

# SENATE BILL No. 730

September 5, 2007, Introduced by Senators GLEASON, BARCIA, PRUSI, OLSHOVE, CHERRY, ANDERSON, SCOTT, SCHAUER, THOMAS, CLARK-COLEMAN, WHITMER, CLARKE, BASHAM, JACOBS, HUNTER, BRATER, SWITALSKI, KUIPERS, VAN WOERKOM, GEORGE, BROWN, JANSEN, PAPPAGEORGE, BIRKHOLZ, GILBERT, HARDIMAN, GARCIA, CROUSEY, STAMAS, McMANUS, KAHN, SANBORN, RICHARDVILLE, JELINEK, ALLEN and BISHOP and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 4, 5, 6, 504, 524, 605, 701, 1296, 1311, 1311g, 1321, 1701, 1701a, 1711, 1723, 1724, 1751, 1752, 1756, 1757, and 1761 (MCL 380.4, 380.5, 380.6, 380.504, 380.524, 380.605, 380.701, 380.1296, 380.1311, 380.1311g, 380.1321, 380.1701, 380.1701a, 380.1711, 380.1723, 380.1724, 380.1751, 380.1752, 380.1756, 380.1757, and 380.1761), sections 4 and 5 as amended by 2005 PA 61, sections 6, 701, and 1724 as amended by 2003 PA 299, sections 504 and 1701a as amended by 1994 PA 416, section 524 as added by 2003 PA 179, section 605 as amended by 1985 PA 86, section 1311 as amended by 1999 PA 23, section 1311g as amended by 2007 PA 21, section 1321 as amended by 1990 PA 163, section 1723 as amended by 2004 PA 415, and section 1752 as added

by 2006 PA 186.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 4. (1) "Educational media center" means a program  
2 operated by an intermediate school district and approved by the  
3 state board that provides services to local school districts or  
4 constituent districts under section 671.

5           ~~———(2) "Handicapped person" shall be defined by rules~~  
6 ~~promulgated by the state board. Handicaps include, but are not~~  
7 ~~limited to, mental, physical, emotional, behavioral, sensory, and~~  
8 ~~speech handicaps.~~

9           (2) ~~(3)~~—"Intermediate school board" means the board of an  
10 intermediate school district.

11           (3) ~~(4)~~—"Intermediate school district" means a corporate  
12 body established under part 7.

13           (4) ~~(5)~~—"Intermediate school district election" means an  
14 election called by an intermediate school board and held on the  
15 date of the regular school elections of constituent districts or  
16 on a date determined by the intermediate school board under  
17 section 642 or 642a of the Michigan election law, MCL 168.642 and  
18 168.642a.

19           (5) ~~(6)~~—"Intermediate school elector" means a person who is  
20 a school elector of a constituent district and who is registered  
21 in the city or township in which the person resides.

22           (6) ~~(7)~~—"Intermediate superintendent" means the  
23 superintendent of an intermediate school district.

24           Sec. 5. (1) "Local act school district" or "special act  
25 school district" means a district governed by a special or local

1 act or chapter of a local act. "Local school district" and "local  
2 school district board" as used in article 3 include a local act  
3 school district and a local act school district board.

4 (2) "Membership" means the number of full-time equivalent  
5 pupils in a public school as determined by the number of pupils  
6 registered for attendance plus pupils received by transfer and  
7 minus pupils lost as defined by rules promulgated by the ~~state~~  
8 ~~board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION.**

9 (3) "Michigan election law" means the Michigan election law,  
10 1954 PA 116, MCL 168.1 to 168.992.

11 (4) "Nonpublic school" means a private, denominational, or  
12 parochial school.

13 (5) "Objectives" means measurable pupil academic skills and  
14 knowledge.

15 (6) **"PERSON WITH A DISABILITY" SHALL BE DEFINED BY RULES**  
16 **PROMULGATED BY THE STATE BOARD. DISABILITIES INCLUDE, BUT ARE NOT**  
17 **LIMITED TO, MENTAL, PHYSICAL, EMOTIONAL, BEHAVIORAL, SENSORY, AND**  
18 **SPEECH DISABILITIES.**

19 (7) ~~(6)~~ "Public school" means a public elementary or  
20 secondary educational entity or agency that is established under  
21 this act, has as its primary mission the teaching and learning of  
22 academic and vocational-technical skills and knowledge, and is  
23 operated by a school district, ~~local act school district, special~~  
24 ~~act school district,~~ intermediate school district, public school  
25 academy corporation, strict discipline academy corporation, urban  
26 high school academy corporation, or by the department or state  
27 board. Public school also includes a laboratory school or other

1 elementary or secondary school that is controlled and operated by  
2 a state public university described in section 4, 5, or 6 of  
3 article VIII of the state constitution of 1963.

4 (8) ~~(7)~~—"Public school academy" means a public school  
5 academy established under part 6a and, except as used in part 6a,  
6 also includes an urban high school academy established under part  
7 6c and a strict discipline academy established under sections  
8 1311b to 1311l.

9 (9) ~~(8)~~—"Pupil membership count day" of a school district  
10 means that term as defined in section 6 of the state school aid  
11 act of 1979, MCL 388.1606.

12 (10) ~~(9)~~—"Regular school election" or "regular election"  
13 means the election held in a school district, ~~local act school~~  
14 ~~district,~~ or intermediate school district to elect a school board  
15 member in the regular course of the terms of that office and held  
16 on the school district's regular election date as determined  
17 under section ~~642 or 642a~~ **641** of the Michigan election law, MCL  
18 ~~168.642 and 168.642a~~ **168.641**.

19 (11) ~~(10)~~—"Reorganized intermediate school district" means  
20 an intermediate school district formed by consolidation or  
21 annexation of 2 or more intermediate school districts under  
22 sections 701 and 702.

23 (12) ~~(11)~~—"Rule" means a rule promulgated under the  
24 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
25 24.328.

26 Sec. 6. (1) "School district" or "local school district"  
27 means a general powers school district organized under this act,

1 regardless of previous classification, or a school district of  
2 the first class.

3 (2) "School district filing official" means the school  
4 district election coordinator as defined in section 4 of the  
5 Michigan election law, MCL 168.4, or an authorized agent of the  
6 school district election coordinator.

7 (3) "School elector" means a person qualified as an elector  
8 under section 492 of the Michigan election law, MCL 168.492, and  
9 resident of the school district ~~, local act school district, or~~  
10 intermediate school district on or before the thirtieth day  
11 before the next ensuing regular or special school election.

12 (4) "School month" means a 4-week period of 5 days each  
13 unless otherwise specified in the teacher's contract.

