



**House
Legislative
Analysis
Section**

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REVISED SCHOOL CODE CLEANUP

**House Bills 5711, 5740, 5741 and 5742 as
introduced
First Analysis (4-24-96)**

**Sponsor: Rep. William R. Bryant, Jr.
Committee: Education**

THE APPARENT PROBLEM:

The legislature recently enacted a Revised School Code (Public Act 289 of 1995), which is due to take effect July 1, 1996. This was a large and complicated undertaking. Not only were many significant new provisions added to the old code, but a great many existing provisions were repealed. In the process, a number of errors and omissions and unintended alterations resulted. Legislation has been introduced to address some of them.

THE CONTENT OF THE BILLS:

House Bill 5711 would amend the Revised School Code (MCL 380.1299) to specify that the provision dealing with "limited open forums" applies to a public school operating one or more of grades 7-12. The term refers to non-curriculum-related student groups meeting on school premises during non-instructional time. The code says a public school that has a limited open forum cannot deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at the meeting. (The provision currently in the code applies to all public schools. The amendment was reported to be based on federal law, which it turns out applies only to secondary schools.)

House Bill 5740. Among the many changes to school law contained in Public Act 289 of 1995 (which created the Revised School Code) were amendments that affected the operation of intermediate school districts (ISDs). The previous School Code had, in Section 624, required the board of an ISD to submit by March 1 of each year the annual general fund operating budget it had prepared to a meeting of one board member named from each constituent district to represent the district, and specified that the representatives from the constituent boards would determine, by majority vote, the maximum amount of the annual general fund operating budget (although they would not make final determinations as to line items). The Revised School Code deleted the language regarding approval of the

budget and instead said that the ISD board is to submit the budget by June 1 to a meeting of representatives from constituent boards "for review." However, Section 684 of the code remained unchanged, and it contains a provision requiring majority vote approval in certain specified ISDs of the area vocational-technical education programs (operated under Sections 681 to 690) by representatives of the constituent districts at an annual budget meeting held on or before March 1 "under Section 624." House Bill 5740 would amend Section 684 (MCL 380.684) to make it consistent with Section 624, with the area vocational-technical education program to be "submitted for review" at the June 1 budget meeting.

House Bill 5741 would amend the Revised School Code (MCL 380.1504) to specify that the act is not to be construed to authorize the compulsory physical examination or compulsory medical treatment of students. (This would reinstate language contained in a provision that would be repealed as of July 1, 1996. The remainder of the provision would be repealed; that required, among other things, school districts with more than 1,000 students to engage qualified health and physical education instructors and provided the necessary places and equipment for instruction.)

House Bill 5742 would amend the Revised School Code MCL (380.1285a) to specify that a child care center operated by a school district or intermediate school district would be subject to the requirements of the child care licensing act. However, a child care center would not be subject to any fire prevention or fire safety requirements of the child care licensing act if it was located in a school building approved and inspected for school purposes by the state fire marshal (or other similar authority) as provided in Public Act 306 of 1937, which deals with the construction and remodeling of school buildings, and was in compliance with school fire safety rules as determined by the state fire marshal or a fire inspector certified under the Fire Prevention Code. (This would reinstate language that otherwise would be repealed as of July 1, 1996.)

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FISCAL IMPLICATIONS:

There is no information at present.

ARGUMENTS:***For:***

Each of these bills has been characterized as a "clean-up" bill to correct oversights, mistaken repealers, or inadvertent amendments to school laws in the recently enacted Revised School Code, which takes effect on July 1.

POSITIONS:

The Christian Science Committee on Publication for Michigan supports House Bill 5741. (4-23-96)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.