

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

ARTICLE 3

PART 29

SPECIAL EDUCATION PROGRAMS AND SERVICES; STATE BOARD

380.1701 Duties of superintendent of public instruction.

Sec. 1701. The superintendent of public instruction shall do all of the following:

(a) Require each intermediate school board to submit a plan pursuant to section 1711, in accordance with special education rules, to be approved by the superintendent of public instruction.

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

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

Popular name: Act 451

Administrative rules: R 340.1701 et seq. and R 380.51 et seq. of the Michigan Administrative Code.

380.1701a Special education programs and services; public school academy as local school district.

Sec. 1701a. For the purposes of ensuring that a student with a disability enrolled in a public school academy is provided with special education programs and services, the public school academy is considered to be a local school district under this article.

History: Add. 1993, Act 284, Eff. Apr. 1, 1994;—Am. 1994, Act 416, Eff. Mar. 30, 1995;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008;—Am. 2009, Act 205, Imd. Eff. Jan. 4, 2010.

Popular name: Act 451

380.1702 Special education programs and services; application for approval of noncomplying programs and services; notice of noncompliance; proof of compliance or emergency; directing provision of complying programs or services; funding; contributing; unreimbursed cost.

Sec. 1702. (1) If a local school district board claims the existence of an emergency due to extreme financial conditions because of insufficient operating funds or due to a severe classroom shortage, which emergency the local school district claims renders it unable to provide special education programs and services in compliance with section 1751, the local school district board shall apply in writing to the state board before July 1 of the particular school year for approval to provide special education programs or services which do not comply with section 1751. The state board may extend the filing date for good cause.

(2) In its application the local school district board shall demonstrate the need to provide noncomplying special education programs and services and shall include the proposed programs and services it is able to provide and the efforts to be undertaken to alleviate the emergency. If the state board finds an emergency exists in the local school district for the school year, the state board may approve the providing of noncomplying special education programs or services and prescribe conditions for those programs and services.

(3) If the state board determines that a local school district is not providing special education programs and services in compliance with section 1751, and the local school district has not obtained prior approval from the state board, the state board shall give the local school district board written notice of the noncompliance. Unless the local school district board submits proof of compliance or of an unforeseen emergency within 30 days after receipt of the notice, the state board shall direct the intermediate school board of which the local school district is constituent to provide complying programs or services. The state board shall direct the intermediate school board to provide only those programs or services which the state board determines the local school district is not providing in compliance with section 1751.

(4) Special education programs or services which the state board directs an intermediate school district to provide shall be funded as if provided by the local school district and the local school district board shall contribute to the intermediate school district the unreimbursed cost of the programs or services.

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

Popular name: Act 451

380.1703 Qualifications and requirements for special education personnel; rules relative to special education programs and services; review.

Sec. 1703. (1) Special education personnel shall meet the qualifications and requirements of rules promulgated by the state board.

(2) Curriculum, eligibility of specific persons for special education programs and services and for each particular program or service, review procedures regarding the placement of persons in the programs or services, size of classes, size of programs, quantity and quality of equipment, supplies and housing, adequacy of methods of instruction, and length and content of school day shall be in accordance with rules promulgated by the state board relative to special education programs and services.

(3) Not later than September 30, 1996, the state board shall conduct a review of all rules promulgated by the state board or department pertaining to special education. The review shall consider at least all of the following:

(a) The need to eliminate unnecessary separation and duplication between regular education and special education facilities, staff, programs, services, and pupils.

(b) Potential benefits from coordination between all relevant federal, state, regional, and local organization services, including public and private organization services, for pupils with special needs, and encouragement of the provision of comprehensive necessary services delivered by the most appropriate organization or person in the most cost-effective and programmatically effective manner.

(c) The advisability of simplification of rules or regulations and processes relating to identification of need and provision of services to special needs pupils, avoidance of barriers and cost and other penalties or discouragements to effective programming, and avoidance of requirements as to staff or program criteria that are not research based; allowing and encouraging reasonably flexible, workable, and, if appropriate, cooperatively operated comprehensive services, including reasonable endorsement or other qualification categories for personnel, to be delivered to pupils with related or similar special needs, as may be consistent with research.