14 (5) "Special education building and equipment" means a  
15 structure or portion of a structure or personal property  
16 accepted, leased, purchased, or otherwise acquired, prepared, or  
17 used for special education programs and services.

18 (6) "Special education personnel" means persons engaged in  
19 and having professional responsibility for the training, care,  
20 and education of ~~handicapped~~ persons **WITH A DISABILITY** in special  
21 education programs and services including, but not limited to,  
22 teachers, aides, school social workers, diagnostic personnel,  
23 physical therapists, occupational therapists, audiologists,  
24 teachers of speech and language, instructional media-curriculum  
25 specialists, mobility specialists, teacher consultants,  
26 supervisors, and directors.

27 (7) "Special education programs and services" means

1 educational and training services designed for ~~handicappers~~  
2 **PERSONS WITH A DISABILITY** and operated by local school districts,  
3 local act school districts, intermediate school districts, the  
4 Michigan school for the deaf and blind, the department of  
5 community health, the family independence agency, or a  
6 combination of these, and ancillary professional services for  
7 ~~handicappers~~ **PERSONS WITH A DISABILITY** rendered by agencies  
8 approved by the state board. The programs shall include  
9 vocational training, but need not include academic programs of  
10 college or university level.

11 (8) "Special school election" or "special election" means a  
12 school district election to fill a vacancy on the school board or  
13 submit a ballot question to the school electors that is held on a  
14 regular election date established under section 641 of the  
15 Michigan election law, MCL 168.641.

16 (9) "State approved nonpublic school" means a nonpublic  
17 school that complies with 1921 PA 302, MCL 388.551 to 388.558.

18 (10) "State board" means the state board of education unless  
19 clearly otherwise stated.

20 (11) "Department" means the department of education created  
21 and operating under sections 300 to 305 of the executive  
22 organization act of 1965, 1965 PA 380, MCL 16.400 to 16.405.

23 (12) "State school aid" means allotments from the general  
24 appropriating act for the purpose of aiding in the support of the  
25 public schools of the state.

26 (13) "The state school aid act of 1979" means the state  
27 school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

1           Sec. 504. (1) A public school academy may be located in all  
2 or part of an existing public school building. A public school  
3 academy shall not operate at a site other than the single site  
4 requested for the configuration of grades that will use the site,  
5 as specified in the application required under section 502 and in  
6 the contract.

7           (2) A public school academy shall not charge tuition and  
8 shall not discriminate in its pupil admissions policies or  
9 practices on the basis of intellectual or athletic ability,  
10 measures of achievement or aptitude, status as a ~~handicapped~~  
11 person **WITH A DISABILITY**, or any other basis that would be  
12 illegal if used by a school district. However, a public school  
13 academy may limit admission to pupils who are within a particular  
14 range of age or grade level or on any other basis that would be  
15 legal if used by a school district.

16           (3) Except for a foreign exchange student who is not a  
17 United States citizen, a public school academy shall not enroll a  
18 pupil who is not a resident of this state. Enrollment in the  
19 public school academy may be open to all individuals who reside  
20 in this state who meet the admission policy and shall be open to  
21 all pupils who reside within the geographic boundaries, if any,  
22 of the authorizing body as described in section 502(2)(a) to (c)  
23 who meet the admission policy, except that admission to a public  
24 school academy authorized by the board of a community college to  
25 operate, or operated by the board of a community college, on the  
26 grounds of a federal military installation, as described in  
27 section 502(2)(c), shall be open to all pupils who reside in the

1 county in which the federal military installation is located. For  
2 a public school academy authorized by a state public university,  
3 enrollment shall be open to all pupils who reside in this state  
4 who meet the admission policy. If there are more applications to  
5 enroll in the public school academy than there are spaces  
6 available, pupils shall be selected to attend using a random  
7 selection process. However, a public school academy may give  
8 enrollment priority to a sibling of a pupil enrolled in the  
9 public school academy. A public school academy shall allow any  
10 pupil who was enrolled in the public school academy in the  
11 immediately preceding school year to enroll in the public school  
12 academy in the appropriate grade unless the appropriate grade is  
13 not offered at that public school academy.

14 (4) A public school academy may include any grade up to  
15 grade 12 or any configuration of those grades, including  
16 kindergarten and early childhood education, as specified in its  
17 contract. If specified in its contract, a public school academy  
18 may also operate an adult basic education program, adult high  
19 school completion program, or general education development  
20 testing preparation program. The authorizing body may approve  
21 amendment of a contract with respect to ages of pupils or grades  
22 offered.

23 Sec. 524. (1) An urban high school academy may be located in  
24 all or part of an existing public school building. Except as  
25 otherwise provided in this subsection, an urban high school  
26 academy shall not operate at a site other than the single site  
27 requested for the configuration of grades that will use the site,

1 as specified in the contract. However, an authorizing body may  
2 include a provision in the contract allowing an urban high school  
3 academy to operate the same configuration of grades at more than  
4 1 site. If an urban high school academy operates the same  
5 configuration of grades at more than 1 site, each of those sites  
6 shall be considered to be operated under a separate contract, and  
7 the operation shall be equivalent to the issuance of a contract,  
8 for the purposes of the limitation in section 522(2) on the  
9 number of contracts that may be issued under this part. For the  
10 purposes of this subsection, if an urban high school academy  
11 operates classes at more than 1 location, the urban high school  
12 academy shall be considered to be operating at a single site if  
13 all of the locations are within a 1-mile radius of the urban high  
14 school academy's central administrative office and if the total  
15 number of pupils enrolled in any particular grade at all of the  
16 locations does not exceed 125.

17 (2) An urban high school academy shall not charge tuition.  
18 Except as otherwise provided in this section, an urban high  
19 school academy shall not discriminate in its pupil admissions  
20 policies or practices on the basis of intellectual or athletic  
21 ability, measures of achievement or aptitude, status as a  
22 ~~handicapped person~~ **WITH A DISABILITY**, or any other basis that  
23 would be illegal if used by a school district. However, an urban  
24 high school academy may limit admission to pupils who are within  
25 a particular range of age or grade level or on any other basis  
26 that would be legal if used by a school district and may give  
27 enrollment priority as provided in subsection (4).

1           (3) Except for a foreign exchange student who is not a  
2 United States citizen, an urban high school academy shall not  
3 enroll a pupil who is not a resident of this state. Enrollment in  
4 an urban high school academy shall be open to all pupils who  
5 reside in this state who meet the admission policy. Subject to  
6 subsection (4), if there are more applications to enroll in the  
7 urban high school academy than there are spaces available, pupils  
8 shall be selected to attend using a random selection process. An  
9 urban high school academy shall allow any pupil who was enrolled  
10 in the urban high school academy in the immediately preceding  
11 school year to enroll in the urban high school academy in the  
12 appropriate grade unless the appropriate grade is not offered at  
13 that urban high school academy.

