

SB 473, As Passed Senate, June 7, 2001

**SUBSTITUTE FOR
SENATE BILL NO. 473**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 373, 502, 507, and 1280 (MCL 380.373, 380.502, 380.507, and 380.1280), section 373 as amended by 2000 PA 230, sections 502 and 507 as amended by 1995 PA 289, and section 1280 as amended by 1997 PA 180, and by adding sections 506a and 1206 and part 15a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 373. (1) Beginning on the effective date of the amen-
2 datory act that added this part or the date on which a school
3 district becomes a qualifying school district, the powers and
4 duties of the elected school board of the qualifying school dis-
5 trict and of its secretary and treasurer are suspended unless and
6 until a new school board is elected under section 375. However,
7 until the expiration of each individual member's current term,

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1 the members of the elected school board of a qualifying school
2 district may continue to meet as an advisory board to provide
3 input to the school reform board on an advisory basis only.
4 Notwithstanding section 417a or any board policy, bylaw, or reso-
5 lution to the contrary, these advisory board members shall serve
6 without compensation or reimbursement, and funds of the qualify-
7 ing school district shall not be used to staff or otherwise sup-
8 port the advisory board in any way.

9 (2) Beginning on the effective date of the amendatory act
10 that added this part or the date on which a school district
11 becomes a qualifying school district, and until appointment of a
12 school reform board for a qualifying school district under this
13 part, all provisions of this act that would otherwise apply to
14 the school board of the qualifying school district or to the
15 school reform board or chief executive officer apply to the
16 mayor, and the mayor immediately may exercise all the powers and
17 duties otherwise vested by law in the board of the qualifying
18 school district and in its secretary and treasurer, and all
19 powers and duties of the school reform board or chief executive
20 officer as provided under this part. Within 30 days after
21 appointing a school reform board under this part, the mayor shall
22 initiate a financial audit of the qualifying school district.
23 The mayor shall provide the results of this audit to the school
24 reform board.

25 (3) Upon appointment of a school reform board for a qualify-
26 ing school district under this part, and until appointment of a
27 chief executive officer under section 374, all provisions of this

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1 act that would otherwise apply to the school board of the
2 qualifying school district or to the chief executive officer
3 apply to the school reform board, and the school reform board
4 immediately may exercise all the powers and duties otherwise
5 vested by law in the board of the qualifying school district and
6 in its secretary and treasurer, and all powers and duties of the
7 chief executive officer as provided under this part.

8 (4) Upon appointment of a chief executive officer for a
9 qualifying school district under section 374, all provisions of
10 this act that would otherwise apply to the elected school board
11 of the qualifying school district apply to the chief executive
12 officer; the chief executive officer immediately may exercise all
13 the powers and duties otherwise vested by law in the elected
14 school board of the qualifying school district and in its secre-
15 tary and treasurer, and all additional powers and duties provided
16 under this part; and the chief executive officer accedes to all
17 the rights, duties, and obligations of the elected school board
18 of the qualifying school district. These powers, rights, duties,
19 and obligations include, but are not limited to, all of the
20 following:

21 (a) Authority over the expenditure of all school district
22 funds, including proceeds from bonded indebtedness and other
23 funds dedicated to capital projects.

24 (b) Rights and obligations under collective bargaining
25 agreements and employment contracts entered into by the elected
26 school board, except for employment contracts of those employees
27 described in subsection ~~-(6)-~~ (7).

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1 (c) Rights to prosecute and defend litigation.

2 (d) Obligations under any judgments entered against the
3 elected school board.

4 (e) Rights and obligations under statute, rule, and common
5 law.

6 (f) Authority to delegate any of the chief executive
7 officer's powers and duties to 1 or more designees, with proper
8 supervision by the school reform board.

9 (5) In addition to his or her other powers, the chief execu-
10 tive officer appointed under this part may terminate any contract
11 entered into by the elected school board of the qualifying school
12 district except for a collective bargaining agreement. However,
13 this subsection does not allow any termination or diminishment of
14 obligations to pay debt service on legally authorized bonds. A
15 contract terminated by a chief executive officer under this sub-
16 section is void.

17 (6) IN ADDITION TO HIS OR HER OTHER POWERS, A CHIEF EXECU-
18 TIVE OFFICER APPOINTED UNDER THIS PART MAY IMPLEMENT WITHIN THE
19 QUALIFYING SCHOOL DISTRICT ANY OF THE ENUMERATED CORRECTIVE MEA-
20 SURES THAT THE STATE EDUCATIONAL IMPROVEMENT BOARD IS AUTHORIZED
21 TO ORDER UNDER SECTION 1195.

22 (7) ~~(6)~~ Beginning on the effective date of the amendatory
23 act that added this part or the date on which a school district
24 becomes a qualifying school district, and until appointment of a
25 school reform board for a qualifying school district under this
26 part, each employee of the qualifying school district whose
27 position is not covered by a collective bargaining agreement is

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1 employed at the will of the mayor. Upon appointment of a school
2 reform board for a qualifying school district under this part,
3 and until appointment of a chief executive officer under section
4 374, each employee of the qualifying school district whose posi-
5 tion is not covered by a collective bargaining agreement is
6 employed at the will of the school reform board. Upon appoint-
7 ment of a chief executive officer for a qualifying school dis-
8 trict under section 374, each employee of the qualifying school
9 district whose position is not covered by a collective bargaining
10 agreement is employed at the will of the chief executive
11 officer.

12 (8) ~~-(7)-~~ Not later than 90 days after the initial appoint-
13 ment of a chief executive officer under this part, and at least
14 annually thereafter, the chief executive officer with the
15 approval of the school reform board shall develop and submit to
16 the school district accountability board created in section 376 a
17 school district improvement plan that includes at least detailed
18 academic, financial, capital, and operational goals and bench-
19 marks for improvement and a description of strategies to be used
20 to accomplish those goals and benchmarks. The plan also shall
21 include an assessment of available resources and recommendations
22 concerning additional resources or changes in statute or rule, if
23 any, needed to meet those goals and benchmarks. The plan also
24 shall include an evaluation of local school governance issues,
25 including criteria for establishing building-level governance.

26 (9) ~~-(8)-~~ A chief executive officer with the approval of the
27 school reform board for the qualifying school district shall

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1 submit an annual report to the mayor, governor, school district
2 accountability board created in section 376, and legislature and
3 shall make the annual report available to the community in the
4 qualifying school district. The annual report shall contain at
5 least all of the following:

6 (a) A summary of the initiatives that have been implemented
7 to improve school quality in the qualifying school district.

8 (b) Measurements that may be useful in determining improve-
9 ments in school quality in the qualifying school district. These
10 measurements shall indicate changes from baseline data from the
11 school year before the appointment of the school reform board,
12 and shall include at least all of the following:

13 (i) Standardized test scores of pupils.

14 (ii) Dropout rates.

15 (iii) Daily attendance figures.

16 (iv) Enrollment figures.

17 (v) High school completion and other pertinent completion
18 rates.

19 (vi) Changes made in course offerings.

20 (vii) Proportion of school district resources devoted to
21 direct educational services.

22 (c) A description of long-term performance goals that may
23 include statewide averages or comparable measures of long-term
24 improvement.

25 (10) ~~(9)~~ A school reform board may organize and establish
26 community assistance teams to work with the school reform board
27 to implement a cohesive, full service community school program

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1 addressing the needs and concerns of the qualifying school
2 district's population. The school reform board may delegate to a
3 community assistance team the authority to devise and implement
4 family, community, cultural, and recreational activities to
5 assure that the academic mission of the schools is successful.
6 The community assistance teams may also develop parental involve-
7 ment activities that focus on the encouragement of voluntary par-
8 enting education, enhancing parent and family involvement in edu-
9 cation, and promoting adult and family literacy.

10 (11) ~~(10)~~ The mayor, superintendent of public instruction,
11 state board, school district accountability board created in
12 section 376, this state, the city in which a qualifying school
13 district is located, a school reform board established under this
14 part, or a chief executive officer or other officer appointed
15 under section 374 is not liable for any obligation of or claim
16 against a qualifying school district resulting from an action
17 taken under this part.

18 Sec. 502. (1) A public school academy shall be organized
19 and administered under the direction of a board of directors in
20 accordance with this part and with bylaws adopted by the board of
21 directors. A public school academy corporation shall be orga-
22 nized under the nonprofit corporation act, ~~Act No. 162 of the~~
23 ~~Public Acts of 1982, being sections 450.2101 to 450.3192 of the~~
24 ~~Michigan Compiled Laws 1982 PA 162, MCL 450.2101 TO 450.3192,~~
25 except that a public school academy corporation is not required
26 to comply with sections 170 to 177 of ~~Act No. 327 of the Public~~
27 ~~Acts of 1931, being sections 450.170 to 450.177 of the Michigan~~

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1 ~~Compiled Laws~~ 1931 PA 327, MCL 450.170 TO 450.177. To the
2 extent disqualified under the state or federal constitution, a
3 public school academy shall not be organized by a church or other
4 religious organization and shall not have any organizational or
5 contractual affiliation with or constitute a church or other
6 religious organization. IF A PUBLIC SCHOOL ACADEMY IS DESIGNATED
7 AS A PRIORITY SCHOOL DISTRICT UNDER PART 15A, THE PUBLIC SCHOOL
8 ACADEMY'S BOARD OF DIRECTORS IS SUBJECT TO REPLACEMENT UNDER SEC-
9 TION 1195.

