

THE REVISED SCHOOL CODE (EXCERPT)

Act 451 of 1976

Article 4

Part 32

VIOLATIONS

380.1801 Neglecting or refusing to make reports or certify taxes; liability; action at law.

Sec. 1801.

(1) A township clerk who neglects or refuses to make out and transmit the annual report containing the reports of the several school districts of the township, or other report which the law requires, within the time limited therefor shall be liable to pay the full amount lost by the township or any district or districts by the neglect or refusal, with interest thereon, to be recovered in an action at law.

(2) A township or city clerk who neglects or refuses to certify to the proper tax assessing officer taxes that have been reported as required by this act, and a tax assessing officer who wilfully neglects to assess the tax, shall be liable to the school district for the loss, to be recovered by the treasurer in the name of the district in an action at law.

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

Popular Name: Act 451

380.1802 Neglecting or refusing to transmit report; liability; action at law.

Sec. 1802.

A county clerk or intermediate superintendent who neglects or refuses to transmit to the state board a report which is required by law within the proper time shall be liable to pay each school district the full amount, with interest, which the district loses by the neglect or refusal, to be recovered in an action at law.

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

Popular Name: Act 451

380.1803 Apportionment and distribution of money collected or received.

Sec. 1803.

Money collected or received by a township or city treasurer under sections 1801 and 1802 shall be apportioned and distributed to the school district entitled thereto, in the manner and proportion that money lost by the neglect or refusal would have been apportioned and distributed.

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

Popular Name: Act 451

380.1804 Neglecting or refusing to perform act; violations; penalty.

Sec. 1804.

Except as otherwise provided in this act, a school official or member of a school board or intermediate school

board or other person who neglects or refuses to do or perform an act required by this act, or who violates or knowingly permits or consents to a violation of this act, is guilty of a misdemeanor punishable by a fine not more than \$500.00, or imprisonment for not more than 3 months, or both.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 2004, Act 417, Eff. Mar. 30, 2005
Popular Name: Act 451

380.1805 Acting as agent; receiving gift or reward; penalty.

Sec. 1805.

(1) A superintendent of public instruction, intermediate superintendent, school officer, superintendent, principal, or teacher of schools shall not act as agent for an author, publisher, or seller of schoolbooks or school apparatus, or receive a gift or reward for his or her influence in recommending the purchase or use of a schoolbook, apparatus, or furniture in this state.

(2) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 3 months, or both.

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

380.1806 Neglecting or refusing to comply with act; dismissal; cancellation of contract.

Sec. 1806.

The board of a school district or intermediate school district may dismiss from employment and cancel the contract of a superintendent, principal, or teacher who neglects or refuses to comply with this act.

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

380.1807 Violation of MCL 380.1316; penalty.

Sec. 1807.

A school official or member of a school board, or other person violating or knowingly permitting or consenting to violation of section 1316 relating to fraternities, sororities, and secret societies is guilty of a misdemeanor, punishable by a fine of not less than \$25.00 nor more than \$100.00 for each offense.

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

380.1808 Disorderly conduct at meetings; penalty.

Sec. 1808.

(1) If a person conducts himself or herself in a disorderly manner at a board of education meeting or a school

district meeting and, after notice from the officer presiding, persists therein, the officer presiding may order the disorderly person to withdraw from the meeting, and on the person's refusal may order a law enforcement officer or other person to take the disorderly person into custody until the meeting is adjourned.

(2) A person who refuses to withdraw from the meeting on being so ordered, or a person who wilfully disturbs a school district meeting by rude and indecent behavior, by profane or indecent discourse, or in other ways makes a disturbance, is guilty of a misdemeanor punishable by a fine of not less than \$2.00 nor more than \$50.00, or by imprisonment for not more than 30 days, or both.

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

Popular Name: Act 451

380.1809 Improper use of certain certificates or credentials as misdemeanor; penalties.

Sec. 1809.

(1) In addition to any other penalty provided by law, a person who uses or attempts to use a teaching certificate that he or she knows is surrendered, suspended, revoked, nullified, fraudulently obtained, altered, or forged, or who uses or attempts to use as his or her own a valid teaching certificate that he or she knows is issued to another person, to obtain employment in a position requiring a valid teaching certificate or who remains employed in a position requiring a valid teaching certificate knowing that he or she does not hold a valid teaching certificate is guilty of a misdemeanor, punishable as follows:

(a) For the first offense, by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) For a second or subsequent offense, by imprisonment for not more than 6 months or a fine of not less than \$500.00 or more than \$1,000.00, or both.

(2) In addition to any other penalty provided by law, a person who uses or attempts to use a school administrator's certificate that he or she knows is surrendered, suspended, revoked, nullified, fraudulently obtained, altered, or forged, or who uses or attempts to use as his or her own a valid school administrator's certificate that he or she knows is issued to another person, to obtain employment as a school administrator or who remains employed in a position requiring a valid school administrator's certificate knowing that he or she does not hold a valid school administrator's certificate is guilty of a misdemeanor, punishable as follows:

(a) For the first offense, by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) For a second or subsequent offense, by imprisonment for not more than 6 months or a fine of not less than \$500.00 or more than \$1,000.00, or both.

