

# HOUSE BILL No. 5125

December 8, 2015, Introduced by Reps. Chang, Plawecki, Brinks, Chirkun, Cochran, Geiss, Zemke, Gay-Dagnogo, Darany, Sarah Roberts, Santana, Greig, Townsend and Callton and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding section 1258.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 1258. (1) NOT LATER THAN MARCH 1, 2017, THE BOARD OF A  
2        SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF  
3        DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ADOPT AND IMPLEMENT A  
4        POLICY THAT PRESCRIBES PROCEDURES THAT THE SCHOOL DISTRICT,  
5        INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY MUST FOLLOW  
6        BEFORE CLOSING A SCHOOL BUILDING. THESE PROCEDURES SHALL ADDRESS AT  
7        LEAST ALL OF THE FOLLOWING:

8            (A) REPORTING OF DATA TO THE DEPARTMENT AS REQUIRED BY LAW.

9            (B) TRANSITION OF PUPILS AND THEIR RECORDS, INCLUDING ACADEMIC  
10        AND MEDICAL RECORDS, TO NEW SCHOOLS.

11        (C) THE SELECTION OF A RECORDS REPOSITORY FOR THE PURPOSES OF

1 SUBSECTION (3) AND THE SUBMISSION OF PUPIL RECORDS TO THAT  
2 DEPOSITORY.

3 (D) TIMELY NOTIFICATION TO THE PARENTS OF PUPILS ENROLLED IN  
4 THE SCHOOL AND EMPLOYEES WORKING AT THE SCHOOL. THESE PROCEDURES  
5 SHALL INCLUDE AT LEAST A 1-MONTH NOTICE BEFORE A SCHOOL IS CLOSED  
6 AND AT LEAST 1 PUBLIC MEETING. FOR A PUBLIC SCHOOL ACADEMY THAT  
7 RECEIVES NOTIFICATION FROM ITS AUTHORIZING BODY OF AN INTENT TO  
8 REVOKE OR NOT RENEW THE PUBLIC SCHOOL ACADEMY'S CONTRACT, THESE  
9 PROCEDURES ALSO SHALL INCLUDE NOTICE WITHIN 1 MONTH AFTER THAT  
10 NOTIFICATION. FOR A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
11 DISTRICT, THE NOTIFICATION TO PARENTS ALSO SHALL INCLUDE  
12 INFORMATION REGARDING THE REASSIGNMENT OF PUPILS TO OTHER SCHOOLS  
13 OPERATED BY THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT.  
14 FOR A PUBLIC SCHOOL ACADEMY, THE NOTIFICATION TO PARENTS ALSO SHALL  
15 INCLUDE INFORMATION ABOUT OPTIONS FOR PLACEMENT OF THEIR CHILDREN  
16 IN OTHER PUBLIC SCHOOLS ALONG WITH CONTACT INFORMATION AND  
17 IMPORTANT TIMELINES FOR ENROLLMENT IN OTHER PUBLIC SCHOOLS. THE  
18 POLICY SHALL PROVIDE FOR NOTICES DESCRIBED IN THIS SUBDIVISION TO  
19 BE MADE BY FIRST-CLASS MAIL UNLESS THAT METHOD OF NOTICE IS NOT  
20 FINANCIALLY FEASIBLE, IN WHICH CASE AN ALTERNATIVE METHOD MAY BE  
21 USED SUCH AS ELECTRONIC NOTICE, SENDING NOTICE HOME WITH PUPILS, OR  
22 CONTRACTING WITH A THIRD PARTY TO PROVIDE NOTICE.

23 (E) DISTRIBUTION OF ASSETS AND PROPER SECURING OF THE CLOSED  
24 SCHOOL BUILDING WITHIN 60 DAYS AFTER IT IS CLOSED, IF IT IS NOT  
25 ANTICIPATED TO BE LEASED OR SOLD IN A TIMELY MANNER. THE PROCEDURE  
26 FOR DISTRIBUTION OF ASSETS SHALL INCLUDE AT LEAST AN ACCOUNTING OF  
27 THE ASSETS OF THE SCHOOL BUILDING AND A REPORT TO THE BOARD OF THE

1 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR TO THE  
2 AUTHORIZING BODY OF THE PUBLIC SCHOOL ACADEMY, AS APPLICABLE, THAT  
3 INVENTORIES THOSE ASSETS. HOWEVER, FOR A PUBLIC SCHOOL THAT HAS  
4 BEEN INCORPORATED UNDER THE NONPROFIT CORPORATION ACT, 1982 PA 162,  
5 MCL 450.2101 TO 450.3192, THE PROCEDURE SHALL COMPLY WITH THAT ACT  
6 WITH RESPECT TO DISTRIBUTION OF ASSETS.