(d) A goal of providing educational and training services in a manner that maximizes for the benefit of the pupil the combination of the provisions of this act and federal law relating to inclusion, while avoiding, to the degree reasonably possible, requiring by rule an overall increase in a program or service beyond that required before December 23, 1978.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

Administrative rules: R 340.1011 et seq.; R 340.1701 et seq.; and R 380.51 et seq. of the Michigan Administrative Code.

380.1704 Short title of section; standards for teachers of blind and visually impaired pupils; providing information advocating braille instruction; electronic file format versions of textbooks or braille versions; pupil with some remaining vision; instruction consistent with other pupils; definitions.

Sec. 1704. (1) This section shall be known and may be cited as the "blind pupil's Braille literacy law".

(2) The department shall adopt Braille reading and writing standards for teachers of blind and visually impaired pupils and shall disseminate these standards to all school districts, intermediate school districts, and teacher preparation programs. These standards shall be included in the rules governing special education programs and services. In establishing these standards, the department shall consider the standards adopted by the national library service for the blind and physically handicapped of the United States library of congress.

(3) When a local or intermediate school district receives information from the department, or information that is approved by the department from a consumer organization that advocates for the blind, describing the benefits of instruction in Braille reading and writing, the local or intermediate school district shall provide this information to each person on the blind pupil's individualized educational planning committee.

(4) The department shall accept and respond to requests from local and intermediate school districts and shall work with textbook publishers to obtain electronic file format versions of textbooks or Braille versions of textbooks, or both. The department may also, on behalf of local and intermediate school districts, request and arrange for converting an electronic file format version of a textbook to a Braille version. The department shall process and make these requests in a timely manner.

(5) Upon request, a publisher of a textbook that is adopted for instructional use by a school district shall furnish the department with an electronic version of the textbook if the textbook is for a literary subject or, for a textbook for a nonliterary subject, if the technology is available to convert the textbook directly to a format compatible with Braille translation software. A publisher shall not charge a price for this electronic version that exceeds the price it charges for the print or electronic media version of the textbook.

(6) A local or intermediate school district or an individualized educational planning committee shall not deny a pupil the opportunity for instruction in Braille reading and writing solely because the pupil has some

remaining vision.

(7) Instruction for blind pupils shall be consistent with the goals and standards established by this state for all pupils.

(8) As used in this section:

(a) "Blind pupil" means a pupil who is determined to manifest 1 or more of the following:

(i) A visual acuity of 20/200 or less in the better eye after routine refractive correction.

(ii) A field of vision that is limited so that the widest diameter of the visual field subtends an angle not greater than 20 degrees.

(iii) A medically indicated expectation of visual deterioration that is expected to result in 1 or both of the conditions described in subparagraphs (i) and (ii).

(b) "Individualized education program" means that term as defined in section 614 of part B of title VI of the individuals with disabilities education act, Public Law 91-230, 20 U.S.C. 1414, or in R 340.1701A of the Michigan administrative code.

(c) "Individualized educational planning committee" means that term as defined in R 340.1701A of the Michigan administrative code or an individualized education program team as defined in section 614 of part B of title VI of the individuals with disabilities education act, Public Law 91-230, 20 U.S.C. 1414.

(d) "Textbook" includes a text published in electronic media that is used for instructional purposes.

History: Add. 2000, Act 129, Imd. Eff. May 30, 2000.

Popular name: Act 451

380.1705 English literacy; young children who are deaf or hard of hearing; resources to monitor and track development.

Sec. 1705. (1) By August 31, 2025, the department shall develop a resource for use by a parent or legal guardian of a child who is deaf or hard of hearing and is age 5 or younger that allows the parent or legal guardian to monitor and track the child's expressive and receptive language acquisition and developmental stages toward English literacy. The resource developed under this subsection must meet all of the following requirements:

(a) Include the language developmental milestones selected under subsection (7).

(b) Present the language developmental milestones described in subdivision (a) in terms of the typical development of all children by age range.

(c) Provide appropriate content and administration regarding language assessment and delivery of the assessment for children who are deaf or hard of hearing, are age 5 or younger, and who use American Sign Language, English, or both.

(d) Be written clearly for easy use by parents and legal guardians.

(e) Be aligned with any existing infant, toddler, and preschool department guidelines, be aligned with existing instruments used to assess the development of children with disabilities under federal law, and be aligned with state standards in English language arts.