14           (4) An urban high school academy may give enrollment  
15 priority to 1 or more of the following:

16           (a) A sibling of a pupil enrolled in the urban high school  
17 academy.

18           (b) A child of a person who is employed by or at the urban  
19 high school academy or who is on the board of directors of the  
20 urban high school academy. As used in this subdivision, "child"  
21 includes an adopted child or a legal ward.

22           (5) Subject to the terms of the contract authorizing the  
23 urban high school academy, an urban high school academy shall  
24 include at least grades 9 through 12 within 5 years after  
25 beginning operations and may include other grades or any  
26 configuration of those grades, including kindergarten and early  
27 childhood education, as specified in its contract. If specified

1 in its contract, an urban high school academy may also operate an  
2 adult basic education program, adult high school completion  
3 program, or general education development testing preparation  
4 program.

5       Sec. 605. (1) If constituent districts of more than 1  
6 intermediate school district are reorganized into a single school  
7 district, the reorganized school district shall be constituent to  
8 the intermediate school district designated by the board of the  
9 reorganized school district. If a decision is not reached within  
10 30 days after the effective date of the reorganization of the  
11 constituent districts, the determination shall be made by the  
12 ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION**.

13       (2) A constituent district, by resolution of its board, may  
14 transfer and become constituent to another contiguous  
15 intermediate school district if approval is given by each  
16 intermediate school board affected. The intermediate school board  
17 shall take final action within 60 days after receiving a  
18 resolution. If an intermediate school district from which a  
19 constituent district wishes to transfer has fewer than 4,000  
20 constituent district pupils and fails to take action or denies a  
21 transfer, the inaction or decision may be appealed to the ~~state~~  
22 ~~board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION** using the procedures  
23 described in section 971. ~~of this act.~~ If the intermediate school  
24 district to which transfer is proposed has adopted by referendum  
25 a program for financing special education programs for  
26 ~~handicapped persons~~ **WITH A DISABILITY**, or has bonded indebtedness  
27 outstanding for special education building facilities, the

1 ~~registered~~ school electors of the constituent district to be  
2 transferred shall vote on the acceptance of those sections and  
3 the assumption of the district's pro rata share of bonded  
4 indebtedness outstanding for special education facilities for  
5 ~~handicapped persons~~ **WITH A DISABILITY**.

6 (3) If the intermediate school district to which transfer is  
7 proposed has established an area vocational-technical education  
8 program by referendum, or has bonded indebtedness outstanding for  
9 area vocational-technical education facilities, the ~~registered~~  
10 school electors of the district to be transferred shall vote on  
11 the acceptance of those sections and the assumption of the  
12 district's pro rata share of bonded indebtedness outstanding for  
13 area vocational-technical education facilities.

14 (4) The transfer is effective only if the applicable issues  
15 relating to special education programs, area vocational-technical  
16 education programs, and bonded indebtedness for special education  
17 and area vocational-technical facilities are approved at an  
18 election in the constituent district proposing transfer at which  
19 all applicable issues are submitted and receive favorable  
20 majorities.

21 (5) The territory of a constituent district of an  
22 intermediate school district having bonded indebtedness for  
23 special education facilities or area vocational-technical  
24 education facilities ~~which~~ **THAT** is transferred to another  
25 intermediate school district shall remain as a part of the  
26 intermediate school district from which transferred for the  
27 purpose of levying debt retirement taxes for the bonded

1 indebtedness until the bonds are redeemed or sufficient funds are  
2 available in the debt retirement funds for that purpose. The  
3 transferred constituent district shall be a constituent district  
4 of the intermediate school district to which transferred for all  
5 other purposes.

6       Sec. 701. (1) Two or more adjoining intermediate school  
7 districts may combine to form a single intermediate school  
8 district when the reorganization is approved by a majority of the  
9 **SCHOOL** electors of each intermediate school district voting on  
10 the question in the regular school elections of the constituent  
11 districts.

12       (2) The question of combining intermediate school districts  
13 may be submitted by a resolution of the intermediate school  
14 boards meeting in joint session.

15       (3) The question shall be submitted if petitions signed by a  
16 number of school electors of each intermediate school district  
17 equal to not less than 5% of the number of pupil memberships on  
18 the latest pupil membership count day of the combined constituent  
19 districts of the intermediate school district are filed with the  
20 school district filing official. Within 30 days after receiving  
21 sufficient petitions, the school district filing official shall  
22 notify the secretary of the intermediate school district and the  
23 secretary shall apply for approval to the superintendent of  
24 public instruction. The school district filing official shall  
25 submit the question in accordance with section 661 at the next  
26 regular school election after the superintendent of public  
27 instruction approves the merger.

1 (4) The ballots for a ballot question under this section  
2 shall be in substantially the following form:

3 "Shall the following intermediate school districts be  
4 organized as a single intermediate school district?

5 (List names of intermediate school districts)

6 Yes ( )

7 No ( )".

8 (5) If the consolidation is approved by a majority of the  
9 school electors voting on the question in each of the  
10 participating intermediate school districts, the reorganization  
11 is effective in the combined intermediate school districts 30  
12 days after the regular school election at which the question is  
13 submitted. The reorganized intermediate school district is a  
14 single intermediate school district subject to this part.

15 (6) The members of the intermediate school boards of the  
16 original intermediate school districts shall act as an interim  
17 board until a board of the combined intermediate school district  
18 is elected. The interim board has all the powers and duties of an  
19 intermediate school board under this part. The person chosen by  
20 the interim intermediate school board as intermediate  
21 superintendent shall serve only until a successor is chosen by  
22 the elected intermediate school board. The secretary of the  
23 intermediate school board having the largest number of pupils in  
24 membership in its combined constituent districts at the time of  
25 reorganization shall call a meeting of the members of the interim  
26 intermediate school board for the purpose of organization within  
27 15 days after the effective date of the reorganization. The

1 school district filing official shall provide for the election of  
2 a board of the reorganized intermediate school district under  
3 chapter XIV of the Michigan election law, MCL 168.301 to ~~168.315~~  
4 **168.316**. At the first election, there shall be elected 3 members  
5 of a board for 6 years, 2 for 4 years, and 2 for 2 years. Their  
6 successors shall be elected biennially for terms of 6 years.

