

**THE REVISED SCHOOL CODE (EXCERPT)**  
**Act 451 of 1976**

PART 30

SPECIAL EDUCATION PROGRAMS AND SERVICES; INTERMEDIATE SCHOOL BOARDS

**380.1711 Duties of intermediate school board; expenditures.**

Sec. 1711. (1) The intermediate school board shall do all of the following:

(a) Develop, establish, and continually evaluate and modify in cooperation with its constituent districts, a plan for special education that provides for the delivery of special education programs and services designed to meet the individual needs of each student with a disability of whom the intermediate school board is required to maintain a record under subdivision (f). The plan shall coordinate the special education programs and services operated or contracted for by the constituent districts and shall be submitted to the superintendent of public instruction for approval.

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

(c) Employ or engage special education personnel in accordance with the intermediate school district plan, and appoint a director of special education meeting the qualifications and requirements of the rules promulgated by the superintendent of public instruction.

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

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

(f) Maintain a record of each student with a disability under 26 years of age, who is a resident of 1 of its constituent districts and who has not graduated from high school, and the special education programs or services in which the student with a disability is participating on the fourth Friday after Labor Day and Friday before Memorial Day. The sole basis for determining the local school district in which a student with a disability is a resident shall be the rules promulgated by the superintendent of public instruction notwithstanding the provisions of section 1148. The records shall be maintained in accordance with rules promulgated by the superintendent of public instruction.

(g) Have the authority to place in appropriate special education programs or services a student with a disability for whom a constituent district is required to provide special education programs or services under section 1751.

(h) Investigate special education programs and services operated or contracted for by the intermediate school board or constituent district boards and report in writing failures to comply with the provisions of a contract, statute, or rule governing the special education programs and services or with the intermediate school district plan, to the local school district board and to the superintendent of public instruction.

(i) Operate the special education programs or services or contract for the delivery of special education programs or services by local school district boards, in accordance with section 1702, as if a local school district under section 1751. The contract shall provide for items stated in section 1751 and shall be approved by the superintendent of public instruction. The intermediate school board shall contract for the transportation, or room and board, or both, or persons participating in the program or service as if a local school district board under sections 1756 and 1757.

(j) Receive the report of a parent or guardian or, with the consent of a parent or guardian, receive the report of a licensed physician, registered nurse, social worker, or school or other appropriate professional personnel whose training and relationship to students with a disability provide competence to judge them and who in good faith believes that a person under 26 years of age examined by the professional is or may be a student with a disability, and immediately evaluate the person pursuant to rules promulgated by the superintendent of public instruction. A person making or filing this report or a local school district board shall not incur liability to a person by reason of filing the report or seeking the evaluation, unless lack of good faith is proven.

(k) Evaluate pupils in accordance with section 1311.

(2) The intermediate school board may expend up to 10% of the annual budget but not to exceed \$12,500.00, for special education programs approved by the intermediate school board without having to secure the approval of the superintendent of public instruction.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008;—Am. 2016, Act 532, Eff. Apr. 9, 2017.

**Popular name:** Act 451

**Administrative rules:** R 340.1701 et seq. of the Michigan Administrative Code.

### **380.1716 Repealed. 1981, Act 87, Imd. Eff. July 2, 1981.**

**Compiler's note:** The repealed section pertained to appointment and duties of committee to visit special education facilities.

**Popular name:** Act 451

### **380.1722 Adoption of MCL 380.1722 to 380.1729; submission of question; election; approval.**

Sec. 1722. (1) The question of adopting sections 1722 to 1729 may be submitted to the school electors of an intermediate school district at a regular school election or at a special election held in each of the constituent districts. Sections 1722 to 1729 shall be effective if approved by a majority of the school electors of an intermediate school district voting at an election called and conducted under section 661.

(2) Sections 1722 to 1729 shall continue in effect in an intermediate school district reorganized under section 701.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

**Popular name:** Act 451

### **380.1723 Adoption of MCL 380.1722 to 380.1729; form of ballot.**

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

"Shall the \_\_\_\_\_ (legal name of the intermediate school district), state of Michigan, come under sections 1722 to 1729 of the revised school code, which are designed to encourage the education of students with a disability, if the annual property tax levied for administration is limited to \_\_\_\_\_ mills?

Yes ( )

No ( )".

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 2004, Act 415, Imd. Eff. Nov. 29, 2004;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

**Popular name:** Act 451

### **380.1724 Increasing millage limit; submission of question; election; form of ballot.**

Sec. 1724. Subject to section 1724a, an intermediate school board operating under sections 1722 to 1729 may direct that the question of increasing the millage limit on the annual property tax levied for special education be submitted to the school electors of the intermediate school district. The election shall be called and held in the manner provided in section 661. The ballot shall be substantially in the following form:

"Shall the \_\_\_\_\_ mill limitation on the annual property tax previously approved by the electors of the

\_\_\_\_\_, state of

(legal name of the intermediate school district)

Michigan, for the education of students

with a disability be increased by \_\_\_\_\_ mills?

