HOUSE BILL No. 5923

September 19, 2012, Introduced by Reps. Lyons and Haveman and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code,"
by amending sections 10, 1278a, 1401, 1473, and 1481 (MCL 380.10, 380.1278a, 380.1401, 380.1473, and 380.1481), section 10 as added by 1995 PA 289, section 1278a as amended by 2009 PA 205, and section 1473 as amended and section 1481 as added by 2000 PA 230, and by adding part 6F and sections 1233c, 1482, and 1483.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 10. (1) It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. The public schools of this state serve the needs of the pupils by cooperating with the pupil's parents and legal guardians to develop the pupil's intellectual capabilities and vocational skills in a safe and positive environment. **WITHIN AVAILABLE RESOURCES AND TO THE EXTENT THAT IT IS CONSISTENT WITH**
THE STATE CONSTITUTION OF 1963, THE PARENT OR LEGAL GUARDIAN OF
EACH CHILD IS ENTITLED TO CHOOSE AMONG AVAILABLE PUBLIC OR
NONPUBLIC SCHOOLS AND HOME SCHOOLING FOR SOME OR ALL OF THE
EDUCATION NECESSARY TO DEVELOP THE CHILD'S INTELLECTUAL
CAPABILITIES AND VOCATIONAL SKILLS IN A SAFE AND POSITIVE
ENVIRONMENT.

(2) PUBLIC SCHOOLS ARE PART OF THE COMMUNITY IN WHICH THEY ARE
LOCATED AND SHOULD BE ACTIVELY ENGAGED WITH MUNICIPAL GOVERNMENT,
EMPLOYERS, LABOR ORGANIZATIONS, CULTURAL AND COMMUNITY
ORGANIZATIONS, AND OTHERS IN PROVIDING EDUCATION AND GROWTH
OPPORTUNITIES FOR YOUNG PEOPLE.

(3) AN AUTHORIZING BODY FOR A PUBLIC SCHOOL ACADEMY OR FOR A
SCHOOL WITH A SPECIAL DESIGNATION UNDER PART 6F MAY ISSUE OR
RELEASE AN OPINION, REPORT, DATA, OR RESEARCH MATERIALS REGARDING
THE ACADEMIC, FINANCIAL, AND COMPLIANCE PERFORMANCE OF A VENDOR,
CONTRACTOR, OR EDUCATIONAL SERVICE PROVIDER PROVIDING EDUCATIONAL
SERVICES IN A PUBLIC SCHOOL ACADEMY OR A SCHOOL WITH A SPECIAL
DESIGNATION. IN TAKING AN ACTION DESCRIBED IN THIS SUBSECTION, AN
AUTHORIZING BODY HAS GOVERNMENTAL IMMUNITY AS PROVIDED IN SECTION 7
OF 1964 PA 170, MCL 691.1407.

PART 6F
NEW FORMS OF SCHOOLS
SEC. 571. (1) TO PROVIDE PUPILS AND PARENTS WITH MORE
OPPORTUNITIES TO RECEIVE PUBLIC EDUCATION, NEW FORMS OF SCHOOLS MAY
BE AUTHORIZED UNDER THIS PART WITHIN THIS STATE'S SYSTEM OF PUBLIC
SCHOOLS, AS PROVIDED UNDER THIS PART. A SCHOOL AUTHORIZED UNDER
THIS PART SHALL FURTHER 1 OR MORE OF THE FOLLOWING PURPOSES:
(A) TO IMPROVE PUPIL ACHIEVEMENT FOR ALL PUPILS, INCLUDING, BUT NOT LIMITED TO, EDUCATIONALLY DISADVANTAGED PUPILS, BY IMPROVING THE LEARNING ENVIRONMENT.

(B) TO STIMULATE INNOVATIVE TEACHING METHODS.

(C) TO CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS IN A NEW TYPE OF PUBLIC SCHOOL IN WHICH THE SCHOOL STRUCTURE AND EDUCATIONAL PROGRAM CAN BE INNOVATIVELY DESIGNED AND MANAGED BY TEACHERS AT THE SCHOOL SITE LEVEL.

(D) TO ACHIEVE SCHOOL ACCOUNTABILITY FOR PUPIL EDUCATIONAL OUTCOMES BY PLACING FULL RESPONSIBILITY FOR PERFORMANCE AT THE SCHOOL SITE LEVEL.

(E) TO PROVIDE PARENTS OR LEGAL GUARDIANS AND PUPILS WITH GREATER CHOICES AMONG PUBLIC SCHOOLS, BOTH WITHIN AND OUTSIDE THEIR EXISTING SCHOOL DISTRICTS.

(F) TO PERMIT PARENTS OR LEGAL GUARDIANS AND PUPILS TO CHOOSE TO ATTEND AND COMPETE IN GLOBALLY COMPETITIVE PUBLIC SCHOOLS.

(G) TO EXPAND THE NUMBER AND TYPES OF PUBLIC ENTITIES PERMITTED TO AUTHORIZE, SUPERVISE, OPERATE, MANAGE, AND OVERSEE PUBLIC SCHOOLS.

(H) TO PROVIDE FOR NEW FORMS OF PUBLIC SCHOOL GOVERNANCE.

(I) TO PERMIT PUBLIC SCHOOLS TO FORM INTERNATIONAL SCHOOLS IN COOPERATION WITH THE EDUCATIONAL AUTHORITIES OF OTHER NATIONS.

(J) TO PERMIT INTERNATIONAL STUDENTS TO PAY TUITION TO RECEIVE EDUCATION AND DIPLOMAS FROM PUBLIC SCHOOLS IN THIS STATE.

(K) TO PERMIT MUNICIPAL AUTHORITIES TO ESTABLISH PUBLIC MUNICIPAL SCHOOLS AS A MORE EFFICIENT WAY TO EXERCISE GOVERNMENTAL POWERS.
(I) TO PERMIT EMPLOYERS TO SPONSOR AND SUPPORT PUBLIC SCHOOLS AND PROVIDE LIMITED ENROLLMENT PREFERENCES FOR CHILDREN OF EMPLOYEES OF THE SPONSORING EMPLOYERS.

(M) TO PERMIT CULTURAL ORGANIZATIONS IN THIS STATE TO SPONSOR AND SUPPORT SPECIALIZED PUBLIC SCHOOLS THAT UTILIZE THE SPECIAL TALENTS AND EXPERTISE OF THE CULTURAL ORGANIZATION.

(N) TO AUTHORIZE GREATER COOPERATION AMONG NONPUBLIC SCHOOLS, PUBLIC SCHOOLS, AND PARENTS OF HOME SCHOOL STUDENTS TO THE EXTENT PERMITTED UNDER THE STATE CONSTITUTION OF 1963.

(O) TO PERMIT SINGLE-GENDER PUBLIC SCHOOLS AVAILABLE EQUALLY TO BOTH GENDERS TO PROVIDE IMPROVED EDUCATIONAL OPPORTUNITIES AND OUTCOMES.

(2) IN ADDITION TO EXISTING SCHOOL DISTRICTS, PUBLIC SCHOOL ACADEMIES, STRICT DISCIPLINE ACADEMIES, URBAN HIGH SCHOOL ACADEMIES, SCHOOLS OF EXCELLENCE, UNIVERSITY SCHOOLS, CYBER SCHOOLS, ACHIEVEMENT SCHOOLS, AND OTHER PUBLIC SCHOOLS, THIS PART AUTHORIZES ADDITIONAL TYPES OF PUBLIC SCHOOLS TO MEET THE EDUCATIONAL NEEDS OF PUPILS IN THIS STATE.

(3) AS USED IN THIS PART:

(A) "ACHIEVEMENT AUTHORITY" MEANS THE EDUCATION ACHIEVEMENT AUTHORITY DESCRIBED IN SECTION 771.

(B) "ACHIEVEMENT SCHOOL" MEANS A PUBLIC SCHOOL OPERATED, MANAGED, AUTHORIZED, ESTABLISHED, OR OVERSEEN BY THE ACHIEVEMENT AUTHORITY, INCLUDING, BUT NOT LIMITED TO, A PUBLIC SCHOOL UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY UNDER SECTION 1280C.

(C) "AUTHORIZING BODY" MEANS THE ACHIEVEMENT AUTHORITY OR ANOTHER GOVERNMENTAL ENTITY THAT IS AUTHORIZED TO FUNCTION AS AN
AUTHORIZING BODY AND ISSUE A CONTRACT UNDER PART 6A.

(D) "CERTIFICATED TEACHER" MEANS AN INDIVIDUAL WHO HOLDS A VALID TEACHING CERTIFICATE, PERMIT, AUTHORIZATION, OR ADJUNCT INSPECTOR CERTIFICATE ISSUED BY THE DEPARTMENT.

(E) "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE ORGANIZED UNDER THE COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1 TO 389.195, OR A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE THAT IS RECOGNIZED UNDER THE TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES ASSISTANCE ACT OF 1978, 25 USC 1801 TO 1825, AND IS DETERMINED BY THE DEPARTMENT TO MEET THE REQUIREMENTS FOR ACCREDITATION BY A RECOGNIZED REGIONAL ACCREDITING BODY.

(F) "ELIGIBLE PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL ACADEMY, A UNIVERSITY SCHOOL, OR AN ACHIEVEMENT SCHOOL.

(G) "SPECIAL DESIGNATION" MEANS THE AUTHORITY TO OPERATE AS 1 OR MORE TYPES OF SPECIALIZED PUBLIC SCHOOL UNDER THIS PART, AS ISSUED BY AN AUTHORIZING BODY UNDER A SPECIAL DESIGNATION AGREEMENT.

(H) "SPECIAL DESIGNATION AGREEMENT" MEANS THE EXECUTIVE ACT TAKEN BY AN AUTHORIZING BODY THAT EVIDENCES THE AUTHORIZATION FOR AN ELIGIBLE PUBLIC SCHOOL TO OPERATE AS A SCHOOL WITH A SPECIAL DESIGNATION UNDER THIS PART, SUBJECT TO THE CONSTITUTIONAL POWERS OF THE STATE BOARD AND APPLICABLE LAW. FOR A PUBLIC SCHOOL ACADEMY, SPECIAL DESIGNATION AGREEMENT MEANS A CONTRACT AMENDMENT EXECUTED BY THE AUTHORIZING BODY CONFERRING CERTAIN RIGHTS, FRANCHISES, PRIVILEGES, AND OBLIGATIONS AS PROVIDED BY THIS PART, AND CONFIRMING THE AUTHORITY OF THE PUBLIC SCHOOL ACADEMY TO OPERATE AS A SCHOOL WITH A SPECIAL DESIGNATION UNDER THIS PART.
(I) "STATE PUBLIC UNIVERSITY" MEANS A STATE UNIVERSITY DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963.


(2) THE POWERS GRANTED TO A SCHOOL WITH A SPECIAL DESIGNATION UNDER THIS PART CONSTITUTE THE PERFORMANCE OF ESSENTIAL PUBLIC PURPOSES AND GOVERNMENTAL FUNCTIONS OF THIS STATE.

(3) TO THE EXTENT DISQUALIFIED UNDER THE STATE OR FEDERAL CONSTITUTION, A SCHOOL WITH A SPECIAL DESIGNATION UNDER THIS PART SHALL NOT BE ORGANIZED BY A CHURCH OR OTHER RELIGIOUS ORGANIZATION AND SHALL NOT HAVE ANY ORGANIZATIONAL OR CONTRACTUAL AFFILIATION WITH OR CONSTITUTE A CHURCH OR OTHER RELIGIOUS ORGANIZATION. A SCHOOL OR ACADEMY AUTHORIZED UNDER THIS PART SHALL COMPLY WITH ALL STATE AND FEDERAL LAW APPLICABLE TO PUBLIC SCHOOLS CONCERNING CHURCH-STATE ISSUES.