7 (7) The reorganized intermediate school district shall  
8 operate as a single intermediate school district from the  
9 effective date of the reorganization. Within 10 days after the  
10 reorganization, all accounts of the reorganized intermediate  
11 school districts shall be audited in the manner established by  
12 the interim intermediate school board. The contracts of the  
13 intermediate superintendents in force on the effective date of  
14 reorganization continue in effect until the time of their  
15 termination except as to position as intermediate  
16 superintendents.

17 (8) If, before reorganization of the intermediate school  
18 districts each of the combining intermediate school districts  
19 adopted special education programs by referendum as provided in  
20 part 30 and approved the same annual property tax rates for the  
21 education of ~~handicapped~~ persons **WITH A DISABILITY**, the special  
22 education programs and the annual property tax rates shall  
23 continue in effect in the reorganized intermediate school  
24 district.

25 Sec. 1296. The board of a school district that provides  
26 auxiliary services specified in this section to its resident  
27 pupils in the elementary and secondary grades shall provide the

1 same auxiliary services on an equal basis to pupils in the  
 2 elementary and secondary grades at nonpublic schools. The board  
 3 may use state school aid to pay for the auxiliary services. The  
 4 auxiliary services shall include health and nursing services and  
 5 examinations; street crossing guards services; national defense  
 6 education act testing services; teacher of speech and language  
 7 services; school social work services; school psychological  
 8 services; teacher consultant services for ~~handicapped pupils~~  
 9 **PERSONS WITH A DISABILITY** and other ancillary services for ~~the~~  
 10 ~~handicapped~~ **PERSONS WITH A DISABILITY**; remedial reading; and  
 11 other services determined by the legislature. Auxiliary services  
 12 shall be provided under rules promulgated by the ~~state board~~  
 13 **SUPERINTENDENT OF PUBLIC INSTRUCTION.**

14       Sec. 1311. (1) Subject to subsection (2), the school board,  
 15 or the school district superintendent, a school building  
 16 principal, or another school district official if designated by  
 17 the school board, may authorize or order the suspension or  
 18 expulsion from school of a pupil guilty of gross misdemeanor or  
 19 persistent disobedience if, in the judgment of the school board  
 20 or its designee, as applicable, the interest of the school is  
 21 served by the authorization or order. If there is reasonable  
 22 cause to believe that the pupil is ~~handicapped~~ **A PERSON WITH A**  
 23 **DISABILITY**, and the school district has not evaluated the pupil  
 24 in accordance with rules of the state board to determine if the  
 25 ~~student~~ **PUPIL** is ~~handicapped~~ **A PERSON WITH A DISABILITY**, the  
 26 pupil shall be evaluated immediately by the intermediate school  
 27 district of which the school district is constituent in

1 accordance with section 1711.

2 (2) If a pupil possesses in a weapon free school zone a  
3 weapon that constitutes a dangerous weapon, commits arson in a  
4 school building or on school grounds, or commits criminal sexual  
5 conduct in a school building or on school grounds, the school  
6 board, or the designee of the school board as described in  
7 subsection (1) on behalf of the school board, shall expel the  
8 pupil from the school district permanently, subject to possible  
9 reinstatement under subsection (5). However, a school board is  
10 not required to expel a pupil for possessing a weapon if the  
11 pupil establishes in a clear and convincing manner at least 1 of  
12 the following:

13 (a) The object or instrument possessed by the pupil was not  
14 possessed by the pupil for use as a weapon, or for direct or  
15 indirect delivery to another person for use as a weapon.

16 (b) The weapon was not knowingly possessed by the pupil.

17 (c) The pupil did not know or have reason to know that the  
18 object or instrument possessed by the pupil constituted a  
19 dangerous weapon.

20 (d) The weapon was possessed by the pupil at the suggestion,  
21 request, or direction of, or with the express permission of,  
22 school or police authorities.

23 (3) If an individual is expelled pursuant to subsection (2),  
24 the expelling school district shall enter on the individual's  
25 permanent record that he or she has been expelled pursuant to  
26 subsection (2). Except if a school district operates or  
27 participates cooperatively in an alternative education program

1 appropriate for individuals expelled pursuant to subsection (2)  
2 and in its discretion admits the individual to that program, and  
3 except for a strict discipline academy established under sections  
4 1311b to 1311l, an individual expelled pursuant to subsection (2)  
5 is expelled from all public schools in this state and the  
6 officials of a school district shall not allow the individual to  
7 enroll in the school district unless the individual has been  
8 reinstated under subsection (5). Except as otherwise provided by  
9 law, a program operated for individuals expelled pursuant to  
10 subsection (2) shall ensure that those individuals are physically  
11 separated at all times during the school day from the general  
12 pupil population. If an individual expelled from a school  
13 district pursuant to subsection (2) is not placed in an  
14 alternative education program or strict discipline academy, the  
15 school district may provide, or may arrange for the intermediate  
16 school district to provide, appropriate instructional services to  
17 the individual at home. The type of services provided shall meet  
18 the requirements of section ~~6(4)(v)~~ **6(4)(U)** of the state school  
19 aid act of 1979, MCL 388.1606, and the services may be contracted  
20 for in the same manner as services for homebound pupils under  
21 section 109 of the state school aid act of 1979, MCL 388.1709.  
22 This subsection does not require a school district to expend more  
23 money for providing services for a pupil expelled pursuant to  
24 subsection (2) than the amount of the foundation allowance the  
25 school district receives for the pupil **AS CALCULATED** under  
26 section 20 of the state school aid act of 1979, MCL 388.1620.

27 (4) If a school board expels an individual pursuant to

1 subsection (2), the school board shall ensure that, within 3 days  
2 after the expulsion, an official of the school district refers  
3 the individual to the appropriate county department of social  
4 services or county community mental health agency and notifies  
5 the individual's parent or legal guardian or, if the individual  
6 is at least age 18 or is an emancipated minor, notifies the  
7 individual of the referral.

8 (5) The parent or legal guardian of an individual expelled  
9 pursuant to subsection (2) or, if the individual is at least age  
10 18 or is an emancipated minor, the individual may petition the  
11 expelling school board for reinstatement of the individual to  
12 public education in the school district. If the expelling school  
13 board denies a petition for reinstatement, the parent or legal  
14 guardian or, if the individual is at least age 18 or is an  
15 emancipated minor, the individual may petition another school  
16 board for reinstatement of the individual in that other school  
17 district. All of the following apply to reinstatement under this  
18 subsection:

19 (a) For an individual who was enrolled in grade 5 or below  
20 at the time of the expulsion and who has been expelled for  
21 possessing a firearm or threatening another person with a  
22 dangerous weapon, the parent or legal guardian or, if the  
23 individual is at least age 18 or is an emancipated minor, the  
24 individual may initiate a petition for reinstatement at any time  
25 after the expiration of 60 school days after the date of  
26 expulsion. For an individual who was enrolled in grade 5 or below  
27 at the time of the expulsion and who has been expelled pursuant

1 to subsection (2) for a reason other than possessing a firearm or  
2 threatening another person with a dangerous weapon, the parent or  
3 legal guardian or, if the individual is at least age 18 or is an  
4 emancipated minor, the individual may initiate a petition for  
5 reinstatement at any time. For an individual who was in grade 6  
6 or above at the time of expulsion, the parent or legal guardian  
7 or, if the individual is at least age 18 or is an emancipated  
8 minor, the individual may initiate a petition for reinstatement  
9 at any time after the expiration of 150 school days after the  
10 date of expulsion.

