

DEPARTMENT OF EDUCATION
SUPERINTENDENT OF PUBLIC INSTRUCTION
BOARDING SCHOOL LICENSES

(By authority conferred on the superintendent of public instruction by section 1335 of 1976 PA 451, MCL 380.1335, and Executive Reorganization Orders 1996-6 and 1996-7, MCL 388.993 and MCL 388.994)

R 340.481 Licenses.

Rule 1. (1) Upon receipt of an application, the superintendent of public instruction may issue an annual license to operate a boarding school for a license year beginning September 1 of the year of application and ending August 31 of the following year.

(2) The superintendent of public instruction shall issue a regular license to a boarding school that meets all of the requirements for licensing. A newly licensed boarding school shall be issued a provisional license for its first school year. Thereafter, based upon an on-site review, the boarding school shall be issued either a regular or a conditional license.

(3) The superintendent of public instruction shall issue a conditional license when a currently licensed boarding school does not meet all of the requirements for a regular license.

(4) A boarding school shall not begin initial operation with a conditional license.

(5) The superintendent of public instruction shall not issue to a boarding school a second consecutive conditional license if the cause of the issuance of the first conditional license has not been rectified. A boarding school shall not be issued a third consecutive conditional license.

(6) The license issued shall be displayed in a conspicuous place in the boarding school.

History: 1979 AC; 2005 AACCS; 2015 AACCS.

R 340.482 Rescinded.

History: 1979 AC; 2005 AACCS.

R 340.483 Health standards and services; criminal history and records checks.

Rule 3. As a requisite for licensing, a boarding school shall meet all the following requirements:

(a) Compliance with the standards of health established by the director of the department of health and human services for child care institutions in accordance with the requirements of 1973 PA 116, MCL 722.111 to 722.128, and with health regulations established by local government agencies having jurisdiction over the locale of the boarding school.

(b) Provision of medical or psychological services as may be needed by the enrolled students and as are normally provided for similar student bodies by public schools. However, a boarding school shall provide for, at all times, adequate emergency medical services.

(c) Upon an offer of initial employment to an individual for any position, submission to the department of state police of a request for a criminal history check and a criminal records check through the federal bureau of investigation in the same manner as required by sections 1230 and 1230a of 1976 PA 451, MCL 380.1230 and 380.1230a.

History: 1979 AC; 2005 AACCS; 2015 AACCS.

R 340.484 Educational requirements.

Rule 4. The educational program of a boarding school, as a requisite for licensing, shall meet 1 of the following requirements:

(a) A boarding school shall be fully accredited by a national association recognized by the department of education, including but not limited to, the following:

(i) North Central Association.

(ii) An accrediting organization that is a member of the commission on accreditation of the National Association of Independent Schools, including the Independent Schools Association of the Central States.

(b) A boarding school that is not fully accredited by a national association recognized by the department of education shall meet all of the following:

(i) The educational program of a boarding school shall be consistent with state standards for content, teaching, and learning. The appraisal of the educational program shall be made by professional staff members of the department of education or by other professional educators as the superintendent of public instruction may designate. Appraisal of the program shall include factors such as the broad curriculum goals, courses of study, course content, instructional materials, and library resources. In determining whether the program is consistent with state standards, recognition may be given to the special purpose, function, or objectives of the boarding school.

(ii) A boarding school shall provide a program for students with disabilities that meets the requirements of federal and state law.

(iii) A teacher in a boarding school shall be qualified to teach in the same manner as a teacher in a nonpublic day school. Other boarding school staff whose function is the determination or execution of educational policy shall meet such legal requirements as are required of similar personnel in a public school.

(iv) A boarding school shall provide a staff that is appropriate to the needs of the student body. The staff shall be of sufficient size to provide adequate supervision of the student body on a 24-hour-a-day basis.

(v) A boarding school shall maintain records of educational progress of its students as are normally provided by public schools. These records shall be maintained and retained as required by the retention schedule prescribed for like records in public schools. Disclosure of such records is subject to section 2165 of 1961 PA 236, MCL 600.2165. Upon dissolution of a boarding school, a copy of the pupil records shall be forwarded to the department of education.

History: 1979 AC; 2005 AACCS; 2015 AACCS.

R 340.485 Physical facilities.

Rule 5. The physical facilities of a boarding school, as a requisite for licensing, shall meet all the following requirements:

(a) Buildings used for any purpose shall be in compliance with the requirements of 1937 PA 306, MCL 388.851 to 388.855a, and 1972 PA 230, MCL 125.1501 to 125.1531.

(b) Cooking, eating, and food handling are subject to approval by the health agency having jurisdiction. Living-recreational areas, exclusive of sleeping quarters, shall be provided at approximately 30 square feet per student and shall be appropriately furnished. A single sleeping-living unit shall not have an occupancy of more than 4 children or contain less than 50 square feet per child.