Yes ( )

No ( )".

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2003, Act 299, Eff. Jan. 1, 2005;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

**Popular name:** Act 451

### **380.1724a Property taxes levied by intermediate school district for special education.**

Sec. 1724a. (1) Beginning in 1995, and subject to section 625b, the board of an intermediate school district may levy ad valorem property taxes for special education purposes under sections 1722 to 1729 at a rate not to exceed 1.75 times the number of mills of those taxes authorized in the intermediate school district in 1993. All or part of the millage levied under this section may be renewed as provided in this article. Approval of the intermediate school electors is not required for the levy under this section of previously authorized mills until that authorization expires.

(2) An intermediate school district that levies a tax for special education operating purposes shall not use proceeds from the tax for any purpose other than special education operating purposes and shall submit to the department of treasury a copy of the audit report from the audit of the intermediate school district conducted under section 622a. If the department of treasury determines from the audit report that the proceeds from the tax have been used for a purpose other than special education operating purposes, as defined under subsection (4), the department of treasury shall notify the intermediate school district of that determination. If the intermediate school district disputes the determination or claims that the situation has been corrected, within

15 days after receipt of the determination the intermediate school district may submit an appeal of the determination to the department of treasury. Within 90 days after receipt of the appeal, the department of treasury shall consider the appeal and make a determination of whether the initial determination was correct or incorrect and of whether the situation has been corrected. If the department of treasury finds that the initial determination was correct and that the situation has not been corrected, then the department of treasury shall file a copy of the report with the attorney general. The attorney general shall review the report and, if the attorney general considers it appropriate, shall commence or direct the prosecuting attorney for the county in which the violations occurred to commence appropriate proceedings against the intermediate school board or the official or employee. These proceedings shall include at least a civil action in a court of competent jurisdiction for the recovery of any public money determined by the audit to have been illegally expended and for the recovery of any public property determined by the audit to have been converted or misappropriated.

(3) If the attorney general determines from a report filed under subsection (2) that an intermediate school district has mispent tax proceeds as described in subsection (2) and notifies the intermediate school district of this determination, the intermediate school district shall repay to its special education operating fund an amount equal to the amount the department of treasury determined under subsection (2) has been used for a purpose other than special education operating purposes. The intermediate school district shall make this repayment from funds of the intermediate school district that lawfully may be used for making such a repayment.

(4) For the purposes of subsections (2) and (3), the department and the department of treasury, in consultation with intermediate school districts, shall develop and make available to intermediate school districts a definition of special education operating purposes.

(5) An intermediate district shall not hold more than 2 elections in a calendar year concerning the authorization of a millage rate for special education purposes under sections 1722 to 1729.

**History:** Add. 1994, Act 258, Imd. Eff. July 5, 1994;—Am. 2004, Act 415, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 451

### **380.1725 Special education budget; preparation; form; delivery.**

Sec. 1725. An intermediate school board operating under sections 1722 to 1729 shall prepare annually a special education budget which shall be in the same form as that provided for local school districts. The budget shall be delivered to the county clerks of the counties in which the intermediate school district is located. The county clerk receiving the budget shall deliver it to the tax allocation board in the same manner as local school district budgets are handled.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1726 Special education budget; allocation of tax rates.**

Sec. 1726. (1) County tax allocation boards shall receive special education budgets from their respective county clerks, shall treat them as local school district budgets are treated, and shall allocate tax rates to intermediate school districts for the purposes set forth in sections 1722 to 1729, except in counties which have established separate tax limitation millage rates pursuant to sections 5a to 5m of Act No. 62 of the Public Acts of 1933, as amended, being sections 211.205a to 211.205m of the Michigan Compiled Laws.

(2) The allocations shall be handled in the same manner as other allocations for local school districts.

(3) The allocations shall not be made within the 15 mill limitation but shall be within the charter limitations of section 6 of article 9 of the state constitution of 1963. The allocations shall not exceed the limit authorized by the election at which these sections became effective.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

### **380.1727 Certification of tax levy; rate limitation; spreading amount on tax rolls; collection of taxes.**

Sec. 1727. (1) An intermediate school board shall certify the amount of taxes to be levied for collection to the officials of the local property tax collecting unit. The certification shall be made in the same manner as local school districts certify tax levies but the rate certified for levy shall not exceed the amount allocated in counties which have not established separate tax limitation rates.