10 (2) Any of the following may act as an authorizing body to
11 issue a contract to organize and operate 1 or more public school
12 academies under this part:

13 (a) The board of a school district that operates grades K to
14 12. However, the board of a school district shall not issue a
15 contract for a public school academy to operate outside the
16 school district's boundaries, and a public school academy autho-
17 rized by the board of a school district shall not operate outside
18 that school district's boundaries.

19 (b) An intermediate school board. However, the board of an
20 intermediate school district shall not issue a contract for a
21 public school academy to operate outside the intermediate school
22 district's boundaries, and a public school academy authorized by
23 the board of an intermediate school district shall not operate
24 outside that intermediate school district's boundaries.

25 (c) The board of a community college. However, except as
26 otherwise provided in this subdivision, the board of a community
27 college shall not issue a contract for a public school academy to

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1 operate in a school district organized as a school district of
2 the first class, a public school academy authorized by the board
3 of a community college shall not operate in a school district
4 organized as a school district of the first class, the board of a
5 community college shall not issue a contract for a public school
6 academy to operate outside the boundaries of the community col-
7 lege district, and a public school academy authorized by the
8 board of a community college shall not operate outside the bound-
9 aries of the community college district. The board of a commu-
10 nity college also may issue a contract for not more than 1 public
11 school academy to operate on the grounds of an active or closed
12 federal military installation located outside the boundaries of
13 the community college district, or may operate a public school
14 academy itself on the grounds of such a federal military instal-
15 lation, if the federal military installation is not located
16 within the boundaries of any community college district and the
17 community college has previously offered courses on the grounds
18 of the federal military installation for at least 10 years.

19 (d) The governing board of a state public university.
20 However, the combined total number of contracts ~~for public~~
21 ~~school academies~~ issued by all state public universities FOR
22 PUBLIC SCHOOL ACADEMIES OTHER THAN CONTRACTS ISSUED UNDER SUBSEC-
23 TION (3) shall not exceed ~~85 through 1996, and, after the ini-~~
24 ~~tial evaluation under section 501a, shall not exceed 100 through~~
25 ~~1997, 125 through 1998, or 150. thereafter.~~ Further, the total
26 number of contracts issued by any 1 state public university FOR
27 PUBLIC SCHOOL ACADEMIES OTHER THAN CONTRACTS ISSUED UNDER

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1 SUBSECTION (3) shall not exceed ~~50 through 1996, and thereafter~~
2 ~~shall not exceed 50% of the maximum combined total number that~~
3 ~~may be issued under this subdivision~~ 75.

4 (3) IF THE CONTRACT IS FOR A NEW PUBLIC SCHOOL ACADEMY TO BE
5 LOCATED IN A PRIORITY SCHOOL DISTRICT SUBJECT TO AN ORDER UNDER
6 SECTION 1195(1)(H) AND IF THE STATE EDUCATIONAL IMPROVEMENT BOARD
7 APPROVES THE ISSUANCE OF THE CONTRACT, THE GOVERNING BOARD OF A
8 STATE PUBLIC UNIVERSITY MAY ISSUE A CONTRACT TO ORGANIZE AND
9 OPERATE THE PUBLIC SCHOOL ACADEMY WITHOUT REGARD TO THE LIMITA-
10 TIONS IN SUBSECTION (2)(D).

11 (4) ~~(3)~~ To obtain a contract to organize and operate 1 or
12 more public school academies, 1 or more persons or an entity may
13 apply to an authorizing body described in subsection (2). The
14 application shall include at least all of the following:

15 (a) Identification of the applicant for the contract.

16 (b) Subject to the resolution adopted by the authorizing
17 body under section ~~503(4)~~ 503, a list of the proposed members
18 of the board of directors of the public school academy and a
19 description of the qualifications and method for appointment or
20 election of members of the board of directors.

21 (c) The proposed articles of incorporation, which shall
22 include at least all of the following:

23 (i) The name of the proposed public school academy.

24 (ii) The purposes for the public school academy
25 corporation. This language shall provide that the public school
26 academy is incorporated pursuant to this part and that the public
27 school academy corporation is a governmental entity.

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- 1 (iii) The name of the authorizing body.
- 2 (iv) The proposed time when the articles of incorporation
3 will be effective.
- 4 (v) Other matters considered expedient to be in the articles
5 of incorporation.
- 6 (d) A copy of the proposed bylaws of the public school
7 academy.
- 8 (e) Documentation meeting the application requirements of
9 the authorizing body, including at least all of the following:
- 10 (i) The governance structure of the public school academy.
- 11 (ii) A copy of the educational goals of the public school
12 academy and the curricula to be offered and methods of pupil
13 assessment to be used by the public school academy. To the
14 extent applicable, the progress of the pupils in the public
15 school academy shall be assessed using at least a Michigan educa-
16 tion assessment program (MEAP) test or an assessment instrument
17 developed under section 1279. ~~for a state-endorsed high school~~
18 ~~diploma.~~
- 19 (iii) The admission policy and criteria to be maintained by
20 the public school academy. The admission policy and criteria
21 shall comply with section 504. This part of the application also
22 shall include a description of how the applicant will provide to
23 the general public adequate notice that a public school academy
24 is being created and adequate information on the admission
25 policy, criteria, and process.
- 26 (iv) The school calendar and school day schedule.

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1 (v) The age or grade range of pupils to be enrolled.

2 (f) Descriptions of staff responsibilities and of the public
3 school academy's governance structure.

4 (g) For an application to the board of a school district, an
5 intermediate school board, or board of a community college, iden-
6 tification of the local and intermediate school districts in
7 which the public school academy will be located.

8 (h) An agreement that the public school academy will comply
9 with the provisions of this part and, subject to the provisions
10 of this part, with all other state law applicable to public
11 bodies and with federal law applicable to public bodies or school
12 districts.

13 (i) For a public school academy authorized by a school dis-
14 trict, an assurance that employees of the public school academy
15 will be covered by the collective bargaining agreements that
16 apply to other employees of the school district employed in simi-
17 lar classifications in schools that are not public school
18 academies.

19 (j) A description of and address for the proposed physical
20 plant in which the public school academy will be located.

21 (5) ~~(4)~~ An authorizing body shall oversee, or shall con-
22 tract with an intermediate school district, community college, or
23 state public university to oversee, each public school academy
24 operating under a contract issued by the authorizing body. The
25 oversight shall be sufficient to ensure that the authorizing body
26 can certify that the public school academy is in compliance with
27 statute, rules, and the terms of the contract.

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1 (6) ~~(5)~~ If the ~~state board~~ SUPERINTENDENT OF PUBLIC
2 INSTRUCTION finds that an authorizing body is not engaging in
3 appropriate continuing oversight of 1 or more public school acad-
4 emies operating under a contract issued by the authorizing body
5 OR IF AN AUTHORIZING BODY FAILS TO COMPLY WITH AN ORDER UNDER
6 SECTION 1195 TO REVOKE A CONTRACT ISSUED BY THE AUTHORIZING BODY
7 OR TO REDUCE THE AMOUNT OF THE FEE IT CHARGES UNDER
8 SUBSECTION (7), the ~~state board~~ SUPERINTENDENT OF PUBLIC
9 INSTRUCTION may suspend the power of the authorizing body to
10 issue new contracts to organize and operate public school
11 academies. A contract issued by the authorizing body during the
12 suspension is void. A contract issued by the authorizing body
13 before the suspension is not affected by the suspension.

14 (7) ~~(6)~~ An authorizing body shall not charge a fee, or
15 require reimbursement of expenses, for considering an application
16 for a contract, for issuing a contract, or for providing over-
17 sight of a contract for a public school academy in an amount that
18 exceeds a combined total of 3% of the total state school aid
19 received by the public school academy in the school year in which
20 the fees or expenses are charged. AN AUTHORIZING BODY SHALL
21 REDUCE THE AMOUNT OF THIS FEE CHARGED TO A PUBLIC SCHOOL ACADEMY
22 IF THE STATE EDUCATIONAL IMPROVEMENT BOARD ORDERS UNDER
23 SECTION 1195 THAT THE FEE BE REDUCED. THE FEE REDUCTION SHALL BE
24 IN THE AMOUNT OR PERCENTAGE ORDERED BY THE STATE EDUCATIONAL
25 IMPROVEMENT BOARD. An authorizing body may provide other services
26 for a public school academy and charge a fee for those services,

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1 but shall not require such an arrangement as a condition to
2 issuing the contract authorizing the public school academy.

