MICHIGAN DEPARTMENT OF EDUCATION

OFFICE OF SCHOOL IMPROVEMENT

BOARDING SCHOOL LICENSES

(By authority conferred on the state board of education by section 1335 of 1976 PA 451, section 1015 of 1964 PA 287, MCL 380.1335 and MCL 388.1015).

R 340.481 Licenses.

Rule 1. (1) The superintendent of public instruction shall issue licenses for boarding schools.

(2) 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.

(3) A regular license shall be issued to a boarding school that meets all of the requirements for licensing. Newly licensed boarding schools 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 conditional license.

(4) A conditional license shall be issued when a currently licensed boarding school does not meet all of the requirements for a regular license.

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

(6) A boarding school shall not be issued a second consecutive conditional license if the cause of the first conditional license has not been rectified.A boarding school shall not be issued a third conditional license.

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

(8) The past license status of any boarding school shall not have bearing upon licenses issued under these rules.

History: 1979 AC; 2005 AACS.

R 340.482 Rescinded.

History: 1979 AC; 2005 AACS.

R 340.483 Health, safety, and child care.

Rule 3. (1) The health, safety and child care facilities and services of a boarding school, as a requisite for licensing, shall meet all the following requirements:

(a) The standards of health shall be those established by the director of the department of community health for child care institutions and health regulations established by local government agencies having jurisdiction over the locale of the boarding school in accordance with the requirements of 1973 PA 116, MCL 722.111.

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

(c) The construction and operation of all buildings shall be subject to 1937 PA 306, MCL 388.851 et seq. and 1972 PA 230, MCL 125.1501 et seq.

(d) Upon an offer of initial employment to an individual for any position, the boarding school shall request from the department of state police a criminal history check and 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 380.1320 and 380.1230a.

History: 1979 AC; 2005 AACS.

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 that include, but are not limited to the following:

(i) North Central Association.

(iii) 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 comparability, recognition may be given to the special purpose, function, or objectives of the boarding school.

(ii) A boarding school providing educational programs for students in those areas recognized in the public school as areas of special education shall be licensed on the same basis as public school programs are approved for the collection of special educational funds as are administered under the existing statute. When a boarding school conducts an educational program for children with some specialized handicaps not recognized by the state through state aid support or established approval criteria, the superintendent of public instruction shall specify the approval criteria.

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

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(iv) A boarding school shall provide a staff 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 per the retention schedule prescribed for like records in public schools. The confidential nature of these records shall apply pursuant 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 AACS.

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 and 1972 PA 230, MCL 125.1501.

(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. No single sleeping-living unit shall have an occupancy of more than 4 children, and shall contain at least 50 square feet per child.

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

History: 1979 AC; 2005 AACS.

R 340.486 Initial licenses.

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 for 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 shall accompany the application, or submitted at least 90 days before enrollment:

(i) A report from the state office of construction codes and fire safety that demonstrates occupancy approval for the specific building.

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

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

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

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(c) A provisional license may be issued to a boarding school only when 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. However, an initial applicant boarding school may not employ as a teacher any person who does not qualify for at least a Michigan provisional teacher certificate appropriate for the level to be taught.

History: 1979 AC; 2005 AACS.

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 re-issuance of a license.

(b) Not later than the following October 15 the boarding school shall 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 representatives. The department of education shall review the boarding school's programs to ensure comparability with the state standards and benchmarks.

(d) Not later than the following 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, then those factors responsible for that class license shall be specified.

(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 status may submit evidence to alter this status before the June 15 date. If evidence cannot be presented before, but is available after, the issuance of the license, then the applicant school may request that its application for license be reexamined, but the corrective action required shall have force in the license year.

(f) If a boarding school is denied further licensing for such reasons, then it shall be specifically notified once on January 15 and once on June 15 during the denial year.

History: 1979 AC; 2005 AACS.

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

Rule 8. The superintendent for public instruction may deny an applicant school a license to operate or may suspend a license. The superintendent for public instruction shall notify the school and shall order it to close and to cease operation.

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(a) 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.

(b) A boarding school denied 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.

(c) 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.

(d) The superintendent of public instruction may suspend the license of a boarding school at any time a condition develops which 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. Such person shall have 24 hours from the time of the receipt of the notification to fulfill its requirements. The license may be reinstated upon written receipt of information by the superintendent of public instruction that the condition which caused the suspension of the license has been corrected.

History: 1979 AC; 2005 AACS.

R 340.489 Recognition of civil rights.

Rule 9. (1) A licensed boarding school shall comply with civil rights provisions of the Michigan constitution of 1963 as expressed in article 1, section 2, and article 5, section 29, and with provisions of 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 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.

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