCHOOL DIS-
7 TRICT MAY LEVY IN ITS 1994 SUMMER PROPERTY TAX LEVY NOT MORE THAN
8 75% OF ITS PRELIMINARILY DETERMINED TRANSITION MILLAGE RATE AND
9 MAY LEVY IN ITS 1994 DECEMBER PROPERTY TAX LEVY NOT MORE THAN ITS
10 FINALLY DETERMINED TRANSITION MILLAGE RATE MINUS THE MILLAGE RATE
11 LEVIED IN ITS 1994 SUMMER PROPERTY TAX LEVY.

12 (4) BEGINNING JANUARY 1, 1994, THE BOARD OF A SCHOOL DIS-
13 TRICT MAY SEEK APPROVAL FROM THE SCHOOL ELECTORS FOR A LOCAL
14 SCHOOL DISTRICT INCOME TAX UNDER THE LOCAL SCHOOL DISTRICT INCOME
15 TAX ACT.

16 (5) ~~(2)~~ As used in this section: ~~-, "school"~~

17 (A) "ALLOCATED MILLAGE" MEANS THE MILLAGE ALLOCATED TO THE
18 SCHOOL DISTRICT UNDER SECTION 51 OR 11 OF THE PROPERTY TAX LIMI-
19 TATION ACT, ACT NO. 62 OF THE PUBLIC ACTS OF 1933, BEING
20 SECTIONS 211.2051 AND 211.211 OF THE MICHIGAN COMPILED LAWS.

21 (B) "COMBINED STATE AND LOCAL REVENUE PER MEMBERSHIP PUPIL"
22 MEANS THE AGGREGATE OF THE FOLLOWING, DIVIDED BY THE SCHOOL
23 DISTRICT'S MEMBERSHIP:

24 (i) STATE SCHOOL AID RECEIVED BY THE SCHOOL DISTRICT, EXCEPT
25 FOR THE FOLLOWING:

1 (A) STATE SCHOOL AID UNDER SECTION 41 OR ARTICLE 5 OF THE
 2 STATE SCHOOL AID ACT OF 1979, BEING SECTIONS 388.1641 AND
 3 388.1651 TO 388.1656 OF THE MICHIGAN COMPILED LAWS.

4 (B) STATE SCHOOL AID UNDER SECTION 71A OR 146 OF THE STATE
 5 SCHOOL AID ACT OF 1979, BEING SECTIONS 388.1671A AND 388.1746 OF
 6 THE MICHIGAN COMPILED LAWS, THAT IS ATTRIBUTABLE TO PROGRAMS
 7 UNDER SECTION 41 OR ARTICLE 5 OF THE STATE SCHOOL AID ACT OF
 8 1979.

9 (ii) REVENUE FROM AD VALOREM PROPERTY TAXES AND SPECIFIC
 10 TAXES, LEVIED FOR SCHOOL OPERATING PURPOSES.

11 (C) "SCHOOL operating purposes" includes expenditures for
 12 furniture and equipment, for alterations necessary to maintain
 13 school facilities in a safe and sanitary condition, for funding
 14 the cost of energy conservation improvements in school facili-
 15 ties, for deficiencies in operating expenses for the preceding
 16 year, AND for paying the operating allowance due from the school
 17 district to a joint high school district in which the school dis-
 18 trict is a participating school district under part 3a. ~~and~~
 19 ~~for making payments required or permitted to be paid under sec-~~
 20 ~~tion 752 or 753.~~

21 Sec. 1215. (1) Operating ~~taxes~~ REVENUE shall be accounted
 22 for under the title of "general fund". The state board may
 23 establish other fund designations to clarify further the expendi-
 24 ture classifications for which general fund ~~moneys~~ MONEY may be
 25 used.

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

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

3 (4) Taxes collected for retiring bonded indebtedness shall
4 be accounted for as required by chapter 7 of THE MUNICIPAL
5 FINANCE ACT, Act No. 202 of the Public Acts of 1943, as amended,
6 being sections 137.1 to 137.3 of the Michigan Compiled Laws.