(3) In addition to any other penalty provided by law, a person who uses or attempts to use a state board approval that he or she knows is surrendered, suspended, revoked, nullified, fraudulently obtained, altered, or forged, or who uses or attempts to use as his or her own a valid state board approval that he or she knows is issued to another person, to obtain employment in a position requiring a valid state board approval or who remains employed in a position requiring a valid state board approval knowing that he or she does not hold a valid state board approval is guilty of a misdemeanor, punishable as follows:

(a) For the first offense, by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) For a second or subsequent offense, by imprisonment for not more than 6 months or a fine of not less than \$500.00 or more than \$1,000.00, or both.

(4) In addition to any other penalty provided by law, a person who uses or attempts to use a college or university transcript or a certificate or other credential that he or she knows is fraudulently obtained, altered, or forged, or who uses or attempts to use as his or her own a college or university transcript or a certificate or other credential that he or she knows is that of another person, to obtain a teaching certificate, school administrator's certificate, or state board approval in this state is guilty of a misdemeanor, punishable as follows:

(a) For the first offense, by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) For a second or subsequent offense, by imprisonment for not more than 6 months or a fine of not less than \$500.00 or more than \$1,000.00, or both.

(5) The state board may refuse to issue or renew a teaching certificate, school administrator's certificate, or state board approval, or refuse to issue an endorsement for a teaching certificate or school administrator's certificate, to a person convicted of a violation of this section.

(6) As used in this section, "state board approval" means that term as defined in section 1539b.

History: Add. 1995, Act 96, Eff. Aug. 1, 1995 ;-- Am. 2020, Act 384, Eff. Mar. 24, 2021

Popular Name: Act 451

380.1811 Illegal voting; penalty.

Sec. 1811.

A person not legally entitled to vote who votes or attempts to vote at a school election or meeting is guilty of an offense punishable under chapter XXXV of the Michigan election law, MCL 168.931 to 168.945.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 2018, Act 122, Eff. Dec. 31, 2018

Popular Name: Act 451

380.1812 Refusal to give census information; false information; negligence of school census enumerator; penalty.

Sec. 1812.

A person who refuses to give a school census enumerator the necessary information for the compiling of the census or who intentionally gives the enumerator false information as to the name or age of a school child or as to the names or residence of the parents or guardians of a school child, or a school census enumerator who performs the duties of an enumerator carelessly or negligently or includes in the census list names of school children who are not actually residents of the city or district, is guilty of a misdemeanor, punishable by a fine of not less than \$5.00 nor more than \$50.00, or imprisonment for not more than 20 days, or both.

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

Popular Name: Act 451

380.1813 Violation of rule; penalty.

Sec. 1813.

A member or employee of a board of a school district or intermediate school district, or other person who violates, or causes to be violated, a rule promulgated under section 1343 is guilty of a misdemeanor, punishable by a fine of not more than \$100.00, or imprisonment for not more than 30 days, or both.

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

Popular Name: Act 451

Admin Rule: R 340.1201 et seq. of the Michigan Administrative Code.

380.1814 Alcoholic beverages, jewelry, gifts, fees for golf, or illegal item; purchase prohibited; exception; violation as misdemeanor; penalty; fine; restitution; "public funds" defined.

Sec. 1814.

(1) Except as otherwise provided in subsection (2), a person shall not use school district, intermediate school district, public school academy, or education achievement authority funds or other public funds under the control of a school district, intermediate school district, public school academy, or education achievement authority for

purchasing alcoholic beverages, jewelry, gifts, fees for golf, or any item the purchase or possession of which is illegal.

(2) Subsection (1) does not prohibit the use of public funds for the purchase of a plaque, medal, trophy, or other award for the recognition of an employee, volunteer, or pupil if the purchase does not exceed \$100.00 per recipient. Beginning January 1, 2005, the monetary amount for this exception shall be adjusted each January 1 by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the 12 months ending August 31 of the year in which the adjustment is made differs from that index's average for the 12 months ending on August 31 of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar. The adjustment shall apply only to expenditures or violations occurring after the date of the adjusting of the amount. The adjusted amount shall be determined and announced by the department on or before December 15 of each year and shall be provided to all persons requesting the adjusted amount. If the index is unavailable, the department shall make a reasonable approximation.

(3) In addition to any other penalty provided by law, a person who knowingly or intentionally violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine, or both. The amount of the fine shall be as follows:

(a) If the cumulative amount of the funds that were used by the person in violation of subsection (1) is less than \$5,000.00, up to \$1,000.00.

(b) If the cumulative amount of the funds that were used by the person in violation of subsection (1) is at least \$5,000.00 and less than \$10,000.00, at least \$1,000.00 and not to exceed \$2,000.00.

(c) If the cumulative amount of the funds that were used by the person in violation of subsection (1) is at least \$10,000.00 and less than \$15,000.00, at least \$2,000.00 and not to exceed \$3,000.00.

(d) If the cumulative amount of the funds that were used by the person in violation of subsection (1) is at least \$15,000.00 and less than \$25,000.00, at least \$3,000.00 and not to exceed \$4,000.00.