3 (8) ~~-(7)-~~ A public school academy shall be presumed to be
4 legally organized if it has exercised the franchises and privi-
5 leges of a public school academy for at least 2 years.

6 SEC. 506A. IF A PUBLIC SCHOOL ACADEMY IS DESIGNATED AS A
7 PRIORITY SCHOOL DISTRICT SUBJECT TO THE SCHOOL DISTRICT ACCOUNT-
8 ABILITY MEASURES UNDER PART 15A, ALL POWERS AND DUTIES OF THE
9 PUBLIC SCHOOL ACADEMY'S BOARD OF DIRECTORS, OFFICERS, AND AUTHO-
10 RIZING BODY ARE SUBJECT TO PART 15A.

11 Sec. 507. (1) The authorizing body for a public school
12 academy is the fiscal agent for the public school academy. A
13 state school aid payment for a public school academy shall be
14 paid to the authorizing body that is the fiscal agent for that
15 public school academy, which shall then forward the payment to
16 the public school academy. An authorizing body has the responsi-
17 bility to oversee a public school academy's compliance with the
18 contract and all applicable law.

19 (2) A contract issued under this part may be revoked by the
20 authorizing body that issued the contract if the authorizing body
21 determines that 1 or more of the following has occurred:

22 (a) Failure of the public school academy to abide by and
23 meet the educational goals set forth in the contract.

24 (b) Failure of the public school academy to comply with all
25 applicable law.

26 (c) Failure of the public school academy to meet generally
27 accepted public sector accounting principles.

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1 (d) The existence of 1 or more other grounds for revocation
2 as specified in the contract.

3 (3) IF AN AUTHORIZING BODY RECEIVES AN ORDER FROM THE STATE
4 EDUCATIONAL IMPROVEMENT BOARD UNDER SECTION 1195 DIRECTING THE
5 AUTHORIZING BODY TO REVOKE A CONTRACT IT ISSUED, THE AUTHORIZING
6 BODY SHALL REVOKE THE CONTRACT. FAILURE TO COMPLY WITH THE ORDER
7 MAY RESULT IN SUSPENSION OF THE AUTHORIZING BODY'S POWER TO ISSUE
8 NEW CONTRACTS, AS DESCRIBED IN SECTION 502(6).

9 (4) ~~-(2)-~~ The decision of an authorizing body to revoke a
10 contract under this section is solely within the discretion of
11 the authorizing body, is final, and is not subject to review by a
12 court or any state agency. An authorizing body that revokes a
13 contract under this section is not liable for that action to the
14 public school academy, public school academy corporation, a pupil
15 of the public school academy, the parent or guardian of a pupil
16 of the public school academy, or any other person.

17 PART 15A

18 SCHOOL DISTRICT ACCOUNTABILITY MEASURES

19 SEC. 1191. AS USED IN THIS PART:

20 (A) "BOARD" OR "SCHOOL BOARD" INCLUDES A SCHOOL BOARD OR THE
21 BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY.

22 (B) "EDUCATIONAL EVALUATION TEAM" MEANS AN EDUCATIONAL EVAL-
23 UATION TEAM APPOINTED FOR A PRIORITY SCHOOL DISTRICT UNDER
24 SECTION 1194.

25 (C) "PRIORITY SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT DES-
26 IGNATED AS A PRIORITY SCHOOL DISTRICT UNDER SECTION 1193.

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1 (D) "SCHOOL DISTRICT" INCLUDES A SCHOOL DISTRICT, LOCAL ACT
2 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY, THAT HAS BEEN IN
3 OPERATION FOR AT LEAST 3 SCHOOL YEARS.

4 (E) "STATE EDUCATIONAL IMPROVEMENT BOARD" MEANS THE STATE
5 EDUCATIONAL IMPROVEMENT BOARD CREATED UNDER SECTION 1192.

6 SEC. 1192. (1) THE STATE EDUCATIONAL IMPROVEMENT BOARD IS
7 CREATED IN THE DEPARTMENT. THE STATE EDUCATIONAL IMPROVEMENT
8 BOARD CONSISTS OF THE FOLLOWING 5 MEMBERS:

9 (A) THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR HIS OR HER
10 DESIGNEE.

11 (B) ONE MEMBER APPOINTED BY THE SENATE MAJORITY LEADER.

12 (C) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
13 REPRESENTATIVES.

14 (D) TWO MEMBERS APPOINTED BY THE GOVERNOR.

15 (2) THE MEMBERS FIRST APPOINTED TO THE STATE EDUCATIONAL
16 IMPROVEMENT BOARD SHALL BE APPOINTED WITHIN 20 DAYS AFTER THE
17 EFFECTIVE DATE OF THIS SECTION.

18 (3) EXCEPT FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR
19 HIS OR HER DESIGNEE, A MEMBER OF THE STATE EDUCATIONAL IMPROVE-
20 MENT BOARD SHALL SERVE FOR A TERM OF 5 YEARS OR UNTIL A SUCCESSOR
21 IS APPOINTED. IF THERE IS A VACANCY, THE VACANCY SHALL BE FILLED
22 BY THE APPOINTING AUTHORITY IN THE SAME MANNER OF THE ORIGINAL
23 APPOINTMENT FOR THE REMAINDER OF THE UNEXPIRED TERM.

24 (4) IF THERE IS GOOD CAUSE FOR THE REMOVAL, AN APPOINTING
25 AUTHORITY MAY REMOVE A MEMBER OF THE STATE EDUCATIONAL IMPROVE-
26 MENT BOARD WHO WAS APPOINTED BY THAT APPOINTING AUTHORITY.

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1 (5) THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR HIS OR HER
2 DESIGNEE SHALL SERVE AS CHAIRPERSON OF THE STATE EDUCATIONAL
3 IMPROVEMENT BOARD.

4 (6) A MAJORITY OF THE MEMBERS OF THE STATE EDUCATIONAL
5 IMPROVEMENT BOARD CONSTITUTE A QUORUM FOR THE TRANSACTION OF
6 BUSINESS AT A MEETING OF THE STATE EDUCATIONAL IMPROVEMENT
7 BOARD. A MAJORITY OF THE MEMBERS SERVING ARE REQUIRED FOR OFFI-
8 CIAL ACTION OF THE STATE EDUCATIONAL IMPROVEMENT BOARD.

9 (7) THE BUSINESS THAT THE STATE EDUCATIONAL IMPROVEMENT
10 BOARD MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE
11 STATE EDUCATIONAL IMPROVEMENT BOARD HELD IN COMPLIANCE WITH THE
12 OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

13 (8) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
14 OR RETAINED BY THE STATE EDUCATIONAL IMPROVEMENT BOARD IN THE
15 PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF
16 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

17 (9) MEMBERS OF THE STATE EDUCATIONAL IMPROVEMENT BOARD SHALL
18 SERVE WITHOUT COMPENSATION, BUT MAY BE REIMBURSED FOR THEIR
19 ACTUAL AND NECESSARY EXPENSES IN THE PERFORMANCE OF THEIR OFFI-
20 CIAL DUTIES AS MEMBERS OF THE STATE EDUCATIONAL IMPROVEMENT
21 BOARD.

22 (10) THE DEPARTMENT SHALL PROVIDE TECHNICAL AND STAFF
23 ASSISTANCE FOR THE STATE EDUCATIONAL IMPROVEMENT BOARD AS
24 REQUESTED BY THE STATE EDUCATIONAL IMPROVEMENT BOARD.

25 (11) THE STATE EDUCATIONAL IMPROVEMENT BOARD SHALL DESIGNATE
26 THOSE DISTRICTS AS PRIORITY SCHOOL DISTRICTS BASED ON THE

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1 CRITERIA UNDER SECTION 1193, AND SHALL PERFORM OTHER DUTIES AS
2 PRESCRIBED UNDER THIS PART.