7 Sec. 1277. (1) Considering criteria established by the
8 state board, IF the board of a school district ~~that wants to~~
9 ~~receive and is eligible for additional state school aid for qual-~~
10 ~~ity programs as provided in sections 21(1) and 21a~~ DOES NOT WANT
11 THE SCHOOL DISTRICT TO BE SUBJECT TO AN ADJUSTMENT IN THE BASIC
12 GRANT UNDER SECTION 21(4)(E) of the state school aid act of 1979,
13 Act No. 94 of the Public Acts of 1979, being ~~sections~~ SECTION
14 388.1621 ~~and 388.1621a~~ of the Michigan Compiled Laws, THE BOARD
15 shall adopt and implement a 3- to 5-year school improvement plan
16 and continuing school improvement process for each school within
17 the school district. The school improvement plan shall include,
18 but is not limited to, a mission statement, goals based on stu-
19 dent outcomes for all students, curriculum alignment correspond-
20 ing with those goals, evaluation processes, staff development,
21 and building level decision making. School board members, school
22 building administrators, teachers and other school employees,
23 pupils, parents of pupils attending that school, and other resi-
24 dents of the school district shall participate in the planning,
25 development, implementation, and evaluation of the district's
26 school improvement plan. Upon request of the board of a school
27 district, the department shall assist the school district in the

1 development and implementation of a district school improvement
2 plan. Intermediate school districts and educational organi-
3 zations may also provide assistance for these purposes. A school
4 improvement plan described in this section shall be updated annu-
5 ally by the board of the school district.

6 (2) The school improvement plan of a school district shall
7 be maintained on file with the intermediate school district to
8 which the school district is constituent.

9 (3) The state board shall annually review a random sampling
10 of school improvement plans. Based on its review, the state
11 board shall annually submit a report on school improvement activ-
12 ities planned and accomplished by each of the school districts
13 that were part of the sampling to the senate and house committees
14 that have the responsibility for education legislation.

15 Sec. 1278. (1) ~~The IF THE~~ board of ~~each~~ A school dis-
16 trict ~~that wants to receive and is eligible for additional state~~
17 ~~school aid for quality programs as provided in sections 21(1) and~~
18 ~~21a~~ DOES NOT WANT THE SCHOOL DISTRICT TO BE SUBJECT TO AN
19 ADJUSTMENT IN THE BASIC GRANT UNDER SECTION 21(4)(E) of the state
20 school aid act of 1979, Act No. 94 of the Public Acts of 1979,
21 being ~~sections~~ SECTION 388.1621 ~~and 388.1621a~~ of the Michigan
22 Compiled Laws, THE BOARD shall make available to all pupils
23 attending public school in the district a core curriculum in com-
24 pliance with subsection (3).

25 (2) A recommended model core curriculum shall be developed
26 by the state board and distributed to each school district in the
27 state. The recommended core curriculum shall define the outcomes

1 to be achieved by all pupils and be based upon the "Michigan K-12
2 program standards of quality" published by the state board.

3 (3) The board of each school district, considering the cur-
4 ricular outcomes defined and recommended pursuant to subsection
5 (2), shall do both of the following:

6 (a) Establish a core curriculum for its pupils at the ele-
7 mentary, middle, and secondary school levels. The core curricu-
8 lum shall define outcomes to be achieved by all pupils and be
9 based upon the school district's educational mission, long-range
10 student goals, and student performance objectives. The core cur-
11 riculum may vary from the model core curriculum recommended by
12 the state board pursuant to subsection (2).

13 (b) After consulting with teachers and school building
14 administrators, determine the instructional program for deliver-
15 ing the core curriculum and identify the courses and programs in
16 which the core curriculum will be taught.

17 (4) The board may supplement the core curriculum by provid-
18 ing instruction through additional classes and programs.

19 (5) A subject or course required by the core curriculum pur-
20 suant to subsection (3) shall be made available to all pupils in
21 the school district by a school district, a consortium of school
22 districts, or a consortium of 1 or more school districts and 1 or
23 more intermediate school districts.

24 (6) The state board shall make available to all nonpublic
25 schools in this state, as a resource for their consideration, the
26 model core curriculum developed for public schools pursuant to

1 subsection (2) for the purpose of assisting the governing body of
2 a nonpublic school in developing its own core curriculum.

3 (7) Any course that would have been considered a nonessen-
4 tial elective course under Snyder v Charlotte Schools, 421 Mich
5 517 (1984) on ~~the effective date of the amendatory act that~~
6 ~~added this section~~ APRIL 13, 1990 shall continue to be offered
7 to resident pupils of nonpublic schools on a shared time basis.

