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BILL ANALYSIS



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Senate Bill 730 (as enacted)
Sponsor: Senator John J. Gleason
Senate Committee: Education
House Committee: Education

PUBLIC ACT 1 of 2008

Date Completed: 6-30-09

CONTENT

The bill amended the Revised School Code to do the following:

- Replace references to a "handicapped person" with "student with a disability".**
- Permit a public school academy (PSA), before December 31, 2008, to transfer its pupils and property to another public school with the approval of its authorizing body.**
- Require a school district consolidation to take effect on July 1 following the special election that approved the consolidation, rather than on the date of the official canvass of the election, as previously required.**

The bill took effect on January 11, 2008, and is described in detail below.

Student with a Disability

The Code previously contained references to a "handicapped person", "handicapped pupil", and "handicapper" in certain definitions and other provisions throughout the Code. The bill replaced those terms with "student with a disability".

"Student with a disability" means that term as defined in R 340.1702 of the Administrative Code, i.e., a person who is determined by an individualized education program team or a hearing officer to have one or more of specified impairments that necessitate special education or related services, or both, who is not more than 25 years of age as of September 1 of the school year of enrollment, who has not completed a normal course of study, and who has not graduated from high school.

Transfer of PSA Pupils

The bill permitted a PSA to transfer its enrolled pupils to another public school, with the approval of the PSA's authorizing body. A PSA that transferred its pupils also could transfer its property, including property that was acquired substantially with funds appropriated under the State School Aid Act, to the public school that received the transferred pupils.

If a PSA transferred its pupils to another public school under the bill, the other school could give enrollment priority to those pupils, in addition to any other enrollment priority allowed under the Code. A pupil who was transferred was not required to enroll in the other school, but could exercise any educational choice allowed under law.

Those provisions were repealed effective December 31, 2008.

District Consolidation

The Code permits two or more school districts to consolidate to form a single school district, with the approval of the State Board of Education. The question of establishing a consolidated school district must be submitted to the school electors at a special election held for that purpose, and the majority of the school electors voting on the question in each of the election units must approve the consolidation for it to take effect.

Previously, if approved, the consolidation was effective as of the date of the official canvass of the special election. Under the bill, the consolidation takes effect on July 1 after the election.

Under the Code, within 10 days after the date of the official canvass, the board of the intermediate school district (ISD) containing the territory of the consolidated school district must appoint school electors of the school district to act as a school board, in the number required according to the classification of the school district. The bill requires the newly appointed board to continue to operate the affected school districts as separate school districts until the effective date of the consolidation. The bill also requires the number of board members to be determined by Section 11a of the Code, rather than by the district's classification.

(Under that section, each school district formerly organized as a district of the fourth, third, or second class is considered a general powers school district, and the board of a general powers school district may adopt by-laws to establish or change the number of board members.)

MCL 380.4 et al.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill has no fiscal impact on State or local government.

Fiscal Analyst: Kathryn Summers

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.