(f) Subject to the individuals with disabilities education act, 20 USC 1400 to 1482, include a statement that the parent or legal guardian of a child who is deaf or hard of hearing has the right to all necessary resources in choosing American Sign Language, English, or both, and a mode of communication for the child's language acquisition and development milestones.

(g) Provide that the resource is not a formal assessment of language and literacy development.

(h) Provide that a parent's or legal guardian's observation of his or her child may differ from formal assessment data presented at an individualized family service plan or individualized education program meeting.

(i) Provide that a parent or legal guardian may bring the resource to an individualized family service plan or individualized education program meeting for purposes of sharing his or her observations about his or her child's development.

(j) Include fair, balanced, and comprehensive information about languages, modes of communication, and all services and programs.

(2) The department shall adopt existing tools or assessments to be used by local school districts, intermediate school districts, public school academies, and the Michigan School for the Deaf to assess the language and literacy development of a child who is deaf or hard of hearing and is age 5 or younger. The tools or assessments adopted by the department under this subsection must meet all of the following:

(a) Are in a format that shows stages of language development.

(b) Are used by local school districts, intermediate school districts, public school academies, and the Michigan School for the Deaf to track the development of the expressive and receptive language acquisition and developmental stages toward English literacy of a child who is deaf or hard of hearing at age 5 or

younger.

(c) Are selected from existing instruments or assessments used to assess the development of all children who are deaf or hard of hearing and are age 5 or younger.

(d) Are appropriate in content and administration for use with a child who is deaf or hard of hearing and is age 5 or younger.

(e) Are designed for use, in addition to any assessment required under federal law, by a child's individualized family service plan team or individualized education program team to track the progress of a child who is deaf or hard of hearing and to establish or modify an individualized family service plan or individualized education program.

(f) Are reflective of the recommendations of the advisory committee established under subsection (7).

(3) Subject to federal law, the department shall provide the resource developed under subsection (1) to parents and legal guardians of children who are deaf or hard of hearing, shall provide the tools and assessments adopted under subsection (2) to intermediate school districts for use in the development and modification of individualized family service plans or individualized education programs, and shall provide materials and training to parents and legal guardians of children who are deaf or hard of hearing on the use of the resource developed under subsection (1), to assist a child who is deaf or hard of hearing and is age 5 or younger to be linguistically ready for kindergarten using American Sign Language or English, or both. The intermediate school districts shall provide the tools and assessments provided by the department under this subsection to its local school districts, the public school academies located in the geographic boundaries of the intermediate school district, and to the Michigan School for the Deaf.

(4) By September 1, 2025, local school districts, intermediate school districts, public school academies, and the Michigan School for the Deaf shall implement the tools and assessments developed under subsection (2) to track the development of the expressive and receptive language acquisition and developmental stages toward English literacy of a child who is deaf or hard of hearing at age 5 or younger.

(5) A local school district, intermediate school district, public school academy, or the Michigan School for the Deaf shall administer the tools or assessments adopted under subsection (2) or any other assessment used to assess the development of children with disabilities as required by federal law to a child who is deaf or hard of hearing and is age 5 or younger, and, based on the assessment results, if the child does not meet the developmental milestones or demonstrate progress in expressive and receptive language skills necessary to meet the developmental milestones, the child's individualized family service plan team or individualized education program team, as applicable, shall, as part of the process required under the individuals with disabilities education act, 20 USC 1400 to 1482, provide both of the following to each service plan team member or program team member and the parent or legal guardian of the child:

(a) A written statement explaining in detail why the child is not meeting the developmental milestones or progressing toward them.

(b) A written recommendation including specific strategies, services, and programs that must be provided to the child to assist the child toward becoming linguistically prepared for kindergarten and English literacy.

(6) Subject to the individuals with disabilities education act, 20 USC 1400 to 1482, a child who is identified as deaf or hard of hearing must be provided a learning environment that includes services that utilize the family's choice for the child's language development and that are delivered by professionals with the background, training, and experience in and who use American Sign Language, English, or both.