SEC. 573. (1) SUBJECT TO THE PROVISIONS OF THIS PART, THE AUTHORITY MAY ISSUE 1 OR MORE SPECIAL DESIGNATIONS TO AN ELIGIBLE PUBLIC SCHOOL FOR THE FOLLOWING TYPES OF SPECIALIZED SCHOOLS:

(A) A SINGLE-GENDER SCHOOL AUTHORIZED UNDER SECTION 584.

(B) AN ONLINE SCHOOL AUTHORIZED UNDER SECTION 585.

(C) A GLOBALLY COMPETITIVE SCHOOL AUTHORIZED UNDER SECTION 586.

(D) AN INTERNATIONAL CULTURAL SCHOOL AUTHORIZED UNDER SECTION 587.
(E) A RESIDENTIAL PUBLIC SCHOOL AUTHORIZED UNDER SECTION 588.
(F) A UNIVERSITY SCHOOL AUTHORIZED UNDER SECTION 589.
(G) AN EMPLOYER-SUPPORTED SCHOOL AUTHORIZED UNDER SECTION 590.
(H) A CULTURAL INSTITUTION-AFFILIATED SCHOOL AUTHORIZED UNDER
SECTION 591.
(I) A MUNICIPAL SCHOOL AUTHORIZED UNDER SECTION 592.
(2) A SPECIAL DESIGNATION MAY BE ISSUED TO AN ELIGIBLE SCHOOL
UNDER MORE THAN 1 SECTION OF THIS PART, AND, IF THE SCHOOL COMPLIES
WITH ALL APPLICABLE LAW AND REQUIREMENTS RELATED TO EACH SPECIAL
DESIGNATION, A SCHOOL MAY OPERATE UNDER MORE THAN 1 SPECIAL
DESIGNATION ISSUED UNDER THIS PART AT THE SAME TIME.
(3) ANY PUPIL WHO IS A RESIDENT OF THIS STATE MAY APPLY FOR
ADMISSION TO ANY SCHOOL WITH A SPECIAL DESIGNATION UNDER THIS PART,
SUBJECT TO THE EQUAL APPLICATION OF ENROLLMENT CRITERIA AUTHORIZED
FOR THE SCHOOL.

SEC. 574. (1) TO OPERATE AS A SCHOOL WITH A SPECIAL
DESIGNATION UNDER THIS PART, AN ELIGIBLE PUBLIC SCHOOL SHALL APPLY
TO AN AUTHORIZING BODY FOR A SPECIAL DESIGNATION AGREEMENT AND MUST
BE ISSUED A SPECIAL DESIGNATION BY AN AUTHORIZING BODY UNDER THIS
PART. IF THE ELIGIBLE PUBLIC SCHOOL IS AN ACHIEVEMENT SCHOOL, THE
SPECIAL DESIGNATION MAY ONLY BE ISSUED BY THE ACHIEVEMENT
AUTHORITY. IF THE ELIGIBLE PUBLIC SCHOOL IS A PUBLIC SCHOOL
ACADEMY, THE SPECIAL DESIGNATION MAY ONLY BE ISSUED BY THE PUBLIC
SCHOOL ACADEMY'S AUTHORIZING BODY. IF THE ELIGIBLE PUBLIC SCHOOL IS
A UNIVERSITY SCHOOL, THE SPECIAL DESIGNATION MAY ONLY BE ISSUED BY
THE GOVERNING BOARD OF THE UNIVERSITY SCHOOL.
(2) AN AUTHORIZING BODY SHALL ESTABLISH A PROCESS AND FORMS
FOR DEVELOPMENT, SUBMISSION, CONSIDERATION, APPROVAL, OR REJECTION
OF APPLICATIONS FROM ELIGIBLE PUBLIC SCHOOLS FOR A SPECIAL
DESIGNATION AGREEMENT FOR A PROPOSED SCHOOL WITH A SPECIAL
DESIGNATION UNDER THIS PART. THE PROCESS SHALL INCLUDE AT LEAST ALL
OF THE FOLLOWING:

(A) NOTICE OF TIME PERIODS FOR THE SUBMISSION AND
CONSIDERATION OF APPLICATIONS. THE NOTICE SHALL BE MADE PUBLIC AND
SHALL BE POSTED ON A WEBSITE OF THE AUTHORIZING BODY.

(B) PRECONDITIONS OR REQUIREMENTS FOR THE CONSIDERATION OF
APPLICATIONS, AS ESTABLISHED BY THE AUTHORIZING BODY.

(C) ASSURANCE THAT ALL APPLICATIONS WILL BE PUBLIC RECORDS
AVAILABLE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
15.231 TO 15.246.

(3) THE APPLICATION PROCESS ESTABLISHED BY AN AUTHORIZING BODY
UNDER SUBSECTION (2) SHALL ENSURE THAT THE DOCUMENTATION REQUIRED
INCLUDES AT LEAST ALL OF THE FOLLOWING:

(A) IDENTIFICATION OF THE APPLICANT FOR THE SPECIAL
DESIGNATION.

(B) IDENTIFICATION OF EACH TYPE OF SCHOOL WITH A SPECIAL
DESIGNATION THAT THE ELIGIBLE SCHOOL IS APPLYING TO OPERATE AND
EACH SECTION UNDER THIS PART UNDER WHICH THE SCHOOL WITH A SPECIAL
DESIGNATION WILL OPERATE.

(C) THE PROPOSED TERMS OF THE SPECIAL DESIGNATION AGREEMENT,
WHICH SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

(i) THE NAME OF THE PROPOSED SCHOOL WITH A SPECIAL DESIGNATION,
AND WHETHER THE SCHOOL WITH A SPECIAL DESIGNATION WILL BE KNOWN AS
AN ACADEMY, AN INSTITUTE, OR A SCHOOL.
(ii) THE PURPOSES OF THE SCHOOL WITH A SPECIAL DESIGNATION. THIS PROVISION SHALL INCLUDE AMONG THE PURPOSES THAT THE SCHOOL WITH A SPECIAL DESIGNATION IS AUTHORIZED UNDER THIS PART AND THAT THE SCHOOL WITH A SPECIAL DESIGNATION IS A GOVERNMENTAL ENTITY.

(iii) THE TIME PERIOD DURING WHICH THE SPECIAL DESIGNATION AGREEMENT WILL BE EFFECTIVE.

(iv) OTHER MATTERS THE AUTHORIZING BODY CONSIDERS TO BE EXPEDIENT FOR INCLUSION IN THE SPECIAL DESIGNATION AGREEMENT.

(D) AT LEAST ALL OF THE FOLLOWING IN THE FORM AND MANNER REQUIRED BY THE AUTHORIZING BODY:

(i) THE PROPOSED SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE FOR THE SCHOOL WITH A SPECIAL DESIGNATION.

(ii) THE AGE OR GRADE RANGE OF PUPILS TO BE ENROLLED IN THE SCHOOL WITH A SPECIAL DESIGNATION.

(iii) THE PROPOSED LOCATION OR LOCATIONS OF THE SCHOOL WITH A SPECIAL DESIGNATION.

(4) AN AUTHORIZING BODY IS NOT REQUIRED TO ISSUE A SPECIAL DESIGNATION TO ANY ELIGIBLE PUBLIC SCHOOL. A SPECIAL DESIGNATION SHALL BE ISSUED IN THE DISCRETION OF AN AUTHORIZING BODY, TAKING INTO CONSIDERATION THE ROLE AND RESOURCES OF THE AUTHORIZING BODY, THE RESOURCES AVAILABLE FOR THE PROPOSED SCHOOL WITH A SPECIAL DESIGNATION, THE POPULATION TO BE SERVED BY THE PROPOSED SCHOOL WITH A SPECIAL DESIGNATION, AND THE PROPOSED EDUCATIONAL GOALS OF THE PROPOSED SCHOOL WITH A SPECIAL DESIGNATION. AN AUTHORIZING BODY MAY ESTABLISH A COMPETITIVE PROCESS FOR THE ISSUANCE OF SPECIAL DESIGNATIONS.

(5) A SPECIAL DESIGNATION IS ISSUED AND EFFECTIVE TO CREATE A
SEC. 576. (1) AN AUTHORIZING BODY MAY ESTABLISH AN ALTERNATIVE GOVERNANCE STRUCTURE FOR A SCHOOL WITH A SPECIAL DESIGNATION TO FIT THE NATURE OF THE SCHOOL WITH A SPECIAL DESIGNATION. IF AN AUTHORIZING BODY ESTABLISHES AN ALTERNATIVE GOVERNANCE STRUCTURE FOR A SCHOOL WITH A SPECIAL DESIGNATION, THEN THE SCHOOL WITH A SPECIAL DESIGNATION IS EXEMPT FROM ANY PROVISION OF THIS ACT THAT IS INCONSISTENT WITH THAT ALTERNATIVE GOVERNANCE STRUCTURE, AND THE SCHOOL WITH A SPECIAL DESIGNATION SHALL OPERATE UNDER THAT ALTERNATIVE GOVERNANCE STRUCTURE NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT.

(2) ANY ALTERNATIVE GOVERNANCE STRUCTURE SHALL BE DETAILED IN THE SPECIAL DESIGNATION AGREEMENT FOR A SCHOOL WITH A SPECIAL DESIGNATION AND MAY INVOLVE ANY OF THE FOLLOWING:

(A) THE MANNER, TERM, AND METHOD OF SELECTION OF A BOARD OF DIRECTORS, OFFICERS, TRUSTEES, OR MANAGERS FOR THE SCHOOL WITH A SPECIAL DESIGNATION, IF ANY. A DIRECTOR, OFFICER, TRUSTEE, OR MANAGER OF A SCHOOL WITH A SPECIAL DESIGNATION IS A PUBLIC OFFICER OF THIS STATE.

(B) THE POWERS AND DUTIES OF ANY BOARD OF DIRECTORS, OFFICER, TRUSTEE, OR MANAGER. THESE POWERS AND DUTIES SHALL NOT INCLUDE ANY
POWERS AND DUTIES EXPRESSLY PROHIBITED BY LAW.

(3) A single board or governance structure may govern 1 or more schools with a special designation authorized under this part, as provided in the special designation agreement of each school with a special designation, with the approval of the authorizing body.

(4) A special designation agreement may provide for the creation and selection of a parent advisory board or a community advisory board pursuant to procedures established in the special designation agreement.

(5) If an individual exercises governance authority over a school with a special designation, that exercise of governance authority constitutes the holding of a public office, and each individual exercising the governance authority shall execute and file with the secretary of state the constitutional oath provided under section 1 of article xi of the state constitution of 1963 as a public officer within this state.

(6) A school with a special designation and its board members, officers, employees, and volunteers have governmental immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. The authorizing body for a school with a special designation and its board members, officers, trustees, managers, employees, and volunteers are immune from civil liability, both personally and professionally, for any acts or omissions in authorizing a school with a special designation under this part.

SEC. 577. (1) A special designation agreement shall designate the public entity that will oversee a school with a special
DESIGNATION. THE OVERSIGHT SHALL BE SUFFICIENT TO ENSURE THAT THE
AUTHORIZING BODY CAN CERTIFY THAT THE SCHOOL WITH A SPECIAL
DESIGNATION IS IN COMPLIANCE WITH APPLICABLE LAW, RULES, AND THE
TERMS OF THE SPECIAL DESIGNATION AGREEMENT.