(e) If the cumulative amount of the funds that were used by the person in violation of subsection (1) is \$25,000.00 or more, at least \$4,000.00.

(4) A court shall order a person convicted of a violation of subsection (1) to make restitution to the affected school district, intermediate school district, public school academy, or education achievement authority.

(5) As used in this section, "public funds" means funds generated from taxes levied under this act, state appropriations of state or federal funds, or payments to a school district, intermediate school district, public school academy, or education achievement authority for services, but does not include voluntary contributions made for a specific purpose by a school district, intermediate school district, public school academy, or education achievement authority board member; a school district, intermediate school district, public school academy, or education achievement authority employee; another individual; or a private entity.

History: Add. 2004, Act 417, Eff. Mar. 30, 2005 ;-- Am. 2014, Act 477, Eff. Apr. 12, 2015

Popular Name: Act 451

380.1815 Competitive bidding; violation of requirements as misdemeanor; penalty.

Sec. 1815.

A person who knowingly or intentionally violates the competitive bidding requirements of section 1267, or who knowingly or intentionally permits or consents to a violation of the competitive bidding requirements of section 1267, is guilty of a misdemeanor punishable by a fine in an amount equal to not more than 10% of the cost of the project involved in the violation or imprisonment for not more than 1 year, or both, but is not subject to the penalties of section 1804.

History: Add. 2004, Act 417, Eff. Mar. 30, 2005

Popular Name: Act 451

380.1816 Misuse of proceeds; violation as felony; penalty.

Sec. 1816.

A person who knowingly or intentionally uses the proceeds of bonds issued under this act for a purpose other than a purpose for which the bonds were issued, as stated in the ballot proposal authorizing the issuance of the bonds, or who knowingly or intentionally permits or consents to such a misuse of the proceeds of bonds issued under this act, is guilty of a felony punishable by a fine in an amount equal to not more than 10% of the cost of the project involved in the violation or imprisonment for not more than 4 years, or both, but is not subject to the penalties of section 1804.

History: Add. 2004, Act 417, Eff. Mar. 30, 2005

Popular Name: Act 451

Part 33 MISCELLANEOUS

380.1851 Repeal of acts and parts of acts.

Sec. 1851.

The following acts and parts of acts are repealed:

- (a) Act No. 169 of the Public Acts of 1927, being sections 388.131 to 388.134 of the Compiled Laws of 1970.
- (b) Act No. 81 of the Public Acts of 1931, being sections 388.351 to 388.353 of the Compiled Laws of 1970.
- (c) Sections 1 and 3 of Act No. 205 of the Public Acts of 1931, being sections 388.371 and 388.373 of the Compiled Laws of 1970.
- (d) Act No. 238 of the Public Acts of 1939, being sections 388.321 and 388.322 of the Compiled Laws of 1970.
- (e) Act No. 223 of the Public Acts of 1941, being sections 388.881 to 388.884 of the Compiled Laws of 1970.
- (f) Act No. 254 of the Public Acts of 1945, being section 388.701 of the Compiled Laws of 1970.
- (g) Act No. 19 of the Public Acts of the First Extra Session of 1946, being section 388.751 of the Compiled Laws of 1970.
- (h) Act No. 269 of the Public Acts of 1955, as amended, being sections 340.1 to 340.984 of the Compiled Laws of 1970.
- (i) Act No. 244 of the Public Acts of 1969, as amended, being sections 388.171a to 388.183 of the Compiled Laws of 1970.
- (j) Act No. 242 of the Public Acts of 1970, being sections 388.391 to 388.394 of the Compiled Laws of 1970.

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

Popular Name: Act 451

380.1851a Rules prohibited; condition.

Sec. 1851a.

If the Michigan supreme court rules that sections 45 and 46 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.245 and 24.246 of the Michigan Compiled Laws, are unconstitutional, and a statute requiring legislative review of administrative rules is not enacted within 90 days after the Michigan supreme court ruling, the state board or the department shall not promulgate rules under this act.

History: Add. 1995, Act 289, Eff. July 1, 1996

Compiler's Notes: In separate opinions, the Michigan Supreme Court held that Section 45(8), (9), (10), and (12) and the second sentence of Section 46(1) ("An agency shall not file a rule ... until at least 10 days after the date of the certificate of approval by the committee or after the legislature adopts a concurrent resolution approving the rule.") of the Administrative Procedures Act of 1969, in providing for the Legislature's reservation of authority to approve or disapprove rules proposed by executive branch agencies, did not comply with the enactment and presentment requirements of Const 1963, Art 4, and violated the separation of powers provision of Const 1963, Art 3, and, therefore, were unconstitutional. These specified portions were declared to be severable with the remaining portions remaining effective. *Blank v Department of Corrections*, 462 Mich 103 (2000).

Popular Name: Act 451

380.1852 Effective date.

Sec. 1852.

This act shall take effect January 1, 1977.

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

Popular Name: Act 451

380.1853 Expired. 1976, Act 451, Eff. Jan. 1, 1978.

Compiler's Notes: The expired section continued certain school districts, programs, boards, and board members.