11 (b) An individual who was in grade 5 or below at the time of  
12 the expulsion and who has been expelled for possessing a firearm  
13 or threatening another person with a dangerous weapon shall not  
14 be reinstated before the expiration of 90 school days after the  
15 date of expulsion. An individual who was in grade 5 or below at  
16 the time of the expulsion and who has been expelled pursuant to  
17 subsection (2) for a reason other than possessing a firearm or  
18 threatening another person with a dangerous weapon shall not be  
19 reinstated before the expiration of 10 school days after the date  
20 of the expulsion. An individual who was in grade 6 or above at  
21 the time of the expulsion shall not be reinstated before the  
22 expiration of 180 school days after the date of expulsion.

23 (c) It is the responsibility of the parent or legal guardian  
24 or, if the individual is at least age 18 or is an emancipated  
25 minor, of the individual to prepare and submit the petition. A  
26 school board is not required to provide any assistance in  
27 preparing the petition. Upon request by a parent or legal

1 guardian or, if the individual is at least age 18 or is an  
2 emancipated minor, by the individual, a school board shall make  
3 available a form for a petition.

4 (d) Not later than 10 school days after receiving a petition  
5 for reinstatement under this subsection, a school board shall  
6 appoint a committee to review the petition and any supporting  
7 information submitted by the parent or legal guardian or, if the  
8 individual is at least age 18 or is an emancipated minor, by the  
9 individual. The committee shall consist of 2 school board  
10 members, 1 school administrator, 1 teacher, and 1 parent of a  
11 pupil in the school district. During this time the superintendent  
12 of the school district may prepare and submit for consideration  
13 by the committee information concerning the circumstances of the  
14 expulsion and any factors mitigating for or against  
15 reinstatement.

16 (e) Not later than 10 school days after all members are  
17 appointed, the committee described in subdivision (d) shall  
18 review the petition and any supporting information and  
19 information provided by the school district and shall submit a  
20 recommendation to the school board on the issue of reinstatement.  
21 The recommendation shall be for unconditional reinstatement, for  
22 conditional reinstatement, or against reinstatement, and shall be  
23 accompanied by an explanation of the reasons for the  
24 recommendation and of any recommended conditions for  
25 reinstatement. The recommendation shall be based on consideration  
26 of all of the following factors:

27 (i) The extent to which reinstatement of the individual would

1 create a risk of harm to pupils or school personnel.

2 (ii) The extent to which reinstatement of the individual  
3 would create a risk of school district liability or individual  
4 liability for the school board or school district personnel.

5 (iii) The age and maturity of the individual.

6 (iv) The individual's school record before the incident that  
7 caused the expulsion.

8 (v) The individual's attitude concerning the incident that  
9 caused the expulsion.

10 (vi) The individual's behavior since the expulsion and the  
11 prospects for remediation of the individual.

12 (vii) If the petition was filed by a parent or legal  
13 guardian, the degree of cooperation and support that has been  
14 provided by the parent or legal guardian and that can be expected  
15 if the individual is reinstated, including, but not limited to,  
16 receptiveness toward possible conditions placed on the  
17 reinstatement.

18 (f) Not later than the next regularly scheduled board  
19 meeting after receiving the recommendation of the committee under  
20 subdivision (e), a school board shall make a decision to  
21 unconditionally reinstate the individual, conditionally reinstate  
22 the individual, or deny reinstatement of the individual. The  
23 decision of the school board is final.

24 (g) A school board may require an individual and, if the  
25 petition was filed by a parent or legal guardian, his or her  
26 parent or legal guardian to agree in writing to specific  
27 conditions before reinstating the individual in a conditional

1 reinstatement. The conditions may include, but are not limited  
2 to, agreement to a behavior contract, which may involve the  
3 individual, parent or legal guardian, and an outside agency;  
4 participation in or completion of an anger management program or  
5 other appropriate counseling; periodic progress reviews; and  
6 specified immediate consequences for failure to abide by a  
7 condition. A parent or legal guardian or, if the individual is at  
8 least age 18 or is an emancipated minor, the individual may  
9 include proposed conditions in a petition for reinstatement  
10 submitted under this subsection.

11 (6) A school board or school administrator that complies  
12 with subsection (2) is not liable for damages for expelling a  
13 pupil pursuant to subsection (2), and the authorizing body of a  
14 public school academy is not liable for damages for expulsion of  
15 a pupil by the public school academy pursuant to subsection (2).

16 (7) The department shall develop and distribute to all  
17 school districts a form for a petition for reinstatement to be  
18 used under subsection (5).

19 (8) This section does not diminish the due process rights  
20 under federal law of a pupil who has been determined to be  
21 eligible for special education programs and services.

22 (9) If a pupil expelled from a public school district  
23 pursuant to subsection (2) is enrolled by a public school  
24 district sponsored alternative education program or a public  
25 school academy during the period of expulsion, the public school  
26 academy or alternative education program shall immediately become  
27 eligible for the prorated share of either the public school

1 academy or operating school district's foundation allowance or  
2 the expelling school district's foundation allowance, whichever  
3 is higher.

4 (10) If an individual is expelled pursuant to subsection  
5 (2), it is the responsibility of that individual and of his or  
6 her parent or legal guardian to locate a suitable alternative  
7 educational program and to enroll the individual in such a  
8 program during the expulsion. The office of safe schools in the  
9 department shall compile information on and catalog existing  
10 alternative education programs or schools and nonpublic schools  
11 that may be open to enrollment of individuals expelled pursuant  
12 to subsection (2) and pursuant to section 1311a, and shall  
13 periodically distribute this information to school districts for  
14 distribution to expelled individuals. A school board that  
15 establishes an alternative education program or school described  
16 in this subsection shall notify the office of safe schools about  
17 the program or school and the types of pupils it serves. The  
18 office of safe schools also shall work with and provide technical  
19 assistance to school districts, authorizing bodies for public  
20 school academies, and other interested parties in developing  
21 these types of alternative education programs or schools in  
22 geographic areas that are not being served.