(7) For the purposes of developing the parent resource described in subsection (1), all of the following apply:

(a) On or before March 1, 2025, the department shall provide the advisory committee established under subsection (8) with a list of language developmental milestones based on standardized norms, along with any relevant information held by the department regarding those language developmental milestones for possible inclusion in the parent resource developed under subsection (1). The language developmental milestones must be aligned with any applicable existing infant, toddler, and preschool department guidelines, existing instruments used to assess the development of children with disabilities under federal law, and state standards in English language arts.

(b) On or before May 1, 2025, the advisory committee established under subsection (8) shall recommend language developmental milestones selected for inclusion in the parent resource described under subsection (1).

(c) On or before June 30, 2025, the department shall inform the advisory committee established under subsection (8) of the language developmental milestones that were selected under subdivision (b) for inclusion in the parent resource described under subsection (1).

(d) On December 31, 2025, the advisory committee established under subsection (8) is dissolved and shall cease operations.

(8) On January 1, 2025, superintendent of public instruction shall appoint 15 volunteer members to an advisory committee within the department for a 1-year term. All of the following apply to the advisory committee described in this subsection:

(a) The advisory committee shall solicit input from experts on the selection of language developmental milestones for children who are age 5 or younger and who are deaf or hard of hearing that are equivalent to those for children who are age 5 or younger and who are not deaf or hard of hearing, for inclusion in the resource described under subsection (1).

(b) The advisory committee may make recommendations on materials that are unbiased and comprehensive to add to the resource described under subsection (1).

(c) The advisory committee must be composed of advocates and professionals within the field of education for the deaf or hard of hearing and parents of children who are deaf or hard of hearing. The advisory committee must have both members who personally, professionally, or parentally use the dual languages of American Sign Language and English and members who personally, professionally, or parentally use only spoken English. The advisory committee must include all of the following:

(i) One parent or legal guardian of a child who is deaf or hard of hearing who uses the dual languages of American Sign Language and English.

(ii) One parent or legal guardian of a child who is deaf or hard of hearing who uses only spoken English and a mode of communication.

(iii) One certificated teacher of pupils who are deaf and hard of hearing who uses the dual languages of American Sign Language and English.

(iv) One certificated teacher of pupils who are deaf and hard of hearing from a spoken-English language program.

(v) One certificated teacher of pupils who are deaf and hard of hearing whose expertise is in curriculum and instruction in American Sign Language and English.

(vi) One certificated teacher of pupils who are deaf and hard of hearing whose expertise is in curriculum and instruction in spoken English and a mode of communication.

(vii) One certificated teacher of pupils who are deaf and hard of hearing whose expertise is in American Sign Language and English language assessments.

(viii) One American Sign Language expert, as determined by certification and an American Sign Language Proficiency Interview of 4.0 or higher, who researches language outcomes for children who are deaf and hard of hearing using American Sign Language and English.

(ix) One expert who researches language outcomes for children who are deaf and hard of hearing using spoken English and a mode of communication.

(x) One advocate for the teaching and use of the dual languages of American Sign Language and English.

(xi) One advocate for the teaching and use of spoken English and a mode of communication.

(xii) One early intervention specialist who works with infants and toddlers who are deaf and hard of hearing using the dual languages of American Sign Language and English.

(xiii) One early intervention specialist who works with infants and toddlers who are deaf and hard of hearing utilizing spoken language and a mode of communication.

(xiv) One speech language pathologist proficient in American Sign Language and English whose expertise is in assessment of and intervention with children who are deaf and hard of hearing.

(xv) One educational audiologist, licensed under part 168 of the public health code, 1978 PA 368, MCL 333.16801 to 333.16811, proficient in American Sign Language and English.

(9) The advisory committee established under subsection (8) may also advise the department on the content and administration of existing instruments used to assess the development of children with disabilities under federal law, as used to assess the language and literacy development of children who are deaf and hard of hearing to recommend the appropriate use of those instruments with those children, and may make recommendations regarding future research to improve the measurement of progress of children who are deaf and hard of hearing in language and literacy.

(10) By July 1, 2026, and by July 1 of each year thereafter, the department shall produce a report, using existing data reported in compliance with the federally required state performance plan, on students with disabilities that is specific to the language and literacy development of children who are deaf and hard of hearing and are age 5 or younger as compared to their peers. The department shall make this report available on its website homepage.

(11) All activities of the department in implementing this section must be consistent with federal law regarding the education of children with disabilities.

(12) This section applies only to children who are age 5 or younger.