3 SEC. 1193. (1) UNTIL JANUARY 1, 2002, THE STATE EDUCATIONAL
4 IMPROVEMENT BOARD SHALL DESIGNATE A SCHOOL DISTRICT AS A PRIORITY
5 SCHOOL DISTRICT SUBJECT TO THE MEASURES UNDER THIS PART IF THE
6 SCHOOL DISTRICT HAS AT LEAST 100 PUPILS IN MEMBERSHIP AND THE
7 STATE EDUCATIONAL IMPROVEMENT BOARD DETERMINES THAT THE SCHOOL
8 DISTRICT RANKS IN THE BOTTOM 5% AMONG ALL SCHOOL DISTRICTS STATE-
9 WIDE IN AT LEAST 3 OF THE FOLLOWING 5 MEASUREMENTS OR, IF THE
10 SCHOOL DISTRICT DOES NOT OPERATE A HIGH SCHOOL, IN AT LEAST 2 OF
11 THE FOLLOWING 5 MEASUREMENTS, DETERMINED AS PROVIDED IN THIS
12 SUBSECTION:

13 (A) STATE TEST SCORES. THE SCHOOL DISTRICT IS AMONG THE
14 LOWEST 5% OF SCHOOL DISTRICTS IN STATE TEST SCORES, AS DETERMINED
15 BY THE DEPARTMENT BASED ON THE PERCENTAGE OF THE SCHOOL
16 DISTRICT'S PUPILS WHO HAVE SCORED IN THE LOWEST CATEGORY ON THE
17 MICHIGAN EDUCATIONAL ASSESSMENT PROGRAM (MEAP) TESTS OVER THE
18 MOST RECENT 3-YEAR PERIOD FOR WHICH STATISTICS ARE AVAILABLE.
19 THIS CALCULATION SHALL BE MADE AS FOLLOWS:

20 (i) FOR EACH SUBJECT AREA AND AT EACH GRADE LEVEL AT WHICH A
21 TEST IS GIVEN, ADD THE PERCENTAGE OF THE SCHOOL DISTRICT'S PUPILS
22 SCORING IN THE LOWEST CATEGORY OVER THE MOST RECENT 3-YEAR PERIOD
23 FOR WHICH STATISTICS ARE AVAILABLE AND DIVIDE THAT SUM BY THE
24 NUMBER OF YEARS OF STATISTICS USED IN THE CALCULATION.

25 (ii) ADD TOGETHER ALL OF THE RESULTS FROM SUBPARAGRAPH (i)
26 AND DIVIDE THAT SUM BY THE NUMBER OF RESULTS DERIVED IN
27 SUBPARAGRAPH (i).

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1 (B) FREE AND REDUCED PRICE LUNCH ELIGIBILITY. THE SCHOOL
2 DISTRICT IS AMONG THE HIGHEST 5% OF SCHOOL DISTRICTS IN FREE AND
3 REDUCED PRICE LUNCH ELIGIBILITY, AS DETERMINED BY THE DEPARTMENT
4 BASED ON THE PERCENTAGE OF PUPILS ENROLLED IN THE SCHOOL DISTRICT
5 WHO MET THE INCOME ELIGIBILITY CRITERIA FOR FREE OR REDUCED PRICE
6 BREAKFAST OR LUNCH IN THE IMMEDIATELY PRECEDING STATE FISCAL
7 YEAR, AS DETERMINED UNDER THE RICHARD B. RUSSELL NATIONAL SCHOOL
8 LUNCH ACT, CHAPTER 281, 60 STAT. 230, FOR THE MOST RECENT SCHOOL
9 YEAR FOR WHICH STATISTICS ARE AVAILABLE.

10 (C) DROPOUT RATE. THE SCHOOL DISTRICT IS AMONG THE HIGHEST
11 5% OF SCHOOL DISTRICTS IN DROPOUT RATE, AS DETERMINED BY THE
12 DEPARTMENT BASED ON THE MOST RECENT DATA COMPILED BY THE DEPART-
13 MENT FOR THE MICHIGAN SCHOOL REPORTS PUBLISHED BY THE
14 DEPARTMENT.

15 (D) GRADUATION RATE. THE SCHOOL DISTRICT IS AMONG THE
16 LOWEST 5% OF SCHOOL DISTRICTS IN GRADUATION RATE, AS DETERMINED
17 BY THE DEPARTMENT BASED ON THE MOST RECENT DATA COMPILED BY THE
18 DEPARTMENT FOR THE MICHIGAN SCHOOL REPORTS PUBLISHED BY THE
19 DEPARTMENT.

20 (E) GRADE LEVEL READING RATE. THE SCHOOL DISTRICT IS AMONG
21 THE LOWEST 5% OF SCHOOL DISTRICTS IN GRADE LEVEL READING RATE, AS
22 DETERMINED BY THE DEPARTMENT BASED ON THE PERCENTAGE OF THE
23 SCHOOL DISTRICT'S PUPILS IN GRADES IN WHICH THE MEAP READING TEST
24 IS ADMINISTERED WHO ACHIEVE A SCORE IN THE LOWEST CATEGORY ON
25 THAT READING TEST, OVER THE MOST RECENT 3-YEAR PERIOD FOR WHICH
26 STATISTICS ARE AVAILABLE. THIS CALCULATION SHALL BE MADE AS
27 FOLLOWS:

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1 (i) FOR EACH GRADE LEVEL AT WHICH THE MEAP READING TEST IS
2 GIVEN, ADD THE PERCENTAGE OF THE SCHOOL DISTRICT'S PUPILS SCORING
3 IN THE LOWEST CATEGORY OVER THE MOST RECENT 3-YEAR PERIOD FOR
4 WHICH STATISTICS ARE AVAILABLE AND DIVIDE THAT SUM BY 3.

5 (ii) ADD TOGETHER ALL OF THE RESULTS FROM SUBPARAGRAPH (i)
6 AND DIVIDE THAT SUM BY THE NUMBER OF RESULTS DERIVED IN
7 SUBPARAGRAPH (i).

8 (2) BEGINNING JANUARY 1, 2002, THE STATE EDUCATIONAL
9 IMPROVEMENT BOARD SHALL DESIGNATE A SCHOOL DISTRICT AS A PRIORITY
10 SCHOOL DISTRICT SUBJECT TO THE MEASURES UNDER THIS PART IF THE
11 SCHOOL DISTRICT HAS AT LEAST 100 PUPILS IN MEMBERSHIP AND THE
12 STATE EDUCATIONAL IMPROVEMENT BOARD DETERMINES THAT THE SCHOOL
13 DISTRICT RANKS IN THE BOTTOM 5% AMONG ALL SCHOOL DISTRICTS STATE-
14 WIDE IN AT LEAST 5 OF THE FOLLOWING 8 MEASUREMENTS OR, IF THE
15 SCHOOL DISTRICT DOES NOT OPERATE A HIGH SCHOOL, IN AT LEAST 3 OF
16 THE FOLLOWING 8 MEASUREMENTS, DETERMINED AS PROVIDED IN THIS
17 SUBSECTION:

18 (A) STATE TEST SCORES. THE SCHOOL DISTRICT IS AMONG THE
19 LOWEST 5% OF SCHOOL DISTRICTS IN STATE TEST SCORES, AS DETERMINED
20 BY THE DEPARTMENT BASED ON THE PERCENTAGE OF THE SCHOOL
21 DISTRICT'S PUPILS WHO HAVE SCORED IN THE LOWEST CATEGORY ON THE
22 MICHIGAN EDUCATIONAL ASSESSMENT PROGRAM (MEAP) TESTS OVER THE
23 MOST RECENT 3-YEAR PERIOD FOR WHICH STATISTICS ARE AVAILABLE.
24 THIS CALCULATION SHALL BE MADE AS FOLLOWS:

25 (i) FOR EACH SUBJECT AREA AND AT EACH GRADE LEVEL AT WHICH A
26 TEST IS GIVEN, ADD THE PERCENTAGE OF THE SCHOOL DISTRICT'S PUPILS
27 SCORING IN THE LOWEST CATEGORY OVER THE MOST RECENT 3-YEAR PERIOD

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1 FOR WHICH STATISTICS ARE AVAILABLE AND DIVIDE THAT SUM BY THE
2 NUMBER OF YEARS OF STATISTICS USED IN THE CALCULATION.

3 (ii) ADD TOGETHER ALL OF THE RESULTS FROM SUBPARAGRAPH (i)
4 AND DIVIDE THAT SUM BY THE NUMBER OF RESULTS DERIVED IN
5 SUBPARAGRAPH (i).

6 (B) FREE AND REDUCED PRICE LUNCH ELIGIBILITY. THE SCHOOL
7 DISTRICT IS AMONG THE HIGHEST 5% OF SCHOOL DISTRICTS IN FREE AND
8 REDUCED PRICE LUNCH ELIGIBILITY, AS DETERMINED BY THE DEPARTMENT
9 BASED ON THE PERCENTAGE OF PUPILS ENROLLED IN THE SCHOOL DISTRICT
10 WHO MET THE INCOME ELIGIBILITY CRITERIA FOR FREE OR REDUCED PRICE
11 BREAKFAST OR LUNCH IN THE IMMEDIATELY PRECEDING STATE FISCAL
12 YEAR, AS DETERMINED UNDER THE RICHARD B. RUSSELL NATIONAL SCHOOL
13 LUNCH ACT, CHAPTER 281, 60 STAT. 230, FOR THE MOST RECENT SCHOOL
14 YEAR FOR WHICH STATISTICS ARE AVAILABLE.

15 (C) DROPOUT RATE. THE SCHOOL DISTRICT IS AMONG THE HIGHEST
16 5% OF SCHOOL DISTRICTS IN DROPOUT RATE, AS DETERMINED BY THE
17 DEPARTMENT BASED ON THE MOST RECENT DATA COMPILED BY THE DEPART-
18 MENT FOR THE MICHIGAN SCHOOL REPORTS PUBLISHED BY THE
19 DEPARTMENT.