8 Sec. 1280. (1) ~~The~~ IF THE board of a school district
9 ~~that wants to receive and is eligible for additional state~~
10 ~~school aid for quality programs as provided in sections 21(1) and~~
11 ~~21a~~ DOES NOT WANT THE SCHOOL DISTRICT TO BE SUBJECT TO AN
12 ADJUSTMENT TO THE BASIC GRANT UNDER SECTION 21(4)(E) of the state
13 school aid act of 1979, Act No. 94 of the Public Acts of 1979,
14 being ~~sections~~ SECTION 388.1621 ~~and 388.1621a~~ of the Michigan
15 Compiled Laws, and ~~that~~ does not want to be subject to the mea-
16 sures described in subsection (6), THE BOARD shall ensure that
17 each public school within the school district is accredited.

18 (2) As used in subsection (1), "accredited" means certified
19 by the state board as having met or exceeded state board-approved
20 standards established for 6 areas of school operation: adminis-
21 tration and school organization, curricula, staff, school plant
22 and facilities, school and community relations, and school
23 improvement plans and student outcomes. The building-level eval-
24 uation used in the accreditation process shall include, but is
25 not limited to, school data collection, self-study, visitation
26 and validation, determination of outcomes data to be used, and
27 the development of a school improvement plan.

1 (3) The department shall develop and distribute to all
2 public schools proposed accreditation standards. Upon distribu-
3 tion of the proposed standards, the department shall hold state-
4 wide public hearings for the purpose of receiving testimony con-
5 cerning the standards. After a review of the testimony, the
6 department shall revise and submit the proposed standards to the
7 state board. After a review and revision, if appropriate, of the
8 proposed standards, the state board shall submit the proposed
9 standards to the senate and house committees that have the
10 responsibility for education legislation. Upon approval by these
11 committees, the department shall distribute to all public schools
12 the standards to be applied to each school for accreditation
13 purposes.

14 (4) The department shall annually review and evaluate for
15 accreditation purposes the performance of a portion of the public
16 schools in the state, including, but not limited to, each school
17 that did not meet accreditation standards the immediately preced-
18 ing school year.

19 (5) The department shall, and the intermediate school dis-
20 trict to which a school district is constituent, a consortium of
21 intermediate school districts, or any combination thereof may,
22 provide technical assistance, as appropriate, to a school that is
23 not accredited upon request of the board of the unaccredited
24 school.

25 (6) A school that has not met accreditation standards for 3
26 consecutive years is subject to 1 or more of the following
27 measures, as determined by the state board:

1 (a) The superintendent of public instruction or his or her
2 designee shall appoint at the expense of the affected school dis-
3 trict an administrator of the school until the school meets
4 accreditation standards.

5 (b) A parent, legal guardian, or person in loco parentis of
6 a child who attends the school shall have the right to send his
7 or her child to any accredited public school with an appropriate
8 grade level within the school district.

9 (c) The school shall be closed.

10 (7) The department shall evaluate the school accreditation
11 program and the status of schools accredited and shall submit an
12 annual report based upon the evaluation to the senate and house
13 committees that have the responsibility for education
14 legislation. The report shall address the reasons each unaccred-
15 ited school is not accredited and shall recommend legislative
16 action that will result in the accreditation of all public
17 schools in this state.

18 Sec. 1451. (1) A school district other than a primary
19 school district, by a majority vote of the school electors at an
20 annual or special election, may establish a public library.

21 (2) ~~The school electors of a school district in which a~~
22 ~~library is established may vote a district tax for the support of~~
23 ~~the public library at an annual or special election of the~~
24 ~~district.~~ The board of the school district may vote ~~a tax~~ TO
25 USE PART OF ITS STATE SCHOOL AID REVENUE OR LOCAL SCHOOL DISTRICT
26 INCOME TAX REVENUE for the maintenance and support of the public
27 library.

1 (3) ~~—A—~~ SUBJECT TO SECTION 1211, A tax authorized or voted
2 under this part BEFORE JANUARY 1, 1994 shall be levied and col-
3 lected in the same manner as other school district taxes are
4 levied and collected.

5 Section 2. Sections 751 to 756 of Act No. 451 of the Public
6 Acts of 1976, being sections 380.751 to 380.756 of the Michigan
7 Compiled Laws, are repealed effective October 1, 1994.