(13) The legislature shall appropriate sufficient funding for the purposes of this section.

(14) As used in this section:

(a) "English" includes spoken English, written English, or English communicated with or without the use of a mode of communication.

(b) "Individualized education program" means that term as defined in section 1414 of the individuals with disabilities education act, 20 USC 1414.

(c) "Individualized family service plan" means an individualized family service plan described under section 1436 of the individuals with disabilities education act, 20 USC 1436.

(d) "Language" includes, but is not limited to, American Sign Language and English.

(e) "Language developmental milestones" means milestones of development aligned with existing state instruments used to meet the requirements of federal law for the assessment of a child who is age 5 or younger.

(f) "Mode of communication" means the means through which language is acquired and used by a child who is deaf or hard of hearing including, but not limited to, the following:

(i) Augmentative and alternative communication.

(ii) Cued speech.

(iii) Listening and spoken language.

(iv) Tactile signing.

(v) Total communication.

(vi) Any other appropriate mode of communication.

(vii) A combination of any of the above.

History: Add. 2022, Act 256, Eff. Mar. 29, 2023.

Popular name: Act 451

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 misspent 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

PART 31

SPECIAL EDUCATION PROGRAMS AND SERVICES; LOCAL SCHOOL BOARDS

380.1751 Special education programs and services of local school district.

Sec. 1751. (1) The board of a local school district shall provide special education programs and services designed to meet the individual needs of each student with a disability in its district on record under section 1711 for whom an appropriate educational or training program can be provided in accordance with the intermediate school district special education plan, in either of the following ways or a combination thereof:

(a) Operate the special education program or service.

(b) Contract with its intermediate school board, another intermediate school board, another local school district board, an adjacent school district board in a bordering state, the Michigan schools for the deaf and blind, the department of health and human services, or any combination thereof, for delivery of the special education programs or services, or with an agency approved by the superintendent of public instruction for delivery of an ancillary professional special education service. The intermediate school district of which the local school district is constituent shall be a party to each contract even if the intermediate school district does

not participate in the delivery of the program or services.

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

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

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

(c) The contribution to be made by the sending local school district if the program or service is to be operated by another party to the contract. The contribution shall be in accordance with rules promulgated by the superintendent of public instruction.

(d) Other matters the parties consider appropriate.

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

(4) A local school district may provide additional special education programs and services not included in, or required by, the intermediate school district plan.

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

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 340.1806 of the Michigan Administrative Code.

380.1752 Programs or services to student with disability; responsibility for due process hearing costs.

Sec. 1752. Beginning July 1, 2006, the board of a local school district or other public agency responsible for providing programs or services under this act to a student with a disability is responsible for 75% of the costs of providing a due process hearing pursuant to R 340.1882 of the Michigan administrative code.

History: Add. 2006, Act 186, Imd. Eff. June 19, 2006;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

Popular name: Act 451

380.1756 Transportation.

Sec. 1756. The board of a local school district shall provide by contract or agreement for the transportation of a student with a disability who would otherwise be unable to participate in an appropriate special education program or service operated or contracted for by the local school district under section 1751, except for a student with a disability in residence at facilities operated by the department of community health or the department of human services. The board of a school district may provide for weekend transportation of a student with a disability in residence at the Michigan schools for the deaf and blind.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

Popular name: Act 451

380.1757 Room and board generally.

Sec. 1757. The board of a local school district shall provide by contract or otherwise for the room and board of a student with a disability who would otherwise be unable to participate in an appropriate special education program or service operated or contracted for by the local school district board pursuant to section 1751, except those operated by the Michigan schools for the deaf and blind, the department of community health, or the department of human services.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

Popular name: Act 451

380.1761 Room and board; reimbursement.

Sec. 1761. The board of a local school district shall not solicit nor seek reimbursement from a student with a disability or another person otherwise liable for the care of the student with a disability for cost of a special education program or service attributable to the expense for room and board. The board of a local school district shall have the right to reimbursement for room and board in an amount which may be paid reasonably by the person in accordance with rules promulgated by the superintendent of public instruction.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

Popular name: Act 451

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

380.1766 Repealed. 2016, Act 429, Imd. Eff. Jan. 4, 2017.

Compiler's note: The repealed section pertained to employment of additional personnel to implement special education programs and services.