20 (D) GRADUATION RATE. THE SCHOOL DISTRICT IS AMONG THE
21 LOWEST 5% OF SCHOOL DISTRICTS IN GRADUATION RATE, AS DETERMINED
22 BY THE DEPARTMENT BASED ON THE MOST RECENT DATA COMPILED BY THE
23 DEPARTMENT FOR THE MICHIGAN SCHOOL REPORTS PUBLISHED BY THE
24 DEPARTMENT.

25 (E) PUPIL ATTENDANCE RATE. THE SCHOOL DISTRICT IS AMONG THE
26 LOWEST 5% OF SCHOOL DISTRICTS IN PUPIL ATTENDANCE RATE, AS
27 DETERMINED BY THE DEPARTMENT BASED ON THE AVERAGE PERCENTAGE OF

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1 PUPILS ABSENT FROM SCHOOL IN THE SCHOOL DISTRICT FOR THE MOST
2 RECENT SCHOOL YEAR FOR WHICH STATISTICS ARE AVAILABLE, USING DATA
3 COLLECTED AND MAINTAINED BY THE CENTER FOR EDUCATIONAL PER-
4 FORMANCE AND INFORMATION.

5 (F) TEACHER ATTENDANCE RATE. THE SCHOOL DISTRICT IS AMONG
6 THE LOWEST 5% OF SCHOOL DISTRICTS IN TEACHER ATTENDANCE RATE, AS
7 DETERMINED BY THE DEPARTMENT BASED ON THE AVERAGE PERCENTAGE OF
8 SUBSTITUTE TEACHERS NEEDED BY THE SCHOOL DISTRICT FOR THE MOST
9 RECENT SCHOOL YEAR FOR WHICH STATISTICS ARE AVAILABLE, USING DATA
10 COLLECTED AND MAINTAINED BY THE CENTER FOR EDUCATIONAL PER-
11 FORMANCE AND INFORMATION, AND EXCLUDING SUBSTITUTE TEACHERS
12 NEEDED DUE TO PROFESSIONAL DEVELOPMENT, IN-SERVICE, OR OTHER
13 SCHOOL-RELATED ACTIVITIES.

14 (G) GRADE LEVEL READING RATE. THE SCHOOL DISTRICT IS AMONG
15 THE LOWEST 5% OF SCHOOL DISTRICTS IN GRADE LEVEL READING RATE, AS
16 DETERMINED BY THE DEPARTMENT BASED ON THE PERCENTAGE OF THE
17 SCHOOL DISTRICT'S PUPILS IN GRADES IN WHICH THE MEAP READING TEST
18 IS ADMINISTERED WHO ACHIEVE A SCORE IN THE LOWEST CATEGORY ON
19 THAT READING TEST, OVER THE MOST RECENT 3-YEAR PERIOD FOR WHICH
20 STATISTICS ARE AVAILABLE. THIS CALCULATION SHALL BE MADE AS
21 FOLLOWS:

22 (i) FOR EACH GRADE LEVEL AT WHICH THE MEAP READING TEST IS
23 GIVEN, ADD THE PERCENTAGE OF THE SCHOOL DISTRICT'S PUPILS SCORING
24 IN THE LOWEST CATEGORY OVER THE MOST RECENT 3-YEAR PERIOD FOR
25 WHICH STATISTICS ARE AVAILABLE AND DIVIDE THAT SUM BY 3.

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1 (ii) ADD TOGETHER ALL OF THE RESULTS FROM SUBPARAGRAPH (i)
2 AND DIVIDE THAT SUM BY THE NUMBER OF RESULTS DERIVED IN
3 SUBPARAGRAPH (i).

4 (H) COLLEGE ENTRANCE TEST SCORES. THE SCHOOL DISTRICT IS
5 AMONG THE LOWEST 5% OF SCHOOL DISTRICTS IN COLLEGE ENTRANCE TEST
6 SCORES, AS DETERMINED BY THE DEPARTMENT BASED ON THE SCORES
7 ACHIEVED BY THE SCHOOL DISTRICT'S PUPILS ON THE ACT TEST OVER THE
8 MOST RECENT 3-YEAR PERIOD FOR WHICH STATISTICS ARE AVAILABLE.

9 (3) THE STATE EDUCATIONAL IMPROVEMENT BOARD MAY DESIGNATE A
10 SCHOOL DISTRICT WITH LESS THAN 100 PUPILS IN MEMBERSHIP AS A PRI-
11 ORITY SCHOOL DISTRICT UNDER THIS PART IF BOTH OF THE FOLLOWING
12 OCCUR:

13 (A) THE BOARD OF THE SCHOOL DISTRICT SUBMITS A RESOLUTION TO
14 THE STATE EDUCATIONAL IMPROVEMENT BOARD REQUESTING THAT THE
15 SCHOOL DISTRICT BE DESIGNATED AS A PRIORITY SCHOOL DISTRICT.

16 (B) AFTER RECEIVING THE REQUEST UNDER SUBDIVISION (A), THE
17 STATE EDUCATIONAL IMPROVEMENT BOARD DETERMINES THAT THE SCHOOL
18 DISTRICT WOULD BE SUBSTANTIALLY LIKELY TO MEET THE CRITERIA UNDER
19 SUBSECTION (1) OR (2), AS APPLICABLE, IF THE SCHOOL DISTRICT HAD
20 AT LEAST 100 PUPILS IN MEMBERSHIP.

21 (4) THE STATE EDUCATIONAL IMPROVEMENT BOARD SHALL NOT DESIG-
22 NATE A SCHOOL DISTRICT THAT IS A QUALIFYING SCHOOL DISTRICT UNDER
23 PART 5A AS A PRIORITY SCHOOL DISTRICT UNDER THIS PART.

24 (5) AFTER RECEIVING NOTICE THAT IT HAS BEEN DESIGNATED AS A
25 PRIORITY SCHOOL DISTRICT, THE BOARD OF THE SCHOOL DISTRICT MAY
26 SUBMIT TO THE STATE EDUCATIONAL IMPROVEMENT BOARD WRITTEN
27 COMMENTS DETAILING THE SCHOOL IMPROVEMENT EFFORTS IT HAS

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1 UNDERTAKEN AND IS CURRENTLY UNDERTAKING AND IDENTIFYING ANY
2 UNIQUE CHALLENGES THAT FACE THE SCHOOL DISTRICT.

3 SEC. 1194. (1) IF THE STATE EDUCATIONAL IMPROVEMENT BOARD
4 DESIGNATES A SCHOOL DISTRICT AS A PRIORITY SCHOOL DISTRICT UNDER
5 SECTION 1193, THE STATE EDUCATIONAL IMPROVEMENT BOARD SHALL ISSUE
6 AN ORDER IDENTIFYING THE MEASUREMENTS LEADING TO THE DETERMINA-
7 TION AND SHALL APPOINT AN EDUCATIONAL EVALUATION TEAM FOR THE
8 PRIORITY SCHOOL DISTRICT. IN ADDITION, IF THE STATE EDUCATIONAL
9 IMPROVEMENT BOARD DETERMINES THAT A SCHOOL DISTRICT THAT IS A
10 QUALIFYING SCHOOL DISTRICT UNDER PART 5A MEETS THE CRITERIA UNDER
11 SECTION 1193(1) OR (2), THE STATE EDUCATIONAL IMPROVEMENT BOARD
12 MAY APPOINT AN EDUCATIONAL EVALUATION TEAM FOR THAT SCHOOL DIS-
13 TRICT, AND THE EDUCATIONAL EVALUATION TEAM SHALL PROCEED UNDER
14 THIS SECTION AS IF THAT SCHOOL DISTRICT WERE A PRIORITY SCHOOL
15 DISTRICT.

16 (2) AN EDUCATIONAL EVALUATION TEAM UNDER THIS SECTION SHALL
17 CONSIST OF AT LEAST 3 MEMBERS, WITH 1 OF THE MEMBERS A REPRES-
18 TATIVE OF EITHER THE PRIORITY SCHOOL DISTRICT OR THE INTERMEDIATE
19 SCHOOL DISTRICT IN WHICH THE PRIORITY SCHOOL DISTRICT IS
20 LOCATED. IN APPOINTING THE MEMBERS OF THE EDUCATIONAL EVALUATION
21 TEAM, THE STATE EDUCATIONAL IMPROVEMENT BOARD MAY CONSIDER
22 WHETHER THE INDIVIDUALS HAVE PROVEN SKILLS OR EXPERTISE IN APPRO-
23 PRIATE AREAS, INCLUDING, BUT NOT LIMITED TO, 1 OR MORE OF THE
24 FOLLOWING:

25 (A) EDUCATIONAL EXPERIENCE AND SUCCESS.

26 (B) FINANCIAL MANAGEMENT.