(2) AN AUTHORIZING BODY FOR A SCHOOL WITH A SPECIAL
DESIGNATION HAS THE AUTHORITY TO OVERSEE A SCHOOL WITH A SPECIAL
DESIGNATION'S COMPLIANCE WITH THE SPECIAL DESIGNATION AGREEMENT AND
ALL APPLICABLE LAW. THE AUTHORIZING BODY MAY REVOKE A SPECIAL
DESIGNATION ISSUED UNDER THIS PART IF THE AUTHORIZING BODY
DETERMINES THAT 1 OR MORE OF THE FOLLOWING HAVE OCCURRED:

(A) FAILURE OF THE SCHOOL WITH A SPECIAL DESIGNATION TO ABIDE
BY AND MEET EDUCATIONAL GOALS IN THE SPECIAL DESIGNATION AGREEMENT.
(B) FAILURE OF THE SCHOOL WITH A SPECIAL DESIGNATION TO COMPLY
WITH ALL APPLICABLE LAW.
(C) FAILURE OF THE SCHOOL WITH A SPECIAL DESIGNATION TO MEET
ANY PUPIL PERFORMANCE REQUIREMENTS IN THE SPECIAL DESIGNATION
AGREEMENT.
(D) FAILURE OF THE SCHOOL WITH A SPECIAL DESIGNATION TO MEET
GENERALLY ACCEPTED PUBLIC SECTOR ACCOUNTING PRINCIPLES.
(E) THE EXISTENCE OF 1 OR MORE OTHER GROUNDS FOR REVOCATION OF
THE SPECIAL DESIGNATION AS SPECIFIED IN THE SPECIAL DESIGNATION
AGREEMENT FOR THE SCHOOL WITH A SPECIAL DESIGNATION.

(3) UNLESS THE AUTHORIZING BODY ALSO REVOKES THE PUBLIC SCHOOL
ACADEMY'S CONTRACT AT THE SAME TIME AS REVOKING THE SPECIAL
DESIGNATION, THE REVOCATION OF A SPECIAL DESIGNATION UNDER
SUBSECTION (2) FOR A PUBLIC SCHOOL ACADEMY DOES NOT AFFECT THE
CONTRACT FOR THAT PUBLIC SCHOOL ACADEMY.
(4) If a public school academy's contract expires and the public school academy is a school with a special designation, the special designation expires at the same time as the contract.

(5) The decision of an authorizing body to revoke a special designation under this section is solely within the discretion of the authorizing body, is a final administrative action, and is not subject to review by a court or any state agency. If an authorizing body revokes a special designation under this section, the authorizing body is not liable for that action to the school with a special designation, an entity operating or managing the school with a special designation, a pupil of the school with a special designation, the parent or guardian of a pupil of the school with a special designation, or any other person.

Sec. 578. (1) Except as otherwise provided in this act, a school with a special designation shall not charge tuition and shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a person with a disability, or any other basis that would be illegal if used by a school district. A school with a special designation may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district or for which an enrollment provision is provided under this part.

(2) Enrollment in a school with a special designation is open to all individuals who reside in this state, foreign exchange students, and all other pupils, who meet the admission policy for
THE SCHOOL AND THE REQUIREMENTS OF THIS PART.

(3) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, IF THERE ARE MORE APPLICATIONS TO ENROLL IN A SCHOOL WITH A SPECIAL DESIGNATION THAN THERE ARE SPACES AVAILABLE, ELIGIBLE PUPILS SHALL BE SELECTED FOR ENROLLMENT USING A RANDOM SELECTION PROCESS.

(4) A SCHOOL WITH A SPECIAL DESIGNATION MAY GIVE ENROLLMENT PRIORITY TO AN ELIGIBLE SIBLING OF A PUPIL ENROLLED IN THE SCHOOL OR ACADEMY.

(5) A SCHOOL WITH A SPECIAL DESIGNATION SHALL ALLOW ANY PUPIL WHO WAS ENROLLED IN THE SCHOOL WITH A SPECIAL DESIGNATION IN THE IMMEDIATELY PRECEDING SCHOOL YEAR TO ENROLL IN THE SCHOOL WITH A SPECIAL DESIGNATION IN THE APPROPRIATE GRADE UNLESS THE APPROPRIATE GRADE FOR THE PUPIL IS NOT OFFERED AT THE SCHOOL WITH A SPECIAL DESIGNATION OR THE PUPIL WAS EXPELLED FROM THE SCHOOL WITH A SPECIAL DESIGNATION FOR DISCIPLINARY REASONS.

(6) A SCHOOL WITH A SPECIAL DESIGNATION MAY INCLUDE ANY GRADE UP TO GRADE 12 OR ANY CONFIGURATION OF THOSE GRADES, INCLUDING, BUT NOT LIMITED TO, KINDERGARTEN, JUNIOR KINDERGARTEN, PREKINDERGARTEN, AND EARLY CHILDHOOD EDUCATION, AS SPECIFIED IN ITS SPECIAL DESIGNATION AGREEMENT. IF SPECIFIED IN ITS SPECIAL DESIGNATION AGREEMENT, A SCHOOL WITH A SPECIAL DESIGNATION ALSO MAY OPERATE AN ADULT BASIC EDUCATION PROGRAM, ADULT HIGH SCHOOL COMPLETION PROGRAM, OR GENERAL EDUCATION DEVELOPMENT TESTING PREPARATION PROGRAM. AN AUTHORIZING BODY MAY APPROVE AT ANY TIME AN AMENDMENT OF A SPECIAL DESIGNATION AGREEMENT WITH RESPECT TO AGES OF PUPILS OR GRADES OFFERED.

(7) A SCHOOL WITH A SPECIAL DESIGNATION MAY CHARGE TUITION
1 ONLY AS FOLLOWS OR AS OTHERWISE AUTHORIZED BY THIS ACT:
2 (A) THE SCHOOL WITH A SPECIAL DESIGNATION MAY ADMIT OUT-OF-
3 STATE PUPILS AS AUTHORIZED IN ITS SPECIAL DESIGNATION AGREEMENT AND
4 CHARGE TUITION TO THOSE PUPILS. AS USED IN THIS SECTION, "OUT-OF-
5 STATE PUPIL" MEANS A PUPIL WHO IS NOT A RESIDENT OF THIS STATE AND
6 WHO IS NOT ELIGIBLE TO BE COUNTED IN MEMBERSHIP UNDER THE STATE
7 SCHOOL AID ACT OF 1979. THE METHOD FOR DETERMINING THE RATES OF
8 TUITION OF THE OUT-OF-STATE PUPILS AND COLLECTING THE TUITION SHALL
9 BE APPROVED BY THE AUTHORIZING BODY.
10 (B) IN ADDITION TO THE TUITION, A SCHOOL WITH A SPECIAL
11 DESIGNATION MAY CHARGE AN OUT-OF-STATE PUPIL FOR NONEDUCATIONAL
12 EXPENSES SUCH AS TRAVEL COSTS, MEDICAL TESTS, AND OTHER MATTERS NOT
13 DIRECTLY RELATED TO THE PROVISION OF INSTRUCTIONAL OR EDUCATIONAL
14 PROGRAM.
15 (8) AN OUT-OF-STATE PUPIL WHO PAYS TUITION AS PROVIDED UNDER
16 SUBSECTION (7) SHALL NOT BE CONSIDERED TO BE A RESIDENT OF THIS
17 STATE BY REASON OF ATTENDING THE SCHOOL WITH A SPECIAL DESIGNATION.

SEC. 579. A SCHOOL WITH A SPECIAL DESIGNATION SHALL PROVIDE
ITS AUTHORIZING BODY WITH A COPY OF THE EDUCATIONAL GOALS OF THE
SCHOOL WITH A SPECIAL DESIGNATION AND THE CURRICULA TO BE OFFERED
AND METHODS OF PUPIL ASSESSMENT TO BE USED BY THE SCHOOL WITH A
SPECIAL DESIGNATION. A SCHOOL WITH A SPECIAL DESIGNATION MAY
ESTABLISH ASSESSMENT STANDARDS TO MEASURE THE PROGRESS OF PUPILS IN
THE SCHOOL THAT ARE MORE STRINGENT THAN THE MICHIGAN EDUCATION
ASSESSMENT PROGRAM (MEAP) TESTS OR THE MICHIGAN MERIT EXAMINATION
UNDER SECTION 1279G.

SEC. 582. (1) A SCHOOL WITH A SPECIAL DESIGNATION MAY EMPLOY
OR CONTRACT WITH PERSONNEL AS NECESSARY FOR THE OPERATION OF THE
SCHOOL WITH A SPECIAL DESIGNATION, PRESCRIBE THEIR DUTIES, AND FIX
THEIR COMPENSATION.

(2) EXCEPT AS OTHERWISE PROVIDED BY LAW, A SCHOOL WITH A
SPECIAL DESIGNATION SHALL USE CERTIFICATED TEACHERS ACCORDING TO
RULES PROMULGATED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. A
SCHOOL WITH A SPECIAL DESIGNATION MAY USE A TEACHER WHO IS NOT A
CERTIFICATED TEACHER IN ANY SITUATION IN WHICH A SCHOOL DISTRICT IS
PERMITTED TO USE A TEACHER WHO IS NOT A CERTIFICATED TEACHER. IN
ADDITION, A SCHOOL WITH A SPECIAL DESIGNATION MAY USE AS A
CLASSROOM INSTRUCTOR AN ADJUNCT INSTRUCTOR AUTHORIZED UNDER SECTION
1233C OR A FACULTY MEMBER EMPLOYED BY A STATE PUBLIC UNIVERSITY OR
COMMUNITY COLLEGE WITH EXPERIENCE IN TEACHING THE SUBJECT MATTER
 THAT HE OR SHE IS TEACHING AT THE SCHOOL WITH A SPECIAL
DESIGNATION.

SEC. 584. (1) THE AUTHORIZING BODY MAY ISSUE A SPECIAL
DESIGNATION FOR A SINGLE-GENDER SCHOOL UNDER THIS PART, AND THAT
SINGLE-GENDER SCHOOL MAY LIMIT ATTENDANCE TO A SINGLE GENDER, ONLY
IF ALL OF THE FOLLOWING APPLY:

(A) THE SPECIAL DESIGNATION AGREEMENT PROVIDES THAT THE SCHOOL
LIMITS ITS ENROLLMENT TO A SINGLE GENDER.

(B) THE AUTHORIZING BODY MAKES A SPECIFIC FINDING THAT THE
EDUCATIONAL MISSION AND TEACHING STRATEGY OF THE SCHOOL JUSTIFIES
LIMITING ENROLLMENT TO A SINGLE GENDER.

(C) THE SPECIAL DESIGNATION AGREEMENT REQUIRES THAT ENROLLMENT
BY A PUPIL IN A SINGLE-GENDER SCHOOL OR PARTICIPATION IN A SINGLE-
GENDER CLASS OR PROGRAM IS WHOLLY VOLUNTARY AND THAT A
SUBSTANTIALLY EQUAL COEDUCATIONAL SCHOOL, CLASS, OR PROGRAM IS AVAILABLE AT OTHER PUBLIC SCHOOLS IN WHICH THE PUPIL MAY ENROLL.

(D) THE AUTHORIZING BODY MAKES A SPECIFIC WRITTEN FINDING THAT THERE ARE SUFFICIENT PUBLIC SCHOOLS WITHIN THE INTERMEDIATE SCHOOL DISTRICT IN WHICH THE SINGLE-GENDER SCHOOL IS LOCATED TO MAKE AVAILABLE A SUBSTANTIALLY EQUAL SCHOOL, CLASS, OR PROGRAM FOR PUPILS OF THE OTHER GENDER.

(2) EXCEPT AS AUTHORIZED IN THIS SECTION, A PUBLIC SCHOOL SHALL NOT REQUIRE PARTICIPATION BY ANY OF ITS PUPILS IN A SINGLE-GENDER SCHOOL, CLASS, OR PROGRAM. A DECISION BY A PARENT OR LEGAL GUARDIAN TO ENROLL A PUPIL IN A SINGLE-GENDER SCHOOL UNDER THIS SECTION SHALL BE VOLUNTARY.

(3) THIS SECTION DOES NOT AUTHORIZE A SEPARATE SCHOOL, CLASS, PROGRAM, OR DEPARTMENT ON ACCOUNT OF RACE, COLOR, NATIONAL ORIGIN, OR ANY OTHER PROHIBITED CATEGORY EXCEPT GENDER, AND ONLY AS LIMITED BY THIS SECTION.

