



HOUSE BILL No. 5777

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

A bill to amend Act No. 94 of the Public Acts of 1979, entitled as amended

"The state school aid act of 1979,"

as amended, being sections 388.1601 to 388.1772 of the Michigan Compiled Laws, by adding section 105.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 94 of the Public Acts of 1979, as
2 amended, being sections 388.1601 to 388.1772 of the Michigan
3 Compiled Laws, is amended by adding section 105 to read as
4 follows:

5 SEC. 105. (1) IF THE BOARD OF A DISTRICT RECEIVES A REQUEST
6 FOR THE BOARD'S APPROVAL FOR A RESIDENT PUPIL TO ATTEND AND BE
7 COUNTED IN MEMBERSHIP IN ANOTHER DISTRICT, THE BOARD, IN MAKING
8 ITS DECISION ON THE REQUEST, SHALL CONSIDER THE WELFARE OF THE
9 PUPIL, INCLUDING BUT NOT LIMITED TO, THE LENGTH OF THE PUPIL'S

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

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

23 (3) IF THE STATE BOARD RECEIVES AN APPEAL FROM A DENIAL
24 UNDER SUBSECTION (2), OR FROM INACTION OF THE INTERMEDIATE BOARD
25 OR JOINT INTERMEDIATE BOARD, THE STATE BOARD MAY UPHOLD OR OVER-
26 TURN THE DENIAL. IN MAKING ITS DECISION, THE STATE BOARD SHALL
27 CONSIDER THE WELFARE OF THE PUPIL, INCLUDING, BUT NOT LIMITED TO,

1 THE LENGTH OF THE PUPIL'S COMMUTE TO AND FROM SCHOOL ON A SCHOOL
2 BUS OR OTHERWISE. IF THE STATE BOARD OVERTURNS THE DENIAL, THE
3 NONRESIDENT DISTRICT SHALL BE CONSIDERED TO HAVE THE APPROVAL OF
4 THE BOARD OF THE RESIDENT DISTRICT TO ENROLL AND COUNT THE PUPIL
5 IN MEMBERSHIP. THE DECISION OF THE STATE BOARD ON AN APPEAL IS
6 FINAL.

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