



SENATE BILL No. 263

January 26, 1993, Introduced by Senator BOUCHARD and referred to the Committee on Education.

A bill to amend section 1211 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

as amended by Act No. 236 of the Public Acts of 1992, being section 380.1211 of the Michigan Compiled Laws; to add section 1305; and to repeal certain parts of the act on specific dates.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1211 of Act No. 451 of the Public Acts
2 of 1976, as amended by Act No. 236 of the Public Acts of 1992,
3 being section 380.1211 of the Michigan Compiled Laws, is amended
4 and section 1305 is added to read as follows:

5 Sec. 1211. (1) Subject to section 753, the board of a
6 school district shall vote to levy taxes necessary for school
7 operating purposes to conduct the educational programs authorized
8 by the board. A vote under this subsection to levy operating

1 millage greater than the millage allocated to the school district
2 under section 5i or 11 of the property tax limitation act, Act
3 No. 62 of the Public Acts of 1933, being sections 211.205i and
4 211.211 of the Michigan Compiled Laws, shall be considered a vote
5 to comply with section 753.

6 (2) As used in this section, "school operating purposes"
7 includes expenditures for furniture and equipment, for alter-
8 ations necessary to maintain school facilities in a safe and san-
9 itary condition, for funding the cost of energy conservation
10 improvements in school facilities, for deficiencies in operating
11 expenses for the preceding year, for paying the operating allow-
12 ance due from the school district to a joint high school district
13 in which the school district is a participating school district
14 under part 3a, FOR MAKING REIMBURSEMENT UNDER SECTION 1305, and
15 for making payments required or permitted to be paid under sec-
16 tion 752 or 753.

17 SEC. 1305. (1) IF AN EMPLOYER IN THIS STATE EMPLOYS AN
18 INDIVIDUAL WHO HAS RECEIVED A HIGH SCHOOL DIPLOMA FROM A SCHOOL
19 DISTRICT AND DETERMINES THROUGH AN ASSESSMENT ADMINISTERED BY THE
20 SCHOOL DISTRICT WITHIN 2 YEARS AFTER THE INDIVIDUAL RECEIVED THE
21 DIPLOMA THAT THE INDIVIDUAL IS DEFICIENT IN 1 OR MORE BASIC SKILL
22 AREAS, THE EMPLOYER AND THE INDIVIDUAL MAY APPLY TO THE SCHOOL
23 DISTRICT FOR AN EDUCATIONAL WARRANTY CERTIFICATE ENTITLING THE
24 INDIVIDUAL TO RECEIVE REMEDIAL INSTRUCTION IN EACH BASIC SKILL
25 AREA IN WHICH THE INDIVIDUAL WAS FOUND BY THE ASSESSMENT TO BE
26 DEFICIENT. UPON REQUEST BY AN EMPLOYER, A SCHOOL DISTRICT SHALL
27 ADMINISTER THE ASSESSMENT TO AN INDIVIDUAL WHO HAS RECEIVED A

1 HIGH SCHOOL DIPLOMA FROM THE SCHOOL DISTRICT. THE SCHOOL
2 DISTRICT SHALL USE ONLY A PROFICIENCY ASSESSMENT INSTRUMENT
3 DESCRIBED IN SUBSECTION (2) TO MEASURE AN INDIVIDUAL'S PROFI-
4 CIENCY FOR THE PURPOSES OF THIS SECTION. THE EMPLOYER AND THE
5 INDIVIDUAL SHALL APPLY JOINTLY TO THE SCHOOL DISTRICT THAT ADMIN-
6 ISTERED THE ASSESSMENT FOR THE EDUCATIONAL WARRANTY CERTIFICATE
7 IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT.

8 (2) THE DEPARTMENT SHALL MAKE AVAILABLE TO SCHOOL DISTRICTS
9 PROFICIENCY ASSESSMENT INSTRUMENTS SELECTED AND APPROVED BY THE
10 STATE BOARD FOR THE PURPOSES OF THIS SECTION.

11 (3) THE STATE BOARD MAY EXEMPT SPECIAL EDUCATION PUPILS FROM
12 THIS SECTION. IF THE STATE BOARD EXEMPTS SPECIAL EDUCATION
13 PUPILS FROM THIS SECTION, THE STATE BOARD SHALL PROVIDE FOR SPE-
14 CIAL EDUCATION PUPILS TO HAVE AVAILABLE AN ASSESSMENT AND CERTI-
15 FICATION OF THEIR PROFICIENCY IN VARIOUS SUBJECTS AND SKILLS
16 BEFORE COMPLETION OF THEIR EDUCATION IN THEIR DISTRICT OR OTHER
17 PUBLICLY SUPPORTED PROGRAM. THE INDIVIDUALIZED EDUCATIONAL PLAN-
18 NING COMMITTEE FOR A SPECIAL EDUCATION PUPIL SHALL IMPLEMENT THIS
19 SUBSECTION AND SHALL PROVIDE THAT ANY ASSESSMENT OF THE PUPIL BE
20 IN A FORM APPROPRIATE TO THE SPECIAL NEEDS OF THE PUPIL.