7 (F) A PROVISION THAT, IF A DECISION TO CLOSE A SCHOOL BUILDING  
8 IS BASED ON FINANCIAL PROJECTIONS MADE DURING THE NORMAL BUDGET  
9 DEVELOPMENT PROCESS FOR THE SCHOOL FISCAL YEAR BEGINNING ON THE  
10 NEXT JULY 1, THE CLOSURE DECISION MUST BE MADE AND THE NOTIFICATION  
11 PROCEDURES UNDER SUBDIVISION (D) MUST BE STARTED NOT LATER THAN  
12 THAT NEXT JULY 1.

13 (G) A PROVISION THAT, IF A DECISION TO CLOSE A SCHOOL BUILDING  
14 IS MADE FOR A REASON OTHER THAN FINANCES, THE CLOSURE DECISION MUST  
15 BE MADE AND THE NOTIFICATION PROCEDURES UNDER SUBDIVISION (D) MUST  
16 BE STARTED NOT LATER THAN THE END OF THE SCHOOL FISCAL YEAR. THIS  
17 PROVISION SHALL PROHIBIT A CLOSURE DURING THE NEXT SCHOOL YEAR FOR  
18 A REASON OTHER THAN FINANCES UNLESS THIS DEADLINE IS MET.

19 (H) A PROVISION ALLOWING FOR THE CLOSURE OF A SCHOOL BUILDING  
20 DURING THE SCHOOL YEAR ONLY IF THERE IS AN EXTENUATING CIRCUMSTANCE  
21 THAT WOULD ENDANGER THE HEALTH OR SAFETY OF THE PUPILS IN  
22 ATTENDANCE AT THE SCHOOL BUILDING. FOR A CLOSURE ALLOWED UNDER THIS  
23 SUBDIVISION, THE NOTIFICATION PROCEDURES UNDER SUBDIVISION (D) MUST  
24 BE STARTED AS SOON AS POSSIBLE AFTER THE DISCOVERY OF THE  
25 EXTENUATING CIRCUMSTANCE.

26 (2) NOT LATER THAN JANUARY 1, 2017, THE DEPARTMENT SHALL  
27 DEVELOP AND MAKE AVAILABLE A MODEL POLICY FOR THE PURPOSES OF THIS

1 SECTION THAT COMPLIES WITH SUBSECTION (1) .

2 (3) A POLICY ADOPTED UNDER SUBSECTION (1) SHALL INCLUDE THE  
3 SELECTION OF A RECORDS REPOSITORY TO PROVIDE LONG-TERM STORAGE AND  
4 MAINTENANCE OF THE RECORDS OF PUPILS OF THE CLOSED SCHOOL BUILDING  
5 THAT ARE NOT DELIVERED TO NEW SCHOOLS UNDER SUBSECTION (1) (B) . THE  
6 BOARD OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR  
7 BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY MAY SELECT ANY OF  
8 THE FOLLOWING AS ITS RECORDS REPOSITORY UNDER THIS SUBSECTION:

9 (A) THE INTERMEDIATE SCHOOL DISTRICT IN WHICH THE CLOSED  
10 SCHOOL BUILDING IS LOCATED, IF THE INTERMEDIATE SCHOOL DISTRICT  
11 AGREES TO ACT AS THE RECORDS REPOSITORY FOR THOSE RECORDS.

12 (B) IF THE CLOSED SCHOOL BUILDING IS A PUBLIC SCHOOL ACADEMY,  
13 THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT IN WHICH THE  
14 CLOSED SCHOOL BUILDING IS LOCATED, IF THE SCHOOL DISTRICT OR  
15 INTERMEDIATE SCHOOL DISTRICT AGREES TO ACT AS THE RECORDS  
16 REPOSITORY FOR THOSE RECORDS.

17 (C) ANOTHER PERSON THAT AGREES TO ACT AS THE RECORDS  
18 REPOSITORY FOR THOSE RECORDS, IF THE PERSON DEMONSTRATES TO THE  
19 SATISFACTION OF THE BOARD OR BOARD OF DIRECTORS THAT IT HAS THE  
20 EXPERTISE TO PROVIDE LONG-TERM STORAGE AND MAINTENANCE OF THOSE  
21 RECORDS.

22 (D) THE DEPARTMENT. THE DEPARTMENT SHALL ACT AS A CENTRAL  
23 RECORDS REPOSITORY AND PROVIDE LONG-TERM STORAGE AND MAINTENANCE OF  
24 THOSE PUPIL RECORDS FROM SCHOOL BUILDINGS THAT HAVE BEEN CLOSED  
25 THAT HAVE NOT BEEN SUBMITTED TO ANOTHER RECORDS REPOSITORY SELECTED  
26 UNDER THIS SUBSECTION.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.