23 (11) As used in this section:

24 (a) "Arson" means a felony violation of chapter X of the  
25 Michigan penal code, 1931 PA 328, MCL 750.71 to 750.80.

26 (b) "Criminal sexual conduct" means a violation of section  
27 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931

1 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

2 (c) "Dangerous weapon" means that term as defined in section  
3 1313.

4 (d) "Firearm" means that term as defined in section 921 of  
5 title 18 of the United States Code, 18 ~~U.S.C.~~ **USC** 921.

6 (e) "School board" means a school board, intermediate school  
7 board, or the board of directors of a public school academy.

8 (f) "School district" means a school district, a local act  
9 school district, an intermediate school district, or a public  
10 school academy.

11 (g) "Weapon free school zone" means that term as defined in  
12 section 237a of the Michigan penal code, 1931 PA 328, MCL  
13 750.237a.

14 Sec. 1311g. (1) A strict discipline academy may be located  
15 in all or part of an existing public school building. Except for  
16 a strict discipline academy that includes pupils who are the  
17 responsibility of a county juvenile agency, a strict discipline  
18 academy shall not operate at a site other than the single site  
19 requested for the configuration of grades that will use the site,  
20 as specified in the application required under section 1311d and  
21 in the contract.

22 (2) A strict discipline academy shall not charge tuition.  
23 Except as otherwise provided in subsection (5), a strict  
24 discipline academy shall not discriminate in its pupil admissions  
25 policies or practices on the basis of intellectual or athletic  
26 ability, measures of achievement or aptitude, status as a  
27 ~~handicapped~~ **person WITH A DISABILITY**, or any other basis that

1 would be illegal if used by a school district. However, a strict  
2 discipline academy may limit admission to pupils who are within a  
3 particular range of age or grade level or on any other basis that  
4 would be legal if used by a school district.

5 (3) A strict discipline academy shall be established under  
6 sections 1311b to 1311l specifically for enrolling 1 or more of  
7 the following types of pupils:

8 (a) Pupils placed in the strict discipline academy by a  
9 court or by the department of human services or a county juvenile  
10 agency under the direction of a court.

11 (b) Pupils who have been expelled under section 1311(2).

12 (c) Pupils who have been expelled under section 1311a or  
13 another provision of this act.

14 (d) Other pupils who have been expelled from school, or  
15 pupils who have been suspended from school for a suspension that  
16 is for a period in excess of 10 school days, and who are referred  
17 to the strict discipline academy by that pupil's school and  
18 placed in the strict discipline academy by the pupil's parent or  
19 legal guardian. However, a suspended pupil shall be allowed to  
20 attend the strict discipline academy only for the duration of the  
21 suspension.

22 (4) In addition to the types of pupils specified in  
23 subsection (3), a strict discipline public school academy shall  
24 be open for enrollment of a special education pupil who does not  
25 meet the requirements of subsection (3) if the special education  
26 pupil's individualized education program team recommends that the  
27 special education pupil be placed in the strict discipline public

1 school academy. As used in this subsection, "individualized  
2 education program team" means that term as defined in section 614  
3 of part B of title VI of the individuals with disabilities  
4 education act, 20 USC 1414.

5 (5) A strict discipline academy shall enroll only 1 or more  
6 of the types of pupils described in subsection (3) or (4). A  
7 strict discipline academy is not required to keep any group of  
8 pupils described in subsection (3) or (4) physically separated  
9 from another group of those pupils, as might otherwise be  
10 required under section 1311, section 1311a, or another provision  
11 of this act.

12 (6) Strict discipline academies are not intended to enroll  
13 or otherwise be used to educate individuals who are committed to  
14 a high-security or medium-security juvenile facility operated by  
15 the department of human services or another state department or  
16 agency. Further, if the department of corrections or another  
17 state department or agency other than the department of human  
18 services has custody of or jurisdiction over a child, that state  
19 department or agency has the financial responsibility for  
20 educating the child.

21 (7) Except for a foreign exchange student who is not a  
22 United States citizen, a strict discipline academy shall not  
23 enroll a pupil who is not a resident of this state. Enrollment in  
24 the strict discipline academy may be open to all individuals who  
25 reside in this state who meet the admission policy under  
26 subsections (3) and (4) and shall be open to all pupils who  
27 reside within the geographic boundaries, if any, of the

1 authorizing body as described in section 1311d who meet the  
2 admission policy under subsections (3) and (4), except that  
3 admission to a strict discipline academy authorized by the board  
4 of a community college to operate, or operated by the board of a  
5 community college, on the grounds of a federal military  
6 installation, as described in section 1311d, shall be open to all  
7 pupils who reside in the county in which the federal military  
8 installation is located who meet the admission policy under  
9 subsections (3) and (4). For a strict discipline academy  
10 authorized by a state public university, enrollment shall be open  
11 to all pupils who reside in this state who meet the admission  
12 policy under subsections (3) and (4). If there are more  
13 applications to enroll in the strict discipline academy than  
14 there are spaces available, pupils shall be selected to attend  
15 using a random selection process. However, a strict discipline  
16 academy may give enrollment priority to a sibling of a pupil  
17 enrolled in the strict discipline academy. Except for a suspended  
18 pupil who is attending the strict discipline academy for the  
19 duration of the suspension, a strict discipline academy shall  
20 allow any pupil who was enrolled in the strict discipline academy  
21 in the immediately preceding school year to enroll in the strict  
22 discipline academy in the appropriate grade unless the  
23 appropriate grade is not offered at that strict discipline  
24 academy.

25 (8) A strict discipline academy may include any grade up to  
26 grade 12 or any configuration of those grades, including  
27 kindergarten and early childhood education, as specified in its

1 contract. The authorizing body may approve amendment of a  
2 contract with respect to ages of pupils or grades offered.

3 Sec. 1321. (1) Subject to the balance of this section, the  
4 board of a school district providing transportation for its  
5 resident pupils, other than ~~handicapped pupils~~ **PERSONS WITH A**  
6 **DISABILITY** transported under article 3 or other pupils who cannot  
7 safely walk to school, shall provide transportation for each  
8 resident public or nonpublic school pupil if all of the following  
9 requirements are met:

10 (a) The school district provides transportation for the  
11 elementary school level, middle or junior high school level, or  
12 high school level, as defined by the local school board, in which  
13 the pupil is enrolled.

14 (b) The pupil is a person for whom the school district is  
15 eligible to receive state school aid for transportation.

