

Act No. 101
Public Acts of 2007
Approved by the Governor
October 1, 2007
Filed with the Secretary of State
October 1, 2007
EFFECTIVE DATE: October 1, 2007

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2007**

Introduced by Senators Jelinek, Cropsey, Garcia, Kuipers and Bishop

ENROLLED SENATE BILL No. 549

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," (MCL 380.1 to 380.1852) by adding section 1284a.

The People of the State of Michigan enact:

Sec. 1284a. (1) Not later than July 1, 2008, an intermediate school district, in cooperation with its constituent districts, shall adopt a common school calendar to apply to all of its constituent districts and to its intermediate school district programs. The intermediate school district shall post the common school calendar on its website. The common school calendar shall meet all of the following:

(a) Shall be in compliance with sections 1284 and 1284b.

(b) Shall identify the dates for each school year when school will not be in session for a winter holiday break and a spring break. The common school calendar shall identify these dates specifically for at least the next 5 school years, but may describe these dates more generally for school years thereafter as long as the dates may be readily determined.

(2) Beginning with the 2008-2009 school year, except as otherwise provided in this section, the board of each constituent district and the intermediate school board shall ensure that its school calendar complies with the common school calendar adopted under subsection (1).

(3) In addition to the requirements under subsection (1), a common school calendar adopted under subsection (1) is encouraged to identify common dates for professional development days.

(4) If a collective bargaining agreement that provides a complete school calendar is in effect for employees of a school district or intermediate school district as of the effective date of this section, and if that school calendar is not in compliance with the common school calendar adopted under subsection (1), then subsection (2) does not apply to that school district or intermediate school district until after the expiration of that collective bargaining agreement.

(5) If as of the effective date of this section an intermediate school district or school district is operating a year-round school or program or is operating a school that is an international baccalaureate academy that provides 1,160 hours of pupil instruction per school year, then subsection (2) does not apply to that school or program. If after the effective date of this section an intermediate school district or school district begins operating a year-round school or program, the intermediate school district or school district may apply to the superintendent of public instruction for a waiver from

the requirements of subsection (2) for that school or program. The application shall be in writing in the form and manner prescribed by the department and shall provide justification for the school or program to operate on a calendar that differs from the common school calendar adopted under subsection (1). Upon application, if the superintendent of public instruction determines that a school or program is a bona fide year-round school or program established for educational reasons and that there is sufficient justification for the school or program to operate on a calendar that differs from the common school calendar adopted under subsection (1), the superintendent of public instruction shall grant the waiver. The superintendent of public instruction shall establish standards for determining a bona fide year-round school or program for the purposes of this subsection.

(6) If an intermediate school district or school district is operating or begins operating a school or program on a trimester schedule, the intermediate school district or school district may apply to the superintendent of public instruction for a waiver from the requirements of subsection (2) for that school or program. The application shall be in writing in the form and manner prescribed by the department and shall provide justification for the school or program to operate on a calendar that differs from the common school calendar adopted under subsection (1). Upon application, if the superintendent of public instruction determines that a school or program is operating on a bona fide trimester schedule established for educational reasons and that there is sufficient justification for the school or program to operate on a calendar that differs from the common school calendar adopted under subsection (1), the superintendent of public instruction shall grant the waiver. The superintendent of public instruction shall establish standards for determining a bona fide trimester schedule for the purposes of this subsection.

(7) This section does not apply to a public school that operates all of grades 6 to 12 at a single site, that aligns its high school curriculum with advanced placement courses as the capstone of the curriculum, and that ends its second academic semester concurrently with the end of the advanced placement examination period.

(8) In addition to the other exceptions under this section, the superintendent of public instruction may grant a waiver from a requirement under this section for a school district that applies for the waiver in writing in the form and manner prescribed by the superintendent of public instruction and provides sufficient justification for the waiver, as determined by the superintendent of public instruction.

(9) As used in this section:

(a) "Board" means the board of a school district or board of directors of a public school academy.

(b) "Constituent district" means a constituent district of the intermediate school district or a public school academy that is located within the boundaries of the intermediate school district and that receives services from the intermediate school district.

(c) "School district" means a school district or a public school academy.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

(a) House Bill No. 5194.

(b) House Bill No. 5198.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

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Governor