(c) A boarding school shall provide for the isolation of children with infections or contagious diseases not requiring hospitalization.

History: 1979 AC; 2005 AACCS; 2015 AACCS.

R 340.486 Initial license.

Rule 6. Before accepting students for its initial enrollment, a boarding school shall apply for, and shall have received, a provisional license to operate a boarding school from the superintendent of public instruction in the following manner:

(a) The application shall be submitted to the superintendent of public instruction on or before May 1 preceding the September enrollment date or at least 120 days before the enrollment date if it is other than a September date.

(b) The following documents must accompany the application or be submitted at least 90 days before enrollment:

(i) A certificate of occupancy from the department of licensing and regulatory affairs for all buildings.

(ii) A report from the appropriate health department approving the facility for health and sanitation purposes.

(iii) A report of the educational programs to ensure consistency with state standards and benchmarks.

(iv) A personnel report indicating all personnel, their functions, and their qualifications.

(c) A provisional license may be issued to a boarding school only if it meets all of the requirements for a regular license or can give evidence that it will meet all requirements for a regular license not later than 20 days before the proposed enrollment date

History: 1979 AC; 2005 AACCS; 2015 AACCS.

R 340.487 Subsequent licenses.

Rule 7. A licensed boarding school shall apply annually for a license in the following manner:

(a) Not later than September 2 of the current license year, the department of education shall transmit to a licensed boarding school an application for the reissuance of a license.

(b) Not later than October 15, the boarding school may submit the application for the reissuance of a license to the department of education. The application shall include a personnel report indicating the qualifications of each member of the teaching staff.

(c) The boarding school may be asked to submit reports of periodic appraisals of its plant, facilities, program, and practices by appropriate educational, health, safety, and welfare agencies as requested by the superintendent of public instruction or his or her authorized representative. The department of education shall review the boarding school's programs to ensure consistency with state standards and benchmarks.

(d) Not later than January 15, the superintendent of public instruction shall notify the boarding school of the class of license for which the school qualifies at that time. If a conditional license is indicated, the superintendent of public instruction shall specify the factors responsible for that class license.

(e) The license for a boarding school shall be reissued not later than June 15 of each year. An applicant school receiving a January 15 notice of conditional license status may submit evidence to alter this status before June 15. If such evidence cannot be presented before June 15, the boarding school may request that its application for license be reexamined, but the corrective action required to remove the conditional status must be taken in the license year.

(f) Not later than January 15 and on June 15, the superintendent of public instruction shall notify a licensed boarding school that its application for reissuance of its license under this rule is denied.

History: 1979 AC; 2005 AACCS; 2015 AACCS.

R 340.488 Denial and suspension of licenses; closing of nonlicensed schools.

Rule 8. (1) The superintendent of public instruction may deny an application for a license or an application for reissuance of a license under these rules or, for the reasons set forth in this rule, may suspend a license.

(2) If the superintendent of public instruction denies an application for a license or an application for reissuance of a license, he or she shall notify the school and shall order it to close and to cease operation beyond the existing license date. Upon receipt of such notification, a boarding school shall not continue its efforts to enroll students and a licensed school shall not continue the enrollment of students beyond the existing license date.

(3) A boarding school denied a license or reissuance of a license may request reexamination of its application by presenting evidence that it will meet regular licensing requirements at least 60 days before the beginning of its school year.

(4) An appeal of the order of denial shall be filed with the department of education. The superintendent of public instruction shall hear and determine the appeal.

(5) The superintendent of public instruction may suspend the license of a boarding school at any time a condition develops that represents a serious and immediate threat to the health, safety, or welfare of the children attending the school. A notification to suspend a license shall be issued in writing by the superintendent of public instruction to the person responsible for conducting the boarding school, and the superintendent of public instruction shall order the school to close and to cease operation. The person responsible for conducting the boarding school shall have 24 hours from the time of the

receipt of the notification to fulfill its requirements. The license may be reinstated upon receipt of written information by the superintendent of public instruction that the condition that caused the suspension of the license has been corrected.

History: 1979 AC; 2005 AACCS; 2015 AACCS.

R 340.489 Recognition of civil rights.

Rule 9. (1) A licensed boarding school shall comply with civil rights provisions of section 2 of article I and section 29 of article V of the state constitution of 1963 and with anti-discrimination laws of this state.

(2) A licensed boarding school shall not exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student with respect to terms, conditions, advantages, facilities, benefits, privileges, or services because of his or her religion, race, color, or national origin.

(3) This rule does not prohibit a religious or denominational educational institution from limiting admission, or giving preference, to applicants of the same religion or denomination or from making a selection of applicants that is calculated by the institution to promote the religious principles for which it is established or maintained.

History: 1979 AC; 2015 AACCS.