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1 (C) CURRICULUM RESOURCE DEVELOPMENT.

2 (D) PROFESSIONAL DEVELOPMENT.

3 (E) STRATEGIC PLANNING.

4 (F) DATA DRIVEN DECISION-MAKING.

5 (G) TECHNOLOGY.

6 (3) THE EDUCATIONAL EVALUATION TEAM SHALL SERVE AT THE PLEA-
7 SURE OF THE STATE EDUCATIONAL IMPROVEMENT BOARD AND SHALL BE COM-
8 PENSATED BY THE DEPARTMENT. IF THERE IS A VACANCY ON AN EDUCA-
9 TIONAL EVALUATION TEAM, THE STATE EDUCATIONAL IMPROVEMENT BOARD
10 SHALL APPOINT A REPLACEMENT.

11 (4) AN EDUCATIONAL EVALUATION TEAM SHALL CONDUCT A COMPRE-
12 HENSIVE EVALUATION OF ALL ASPECTS OF A PRIORITY SCHOOL DISTRICT'S
13 ACADEMIC, FINANCIAL, AND MANAGERIAL PERFORMANCE. THE BOARD AND
14 PERSONNEL OF THE SCHOOL DISTRICT SHALL COOPERATE WITH THE EDUCA-
15 TIONAL EVALUATION TEAM AND PROVIDE TECHNICAL AND ADMINISTRATIVE
16 SUPPORT FOR THE EDUCATIONAL EVALUATION TEAM AS REQUESTED.

17 (5) AS PART OF ITS COMPREHENSIVE EVALUATION, THE EDUCATIONAL
18 EVALUATION TEAM SHALL CONSIDER CONDUCTING A PUBLIC MEETING IN THE
19 SCHOOL DISTRICT TO TAKE PUBLIC COMMENT ON THE STATE OF THE SCHOOL
20 DISTRICT.

21 (6) NOT LATER THAN THE END OF THE FIRST SCHOOL SEMESTER OF
22 THE PRIORITY SCHOOL DISTRICT THAT ENDS AT LEAST 60 DAYS AFTER ITS
23 APPOINTMENT, AND NOT SOONER THAN 60 DAYS AFTER ITS APPOINTMENT,
24 THE EDUCATIONAL EVALUATION TEAM SHALL SUBMIT A REPORT TO THE
25 BOARD OF THE PRIORITY SCHOOL DISTRICT AND TO THE STATE EDUCA-
26 TIONAL IMPROVEMENT BOARD THAT DOES ALL OF THE FOLLOWING:

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1 (A) EVALUATES ALL ASPECTS OF THE SCHOOL DISTRICT'S
2 OPERATIONS.

3 (B) IDENTIFIES ANY DEFICIENCIES IN THE SCHOOL DISTRICT'S
4 OPERATIONS AND THE FACTORS THAT ARE CONTRIBUTING TO THOSE
5 DEFICIENCIES.

6 (C) MAKES SPECIFIC RECOMMENDATIONS, CONTAINING MEASURABLE
7 GOALS AND OUTCOMES, FOR IMPROVING CONDITIONS WITHIN THE SCHOOL
8 DISTRICT.

9 (D) MAKES RECOMMENDATIONS FOR ADDITIONAL RESOURCES FOR THE
10 SCHOOL DISTRICT AND ON CHANGES IN STATUTE OR RULE, IF ANY, NEEDED
11 TO ACHIEVE IMPROVEMENTS.

12 (7) THE STATE EDUCATIONAL IMPROVEMENT BOARD MAY EXTEND THE
13 TIME LIMIT PRESCRIBED IN SUBSECTION (6) UPON THE REQUEST OF THE
14 EDUCATIONAL EVALUATION TEAM.

15 (8) IN CONDUCTING ITS EVALUATION AND FORMULATING ITS RECOM-
16 MENDATIONS UNDER THIS SECTION, AN EDUCATIONAL EVALUATION TEAM
17 SHALL CONSIDER SPECIAL CIRCUMSTANCES THAT MAY APPLY TO THE PRIOR-
18 ITY SCHOOL DISTRICT. SPECIAL CIRCUMSTANCES INCLUDE, BUT ARE NOT
19 LIMITED TO, A PARTICULAR SCHOOL'S STATUS AS AN ALTERNATIVE SCHOOL
20 OR PROGRAM OR AN EXTRAORDINARY NUMBER OR CONCENTRATION OF PUPILS
21 FOR WHOM ENGLISH IS A SECOND LANGUAGE.

22 SEC. 1195. (1) SUBJECT TO SUBSECTION (2), AFTER RECEIVING
23 THE REPORT OF THE EDUCATIONAL EVALUATION TEAM, THE STATE EDUCA-
24 TIONAL IMPROVEMENT BOARD MAY TAKE, OR ORDER THE BOARD OF THE PRI-
25 ORITY SCHOOL DISTRICT TO TAKE, ANY CORRECTIVE MEASURES THE STATE
26 EDUCATIONAL IMPROVEMENT BOARD CONSIDERS NECESSARY OR DESIRABLE TO
27 CORRECT THE DEFICIENCIES IDENTIFIED IN THE REPORT. THESE

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1 CORRECTIVE MEASURES ARE NOT LIMITED BY THE RECOMMENDATIONS MADE
2 IN THE REPORT AND MAY INCLUDE ANY MEASURES THAT ARE NOT OTHERWISE
3 PROHIBITED BY LAW INCLUDING, BUT NOT LIMITED TO, 1 OR MORE OF THE
4 FOLLOWING:

5 (A) PLACEMENT IN THE SCHOOL DISTRICT OF CONSULTANTS TO
6 ASSIST IN SPECIFIED ACADEMIC, FINANCIAL, OR MANAGERIAL
7 OPERATIONS. THESE CONSULTANTS MAY BE FROM THE DEPARTMENT OR
8 ANOTHER STATE AGENCY, FROM ANOTHER SCHOOL DISTRICT OR AN INTERME-
9 DIATE SCHOOL DISTRICT, FROM HIGHER EDUCATION, OR FROM THE PRIVATE
10 SECTOR.

11 (B) MEASURES TO INCREASE PARENT AND VOLUNTEER INVOLVEMENT IN
12 THE SCHOOL DISTRICT.

13 (C) THE ESTABLISHMENT OF FAMILY SERVICE CENTERS IN THE
14 SCHOOLS OF THE SCHOOL DISTRICT TO PROVIDE A VARIETY OF FAMILY
15 SERVICES AT A SINGLE LOCATION.

16 (D) MEASURES TO OBTAIN PRIVATE SECTOR SUPPORT FOR UPDATED
17 TEXTBOOKS, EQUIPMENT, AND OTHER INSTRUCTIONAL SUPPLIES AND
18 MATERIALS.

19 (E) IF THE SCHOOL DISTRICT IS A PUBLIC SCHOOL ACADEMY,
20 REDUCTION IN THE AMOUNT OF THE FEE CHARGED BY THE AUTHORIZING
21 BODY UNDER SECTION 502(7).

22 (F) IF THE SCHOOL DISTRICT IS NOT A PUBLIC SCHOOL ACADEMY,
23 TURNING CONTROL OF THE OPERATIONS OF THE SCHOOL DISTRICT OVER TO
24 THE INTERMEDIATE SCHOOL BOARD UNDER SECTION 1196.

25 (G) CONTRACTING WITH A PRIVATE CONTRACTOR TO TAKE OVER MAN-
26 AGEMENT OF THE SCHOOL DISTRICT OR 1 OR MORE INDIVIDUAL SCHOOL
27 BUILDINGS OPERATED BY THE SCHOOL DISTRICT.

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1 (H) AN EXCEPTION WITHIN THE SCHOOL DISTRICT TO THE CAP ON
2 ISSUANCE OF PUBLIC SCHOOL ACADEMY CONTRACTS BY STATE PUBLIC UNI-
3 VERSITIES, AS DESCRIBED IN SECTION 502.

4 (I) IF THE SCHOOL DISTRICT IS A PUBLIC SCHOOL ACADEMY, REVO-
5 CATION OF ITS CONTRACT AS DESCRIBED IN SECTION 507 OR REPLACEMENT
6 OF THE BOARD OF DIRECTORS WITH A NEW BOARD OF DIRECTORS APPOINTED
7 BY THE STATE EDUCATIONAL IMPROVEMENT BOARD.

8 (2) THE STATE EDUCATIONAL IMPROVEMENT BOARD SHALL NOT TAKE,
9 OR ORDER A SCHOOL DISTRICT TO TAKE, ANY CORRECTIVE MEASURES THAT
10 CANNOT BE FINANCED BY THE SCHOOL DISTRICT'S EXISTING FINANCIAL
11 RESOURCES OR THAT WOULD RESULT IN THE SCHOOL DISTRICT INCURRING
12 AN OPERATING DEFICIT.

