




STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

RICK SNYDER
GOVERNOR

BRIAN J. WHISTON
STATE SUPERINTENDENT

MEMORANDUM

DATE: January 11, 2018
TO: Local and Intermediate School District Superintendents
Public School Academy Directors
FROM: Brian J. Whiston, State Superintendent 
SUBJECT: Labor Day Waiver Requests and Section 160 of the State School Aid Act

As of October 1, 2017, Section 160 of the State School Aid Act (MCL 388.1760) requires that districts and the Department jointly host a public hearing if a Labor Day waiver is sought from the Department.

Sec. 160: If a district or intermediate district requests the superintendent to grant a waiver for the district or intermediate district from the requirements of section 1284b of the revised school code, MCL 380.1284b, that district or intermediate district shall use a portion of its funding under this article to conduct a joint public hearing with the department to be held before the waiver is granted at a location within the district or intermediate district.

Prior to submitting a request for a hearing, the district must submit a request for a Labor Day waiver using the form found [here](#). Once the waiver request has been submitted, the district will then submit a request to the Department for a hearing date. The district must provide at least three dates and times for the requested hearing. The Department will reply to the given district contact with the selected date and time. The form for requesting a hearing date is located [here](#).

Once the district and Department arrive at a common date for the public hearing, the district must provide public notice of the hearing per the requirements of the Open Meetings Act, Act 267 of 1976. The date, time, and location of the hearing must be posted in a prominent location no less than 18 hours prior to the hearing, such as the district marquee, as well as on the homepage of the district's website.

Districts currently operating under an approved Labor Day waiver are not required to hold a hearing until the waiver has expired. At that time, it will be necessary for the district to reapply and hold a public hearing with the Department before the waiver can be renewed.

Questions regarding this process should be directed to Brian Ciloski at ciloskib@michigan.gov.

cc Michigan Education Alliance
Michigan Pupil Accounting & Attendance Association

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