16 (c) The pupil is attending either the public or the nearest  
17 state approved nonpublic school in the school district to which  
18 the pupil is eligible to be admitted.

19 (2) Transportation provided under subsection (1) shall be  
20 without charge to the resident pupil, the parent, guardian, or  
21 person standing in loco parentis to the pupil.

22 (3) A school district is not required to transport or pay  
23 for transportation of a resident pupil living within 1-1/2 miles,  
24 by the nearest traveled route, to the public or state approved  
25 nonpublic school in which the pupil is enrolled. A school  
26 district is not required to transport or pay for the  
27 transportation of a resident pupil attending a nonpublic school

1 who lives in an area less than 1-1/2 miles from a public school  
 2 in which public school pupils are not transported, except that  
 3 the school district is required to transport or pay for the  
 4 transportation of the resident pupil from the public school  
 5 within the area to the nonpublic school the pupil attends.

6 (4) A school district is not required to transport or pay  
 7 for the transportation of resident pupils to state approved  
 8 nonpublic schools located outside the district unless the school  
 9 district transports some of its resident pupils, other than  
 10 ~~handicapped pupils~~ **PERSONS WITH A DISABILITY** under article 3, to  
 11 public schools located outside the district, in which case the  
 12 school district shall transport or pay for the transportation of  
 13 resident pupils attending a state approved nonpublic school at  
 14 least to the distance of the public schools located outside the  
 15 district to which the district transports resident pupils and in  
 16 the same general direction.

17 Sec. 1701. The ~~state board~~ **SUPERINTENDENT OF PUBLIC**  
 18 **INSTRUCTION** shall **DO ALL OF THE FOLLOWING:**

19 (a) Develop, establish, and continually evaluate and modify  
 20 in cooperation with intermediate school boards, a state plan for  
 21 special education which shall provide for the delivery of special  
 22 education programs and services designed to develop the maximum  
 23 potential of every ~~handicapped person~~ **WITH A DISABILITY**. The plan  
 24 shall coordinate all special education programs and services.

25 (b) Require each intermediate school board to submit a plan  
 26 pursuant to section 1711, in accordance with the state plan, to  
 27 be approved by the ~~state board~~ **SUPERINTENDENT OF PUBLIC**

1 **INSTRUCTION.**

2 (c) Promulgate rules setting forth the requirements of the  
3 plans and procedures for submitting them.

4 Sec. 1701a. For the purposes of ensuring that a ~~handicapped~~  
5 person **WITH A DISABILITY** enrolled in a public school academy  
6 created under part 6a or 6b is provided with special education  
7 programs and services, the public school academy is considered to  
8 be a local school district under this article.

9 Sec. 1711. (1) The intermediate school board shall **DO ALL OF**  
10 **THE FOLLOWING:**

11 (a) Develop, establish, and continually evaluate and modify  
12 in cooperation with its constituent districts, a plan for special  
13 education ~~which shall provide~~ **THAT PROVIDES** for the delivery of  
14 special education programs and services designed to develop the  
15 maximum potential of each ~~handicapped~~ person **WITH A DISABILITY** of  
16 whom the intermediate school board is required to maintain a  
17 record under subdivision (f). The plan shall coordinate the  
18 special education programs and services operated or contracted  
19 for by the constituent districts and shall be submitted to the  
20 ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION** for ~~its~~  
21 approval.

22 (b) Contract for the delivery of a special education program  
23 or service, in accordance with the intermediate school district  
24 plan in compliance with section 1701. Under the contract the  
25 intermediate school board may operate special education programs  
26 or services and furnish transportation services and room and  
27 board.

1 (c) Employ or engage special education personnel in  
2 accordance with the intermediate school district plan, and  
3 appoint a director of special education meeting the  
4 qualifications and requirements of the rules promulgated by the  
5 ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION**.

6 (d) Accept and use available funds or contributions from  
7 governmental or private sources for the purpose of providing  
8 special education programs and services consistent with this  
9 article.

10 (e) Lease, purchase, or otherwise acquire vehicles, sites,  
11 buildings, or portions thereof, and equip them for its special  
12 education staff, programs, and services.

13 (f) Maintain a record of each ~~handicapped~~ person **WITH A**  
14 **DISABILITY** under 26 years of age, who is a resident of 1 of its  
15 constituent districts and who has not completed a normal course  
16 of study and graduated from high school, and the special  
17 education programs or services in which the ~~handicapped~~ person  
18 **WITH A DISABILITY** is participating on the fourth Friday after  
19 Labor day and Friday before Memorial day. The sole basis for  
20 determining the local school district in which a ~~handicapped~~  
21 person **WITH A DISABILITY** is a resident shall be the rules  
22 promulgated by the ~~state board~~ **SUPERINTENDENT OF PUBLIC**  
23 **INSTRUCTION** notwithstanding the provisions of section 1148. The  
24 records shall be maintained in accordance with rules promulgated  
25 by the ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION**.

26 (g) Have the authority to place in appropriate special  
27 education programs or services a ~~handicapped~~ person **WITH A**

1 **DISABILITY** for whom a constituent district is required to provide  
 2 special education programs or services under section 1751.

3 (h) Investigate special education programs and services  
 4 operated or contracted for by the intermediate school board or  
 5 constituent district boards and report in writing failures to  
 6 comply with the provisions of a contract, statute, or rule  
 7 governing the special education programs and services or with the  
 8 intermediate school district plan, to the local school district  
 9 board and to the ~~state board~~ **SUPERINTENDENT OF PUBLIC**

10 **INSTRUCTION.**

11 (i) Operate the special education programs or services or  
 12 contract for the delivery of special education programs or  
 13 services by local school district boards, in accordance with  
 14 section 1702, as if a local school district under section 1751.  
 15 The contract shall provide for items stated in section 1751 and  
 16 shall be approved by the ~~state board~~ **SUPERINTENDENT OF PUBLIC**

17 **INSTRUCTION.** The intermediate school board shall contract for the  
 18 transportation, or room and board, or both, or persons  
 19 participating in the program or service as if a local school  
 20 district board under sections 1756 and 1757.

21 (j) Receive the report of a parent or guardian or, with the  
 22 consent of a parent or guardian, receive the report of a licensed  
 23 physician, registered nurse, social worker, or school or other  
 24 appropriate professional personnel whose training and  
 25 relationship to ~~handicapped~~ persons **WITH A DISABILITY** provide  
 26 competence to judge ~~same~~ **THEM** and who in good faith believes that  
 27 a person under 26 years of age examined by the professional is or

1 may be ~~handicapped~~ **A PERSON WITH A DISABILITY**, and immediately  
 2 evaluate the person pursuant to rules promulgated by the ~~state~~  
 3 ~~board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION**. A person making or  
 4 filing this report or a local school district board shall not  
 5 incur liability to a person by reason of filing the report or  
 6 seeking the evaluation, unless lack of good faith is proven.