13 (3) IN TAKING OR ORDERING CORRECTIVE MEASURES, THE STATE
14 EDUCATIONAL IMPROVEMENT BOARD SHALL CONSIDER SPECIAL CIRCUM-
15 STANCES THAT MAY APPLY TO THE PRIORITY SCHOOL DISTRICT. SPECIAL
16 CIRCUMSTANCES INCLUDE, BUT ARE NOT LIMITED TO, A PARTICULAR
17 SCHOOL'S STATUS AS AN ALTERNATIVE SCHOOL OR PROGRAM OR AN
18 EXTRAORDINARY NUMBER OR CONCENTRATION OF PUPILS FOR WHOM ENGLISH
19 IS A SECOND LANGUAGE.

20 (4) IF THE STATE EDUCATIONAL IMPROVEMENT BOARD ORDERS THE
21 PRIORITY SCHOOL DISTRICT TO UNDERTAKE OR PARTICIPATE IN 1 OR MORE
22 CORRECTIVE MEASURES AS DESCRIBED IN SUBSECTION (1), THE BOARD OF
23 THE SCHOOL DISTRICT SHALL COMPLY WITH THAT ORDER.

24 (5) AN ORDER OF THE STATE EDUCATIONAL IMPROVEMENT BOARD OF 1
25 OR MORE OF THE MEASURES AUTHORIZED UNDER THIS SECTION IS FINAL
26 AND IS NOT SUBJECT TO REVIEW BY A COURT OR ANY STATE AGENCY.

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1 SEC. 1196. (1) IF THE STATE EDUCATIONAL IMPROVEMENT BOARD
2 ORDERS TURNING CONTROL OF THE OPERATIONS OF A SCHOOL DISTRICT
3 OVER TO THE INTERMEDIATE SCHOOL BOARD, AS PROVIDED UNDER SECTION
4 1195(1)(F), THE INTERMEDIATE SCHOOL BOARD IN WHICH THE SCHOOL
5 DISTRICT IS LOCATED SHALL ASSUME CONTROL OVER THE OPERATIONS OF
6 THE SCHOOL DISTRICT AS PROVIDED IN THIS SECTION.

7 (2) BEGINNING 10 DAYS AFTER THE DATE OF THE ORDER UNDER
8 SUBSECTION (1), THE POWERS AND DUTIES OF THE ELECTED SCHOOL BOARD
9 OF THE SCHOOL DISTRICT AND OF ITS SECRETARY AND TREASURER ARE
10 SUSPENDED UNLESS AND UNTIL A NEW SCHOOL BOARD IS ELECTED UNDER
11 SUBSECTION (8). HOWEVER, UNTIL THE EXPIRATION OF EACH INDIVIDUAL
12 MEMBER'S CURRENT TERM, THE MEMBERS OF THE ELECTED SCHOOL BOARD OF
13 THE SCHOOL DISTRICT MAY CONTINUE TO MEET AS AN ADVISORY BOARD TO
14 PROVIDE INPUT TO THE INTERMEDIATE SCHOOL BOARD ON AN ADVISORY
15 BASIS ONLY. NOTWITHSTANDING ANY BOARD POLICY, BYLAW, OR RESOLU-
16 TION TO THE CONTRARY, THESE ADVISORY BOARD MEMBERS SHALL SERVE
17 WITHOUT COMPENSATION OR REIMBURSEMENT, AND FUNDS OF THE SCHOOL
18 DISTRICT SHALL NOT BE USED TO STAFF OR OTHERWISE SUPPORT THE
19 ADVISORY BOARD IN ANY WAY.

20 (3) BEGINNING 10 DAYS AFTER THE DATE OF THE ORDER UNDER
21 SUBSECTION (1), ALL PROVISIONS OF THIS ACT CONCERNING OPERATION
22 OF THE SCHOOL DISTRICT THAT WOULD OTHERWISE APPLY TO THE BOARD OF
23 THE SCHOOL DISTRICT APPLY TO THE INTERMEDIATE SCHOOL BOARD, AND
24 THE INTERMEDIATE SCHOOL BOARD IMMEDIATELY MAY EXERCISE ALL THE
25 POWERS AND DUTIES OTHERWISE VESTED BY LAW IN THE BOARD OF THE
26 SCHOOL DISTRICT AND IN ITS SECRETARY AND TREASURER. THE
27 INTERMEDIATE SCHOOL BOARD ACCEDES TO ALL THE RIGHTS, DUTIES, AND

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1 OBLIGATIONS OF THE BOARD OF THE SCHOOL DISTRICT. THESE POWERS,
2 RIGHTS, DUTIES, AND OBLIGATIONS INCLUDE, BUT ARE NOT LIMITED TO,
3 ALL OF THE FOLLOWING:

4 (A) AUTHORITY OVER THE EXPENDITURE OF ALL SCHOOL DISTRICT
5 FUNDS, INCLUDING PROCEEDS FROM BONDED INDEBTEDNESS AND OTHER
6 FUNDS DEDICATED TO CAPITAL PROJECTS.

7 (B) RIGHTS AND OBLIGATIONS UNDER COLLECTIVE BARGAINING
8 AGREEMENTS AND EMPLOYMENT CONTRACTS ENTERED INTO BY THE BOARD OF
9 THE SCHOOL DISTRICT.

10 (C) RIGHTS TO PROSECUTE AND DEFEND LITIGATION.

11 (D) OBLIGATIONS UNDER ANY JUDGMENTS ENTERED AGAINST THE
12 BOARD OF THE SCHOOL DISTRICT.

13 (E) RIGHTS AND OBLIGATIONS UNDER STATUTE, RULE, AND COMMON
14 LAW.

15 (F) AUTHORITY TO DELEGATE ANY OF THESE POWERS AND DUTIES TO
16 1 OR MORE DESIGNEES, WITH PROPER SUPERVISION BY THE INTERMEDIATE
17 SCHOOL BOARD.

18 (4) AFTER THE EXPIRATION OF 10 YEARS AFTER THE DATE OF THE
19 ORDER UNDER SUBSECTION (1), THE QUESTION OF WHETHER THE INTERME-
20 DIATE SCHOOL BOARD SHOULD RETAIN CONTROL OVER THE SCHOOL DISTRICT
21 SHALL BE PLACED ON THE BALLOT IN THE SCHOOL DISTRICT UNDER THIS
22 SECTION.

23 (5) THE QUESTION UNDER SUBSECTION (4) SHALL BE PLACED ON THE
24 BALLOT IN THE SCHOOL DISTRICT AT THE NEXT REGULAR ELECTION OCCUR-
25 RING AT LEAST 90 DAYS AFTER THE EXPIRATION OF 10 YEARS AFTER THE
26 DATE OF THE ORDER UNDER SUBSECTION (1).

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1 (6) THE QUESTION UNDER SUBSECTION (4) SHALL BE IN

2 SUBSTANTIALLY THE FOLLOWING FORM:

3 "SHALL THE CONTROL OF THE INTERMEDIATE SCHOOL BOARD OVER THE
4 OPERATIONS OF THE _____ (NAME OF SCHOOL DISTRICT) UNDER
5 PART 15A OF THE REVISED SCHOOL CODE BE RETAINED? A VOTE IN THE
6 AFFIRMATIVE CONTINUES THE CONTROL OF THE INTERMEDIATE SCHOOL
7 BOARD OVER THE OPERATIONS OF THE SCHOOL DISTRICT. A VOTE IN THE
8 NEGATIVE WILL RESULT IN THE ELECTION OF A NEW ELECTED SCHOOL
9 BOARD FOR THE SCHOOL DISTRICT AND WILL TERMINATE THE INTERMEDIATE
10 SCHOOL BOARD CONTROL OVER THIS SCHOOL DISTRICT.

11 YES ()

12 NO ()".

13 (7) IF THE QUESTION UNDER SUBSECTION (4) IS APPROVED BY A
14 MAJORITY OF THE SCHOOL ELECTORS VOTING ON THE QUESTION EITHER
15 UNDER SUBSECTION (4) OR PURSUANT TO SUBDIVISION (B), ALL OF THE
16 FOLLOWING APPLY:

17 (A) THE INTERMEDIATE SCHOOL BOARD CONTINUES IN CONTROL OF
18 THE OPERATIONS OF THE SCHOOL DISTRICT.