SEC. 585. (1) TO ACCELERATE THIS STATE'S ABILITY TO RESPOND TO CURRENT AND EMERGING EDUCATIONAL DEMANDS, AN AUTHORIZING BODY MAY ISSUE A SPECIAL DESIGNATION FOR AN ONLINE SCHOOL UNDER THIS PART. AN ONLINE SCHOOL UNDER THIS SECTION IS A PUBLIC SCHOOL THAT DELIVERS ALL OR A SUBSTANTIAL AMOUNT OF EDUCATIONAL CONTENT OR INSTRUCTIONAL SERVICES BY MEANS OF WEBSITES, THE INTERNET, DIGITAL BROADCAST, SATELLITE NETWORK, OR OTHER DISTANCE LEARNING TECHNOLOGY.

(2) AN ONLINE SCHOOL MAY OFFER TEACHERS OPPORTUNITIES TO LEARN NEW SKILLS AND STRATEGIES FOR DEVELOPING AND DELIVERING EDUCATIONAL CONTENT AND INSTRUCTIONAL SERVICES.
(3) AN ONLINE SCHOOL MAY PERMIT A PUPIL TO ENROLL IN A COLLEGE LEVEL EQUIVALENT COURSE THAT IS OFFERED BY ELECTRONIC MEANS, INCLUDING, BUT NOT LIMITED TO, WEBSITES, THE INTERNET, DIGITAL BROADCAST, OR SATELLITE NETWORK.

(4) AN ONLINE SCHOOL MAY BE DESIGNED TO ALLOW PUPILS TO SATISFY GRADUATION REQUIREMENTS, INCLUDING REQUIREMENTS ESTABLISHED UNDER THIS ACT, THROUGH THE DEVELOPMENT OF PROJECTS OR COURSES THAT ARE BASED ON THEMATICALLY GROUPED STRANDS OR PROJECTS OR COURSES THAT ARE CROSS-CURRICULAR IN 2 OR MORE AREAS OF STUDY.

(5) AN ONLINE SCHOOL MAY DEVELOP THEMATICALLY GROUPED STRANDS, PROJECTS, OR COURSES IN AREAS SUCH AS THE FINE ARTS, HUMANITIES, AND MATHEMATICS AND SCIENCE.

(6) AN ONLINE SCHOOL MAY PROVIDE COURSE OFFERINGS AND SUPPLEMENTAL RESOURCES FOR AT-RISK PROGRAMS AND SERVICES, INFORMATION TECHNOLOGY COURSES, TEST PREPARATION TOOLS, AND SPECIAL INTEREST COURSES FOR OFFERING TO PUPILS OF THE ONLINE SCHOOL AND OTHER SCHOOLS.

(7) IF AN ONLINE SCHOOL SERVES AT-RISK PUPILS, AS DEFINED IN SECTION 31A OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1631A, THE ONLINE SCHOOL SHALL ENSURE THAT A MENTOR IS MADE AVAILABLE TO EACH AT-RISK PUPIL TO SIGNIFICANTLY SUPPORT THE PUPIL AND ENSURE ACADEMIC SUCCESS.

(8) AN ONLINE SCHOOL MAY, THROUGH CONTRACTS AND AGREEMENTS, SEEK TO SIGNIFICANTLY EXPAND CURRICULAR OFFERINGS FOR OTHER SCHOOLS ACROSS THIS STATE.

(9) NONPUBLIC SCHOOL STUDENTS AND HOME-SCHOoled STUDENTS MAY PARTICIPATE IN COURSE OFFERINGS OF AN ONLINE SCHOOL TO THE SAME
EXTENT THAT THEY ARE ALLOWED TO PARTICIPATE IN SCHOOL DISTRICT COURSE OFFERINGS UNDER THIS ACT AND THE STATE SCHOOL AID ACT OF 1979.

(10) AN ONLINE SCHOOL MAY BE DESIGNED TO DELIVER A FULL CURRICULUM FOR MIGRANT PUPILS THROUGH DISTANCE LEARNING AND MAY LIMIT ENROLLMENT TO PUPILS FOR WHOM THAT CURRICULUM IS APPROPRIATE.

(11) AN ONLINE SCHOOL MAY BE DESIGNED TO DELIVER A FULL CURRICULUM TO HOMEBOUND OR HOSPITALIZED PUPILS, AS DESCRIBED IN SECTION 109 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1709, AND MAY LIMIT ENROLLMENT TO THOSE PUPILS.

(12) AN ONLINE SCHOOL MAY COORDINATE SERVICES WITH LOCAL WORKFORCE DEVELOPMENT ENTITIES, BUSINESSES, LABOR ORGANIZATIONS, CULTURAL INSTITUTIONS, STATE UNIVERSITIES, AND COMMUNITY COLLEGES TO MAKE AVAILABLE ADDITIONAL HOURS OF OPERATION FOR TRAINING, COLLEGE COURSES, AND TECHNICAL ASSISTANCE IN WHICH IT HAS EXPERTISE OR CAN COORDINATE SERVICES.

(13) AN ONLINE SCHOOL SHALL MAKE AVAILABLE TO PUPILS, PARENTS OR LEGAL GUARDIANS, AND STAFF AT ALL TIMES THROUGHOUT THE YEAR ONLINE REPORTS OF MEASURED STUDENT PROGRESS OF ACADEMIC SUCCESS.

(14) AN ONLINE SCHOOL MAY DEVELOP PERSONALIZED LEARNING PLANS FOR ALL PARTICIPATING PUPILS. IF DEVELOPED, THE PERSONALIZED LEARNING PLAN SHALL ENSURE THAT PUPIL ACADEMIC SUCCESS AND COMPETITIVE SKILLS ARE MEASURED INCREMENTALLY AND LONGITUDINALLY.

(15) AN ONLINE SCHOOL MAY REQUIRE PUPILS TO PRODUCE PORTFOLIOS ILLUSTRATING PROGRESS TOWARD MEETING ACADEMIC CRITERIA THAT INCLUDE, BUT ARE NOT LIMITED TO, SOME OR ALL OF THE FOLLOWING:

(A) CRITICAL THINKING AND PROBLEM SOLVING.
(B) COLLABORATION ACROSS NETWORKS AND LEADING BY INFLUENCE.
(C) AGILITY AND ADAPTABILITY.
(D) INITIATIVE, INNOVATION, AND ENTREPRENEURSHIP.
(E) EFFECTIVE VERBAL AND WRITTEN COMMUNICATION.
(F) ACCESSING AND ANALYZING INFORMATION.
(G) CURIOSITY AND IMAGINATION.

(16) A LIMITATION OR ENROLLMENT CAP FOR A CYBER SCHOOL UNDER PART 6E DOES NOT APPLY TO AN ONLINE SCHOOL DESCRIBED IN THIS SECTION. AS PROVIDED IN THE STATE SCHOOL AID ACT OF 1979, THE REQUIRED MINIMUM NUMBER OF DAYS AND HOURS OF PUPIL INSTRUCTION TIME REQUIREMENTS AND DAILY ATTENDANCE REQUIREMENTS OF THAT ACT DO NOT APPLY TO AN ONLINE SCHOOL DESCRIBED IN THIS SECTION.

SEC. 586. (1) AN AUTHORIZING BODY MAY ISSUE A SPECIAL DESIGNATION FOR A GLOBALLY COMPETITIVE SCHOOL UNDER THIS PART. FOR THE PURPOSES OF THIS PART, A GLOBALLY COMPETITIVE SCHOOL IS A HIGHLY SELECTIVE SCHOOL DESIGNED TO PROVIDE AN INNOVATIVE, SPECIALIZED LEARNING ENVIRONMENT FOR HIGHLY MOTIVATED PUPILS WHO HAVE A GENUINE INTEREST IN THE CURRICULUM OF THE SCHOOL AND IN PERFORMING AT AN EDUCATIONAL LEVEL EQUAL TO OR EXCEEDING THE HIGHEST-PERFORMING STUDENTS IN THE WORLD.

(2) A GLOBALLY COMPETITIVE SCHOOL MAY ADOPT A COMPETITIVE ADMISSIONS PROCESS TO SELECT HIGHLY MOTIVATED PUPILS WITH DIVERSE BACKGROUNDS, TALENTS, AND SKILLS, WHO DEMONSTRATE 1 OR MORE OF THE FOLLOWING:

(A) HIGH ABILITY, APTITUDE, AND INTEREST IN MATHEMATICS, SCIENCE, OR TECHNOLOGY.
(B) INTELLECTUAL CURIOSITY AND SELF-MOTIVATION TO PURSUE
SCIENTIFIC RESEARCH.

(C) A DESIRE TO BE CHALLENGED WITH AN EXTENSIVE CURRICULUM FOCUSED IN MATHEMATICS, SCIENCE, AND TECHNOLOGY.

(D) THE HIGHEST ACADEMIC AND PERSONAL INTEGRITY.

(E) AN ASPIRATION TO BECOME A MEMBER OF A COMMUNITY OF LEARNERS, EXPLORERS, MENTORS, AND LEADERS.

(F) THE CAPABILITY TO BECOME A LEADER IN THE FUTURE.

(3) THE SPECIAL DESIGNATION AGREEMENT FOR A GLOBALLY COMPETITIVE SCHOOL MUST REQUIRE THE SCHOOL TO ADOPT ACADEMIC STANDARDS THAT REQUIRE TEST SCORES THAT MEET OR EXCEED HIGH INTERNATIONAL TESTING AND RANKING STANDARDS.

(4) A GLOBALLY COMPETITIVE SCHOOL MAY RECRUIT PUPILS FROM ANYWHERE IN THE WORLD WHO MEET THE ENROLLMENT STANDARDS OF THE GLOBALLY COMPETITIVE SCHOOL AND MAY CHARGE TUITION TO PUPILS WHO ARE NOT RESIDENTS OF THIS STATE AS PROVIDED IN THIS ACT.

SEC. 587. (1) AN AUTHORIZING BODY MAY ISSUE A SPECIAL DESIGNATION FOR AN INTERNATIONAL CULTURAL SCHOOL UNDER THIS PART. FOR THE PURPOSES OF THIS PART, AN INTERNATIONAL CULTURAL SCHOOL IS A PUBLIC SCHOOL THAT IS DESIGNED WITH A CURRICULUM THAT PROVIDES A DISTINCT FOCUS REGARDING THE CULTURE AND PEOPLES OF 1 OR MORE OF THE VARIOUS PARTS OF THE WORLD.

(2) A SPECIAL DESIGNATION FOR AN INTERNATIONAL CULTURAL SCHOOL SHALL BE ISSUED BY AN AUTHORIZING BODY ONLY IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION HAS ENTERED INTO AN AGREEMENT WITH THE MINISTER OF EDUCATION, OR OFFICIAL HOLDING AN EQUIVALENT POSITION, OF ANOTHER NATION OR PROVINCE TO PROVIDE FOR DUAL ENROLLMENT OF PUPILS IN THE INTERNATIONAL CULTURAL SCHOOL AND IN A PUBLIC SCHOOL
IN THAT OTHER NATION OR PROVINCE. THE AGREEMENT SHALL ALSO PROVIDE
THAT A PUPIL MAY BE AWARDED A DIPLOMA FROM BOTH SCHOOLS UPON
SUCCESSFUL COMPLETION OF THE REQUIRED CURRICULUM. STATE FUNDS MAY
NOT BE USED TO PAY FOR THE PUPILS FROM THE OTHER NATION OR
PROVINCE.

(3) THE AGREEMENT UNDER SUBSECTION (2) SHALL REQUIRE A PUPIL
WHO IS NOT A RESIDENT OF THIS STATE TO PAY TUITION AS PROVIDED
UNDER THIS ACT.

(4) AN INTERNATIONAL CULTURAL SCHOOL MAY ALSO BE A RESIDENTIAL
PUBLIC SCHOOL AS PROVIDED UNDER SECTION 588.