7 (k) Evaluate pupils in accordance with section 1311.

8 (2) The intermediate school board may expend up to 10% of  
 9 the annual budget but not to exceed \$12,500.00, for special  
 10 education programs approved by the intermediate school board  
 11 without having to secure the approval of the ~~state board~~  
 12 **SUPERINTENDENT OF PUBLIC INSTRUCTION**.

13 Sec. 1723. The ballot submitting the question of the  
 14 adoption of sections 1722 to 1729 to the school electors of an  
 15 intermediate school district shall be substantially in the  
 16 following form:

17 "Shall the \_\_\_\_\_ (legal name of the intermediate  
 18 school district), state of Michigan, come under sections 1722 to  
 19 1729 of the revised school code, which are designed to encourage  
 20 the education of ~~handicapped~~ persons **WITH A DISABILITY**, if the  
 21 annual property tax levied for administration is limited to \_\_\_\_\_  
 22 mills?

23 Yes ( )

24 No ( )".

25 Sec. 1724. Subject to section 1724a, an intermediate school  
 26 board operating under sections 1722 to 1729 may direct that the  
 27 question of increasing the millage limit on the annual property

1 tax levied for special education be submitted to the school  
 2 electors of the intermediate school district. The election shall  
 3 be called and held in the manner provided in section 661. The  
 4 ballot shall be substantially in the following form:

5 "Shall the \_\_\_\_\_ mill limitation on the annual  
 6 property tax previously approved by the electors of the  
 7 \_\_\_\_\_, state of  
 8 (legal name of the intermediate school district)  
 9 Michigan, for the education of ~~handicapped~~ persons **WITH A**  
 10 **DISABILITY** be increased by \_\_\_\_\_ mills?

11 Yes ( )

12 No ( )".

13 Sec. 1751. (1) The board of a local school district shall  
 14 provide special education programs and services designed to  
 15 develop the maximum potential of each ~~handicapped~~ person **WITH A**  
 16 **DISABILITY** in its district on record under section 1711 for whom  
 17 an appropriate educational or training program can be provided in  
 18 accordance with the intermediate school district special  
 19 education plan, in either of the following ways or a combination  
 20 thereof:

21 (a) Operate the special education program or service.

22 (b) Contract with its intermediate school board, another  
 23 intermediate school board, another local school district board,  
 24 an adjacent school district board in a bordering state, the  
 25 Michigan school for the ~~blind~~, the Michigan school for the deaf  
 26 **AND BLIND**, the department of ~~mental~~ **COMMUNITY** health, the  
 27 department of ~~social~~ **HUMAN** services, or any combination thereof,  
 28 for delivery of the special education programs or services, or

1 with an agency approved by the ~~state board~~ **SUPERINTENDENT OF**  
2 **PUBLIC INSTRUCTION** for delivery of an ancillary professional  
3 special education service. The intermediate school district of  
4 which the local school district is constituent shall be a party  
5 to each contract even if the intermediate school district does  
6 not participate in the delivery of the program or services.

7 (2) A local school district contract for the provision of a  
8 special education program or service shall provide specifically  
9 for:

10 (a) Special education buildings, equipment, and personnel  
11 necessary for the operation of the subject program or service.

12 (b) Transportation or room and board, or both, for persons  
13 participating in the programs or services as required under  
14 sections 1756 and 1757.

15 (c) The contribution to be made by the sending local school  
16 district if the program or service is to be operated by another  
17 party to the contract. The contribution shall be in accordance  
18 with rules promulgated by the ~~state board~~ **SUPERINTENDENT OF**  
19 **PUBLIC INSTRUCTION**.

20 (d) Other matters ~~which the parties deem~~ **CONSIDER**  
21 appropriate.

22 (3) Each program or service operated or contracted for by a  
23 local school district shall be in accordance with the  
24 intermediate school district's plan established pursuant to  
25 section 1711.

26 (4) A local school district may provide additional special  
27 education programs and services not included in, or required by,

1 the intermediate school district plan.

2 (5) This section shall be construed to allow operation of  
3 programs by departments of state government without local school  
4 district contribution.

5 Sec. 1752. Beginning July 1, 2006, the board of a local  
6 school district or other public agency responsible for providing  
7 programs or services under this act to a ~~child~~**PERSON** with a  
8 disability is responsible for 75% of the costs of providing a due  
9 process hearing pursuant to R 340.1882 of the Michigan  
10 administrative code.

11 Sec. 1756. The board of a local school district shall  
12 provide by contract or agreement for the transportation of a  
13 ~~handicapped person~~ **WITH A DISABILITY** who would otherwise be  
14 unable to participate in an appropriate special education program  
15 or service operated or contracted for by the local school  
16 district under section 1751, except for a ~~handicapped person~~ **WITH**  
17 **A DISABILITY** in residence at facilities operated by the  
18 department of ~~mental~~**COMMUNITY** health or the department of ~~social~~  
19 **HUMAN** services. The board of a school district may provide for  
20 weekend transportation of a ~~handicapped person~~ **WITH A DISABILITY**  
21 in residence at the Michigan school for the ~~blind and the~~  
22 ~~Michigan school for the deaf~~ **AND BLIND**.

23 Sec. 1757. The board of a local school district shall  
24 provide by contract or otherwise for the room and board of a  
25 ~~handicapped person~~ **WITH A DISABILITY** who would otherwise be  
26 unable to participate in an appropriate special education program  
27 or service operated or contracted for by the local school

1 district board pursuant to section 1751, except those operated by  
2 the Michigan school for the ~~blind, the Michigan school for the~~  
3 deaf **AND BLIND**, the department of ~~mental~~**COMMUNITY** health, or the  
4 department of ~~social~~**HUMAN** services.

5       Sec. 1761. The board of a local school district shall not  
6 solicit nor seek reimbursement from a ~~handicapped~~ person **WITH A**  
7 **DISABILITY** or **ANOTHER** person otherwise liable for the care of the  
8 ~~handicapped~~ person **WITH A DISABILITY** for cost of a special  
9 education program or service attributable to the expense for room  
10 and board. The board of a local school district shall have the  
11 right to reimbursement for room and board in an amount which may  
12 be paid reasonably by the person in accordance with rules  
13 promulgated by the ~~state board~~**SUPERINTENDENT OF PUBLIC**  
14 **INSTRUCTION**.