19 (B) THE QUESTION MAY NOT BE PLACED ON THE BALLOT AGAIN IN
20 THE SCHOOL DISTRICT UNTIL THE EXPIRATION OF 5 YEARS AFTER THE
21 ELECTION AT WHICH THE QUESTION WAS APPROVED. THE QUESTION MAY BE
22 PLACED ON THE BALLOT AGAIN IN THE SCHOOL DISTRICT UNDER THIS SUB-
23 DIVISION IF PETITIONS CALLING FOR THE QUESTION TO BE PLACED ON
24 THE BALLOT ARE FILED WITH THE INTERMEDIATE SCHOOL BOARD NOT
25 SOONER THAN 4 YEARS AFTER THE QUESTION WAS MOST RECENTLY ON THE
26 BALLOT AND IF THE PETITIONS ARE SIGNED WITHIN A 180-DAY PERIOD BY
27 A NUMBER OF SCHOOL ELECTORS OF THE SCHOOL DISTRICT AT LEAST EQUAL

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1 TO 10% OF THE TOTAL NUMBER OF SCHOOL ELECTORS OF THE SCHOOL
2 DISTRICT. IF THOSE PETITIONS ARE SUBMITTED AND VERIFIED, THE
3 QUESTION SHALL BE PLACED ON THE BALLOT IN THE SCHOOL DISTRICT AT
4 THE NEXT REGULAR SCHOOL ELECTION OCCURRING AT LEAST 5 YEARS AFTER
5 THE QUESTION WAS MOST RECENTLY ON THE BALLOT AND AT LEAST 90 DAYS
6 AFTER THE PETITIONS ARE SUBMITTED AND VERIFIED.

7 (8) IF THE QUESTION UNDER SUBSECTION (4) IS NOT APPROVED BY
8 A MAJORITY OF THE SCHOOL ELECTORS VOTING ON THE QUESTION EITHER
9 UNDER SUBSECTION (4) OR PURSUANT TO SUBSECTION (7)(B), ALL OF THE
10 FOLLOWING APPLY:

11 (A) THE INTERMEDIATE SCHOOL BOARD SHALL CONDUCT AN ELECTION
12 OF A NEW ELECTED SCHOOL BOARD FOR THE SCHOOL DISTRICT. THIS
13 ELECTION SHALL BE AT A SPECIAL ELECTION HELD AS SOON AS PRACTICA-
14 BLE, BUT NOT SOONER THAN 90 DAYS AFTER THE ELECTION UNDER SUBSEC-
15 TION (4) OR SUBSECTION (7)(B). THIS ELECTION SHALL BE CONDUCTED
16 IN THE MANNER OTHERWISE PROVIDED BY LAW FOR AN INITIAL SCHOOL
17 BOARD ELECTION.

18 (B) EFFECTIVE ON THE NEXT JULY 1 FOLLOWING THE ELECTION
19 UNDER SUBDIVISION (A), THE NEW ELECTED SCHOOL BOARD OF THE SCHOOL
20 DISTRICT SHALL SERVE AS THE GOVERNING BODY OF THE SCHOOL DISTRICT
21 AND THIS ELECTED SCHOOL BOARD AND ITS SECRETARY AND TREASURER
22 SHALL BE FULLY VESTED WITH ALL POWERS AND DUTIES THAT THOSE OFFI-
23 CIALS HAD BEFORE THE INTERMEDIATE SCHOOL BOARD ASSUMED CONTROL
24 UNDER THIS SECTION.

25 (C) EFFECTIVE ON THE NEXT JULY 1 FOLLOWING THE ELECTION
26 UNDER SUBDIVISION (A), THE CONTROL OF THE INTERMEDIATE SCHOOL
27 BOARD OVER THE SCHOOL DISTRICT UNDER THIS SECTION SHALL CEASE.

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1 SEC. 1206. IF A SCHOOL DISTRICT IS DESIGNATED AS A PRIORITY
2 SCHOOL DISTRICT SUBJECT TO THE SCHOOL DISTRICT ACCOUNTABILITY
3 MEASURES UNDER PART 15A, ALL POWERS AND DUTIES OF THE SCHOOL
4 BOARD OF THE SCHOOL DISTRICT AND OF ITS OFFICERS ARE SUBJECT TO
5 PART 15A.

6 Sec. 1280. (1) The board of a school district that does not
7 want to be subject to the measures described in this section
8 shall ensure that each public school within the school district
9 is accredited.

10 (2) As used in subsection (1), and subject to subsection
11 (6), "accredited" means certified by the state board as having
12 met or exceeded state board-approved standards established for 6
13 areas of school operation: administration and school organiza-
14 tion, curricula, staff, school plant and facilities, school and
15 community relations, and school improvement plans and student
16 performance. The building-level evaluation used in the accredit-
17 ation process shall include, but is not limited to, school data
18 collection, self-study, visitation and validation, determination
19 of performance data to be used, and the development of a school
20 improvement plan.

21 (3) The department shall develop and distribute to all
22 public schools proposed accreditation standards. Upon distribu-
23 tion of the proposed standards, the department shall hold state-
24 wide public hearings for the purpose of receiving testimony con-
25 cerning the standards. After a review of the testimony, the
26 department shall revise and submit the proposed standards to the
27 state board. After a review and revision, if appropriate, of the

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1 proposed standards, the state board shall submit the proposed
2 standards to the senate and house committees that have the
3 responsibility for education legislation. Upon approval by these
4 committees, the department shall distribute to all public schools
5 the standards to be applied to each school for accreditation
6 purposes.

7 (4) The department shall develop and distribute to all
8 public schools standards for determining that a school is eligi-
9 ble for summary accreditation under subsection (6). The stan-
10 dards shall be developed, reviewed, approved, and distributed
11 using the same process as prescribed in subsection (3) for
12 accreditation standards, and shall be finally distributed and
13 implemented not later than December 31, 1994.

14 (5) The standards for accreditation or summary accreditation
15 under this section shall include pupil performance on Michigan
16 education assessment program (MEAP) tests and the percentage of
17 pupils achieving state endorsement under section 1279 as cri-
18 teria, but shall not be based solely on pupil performance on MEAP
19 tests or on the percentage of pupils achieving state endorsement
20 under section 1279. The standards shall also include multiple
21 year change in pupil performance on MEAP tests and multiple year
22 change in the percentage of pupils achieving state endorsement
23 under section 1279 as criteria. If it is necessary for the state
24 board to revise accreditation or summary accreditation standards
25 established under subsection (3) or (4) to comply with this sub-
26 section, the revised standards shall be developed, reviewed,

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1 approved, and distributed using the same process as prescribed in
2 subsection (3).

3 (6) If the department determines that a public school has
4 met the standards established under subsection (4) or (5) for
5 summary accreditation, the school is considered to be accredited
6 without the necessity for a full building-level evaluation under
7 subsection (2).

8 (7) If the department determines that a school has not met
9 the standards established under subsection (4) or (5) for summary
10 accreditation but that the school is making progress toward meet-
11 ing those standards, or if, based on a full building-level evalu-
12 ation under subsection (2), the department determines that a
13 school has not met the standards for accreditation but is making
14 progress toward meeting those standards, the school is in interim
15 status and is subject to a full building-level evaluation as pro-
16 vided in this section.

17 (8) If a school has not met the standards established under
18 subsection (4) or (5) for summary accreditation and is not eligi-
19 ble for interim status under subsection (7), the school is unac-
20 credited and subject to the measures provided in this section.

21 (9) The department shall annually review and evaluate for
22 accreditation purposes the performance of each school that is
23 unaccredited and as many of the schools that are in interim
24 status as permitted by the department's resources.

25 (10) The department shall, and the intermediate school dis-
26 trict to which a school district is constituent, a consortium of
27 intermediate school districts, or any combination thereof may,

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1 provide technical assistance, as appropriate, to a school that is
2 unaccredited or that is in interim status upon request of the
3 board of the school district in which the school is located, AND
4 THE DEPARTMENT SHALL APPOINT AND SUPPORT EDUCATIONAL EVALUATION
5 TEAMS FOR SCHOOL DISTRICTS AS PROVIDED UNDER PART 15A. FUNDING
6 FOR THESE ACTIVITIES IS PROVIDED UNDER SECTION 94 OF THE STATE
7 SCHOOL AID ACT OF 1979, MCL 388.1694. If requests to the depart-
8 ment for technical assistance TO UNACCREDITED SCHOOLS exceed the
9 capacity, priority shall be given to unaccredited schools.

10 (11) A school that has been unaccredited for 3 consecutive
11 years is subject to 1 or more of the following measures, as
12 determined by the superintendent of public instruction:

13 (a) The superintendent of public instruction or his or her
14 designee shall appoint at the expense of the affected school dis-
15 trict an administrator of the school until the school becomes
16 accredited.

17 (b) A parent, legal guardian, or person in loco parentis of
18 a child who attends the school may send his or her child to any
19 accredited public school with an appropriate grade level within
20 the school district.

21 (c) The school, with the approval of the superintendent of
22 public instruction, shall align itself with an existing
23 research-based school improvement model or establish an affilia-
24 tion for providing assistance to the school with a college or
25 university located in this state.

26 (d) The school shall be closed.

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1 (12) The department shall evaluate the school accreditation
2 program and the status of schools under this section and shall
3 submit an annual report based upon the evaluation to the senate
4 and house committees that have the responsibility for education
5 legislation. The report shall address the reasons each unaccred-
6 ited school is not accredited and shall recommend legislative
7 action that will result in the accreditation of all public
8 schools in this state.