SEC. 588. (1) AN AUTHORIZING BODY MAY ISSUE A SPECIAL
DESIGNATION UNDER THIS PART FOR A RESIDENTIAL PUBLIC SCHOOL. A
RESIDENTIAL PUBLIC SCHOOL MAY INCLUDE A SCHOOL THAT MEETS ANY OF
THE FOLLOWING:

(A) THE RESIDENTIAL PUBLIC SCHOOL IS A HIGH SCHOOL THAT
FOCUSES ON THE INTENSIVE STUDY OF SCIENCE, MATHEMATICS, AND
TECHNOLOGY AND MEETS ALL OF THE FOLLOWING:

(i) THE SCHOOL IS LIMITED TO HIGH SCHOOL JUNIORS AND SENIORS.

(ii) THE SCHOOL IS A PUBLIC SCHOOL IN WHICH ENROLLMENT IS
LIMITED AND APPLICANTS UNDERGO A HIGHLY COMPETITIVE REVIEW PROCESS
PRIOR TO ADMISSION.

(iii) THE SPECIAL DESIGNATION AGREEMENT FOR THE RESIDENTIAL
PUBLIC SCHOOL PROVIDES THAT THE SCHOOL SHALL SEEK TO PARTICIPATE IN
THE NATIONAL CONSORTIUM FOR SPECIALIZED SECONDARY SCHOOLS OF
MATHEMATICS, SCIENCE, AND TECHNOLOGY, WHICH IS AN ALLIANCE OF
SPECIALIZED HIGH SCHOOLS IN THE UNITED STATES WHOSE FOCUS IS
ADVANCED PREPARATORY STUDIES IN MATHEMATICS, SCIENCE, AND
(B) THE RESIDENTIAL PUBLIC SCHOOL IS OPERATED IN COOPERATION WITH THE DEPARTMENT OF HUMAN SERVICES OR A PUBLIC OR PRIVATE AGENCY APPROVED BY THE DEPARTMENT OF HUMAN SERVICES. THE AUTHORIZING BODY OR THE DEPARTMENT MAY WAIVE ANY PROVISION OF THIS ACT AS NECESSARY TO COMPLY WITH ANY CONSENT DECREE AFFECTING THE PUPILS ENROLLED IN A RESIDENTIAL PUBLIC SCHOOL DESCRIBED IN THIS SUBDIVISION.

(C) THE RESIDENTIAL PUBLIC SCHOOL IS OPERATED BY THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, THE DEPARTMENT OF STATE POLICE, OR ANOTHER PUBLIC SAFETY ORGANIZATION AND MEETS ALL OF THE FOLLOWING:

(i) THE RESIDENTIAL PUBLIC SCHOOL IS LIMITED TO HIGH SCHOOL PUPILS.

(ii) THE RESIDENTIAL PUBLIC SCHOOL IS OPERATED AS A PUBLIC SCHOOL IN WHICH APPLICANTS UNDERGO A COMPETITIVE REVIEW PROCESS BEFORE ADMISSION.

(D) THE RESIDENTIAL SCHOOL IS OPERATED BY THE DEPARTMENT OF NATURAL RESOURCES.

(E) THE RESIDENTIAL SCHOOL IS OPERATED BY A CULTURAL INSTITUTION IN THIS STATE DESCRIBED IN SECTION 591.

(2) IF A RESIDENTIAL PUBLIC SCHOOL ENROLLS A PUPIL WHO IS NOT A RESIDENT OF THIS STATE, THE PUPIL SHALL PAY TUITION AS PROVIDED UNDER THIS ACT.

(3) MONEY IN THE STATE SCHOOL AID FUND ESTABLISHED UNDER SECTION 11 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963 SHALL NOT BE USED FOR ROOM AND BOARD FOR PUPILS IN A RESIDENTIAL PUBLIC SCHOOL.
(4) The superintendent of public instruction may promulgate rules under this section relating to the boarding of pupils at a residential public school to facilitate the safety and security of the pupils.

Sec. 589. (1) A state public university may issue a special designation under this part for a university school. For the purposes of this part, a university school is an instructional program operated by a state public university for some or all of grades K to 12.

(2) All of the following apply to a university school:

(A) A university school shall comply with the provisions of this section and section 23 of the State School Aid Act of 1979, MCL 388.1623.

(B) A university school shall be established as a separate public body corporate. The financial accounts of the university school shall not be consolidated or intermingled with those of the authorizing state public university or universities.

(C) The governing board or president of the state public university shall determine the governance of the university school.

(D) The state public university may enter into matriculation agreements with the university school, and may enter into matriculation agreements with other public schools, pursuant to enrollment standards established by the university school.

(E) The university school may provide that for all or part of the school, the enrollment is limited, and that applicants must undergo a competitive review process before admission.

(F) The university school may enroll and charge tuition to
PUPILS WHO ARE NOT RESIDENTS OF THIS STATE OR OTHER PUPILS NOT OTHERWISE ELIGIBLE TO BE COUNTED IN MEMBERSHIP UNDER THE STATE SCHOOL AID ACT OF 1979.

(G) ONE OR MORE PUBLIC UNIVERSITIES OR COMMUNITY COLLEGES MAY ENTER INTO MATRICULATION AGREEMENTS WITH THE UNIVERSITY SCHOOL ASSURING PUPILS ENROLLMENT INTO THE STATE PUBLIC UNIVERSITY OR COMMUNITY COLLEGE UPON MEETING THE REQUIREMENTS ESTABLISHED IN THE MATRICULATION AGREEMENT.

(3) THIS SECTION DOES NOT LIMIT A STATE PUBLIC UNIVERSITY FROM COOPERATING WITH ANY OTHER PUBLIC SCHOOL OR ENROLLING ANY PUBLIC SCHOOL STUDENT FOR CREDIT OR NONCREDIT COURSES IN THE STATE PUBLIC UNIVERSITY.

SEC. 590. (1) AN AUTHORIZING BODY MAY ISSUE A SPECIAL DESIGNATION UNDER THIS PART FOR AN EMPLOYER-SUPPORTED SCHOOL. FOR THE PURPOSES OF THIS PART, AN EMPLOYER-SUPPORTED SCHOOL IS A SCHOOL DESIGNED TO RETAIN OR ENCOURAGE EMPLOYERS TO LOCATE JOB-PRODUCING FACILITIES IN A MANNER THAT ENCOURAGES EMPLOYEES TO LOCATE AND RESIDE IN THE COMMUNITY IN WHICH THE JOB-PRODUCING FACILITY IS LOCATED.

(2) BEFORE ISSUING A SPECIAL DESIGNATION FOR AN EMPLOYER-SUPPORTED SCHOOL, THE AUTHORIZING BODY SHALL ENTER INTO AN AGREEMENT WITH 1 OR MORE EMPLOYERS THAT REQUIRES THE EMPLOYER OR EMPLOYERS TO PROVIDE SOME OR ALL OF THE FOLLOWING AS DETERMINED BY THE AUTHORIZING BODY, AND SHALL INCLUDE THESE REQUIREMENTS IN THE SPECIAL DESIGNATION AGREEMENT:

(A) ASSISTANCE IN MEETING THE CAPITAL REQUIREMENTS FOR THE SCHOOL.
(B) CONTINUING FINANCIAL SUPPORT FOR THE SCHOOL FOR THE BENEFIT OF ALL PUPILS IN THE SCHOOL.
(C) COLOCATION OF SOME OR ALL OF THE EDUCATIONAL SERVICES ON THE SITE OF THE EMPLOYER.
(3) AN AUTHORIZING BODY SHALL NOT ISSUE A SPECIAL DESIGNATION FOR AN EMPLOYER-SUPPORTED SCHOOL UNLESS THE APPLICANT CERTIFIES THAT THE EMPLOYER OR EMPLOYERS PROVIDE OR PROPOSE TO PROVIDE SUBSTANTIAL EMPLOYMENT IN THE AREA IN WHICH THE SCHOOL IS TO BE LOCATED.
(4) TWO OR MORE EMPLOYERS MAY JOINTLY ENTER INTO AN AGREEMENT WITH AN AUTHORIZING BODY FOR AN EMPLOYER-SUPPORTED SCHOOL.
(5) NOT MORE THAN 75% OF THE PUPILS AT AN EMPLOYER-SUPPORTED SCHOOL SHALL BE CHILDREN OF EMPLOYEES AND CONTRACTORS OF THE EMPLOYER OR EMPLOYERS. AT LEAST 25% OF THE PUPILS ENROLLED IN THE SCHOOL SHALL BE SELECTED BY RANDOM SELECTION OF APPLICANTS WHO ARE NOT CHILDREN OF EMPLOYEES OR CONTRACTORS OF THE EMPLOYER OR EMPLOYERS AND WHO MEET THE SCHOOL'S ADMISSION POLICY FOR APPLICANTS WHO ARE NOT CHILDREN OF EMPLOYEES OR CONTRACTORS OF THE EMPLOYER OR EMPLOYERS.
(6) NOT MORE THAN 1/3 OF THE MEMBERS OF THE BOARD OR GOVERNANCE OF THE EMPLOYER-SPONSORED SCHOOL MAY BE AFFILIATED WITH THE EMPLOYER OR EMPLOYERS OF THE EMPLOYER-SPONSORED SCHOOL. FOR PURPOSES OF THIS SUBSECTION, "AFFILIATED" MEANS EMPLOYED BY, UNDER CONTRACT WITH, OR A MEMBER OF THE GOVERNING BOARD OF THE EMPLOYER OR EMPLOYERS, BUT DOES NOT INCLUDE RETIRED OR FORMER EMPLOYEES.
SEC. 591. (1) AN AUTHORIZING BODY MAY ISSUE A SPECIAL DESIGNATION UNDER THIS PART FOR A CULTURAL INSTITUTION-AFFILIATED
SCHOOL. FOR THE PURPOSES OF THIS PART, A CULTURAL INSTITUTION-
AFFILIATED SCHOOL IS A SCHOOL THAT IS AFFILIATED WITH AN
ORGANIZATION PROVIDING CULTURAL SERVICES THAT IS EITHER AN
ORGANIZATION RECOGNIZED UNDER SECTION 501(C)(3) OF THE INTERNAL
REVENUE CODE OR IS AN INSTRUMENTALITY OF GOVERNMENT.

(2) BEFORE ISSUING A SPECIAL DESIGNATION FOR A CULTURAL
INSTITUTION-AFFILIATED SCHOOL, AN AUTHORIZING BODY SHALL ENTER INTO
AN AGREEMENT WITH A CULTURAL INSTITUTION IN WHICH THE CULTURAL
INSTITUTION AGREES TO PROVIDE CONTINUING SUPPORT AND GUIDANCE TO
THE CULTURAL INSTITUTION-AFFILIATED SCHOOL IN THE MANNER REQUIRED
UNDER THE AGREEMENT, AND SHALL INCLUDE THESE REQUIREMENTS IN THE
SPECIAL DESIGNATION AGREEMENT.

(3) AN AUTHORIZING BODY SHALL NOT ISSUE A SPECIAL DESIGNATION
FOR A CULTURAL INSTITUTION-AFFILIATED SCHOOL UNLESS THE CULTURAL
INSTITUTION AGREES TO PROVIDE CONTINUING SUPPORT AND GUIDANCE TO
THE CULTURAL INSTITUTION-AFFILIATED SCHOOL AND AGREES THAT IT WILL
COMPLY WITH THE TERMS OF THE SPECIAL DESIGNATION AGREEMENT AND ALL
APPLICABLE STATE LAWS AND WILL RECOGNIZE THAT THE CULTURAL
INSTITUTION-AFFILIATED SCHOOL IS A PUBLIC SCHOOL OF THIS STATE.

(4) NOT MORE THAN 1/3 OF THE MEMBERS OF THE BOARD OR
GOVERNANCE OF THE SCHOOL OR ACADEMY MAY BE AFFILIATED WITH THE
CULTURAL INSTITUTION. FOR PURPOSES OF THIS SUBSECTION, "AFFILIATED"
MEANS EMPLOYED BY, UNDER CONTRACT WITH, OR A MEMBER OF THE
GOVERNING BODY OF THE CULTURAL INSTITUTION, BUT DOES NOT INCLUDE A
PERSON WHO PROVIDES SERVICES ON A VOLUNTEER BASIS.

