



HOUSE BILL No. 5776

April 18, 1996, Introduced by Reps. McBryde, Prusi, Llewellyn, Walberg, Brackenridge, Johnson, Hammerstrom, DeLange, Horton, Jellema, Bobier, Wetters, Gustafson, Goschka, Gernaat, Dobb, Green, McManus and Jaye and referred to the Committee on Education.

A bill to amend Act No. 451 of the Public Acts of 1976,
entitled as amended

"The revised school code,"

as amended, being sections 380.1 to 380.1852 of the Michigan
Compiled Laws, by adding section 1147a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 451 of the Public Acts of 1976, as
2 amended, being sections 380.1 to 380.1852 of the Michigan
3 Compiled Laws, is amended by adding section 1147a to read as
4 follows:

5 SEC. 1147A. (1) IF THE BOARD OF A SCHOOL DISTRICT RECEIVES
6 A REQUEST FOR THE BOARD'S APPROVAL FOR A RESIDENT PUPIL TO ATTEND
7 AND BE COUNTED IN MEMBERSHIP IN ANOTHER SCHOOL DISTRICT, THE
8 BOARD, IN MAKING ITS DECISION ON THE REQUEST, SHALL CONSIDER THE
9 WELFARE OF THE PUPIL, INCLUDING BUT NOT LIMITED TO, THE LENGTH OF

1 THE PUPIL'S COMMUTE TO AND FROM SCHOOL ON A SCHOOL BUS OR
2 OTHERWISE. IF A BOARD DENIES A REQUEST DESCRIBED IN THIS SUBSEC-
3 TION, THE PUPIL OR THE PUPIL'S PARENT OR LEGAL GUARDIAN MAY
4 APPEAL THE DENIAL TO THE INTERMEDIATE SCHOOL BOARD, OR JOINT
5 INTERMEDIATE SCHOOL BOARD UNDER SUBSECTION (4), WITHIN 10 DAYS
6 AFTER THE DENIAL.

7 (2) IF AN INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE
8 SCHOOL BOARD RECEIVES AN APPEAL FROM A DENIAL UNDER SUBSECTION
9 (1), THE INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL
10 BOARD MAY UPHOLD OR OVERTURN THE DENIAL. IN MAKING ITS DECISION,
11 THE INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL BOARD
12 SHALL CONSIDER THE WELFARE OF THE PUPIL, INCLUDING, BUT NOT
13 LIMITED TO, THE LENGTH OF THE PUPIL'S COMMUTE TO AND FROM SCHOOL
14 ON A SCHOOL BUS OR OTHERWISE. IF THE INTERMEDIATE SCHOOL BOARD
15 OR JOINT INTERMEDIATE SCHOOL BOARD OVERTURNS THE DENIAL, THE NON-
16 RESIDENT SCHOOL DISTRICT SHALL BE CONSIDERED TO HAVE THE APPROVAL
17 OF THE BOARD OF THE RESIDENT SCHOOL DISTRICT TO ENROLL AND COUNT
18 THE PUPIL IN MEMBERSHIP. IF THE INTERMEDIATE SCHOOL BOARD OR
19 JOINT INTERMEDIATE SCHOOL BOARD DENIES THE APPEAL, THE PUPIL OR
20 THE PUPIL'S PARENT OR LEGAL GUARDIAN MAY APPEAL THE DENIAL TO THE
21 STATE BOARD WITHIN 10 DAYS AFTER THE DENIAL. IF THE INTERMEDIATE
22 SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL BOARD DOES NOT CONSIDER
23 THE APPEAL WITHIN 30 DAYS AFTER RECEIVING THE APPEAL, THE APPEAL
24 MAY BE MADE TO THE STATE BOARD WITHIN 10 DAYS AFTER THE EXPIRA-
25 TION OF THAT 30-DAY PERIOD.

26 (3) IF THE STATE BOARD RECEIVES AN APPEAL FROM A DENIAL
27 UNDER SUBSECTION (2), OR FROM INACTION OF THE INTERMEDIATE SCHOOL

1 BOARD OR JOINT INTERMEDIATE SCHOOL BOARD, THE STATE BOARD MAY
2 UPHOLD OR OVERTURN THE DENIAL. IN MAKING ITS DECISION, THE STATE
3 BOARD SHALL CONSIDER THE WELFARE OF THE PUPIL, INCLUDING, BUT NOT
4 LIMITED TO, THE LENGTH OF THE PUPIL'S COMMUTE TO AND FROM SCHOOL
5 ON A SCHOOL BUS OR OTHERWISE. IF THE STATE BOARD OVERTURNS THE
6 DENIAL, THE NONRESIDENT SCHOOL DISTRICT SHALL BE CONSIDERED TO
7 HAVE THE APPROVAL OF THE BOARD OF THE RESIDENT SCHOOL DISTRICT TO
8 ENROLL AND COUNT THE PUPIL IN MEMBERSHIP. THE DECISION OF THE
9 STATE BOARD ON AN APPEAL IS FINAL.

10 (4) IF THE SCHOOL DISTRICT IN WHICH THE PUPIL RESIDES AND
11 THE SCHOOL DISTRICT THE PUPIL SEEKS TO ATTEND ARE IN DIFFERENT
12 INTERMEDIATE SCHOOL DISTRICTS, THE INTERMEDIATE SCHOOL BOARDS OF
13 BOTH INTERMEDIATE SCHOOL DISTRICTS SHALL MEET JOINTLY AS A SINGLE
14 JOINT INTERMEDIATE SCHOOL BOARD TO ACT UPON AN APPEAL UNDER SUB-
15 SECTION (2). THE APPEAL MAY BE FILED WITH EITHER OF THE INTERME-
16 DIATE SCHOOL BOARDS. THE 2 INTERMEDIATE SUPERINTENDENTS SHALL
17 CALL THE JOINT MEETING. ACTION ON THE APPEAL SHALL BE TAKEN ONLY
18 AT A MEETING ATTENDED BY AT LEAST A QUORUM OF EACH OF THE INTER-
19 MEDIATE SCHOOL BOARDS. THE INTERMEDIATE SCHOOL BOARDS MEETING
20 JOINTLY SHALL ELECT 1 OF THEIR MEMBERS TO ACT AS CHAIRPERSON AND
21 ANOTHER TO ACT AS SECRETARY AT THE JOINT MEETING.