(2) On receipt of the tax certificate from the intermediate school board, the officials responsible for the levying and collection of taxes shall spread on the tax rolls a special education tax equal to the amount ordered spread, and shall collect the taxes in the same manner as other taxes are collected.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1984, Act 78, Imd. Eff. Apr. 18, 1984.

**Popular name:** Act 451

### **380.1727a Repealed. 1994, Act 258, Eff. Jan. 1, 1995.**

**Compiler's note:** The repealed section pertained to taxes levied for special education.

**Popular name:** Act 451

### **380.1728 Payment of taxes collected; accounts and records.**

Sec. 1728. Taxes collected by a city or township treasurer under section 1727 shall be paid to the treasurer of the intermediate school board pursuant to section 43 of the general property tax act, Act No. 206 of the Public Acts of 1893, being section 211.43 of the Michigan Compiled Laws, or to the county treasurers in the same manner as other county taxes are paid, and similar accounts and records shall be kept. The county treasurers shall pay the funds received under section 1727 to the treasurer of the intermediate school board.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1984, Act 78, Imd. Eff. Apr. 18, 1984.

**Popular name:** Act 451

### **380.1729 Expenditure of funds; special education purposes; special election to renew or increase millage limit; order for payment.**

Sec. 1729. (1) An intermediate school board operating under sections 1722 to 1729 shall expend funds received under section 1728 for special education purposes in accordance with rules promulgated by the state board.

(2) An intermediate school board operating under sections 1722 to 1729 may expend funds received under section 1728 for the costs of a special election held to renew or increase the millage limit on the annual property tax levied for special education purposes.

(3) Special education funds held by the treasurer of the intermediate school board shall be paid on order of the intermediate school board.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1988, Act 468, Eff. Jan. 1, 1989.

**Popular name:** Act 451

**Administrative rules:** R 340.1701 et seq. of the Michigan Administrative Code.

### **380.1731 Borrowing money and issuing bonds; purposes; limitation; use of proceeds from bonds issued or refunded.**

Sec. 1731. (1) An intermediate school district may borrow money and issue bonds of the intermediate school district subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, to defray all or part of the costs of purchasing, erecting, completing, remodeling, improving, furnishing, refurbishing, equipping, or reequipping buildings for special education facilities; acquiring, preparing, developing, or improving sites, or parts of sites or additions to sites, for buildings and other special education facilities; refunding all or part of existing bonded indebtedness; or the accomplishment of a combination of these purposes.

(2) An intermediate school district shall not issue bonds for purposes of purchasing, erecting, completing, remodeling, improving, furnishing, refurbishing, equipping, or reequipping buildings for special education for an amount greater than 1.5% of the total assessed valuation of the intermediate school district.

(3) An intermediate school district shall not use the proceeds from bonds issued or refunded under this section or levy a tax to repay bonds issued or refunded under this section for any purpose other than facilities used for special education purposes. If a facility is to be used during regular school hours for purposes other than providing special education programs and services, proceeds from bonds issued or refunded under this section or from millage levied to repay bonds issued or refunded under this section shall be used only for that portion of the facility that is used for providing special education programs and services.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 70, Imd. Eff. Mar. 15, 2002;—Am. 2004, Act 415, Imd. Eff. Nov. 29, 2004.

**Popular name:** Act 451

### **380.1732 Borrowing money and issuing bonds; form of ballot.**

Sec. 1732. The ballot submitting the question of borrowing money for the purpose of issuing bonds under section 1731 shall be in substantially the following form:

"Shall \_\_\_\_\_

(legal name of the intermediate school district)

state of Michigan, borrow the sum of not to exceed \$\_\_\_\_\_ and issue its bonds therefor, for the purpose of\_\_\_\_\_?

Yes ( )

No ( )"

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**380.1741 Pupils carried in membership; state school aid; calculation of membership.**

Sec. 1741. An intermediate school board operating or contracting for the operation of special education programs or services may carry pupils in membership in the same manner as a local school district and shall be entitled to its proportionate share of state school aid available for these programs. Membership shall be calculated on the basis provided in rules promulgated by the state board.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977.

**Popular name:** Act 451

**Administrative rules:** R 340.1701 et seq. of the Michigan Administrative Code.

**380.1742 Repealed. 2017, Act 159, Eff. Feb. 7, 2018.**

**Compiler's note:** The repealed section pertained to employment of additional personnel to implement special education program or service.

**Popular name:** Act 451

**380.1743 Repealed. 2017, Act 159, Eff. Feb. 7, 2018.**

**Compiler's note:** The repealed section pertained to employment of additional personnel for special education programs and services previously provided by state agency.

**Popular name:** Act 451