SEC. 592. (1) AN AUTHORIZING BODY MAY ISSUE A SPECIAL
DESIGNATION UNDER THIS PART FOR A MUNICIPAL SCHOOL. FOR THE
PURPOSES OF THIS PART, A MUNICIPAL SCHOOL IS A SCHOOL THAT IS AFFILIATED WITH A COUNTY, CITY, VILLAGE, TOWNSHIP, OR METROPOLITAN AUTHORITY.

(2) BEFORE GRANTING A SPECIAL DESIGNATION FOR A MUNICIPAL SCHOOL, AN AUTHORIZING BODY SHALL ENTER INTO AN AGREEMENT WITH A COUNTY, CITY, VILLAGE, TOWNSHIP, OR METROPOLITAN AUTHORITY IN WHICH THE COUNTY, CITY, VILLAGE, TOWNSHIP, OR METROPOLITAN AUTHORITY AGREES TO PROVIDE CONTINUING SUPPORT AND GUIDANCE TO THE MUNICIPAL SCHOOL IN THE MANNER REQUIRED UNDER THE AGREEMENT, AND SHALL INCLUDE THESE REQUIREMENTS IN THE SPECIAL DESIGNATION AGREEMENT.

(3) AN AUTHORIZING BODY SHALL NOT GRANT A SPECIAL DESIGNATION FOR A MUNICIPAL SCHOOL UNLESS THE COUNTY, CITY, VILLAGE, TOWNSHIP, OR METROPOLITAN AUTHORITY AGREES TO PROVIDE CONTINUING SUPPORT AND GUIDANCE TO THE MUNICIPAL SCHOOL AND AGREES THAT IT WILL COMPLY WITH THE TERMS OF THE SPECIAL DESIGNATION AGREEMENT AND ALL APPLICABLE STATE LAWS AND WILL RECOGNIZE THAT THE MUNICIPAL SCHOOL IS A PUBLIC SCHOOL OF THIS STATE.

(4) A MUNICIPAL SCHOOL MAY GIVE ENROLLMENT PRIORITY TO A RESIDENT OF THE COUNTY, CITY, VILLAGE, TOWNSHIP, OR METROPOLITAN AUTHORITY IN WHICH THE MUNICIPAL SCHOOL IS LOCATED.

(5) A MEMBER OF THE BOARD OR GOVERNANCE OF A MUNICIPAL SCHOOL MAY BE AFFILIATED WITH THE COUNTY, CITY, VILLAGE, TOWNSHIP, OR METROPOLITAN AUTHORITY. SERVICE BY AN OFFICIAL OF A COUNTY, CITY, OR VILLAGE ON THE BOARD OF A MUNICIPAL SCHOOL IS NOT AN INCOMPATIBLE OFFICE UNDER 1978 PA 566, MCL 15.181 TO 15.185. FOR PURPOSES OF THIS SUBSECTION, "AFFILIATED" MEANS EMPLOYED BY, UNDER CONTRACT WITH, OR A MEMBER OF THE GOVERNING BODY OF THE COUNTY,
SEC. 1233C. (1) THE GOVERNING BODY OF A PUBLIC SCHOOL MAY CONTRACT FOR AN INDIVIDUAL TO SERVE AS AN ADJUNCT INSTRUCTOR TO PROVIDE INSTRUCTION TO PUPILS ON AN HOURLY, DAILY, OR OTHER PERIODIC BASIS AS PROVIDED UNDER THIS SECTION.

(2) THE GOVERNING BODY OF A PUBLIC SCHOOL SHALL NOT CONTRACT FOR AN INDIVIDUAL TO SERVE AS AN ADJUNCT INSTRUCTOR UNLESS THE INDIVIDUAL POSSESSES A VALID ADJUNCT INSTRUCTOR CERTIFICATE UNDER THIS SECTION FOR THE ADJUNCT CERTIFICATION AREA FOR WHICH HE OR SHE IS PROVIDING INSTRUCTION. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ISSUE AN ADJUNCT INSTRUCTOR CERTIFICATE TO AN INDIVIDUAL FOR AN ADJUNCT CERTIFICATION AREA IF THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL MEETS ALL OF THE FOLLOWING:

(A) THE INDIVIDUAL POSSESSES A WRITTEN LETTER OF INTEREST FROM A PUBLIC SCHOOL.

(B) THE INDIVIDUAL POSSESSES A BACHELOR'S, MASTER'S, OR DOCTORATE DEGREE FROM A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY AND MAINTAINED OVERALL POSTSECONDARY GRADE POINT AVERAGE OF 2.50 OR HIGHER AND A GRADE POINT AVERAGE OF 2.50 OR HIGHER IN THE INDIVIDUAL'S MAJOR AREA OF STUDY.

(C) THE INDIVIDUAL MAJORED IN AN ADJUNCT CERTIFICATION AREA OR THE INDIVIDUAL HAS OBTAINED A PASSING PRAXIS SCORE ON THE PRAXIS II EXAMINATION IN THE APPROPRIATE ADJUNCT CERTIFICATION AREA.

(D) THE INDIVIDUAL DEMONSTRATES AT LEAST 5 YEARS OF VERIFIABLE OCCUPATIONAL EXPERIENCE WITHIN THE IMMEDIATELY PRECEDING 10-YEAR PERIOD IN THE CONTENT FIELD OF THE ADJUNCT CERTIFICATION AREA OR IN
A FIELD RELATED TO THE ADJUNCT CERTIFICATION AREA.

(E) The individual files a complete application for an adjunct instructor certification in the form and manner prescribed by the department and pays a $100.00 application fee. The department may require that the application include official postsecondary transcripts, any applicable official praxis test result reports, or any other relevant information requested by the department.

(F) If the individual previously served as an adjunct instructor at any public school, the individual received satisfactory performance reviews. An individual is not required to have previously served as an adjunct instructor in order to obtain an initial adjunct instructor certificate.

(3) Before allowing an individual to serve as an adjunct instructor to provide instruction to pupils, the governing body shall ensure that both the public school and the individual comply with the requirements of sections 1230 to 1230h.

(4) An adjunct instructor shall be a part-time contractor serving at the public school and shall not be an employee of the public school. An adjunct instructor is not eligible for continuing service status or to participate in the retirement system established under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437. Service as an adjunct instructor is not creditable for purposes of obtaining a teaching certificate under this act.

(5) In a single academic year, an adjunct instructor may not teach more than 2 courses that are offered for academic credit.

(6) If a public school contracts for 1 or more adjunct
INSTRUCTORS, ALL OF THE FOLLOWING APPLY:

(A) THE PUBLIC SCHOOL SHALL PROVIDE AN ORIENTATION PROGRAM FOR EACH ADJUNCT INSTRUCTOR PROVIDING EDUCATIONAL SERVICES AT THE PUBLIC SCHOOL.

(B) THE PUBLIC SCHOOL SHALL ASSIGN TO EACH ADJUNCT INSTRUCTOR A CERTIFICATED TEACHER OR SCHOOL ADMINISTRATOR TO SERVE AS A MENTOR. THE TEACHER OR SCHOOL ADMINISTRATOR SHALL BE CERTIFICATED IN THE SAME SUBJECT AREA AS THE ADJUNCT CERTIFICATION AREA IN WHICH THE ADJUNCT INSTRUCTOR WAS ISSUED AN ADJUNCT INSTRUCTOR CERTIFICATE.

(7) A PUBLIC SCHOOL MAY NOT UTILIZE THE SERVICES OF AN ADJUNCT INSTRUCTOR TO MEET REQUIREMENTS FOR HIGHLY QUALIFIED TEACHERS IMPOSED UNDER THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110.

(8) AN ADJUNCT INSTRUCTOR CERTIFICATE ISSUED UNDER THIS SECTION IS VALID FOR A PERIOD OF 3 YEARS. THE DEPARTMENT SHALL NOT ISSUE A NEW OR RENEWAL ADJUNCT INSTRUCTOR CERTIFICATE TO AN INDIVIDUAL UNLESS THE INDIVIDUAL MEETS THE REQUIREMENTS OF SUBSECTION (2) AND, WITHIN THE 3-YEAR PERIOD IMMEDIATELY PRECEDING HIS OR HER APPLICATION FOR THE NEW OR RENEWAL ADJUNCT INSTRUCTOR CERTIFICATE, THE INDIVIDUAL HAS COMPLETED AT LEAST 20 CONTACT HOURS OF PROFESSIONAL DEVELOPMENT APPROVED BY THE PUBLIC SCHOOL IN WHICH THE ADJUNCT INSTRUCTOR IS PROVIDING EDUCATIONAL SERVICES.

(9) FOR THE PURPOSES OF THIS SECTION, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DETERMINE SUBJECT AREAS THAT ARE APPROPRIATE FOR THE USE OF ADJUNCT INSTRUCTORS UNDER THIS SECTION AND SHALL DESIGNATE THOSE SUBJECT AREAS AS RECOGNIZED ADJUNCT
CERTIFICATION AREAS. AT LEAST ANNUALLY, THE SUPERINTENDENT OF
PUBLIC INSTRUCTION SHALL PUBLISH A LIST OF THE RECOGNIZED ADJUNCT
CERTIFICATION AREAS AND SHALL MAINTAIN THAT LIST ON THE
DEPARTMENT'S WEBSITE.

Sec. 1278a. (1) Except as otherwise provided in this section
or section 1278b, beginning with pupils entering grade 8 in 2006,
the board of a school district or board of directors of a public
school academy shall not award a high school diploma to a pupil
unless the pupil meets all of the following:

(a) Has successfully completed all of the following credit
requirements of the Michigan merit standard before graduating from
high school:

(i) At least 4 credits in mathematics that are aligned with
subject area content expectations developed by the department and
approved by the state board under section 1278b, including
completion of at least algebra I, geometry, and algebra II, or an
integrated sequence of this course content that consists of 3
credits, and an additional mathematics credit, such as
trigonometry, statistics, precalculus, calculus, applied math,
accounting, business math, a retake of algebra II, a course in
financial literacy as described in section 1165. A pupil may
complete algebra II over 2 years with 2 credits awarded or over 1.5
years with 1.5 credits awarded for the purposes of this section and
section 1278b. A pupil also may partially or fully fulfill the
algebra II requirement by completing a department-approved formal
career and technical education program or curriculum that has
appropriate embedded mathematics content, such as a program or
curriculum in electronics, machining, construction, welding, engineering, or renewable energy. Not later than 30 days after the effective date of the amendatory act that added the immediately preceding sentence, the department shall post on its website and submit to the senate and house standing committees on education guidelines for implementation of the immediately preceding sentence. Each pupil must successfully complete at least 1 mathematics course during his or her final year of high school enrollment. This subparagraph does not require completion of mathematics courses in any particular sequence.

(ii) At least 3 credits in social science that are aligned with subject area content expectations developed by the department and approved by the state board under section 1278b, including completion of at least 1 credit in United States history and geography, 1 credit in world history and geography, 1/2 credit in economics, and the civics course described in section 1166(2).

(iii) At least 1 credit in subject matter that includes both health and physical education aligned with guidelines developed by the department and approved by the state board under section 1278b.

(iv) At least 1 credit in visual arts, performing arts, or applied arts, as defined by the department, that is aligned with guidelines developed by the department and approved by the state board under section 1278b.

(v) The credit requirements specified in section 1278b(1).

(b) Meets the online course or learning experience requirement of this subsection. A school district or public school academy shall provide the basic level of technology and internet access
required by the state board to complete the online course or learning experience. For a pupil to meet this requirement, the pupil shall meet either ANY of the following, as determined by the school district or public school academy:

(i) Has successfully completed at least 1 course or learning experience that is presented online, as defined by the department.

(ii) The pupil's school district or public school academy has integrated an online experience throughout the high school curriculum by ensuring that each teacher of each course that provides the required credits of the Michigan merit curriculum has integrated an online experience into the course.

(iii) THE PUPIL RECEIVES UP TO 2 HOURS OF INSTRUCTION EACH SCHOOL DAY THROUGH ONLINE LEARNING PROVIDED UNDER PART 20B THAT IS APPROVED BY THE PUPIL'S SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY.