21 (4) UPON RECEIPT OF AN APPLICATION FOR AN EDUCATIONAL WAR-
22 RANTY CERTIFICATE AS DESCRIBED IN SUBSECTION (1), A SCHOOL DIS-
23 TRICT SHALL ISSUE AN EDUCATIONAL WARRANTY CERTIFICATE TO THE
24 INDIVIDUAL AND SHALL NOTIFY THE DEPARTMENT THAT THE EDUCATIONAL
25 WARRANTY CERTIFICATE HAS BEEN ISSUED.

26 (5) AN INDIVIDUAL WHO IS ISSUED AN EDUCATIONAL WARRANTY
27 CERTIFICATE UNDER SUBSECTION (4) MAY PRESENT THE EDUCATIONAL

1 WARRANTY CERTIFICATE TO ANY SCHOOL DISTRICT IN THIS STATE AND
2 RECEIVE AT NO COST TO THE INDIVIDUAL OR HIS OR HER EMPLOYER THE
3 REMEDIAL INSTRUCTION NECESSARY TO PERMIT THE INDIVIDUAL TO
4 ACHIEVE PROFICIENCY IN EACH BASIC SKILL AREA IN WHICH HE OR SHE
5 WAS ASSESSED TO BE DEFICIENT. IF THE INDIVIDUAL PRESENTS THE
6 EDUCATIONAL WARRANTY CERTIFICATE TO THE SCHOOL DISTRICT FROM
7 WHICH THE INDIVIDUAL RECEIVED HIS OR HER HIGH SCHOOL DIPLOMA,
8 THAT SCHOOL DISTRICT PROMPTLY SHALL PROVIDE THE REMEDIAL
9 INSTRUCTION. IF THE INDIVIDUAL PRESENTS THE EDUCATIONAL WARRANTY
10 CERTIFICATE TO ANOTHER SCHOOL DISTRICT, THE SCHOOL DISTRICT MAY
11 PROVIDE THE REMEDIAL INSTRUCTION BASED ON AVAILABLE SPACE AND
12 RESOURCES.

13 (6) IF THE REMEDIAL INSTRUCTION DESCRIBED IN SUBSECTION (5)
14 IS PROVIDED BY A SCHOOL DISTRICT OTHER THAN THE SCHOOL DISTRICT
15 FROM WHICH THE INDIVIDUAL RECEIVED HIS OR HER HIGH SCHOOL DIPLO-
16 MA, THE PROVIDING SCHOOL DISTRICT SHALL CHARGE THE SCHOOL DIS-
17 TRICT THAT ISSUED THE DIPLOMA FOR REIMBURSEMENT FOR THE COST OF
18 PROVIDING THE REMEDIAL INSTRUCTION. UPON BEING CHARGED FOR REIM-
19 BURSEMENT UNDER THIS SUBSECTION, THE SCHOOL DISTRICT THAT ISSUED
20 THE DIPLOMA SHALL REIMBURSE THE SCHOOL DISTRICT PROVIDING THE
21 REMEDIAL INSTRUCTION. THE AMOUNT OF THE REIMBURSEMENT SHALL BE
22 COMPUTED IN THE SAME MANNER AS THE TUITION RATE IS COMPUTED UNDER
23 SECTION 1401.

24 (7) BEGINNING IN 1995, THE DEPARTMENT ANNUALLY SHALL COMPILE
25 AND REPORT TO THE LEGISLATURE BY NOT LATER THAN JUNE 30 INFORMA-
26 TION DETAILING ACTIVITY UNDER THIS SECTION. THE REPORT SHALL
27 INCLUDE AT LEAST ALL OF THE FOLLOWING:

1 (A) A LISTING BY SCHOOL DISTRICT OF THE NUMBER OF
2 INDIVIDUALS RECEIVING A HIGH SCHOOL DIPLOMA FROM THE SCHOOL DIS-
3 TRICT THAT HAVE BEEN ISSUED AN EDUCATIONAL WARRANTY CERTIFICATE.

4 (B) A LISTING BY SCHOOL DISTRICT OF THE NUMBER OF INDIVIDU-
5 ALS FOR WHOM THE SCHOOL DISTRICT HAS PROVIDED REMEDIAL INSTRU-
6 TION UNDER THIS SECTION.

7 (C) A RECOMMENDATION ON WHETHER THERE EXISTS A NEED FOR CON-
8 TINUATION OF THE EDUCATIONAL WARRANTY PROGRAM UNDER THIS
9 SECTION.

10 (8) AS USED IN THIS SECTION:

11 (A) "BASIC SKILL AREA" MEANS COMMUNICATION SKILLS, MATHEMAT-
12 ICS, AND SCIENCE.

13 (B) "EMPLOYER" MEANS A PERSON WHO EMPLOYS 3 OR MORE INDIVID-
14 UALS ON A FULL-TIME BASIS.

15 (C) "SCHOOL DISTRICT" INCLUDES A SCHOOL DISTRICT, LOCAL ACT
16 SCHOOL DISTRICT, CHARTER SCHOOL, OR INTERMEDIATE SCHOOL DISTRICT.

17 Section 2. This amendatory act shall take effect June 1,
18 1994.

19 Section 3. Section 1305 of Act No. 451 of the Public Acts
20 of 1976, being section 380.1305 of the Michigan Compiled Laws, is
21 repealed effective September 30, 1997.

22 Section 4. This amendatory act shall not take effect unless
23 Senate Bill No. 264

24 of the 87th Legislature is enacted into law.