

# HOUSE BILL No. 5630

May 15, 2012, Introduced by Rep. Yonker and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1711 and 1751 (MCL 380.1711 and 380.1751), as  
amended by 2008 PA 1; and to repeal acts and parts of acts.

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

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

3           (a) Develop, establish, and continually evaluate and modify in  
4 cooperation with its constituent districts, a plan for special  
5 education that provides for the delivery of special education  
6 programs and services designed to ~~develop the maximum potential~~  
7 **MEET THE INDIVIDUAL NEEDS** of each student with a disability of whom

1 the intermediate school board is required to maintain a record  
2 under subdivision (f). The plan shall coordinate the special  
3 education programs and services operated or contracted for by the  
4 constituent districts and shall be submitted to the superintendent  
5 of public instruction for approval.

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

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

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

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

22 (f) Maintain a record of each student with a disability under  
23 26 years of age, who is a resident of 1 of its constituent  
24 districts and who has not graduated from high school, and the  
25 special education programs or services in which the student with a  
26 disability is participating on the fourth Friday after Labor day  
27 and Friday before Memorial day. The sole basis for determining the

1 local school district in which a student with a disability is a  
2 resident shall be the rules promulgated by the superintendent of  
3 public instruction notwithstanding the provisions of section 1148.  
4 The records shall be maintained in accordance with rules  
5 promulgated by the superintendent of public instruction.

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

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

17 (i) Operate the special education programs or services or  
18 contract for the delivery of special education programs or services  
19 by local school district boards, in accordance with section 1702,  
20 as if a local school district under section 1751. The contract  
21 shall provide for items stated in section 1751 and shall be  
22 approved by the superintendent of public instruction. The  
23 intermediate school board shall contract for the transportation, or  
24 room and board, or both, or persons participating in the program or  
25 service as if a local school district board under sections 1756 and  
26 1757.

27 (j) Receive the report of a parent or guardian or, with the

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

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

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

17 Sec. 1751. (1) The board of a local school district shall  
18 provide special education programs and services designed to ~~develop~~  
19 ~~the maximum potential~~ **MEET THE INDIVIDUAL NEEDS** of each student  
20 with a disability in its district on record under section 1711 for  
21 whom an appropriate educational or training program can be provided  
22 in accordance with the intermediate school district special  
23 education plan, in either of the following ways or a combination  
24 thereof:

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

26 (b) Contract with its intermediate school board, another  
27 intermediate school board, another local school district board, an

1 adjacent school district board in a bordering state, the Michigan  
2 schools for the deaf and blind, the department of community health,  
3 the department of human services, or any combination thereof, for  
4 delivery of the special education programs or services, or with an  
5 agency approved by the superintendent of public instruction for  
6 delivery of an ancillary professional special education service.  
7 The intermediate school district of which the local school district  
8 is constituent shall be a party to each contract even if the  
9 intermediate school district does not participate in the delivery  
10 of the program or services.

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

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

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

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

23 (d) Other matters the parties consider appropriate.

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

27 (4) A local school district may provide additional special

1 education programs and services not included in, or required by,  
2 the intermediate school district plan.

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

6 Enacting section 1. Section 1311c of the revised school code,  
7 1976 PA 451, MCL 380.1311c, is repealed.