(2) In addition to the requirements under subsection (1), beginning with pupils entering grade 3 in 2006, the board of a school district or board of directors of a public school academy shall not award a high school diploma to a pupil unless the pupil has successfully completed during grades 9 to 12 at least 2 credits, as determined by the department, in a language other than English, or the pupil has successfully completed at any time during grades K to 12 course work or other learning experiences that are substantially equivalent to 2 credits in a language other than English, based on guidelines developed by the department. For the purposes of this subsection, all of the following apply:

(a) American sign language is considered to be a language other than English.
(b) The pupil may meet all or part of this requirement with online course work.

(3) The requirements under this section and section 1278b for a high school diploma are in addition to any local requirements imposed by the board of a school district or board of directors of a public school academy. The board of a school district or board of directors of a public school academy, as a local requirement for a high school diploma, may require a pupil to complete the Michigan merit examination under section 1279g or may require a pupil to participate in the MIAccess assessments if appropriate for the pupil.

(4) For the purposes of this section and section 1278b, all of the following apply:

(a) A pupil is considered to have completed a credit if the pupil successfully completes the subject area content expectations or guidelines developed by the department that apply to the credit.

(b) A school district or public school academy shall base its determination of whether a pupil has successfully completed the subject area content expectations or guidelines developed by the department that apply to a credit at least in part on the pupil's performance on the assessments developed or selected by the department under section 1278b or on 1 or more assessments developed or selected by the school district or public school academy that measure a pupil's understanding of the subject area content expectations or guidelines that apply to the credit.

(c) A school district or public school academy shall also grant a pupil a credit if the pupil earns a qualifying score, as
determined by the department, on the assessments developed or
selected for the subject area by the department under section 1278b
or the pupil earns a qualifying score, as determined by the school
district or public school academy, on 1 or more assessments
developed or selected by the school district or public school
academy that measure a pupil's understanding of the subject area
content expectations or guidelines that apply to the credit.

(5) If a high school is designated by the superintendent of
public instruction OR, FOR AN ACHIEVEMENT SCHOOL, BY THE CHANCELLOR
OF THE ACHIEVEMENT AUTHORITY, as a specialty school and the high
school meets the requirements of subsection (6), then the pupils of
the high school are not required to successfully complete the 4
credits in English language arts required under section 1278b(1)(a)
or the 3 credits in social science required under subsection
(1)(a)(ii) and the school district or public school academy is not
required to ensure that each pupil is offered the curriculum
necessary for meeting those English language arts or social science
credit requirements. The superintendent of public instruction may
designate up to 15 high schools that meet the requirements of this
subsection as specialty schools. Subject to this maximum number,
the superintendent of public instruction shall designate a high
school as a specialty school if the superintendent of public
instruction finds that the high school meets all of the following
criteria:

(a) The high school incorporates a significant reading and
writing component throughout its curriculum.

(b) The high school uses a specialized, innovative, and
rigorous curriculum in such areas as performing arts, foreign language, extensive use of internships, or other learning innovations that conform to pioneering innovations among other leading national or international high schools.

(6) A high school that is designated by the superintendent of public instruction OR THE CHANCELLOR OF THE ACHIEVEMENT AUTHORITY as a specialty school under subsection (5) is only exempt from requirements as described under subsection (5) as long as the superintendent of public instruction OR CHANCELLOR, AS APPLICABLE, finds that the high school continues to meet all of the following requirements:

(a) The high school clearly states to prospective pupils and their parents that it does not meet the requirements of the Michigan merit standard under this section and section 1278b but is a designated specialty school that is exempt from some of those requirements and that a pupil who enrolls in the high school and subsequently transfers to a high school that is not a specialty school meeting the requirements of this subsection will be required to comply with the requirements of the Michigan merit standard under this section and section 1278b.

(b) For the most recent year for which the data are available, the mean scores on both the mathematics and science portions of the ACT examination for the pupils of the high school exceed by at least 10% the mean scores on the mathematics and science portions of the ACT examination for the pupils of the school district in which the greatest number of the pupils of the high school reside.

(c) For the most recent year for which the data are available,
the high school had a graduation rate of at least 85%, as
determined by the department.
(d) For the most recent year for which the data are available,
at least 75% of the pupils who graduated from the high school the
preceding year are enrolled in a postsecondary institution.
(e) All pupils of the high school are required to meet the
mathematics credit requirements of subsection (1)(a)(i), with no
modification of these requirements under section 1278b(5), and each
pupil is offered the curriculum necessary to meet this requirement.
(f) All pupils of the high school are required to meet the
science credit requirements of section 1278b(1)(b) and are also
required to successfully complete at least 1 additional science
credit, for a total of at least 4 science credits, with no
modification of these requirements under section 1278b(5), and each
pupil is offered the curriculum necessary to meet this requirement.

Sec. 1401. (1) The board of a school district may admit
nonresident pupils AND OUT-OF-STATE PUPILS to the schools of the
SCHOOL district. The board shall determine the rates of tuition of
the nonresident pupils AND OUT-OF STATE PUPILS and shall collect
the tuition.
(2) Tuition for grades K to 6 FOR NONRESIDENT PUPILS shall not
exceed 25% more than the operation cost per capita for the number
of pupils in membership in grades K to 12.
(3) Tuition for grades 7 to 12 FOR NONRESIDENT PUPILS shall
not exceed 12-1/2% more than 115% of the operation cost per capita
for the number of pupils in membership in grades K to 12.
(4) In a school district not maintaining grades above the
eighth grade, the tuition **FOR NONRESIDENT PUPILS** shall not exceed 25% more than the operation cost per capita for the number of pupils in membership in grades K to 8.

(5) The operation costs and membership figures of the preceding fiscal year shall be used **IN DETERMINING TUITION FOR NONRESIDENT PUPILS**. The per capita cost used **IN DETERMINING TUITION FOR NONRESIDENT PUPILS** shall not include money expended for school sites, school building construction, equipment, payment of bonds, or other purposes not properly included in operation costs as determined by the state board. **SUPERINTENDENT OF PUBLIC INSTRUCTION**.

(6) **AS USED IN THIS PART:**

(A) "NONRESIDENT PUPIL" MEANS A PUPIL WHO IS A RESIDENT OF THIS STATE BUT IS NOT A RESIDENT OF THE SCHOOL DISTRICT.

(B) "OUT-OF-STATE PUPIL" MEANS A PUPIL WHO IS NOT A RESIDENT OF THIS STATE.

Sec. 1473. (1) The board of a school district, board of directors of a public school academy, or governing board of a nonpublic school shall consider providing college level equivalent courses either directly, through an intermediate district program, or by agreement in a consortium or cooperative program.

(2) If a public school pupil successfully completes a college level equivalent course that is offered by electronic means, including, but not limited to, the internet, digital broadcast, or satellite network, and is offered by a school district, **A PUBLIC SCHOOL ACADEMY**, a regionally accredited college or university, **A UNIVERSITY SCHOOL**, or the Michigan virtual high school described in
section 1481, and if the pupil has been sponsored in this process by a certificated teacher employed by the pupil's school district, or public school academy, or university school, the school district, or public school academy, or university school in which the pupil is enrolled shall do all of the following:

(a) Grant appropriate high school credit for completion of the course.

(b) Count that credit toward the graduation and subject area requirements of the school district or public school academy.

PART 20B

MICHIGAN VIRTUAL HIGH SCHOOL ONLINE LEARNING

Sec. 1481. (1) Not later than the beginning of the 2000-2001 school year, the Michigan virtual university shall develop, implement, and operate the Michigan virtual high school, as described in this section.

(2) The Michigan virtual high school shall have the following goals:

(a) Significantly expand curricular offerings for high schools across this state through agreements with school districts or other public schools or licenses from other recognized providers.

(b) Create a statewide instructional model using interactive multimedia tools delivered by electronic means, including, but not limited to, the internet, digital broadcast, or satellite network, for distributed learning at the high school level in the schools of this state.
(c) Provide pupils with opportunities to develop skills and competencies through on-line learning.
(d) Offer high school teachers opportunities to learn new skills and strategies for developing and delivering instructional services.
(e) Accelerate this state's ability to respond to current and emerging educational demands.
(f) Grant high school diplomas through a dual enrollment method with school districts AND OTHER PUBLIC SCHOOLS.
(g) Act as a broker for college level equivalent courses, as defined in section 1471, and dual enrollment courses from postsecondary education institutions.

(3) The Michigan virtual high school course offerings shall include, but are not limited to, all of the following:
(a) Information technology courses.
(b) College level equivalent courses, as defined in section 1471.
(c) Courses and dual enrollment opportunities.
(d) At-risk programs and services.
(e) General education development test preparation courses for adjudicated youth.
(f) Special interest courses.
(g) Professional development programs and services for teachers.

(4) In addition to its other duties under this section, the Michigan virtual university shall work with the department and other appropriate state agencies to explore the development and
delivery of a full curriculum for migrant pupils that would be available through distance learning. The Michigan virtual university and the department shall submit a joint report on their findings under this subsection to the legislature not later than 1 year after the effective date of this section.

(5) Nonpublic school students and home-schooled children may participate in course offerings of the Michigan virtual high school to the same extent they are allowed to participate in school district course offerings under this act and the state school aid act of 1979. , 1979 PA 94, MCL 388.1601 to 388.1772.

(6) The Michigan virtual university shall fund the Michigan virtual high school from appropriations made for this purpose and may also use funds received for its services from school districts and other schools, from tuition received from pupils who are not residents of this state, and from other sources. The department shall provide technical assistance as requested by the Michigan virtual university for the purposes of this section.

(7) The Michigan virtual university may act as an educational management organization for a public school academy, university school, or achievement school that specializes in online learning. As used in this subsection, "educational management organization" means an entity that enters into an agreement with the governing board of a public school to provide comprehensive educational, administrative, management, or instructional services or staff to the public school.

Sec. 1482. (1) It is the policy of this state to utilize the
POWER AND SCALABILITY OF TECHNOLOGY, INCLUDING, BUT NOT LIMITED TO,
ONLINE COURSES, TO CUSTOMIZE EDUCATION SO THAT A PUPIL MAY LEARN
CONSISTENT WITH THE PUPIL'S LEARNING STYLE AND PREFERENCES AND AT
THE PUPIL'S PACE.

(2) A PUBLIC SCHOOL SHALL OFFER ONLINE COURSES ON AN OPEN
ENTRY AND EXIT METHOD AS DETERMINED BY THE PUBLIC SCHOOL. THE
PUBLIC SCHOOL MAY PROVIDE THE ONLINE COURSE ITSELF OR MAY CONTRACT
WITH AN ONLINE COURSE PROVIDER FOR THE PROVISION OF THE ONLINE
COURSE.

(3) AN ONLINE COURSE OFFERED UNDER THIS SECTION SHALL BE
DESIGNED TO DO 1 OR MORE OF THE FOLLOWING:

(A) PROVIDE HIGH-QUALITY LEARNING OPTIONS FOR A PUPIL
REGARDLESS OF LANGUAGE, RESIDENCE, FAMILY INCOME, OR SPECIAL NEEDS.

(B) PROVIDE ONLINE LEARNING OPTIONS ENABLING A PUPIL TO
ACQUIRE KNOWLEDGE AND TECHNOLOGY SKILLS NECESSARY TO BE COMPETITIVE
TECHNOLOGICALLY ANYWHERE IN THE WORLD.

(C) UTILIZE TECHNOLOGY TO REMOVE THE CONSTRAINTS OF
TRADITIONAL CLASSROOM LEARNING, ALLOWING A PUPIL TO ACCESS LEARNING
VIRTUALY AT ANY TIME AND IN ANY PLACE AND GIVING THE PUPIL THE
FLEXIBILITY TO TAKE ADVANTAGE OF THE PUPIL'S PEAK LEARNING TIME.

(D) PROVIDE PERSONALIZED LEARNING, WHERE A PUPIL CAN SPEND AS
LITTLE OR AS MUCH TIME AS THE PUPIL NEEDS TO MASTER THE MATERIAL.

(E) PROVIDE GREATER ACCESS TO SELF-PACED PROGRAMS ENABLING A
HIGH-ACHIEVING PUPIL TO ACCELERATE ACADEMICALLY AND AFFORDING A
STRUGGLING PUPIL ADDITIONAL TIME AND HELP TO GAIN COMPETENCY.

(4) A PUBLIC SCHOOL SHALL REQUIRE THAT AN ONLINE COURSE BE
SUBJECT TO THE SAME DATA COLLECTION AND ASSESSMENT PROCEDURES AS
ANY OTHER COURSE AND MAY IMPOSE ADDITIONAL ACCOUNTABILITY MEASURES
DESIGNED TO FAIRLY ASSESS WHAT IS OCCURRING AT A PARTICULAR SCHOOL
OR BY AN ONLINE PROVIDER.

(5) A PUBLIC SCHOOL AND A TEACHER IN A PUBLIC SCHOOL MAY USE
AN ADJUNCT INSTRUCTOR AUTHORIZED UNDER SECTION 1233C FOR AN ONLINE
COURSE IF THE ADJUNCT INSTRUCTOR PROVIDES ADDITIONAL VALUE TO THE
ONLINE COURSE, INCLUDING, BUT NOT LIMITED TO, COMMUNITY EXPERTISE,
TECHNICAL SKILLS, AND COMPETENCE RELEVANT TO THE ONLINE COURSE, OR
WIDELY RECOGNIZED EXPERTISE OR REPUTATION IN A FIELD.

(6) AS USED IN THIS SECTION, "OPEN ENTRY AND EXIT METHOD"
MEANS A METHOD OF INSTRUCTIONAL DELIVERY THAT ALLOWS FOR FLEXIBLE
SCHEDULING IN RESPONSE TO INDIVIDUAL PUPIL NEEDS OR REQUIREMENTS
AND DEMONSTRATED COMPETENCY WHEN KNOWLEDGE AND SKILLS HAVE BEEN
MASTERED AND THAT PROVIDES PUPILS WITH ALL OF THE FOLLOWING:

(A) THE FLEXIBILITY TO BEGIN OR END STUDY AT ANY TIME.

(B) THE ABILITY TO PROGRESS THROUGH COURSE MATERIAL AT THE
PUPIL'S PACE.

(C) A MECHANISM TO DEMONSTRATE COMPETENCY WHEN KNOWLEDGE AND
SKILLS HAVE BEEN MASTERED.

SEC. 1483. (1) IN ORDER TO EXPAND INNOVATIVE LEARNING
OPPORTUNITIES FOR STUDENTS, PROMOTE TWENTY-FIRST CENTURY LEARNING
SKILLS, AND REDUCE EDUCATIONAL EXPENDITURES THROUGH THE EFFECTIVE
USE OF ONLINE INSTRUCTIONAL PROGRAMS, THE PUBLIC SCHOOLS SHALL
PROVIDE ELIGIBLE PUPILS THE OPTION TO ENROLL IN ONLINE
INSTRUCTIONAL PROGRAMS OR ONLINE COURSES.

(2) A PUPIL ENROLLED IN A PUBLIC SCHOOL IN ANY OF GRADES 3 TO
12 IS ELIGIBLE TO ENROLL IN AN ONLINE INSTRUCTIONAL PROGRAM OR
ONLINE COURSE. WITH THE CONSENT OF THE PUPIL'S PARENT OR LEGAL
GUARDIAN, A PUBLIC SCHOOL SHALL ENROLL A PUPIL IN ONLINE COURSES AS
REQUESTED BY THE PUPIL, UP TO 2 ONLINE COURSES DURING A SPECIFIC
ACADEMIC TERM, SEMESTER, OR TRIMESTER. HOWEVER, IF A PUPIL HAS
DEMONSTRATED PREVIOUS SUCCESS WITH ONLINE COURSES AND THE SCHOOL
LEADERSHIP AND THE PUPIL'S PARENT OR GUARDIAN DETERMINE THAT IT IS
IN THE BEST INTEREST OF THE PUPIL, A PUPIL MAY BE ENROLLED IN MORE
THAN 2 ONLINE COURSES IN A SPECIFIC ACADEMIC TERM, SEMESTER, OR
TRIMESTER WITH THE CONSENT OF THE PUPIL'S PARENT OR LEGAL GUARDIAN.

(3) THE GOVERNING BODY OF A PUBLIC SCHOOL SHALL ENSURE THAT
THE PUBLIC SCHOOL INFORMS PARENTS AND PUPILS AT LEAST ANNUALLY
ABOUT THE AVAILABILITY OF ONLINE LEARNING OPTIONS. FOR A PUPIL WHO
ENROLLS IN 1 OR MORE ONLINE INSTRUCTIONAL PROGRAMS, THE GOVERNING
BODY SHALL APPLY A PORTION OF THE FOUNDATION ALLOWANCE OR PER-PUPIL
PAYMENT UNDER THE STATE SCHOOL AID ACT OF 1979 THAT IS ATTRIBUTABLE
TO THE PUPIL FOR THE COST OF THE ONLINE INSTRUCTIONAL PROGRAM.

(4) USING FUNDS PROVIDED UNDER THE STATE SCHOOL AND ACT OF
1979, A PUBLIC SCHOOL SHALL DO ALL OF THE FOLLOWING AS NECESSARY TO
MEET THE REQUIREMENTS OF THIS SECTION:

(A) PROVIDE PUPILS ACCESS TO SCHOOL-OWNED INTERNET-CONNECTED
DEVICES TO CONNECT TO ONLINE COURSES DURING REGULAR SCHOOL HOURS.

(B) ALLOW PUPILS TO ACCESS ONLINE COURSES THROUGH THE SCHOOL'S
WIRELESS INTERNET SERVICE WHILE ON SCHOOL PREMISES WITH THE PUPIL'S
OWN MOBILE DEVICE.

(C) PROVIDE PUPILS WITH OPPORTUNITIES TO COMPLETE ALL OR PART
OF THEIR ONLINE COURSEWORK AWAY FROM SCHOOL FACILITIES.

(5) IF A PUPIL SUCCESSFULLY COMPLETES AN INSTRUCTIONAL PROGRAM
OR ONLINE COURSE, THE PUBLIC SCHOOL IN WHICH THE PUPIL IS ENROLLED
SHALL GRANT APPROPRIATE SCHOOL CREDIT FOR COMPLETION OF THE COURSE
AND COUNT THAT CREDIT TOWARD COMPLETION OF THE GRADUATION AND
SUBJECT AREA REQUIREMENTS OF THE PUBLIC SCHOOL. A PUPIL'S SCHOOL
RECORD AND TRANSCRIPT SHALL IDENTIFY ONLINE INSTRUCTIONAL PROGRAMS
AND ONLINE COURSES, INCLUDING IDENTIFICATION OF THE ONLINE
PROVIDER.

(6) A PUBLIC SCHOOL IS ENCOURAGED TO PROVIDE TO A PUPIL AND
PARENTS AND GUARDIANS ACADEMIC COUNSELING SERVICES THAT DO ALL OF
THE FOLLOWING:

(A) OFFER TECHNICAL ASSISTANCE TO ASSESS PUPIL READINESS FOR
ONLINE LEARNING.

(B) MAKE AVAILABLE TO PUPILS AND PARENTS OR GUARDIANS A LIST
OF APPROVED ONLINE PROVIDERS MAINTAINED BY THE DEPARTMENT.

(C) ENSURE THAT PUPILS AND PARENTS OR GUARDIANS ARE ADVISED OF
THE BENEFITS, CHALLENGES, AND POSSIBLE CONSEQUENCES OF ENROLLING IN
AN ONLINE COURSE. A PUBLIC SCHOOL IS ALSO ENCOURAGED TO ENGAGE
PUPILS AND PARENTS OR GUARDIANS THROUGH THE USE OF INFORMAL
CONTRACTS OR WRITTEN AGREEMENTS THAT OUTLINE PUPIL AND PARENTAL
RESPONSIBILITIES WITH REGARD TO ONLINE LEARNING.

(7) TO ASSIST PUPILS AND THEIR PARENTS OR GUARDIANS IN
SELECTING APPROPRIATE ONLINE COURSES, A PUBLIC SCHOOL SHALL ENSURE
THAT ALL OF THE FOLLOWING ARE MET WITH RESPECT TO EACH ONLINE
COURSE THE PUBLIC SCHOOL OFFERS THROUGH AN ONLINE PROVIDER:

(A) THAT EACH ONLINE COURSE OFFERED BY AN ONLINE PROVIDER IS
OF SUFFICIENT RIGOR, DEPTH, AND BREADTH TO MEET THE EDUCATIONAL
OBJECTIVES OF THE PUBLIC SCHOOL.
(B) THAT EACH ONLINE COURSE OFFERED BY AN ONLINE PROVIDER MAINTAINS A LEVEL OF DIRECT INSTRUCTIONAL SUPPORT BETWEEN PUPILS AND TEACHERS OR ADJUNCT INSTRUCTORS.

(C) THAT THERE IS DOCUMENTATION THAT THE ONLINE COURSES OFFERED BY THE ONLINE PROVIDER ARE ALIGNED WITH THE STATE BOARD RECOMMENDED MODEL CORE ACADEMIC CURRICULUM CONTENT STANDARDS UNDER SECTION 1278 OR THAT THE COURSE IS NOT INTENDED TO BE A COURSE THAT MEETS THE RECOMMENDED MODEL CORE ACADEMIC CURRICULUM CONTENT STANDARDS.

(D) THAT THE ONLINE PROVIDER OF THE ONLINE COURSE requires each member of its instructional staff to hold a valid Michigan teaching certificate, or an adjunct instructor certificate under section 1233c, appropriate for the course he or she is teaching, and provides assurance that the provider, before assigning an individual to serve as a teacher in an online course, will comply with sections 1230 and 1230a with respect to that individual to the same extent as if the provider were a school district employing the individual as a teacher and will provide the department with the criminal history record information obtained under section 1230 and with the results of the criminal records check under section 1230a.

(E) THAT THE ONLINE PROVIDER MEETS THE REQUIREMENTS FOR ACCREDITATION BY 1 OR MORE NATIONALLY RECOGNIZED EDUCATION ACCREDITATION ORGANIZATIONS THAT USE A COMPREHENSIVE PROGRAM OF
EVALUATION AND EXTERNAL REVIEW, AS APPROVED BY THE DEPARTMENT.

(F) THAT THE ONLINE PROVIDER AGREES TO USE END-OF-COURSE ASSESSMENTS AS THEY ARE MADE AVAILABLE IN AN ONLINE FORMAT BY THE PUBLIC SCHOOL OR THE DEPARTMENT.

(8) PUBLIC SCHOOLS, ONLINE PROVIDERS, AND THE DEPARTMENT MAY COOPERATE TO PUBLISH AN ONLINE INVENTORY OF ONLINE CLASSES AND ONLINE PROVIDERS THAT MEET THE REQUIREMENTS OF THIS SECTION.

(9) THE DEPARTMENT MAY POST AND PERIODICALLY UPDATE ON ITS WEBSITE A LIST OF ONLINE PROVIDERS AND ONLINE COURSES THAT OFFER HIGH-QUALITY ONLINE INSTRUCTIONAL PROGRAMS TO PUPILS.

(10) FOR EACH PUPIL ENROLLED IN AN ONLINE INSTRUCTIONAL PROGRAM, AN ONLINE PROVIDER SHALL MAKE AVAILABLE TO THE PUBLIC SCHOOL IN WHICH THE PUPIL IS ENROLLED AND TO THE PUPIL'S PARENT OR LEGAL GUARDIAN REGULAR PUPIL PROGRESS REPORTS AND AN END-OF-COURSE ACHIEVEMENT SCORE OR GRADE ON A TIMELY BASIS.