

# SENATE BILL No. 83

February 1, 2001, Introduced by Senators STEIL, SHUGARS, SIKKEMA, SCHUETTE, STILLE, VAN REGENMORTER, GAST, DUNASKISS, GOUGEON and JAYE and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 503 (MCL 380.503), as amended by 1995 PA 289.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 503. (1) An authorizing body is not required to issue  
2 a contract to any person or entity. Public school academy con-  
3 tracts shall be issued on a competitive basis taking into consid-  
4 eration the resources available for the proposed public school  
5 academy, the population to be served by the proposed public  
6 school academy, and the educational goals to be achieved by the  
7 proposed public school academy.

8       (2) If a person or entity applies to the board of a school  
9 district for a contract to organize and operate 1 or more public  
10 school academies within the boundaries of the school district and

1 the board does not issue the contract, the person or entity may  
2 petition the board to place the question of issuing the contract  
3 on the ballot to be decided by the school electors of the school  
4 district. The petition shall contain all of the information  
5 required to be in the contract application under section 502(3)  
6 and shall be signed by a number of school electors of the school  
7 district equal to at least 15% of the total number of school  
8 electors of that school district. The petition shall be filed  
9 with the secretary of the board. If the board receives a peti-  
10 tion meeting the requirements of this subsection, the board shall  
11 place the question of issuing the contract on the ballot at its  
12 next annual school election held at least 60 days after receiving  
13 the petition. If a majority of the school electors of the school  
14 district voting on the question vote to issue the contract, the  
15 board shall issue the contract.

16 (3) Within 10 days after issuing a contract for a public  
17 school academy, the board of the authorizing body shall submit to  
18 the state board a copy of the contract and of the application  
19 under section 502.

20 (4) An authorizing body shall adopt a resolution establish-  
21 ing the method of selection, length of term, and number of mem-  
22 bers of the board of directors of each public school academy  
23 subject to its jurisdiction.

24 (5) A contract issued to organize and administer a public  
25 school academy shall contain at least all of the following:

26 (a) The educational goals the public school academy is to  
27 achieve and the methods by which it will be held accountable. To

1 the extent applicable, the pupil performance of a public school  
2 academy shall be assessed using at least a Michigan education  
3 assessment program (MEAP) test or an assessment instrument devel-  
4 oped under section 1279 for a state-endorsed high school  
5 diploma.

6 (b) A description of the method to be used to monitor the  
7 public school academy's compliance with applicable law and its  
8 performance in meeting its targeted educational objectives.

9 (c) A description of the process for amending the contract  
10 during the term of the contract.

11 (d) All of the matters set forth in the application for the  
12 contract.

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

18 (f) Procedures for revoking the contract and grounds for  
19 revoking the contract, including at least the grounds listed in  
20 section 507.

21 (g) A description of and address for the proposed physical  
22 plant in which the public school academy will be located.

23 (h) Requirements and procedures for financial audits. The  
24 financial audits shall be conducted at least annually by a certi-  
25 fied public accountant in accordance with generally accepted gov-  
26 ernmental auditing principles.

1 (6) A public school academy shall comply with all applicable  
2 law, including all of the following:

3 (a) The open meetings act, ~~Act No. 267 of the Public Acts~~  
4 ~~of 1976, being sections 15.261 to 15.275 of the Michigan Compiled~~  
5 ~~Laws~~ 1976 PA 267, MCL 15.261 TO 15.275.

6 (b) The freedom of information act, ~~Act No. 442 of the~~  
7 ~~Public Acts of 1976, being sections 15.231 to 15.246 of the~~  
8 ~~Michigan Compiled Laws~~ 1976 PA 442, MCL 15.231 TO 15.246.

9 (c) ~~Act No. 336 of the Public Acts of 1947, being~~  
10 ~~sections 423.201 to 423.217 of the Michigan Compiled Laws~~ 1947  
11 PA 336, MCL 423.201 TO 423.217.

12 ~~(d) Act No. 166 of the Public Acts of 1965, being~~  
13 ~~sections 408.551 to 408.558 of the Michigan Compiled Laws.~~

14 (D) ~~(e)~~ Sections 1134, 1135, 1146, 1153, 1263(3), 1267,  
15 and 1274.

16 (7) A public school academy and its incorporators, board  
17 members, officers, employees, and volunteers have governmental  
18 immunity as provided in section 7 of ~~Act No. 170 of the Public~~  
19 ~~Acts of 1964, being section 691.1407 of the Michigan Compiled~~  
20 ~~Laws~~ 1964 PA 170, MCL 691.1407. An authorizing body and its  
21 board members, officers, and employees are immune from civil  
22 liability, both personally and professionally, for any acts or  
23 omissions in authorizing a public school academy if the authoriz-  
24 ing body or the person acted or reasonably believed he or she  
25 acted within the authorizing body's or the person's scope of  
26 authority.

1 (8) A public school academy is exempt from all taxation on  
2 its earnings and property. Instruments of conveyance to or from  
3 a public school academy are exempt from all taxation including  
4 taxes imposed by ~~Act No. 134 of the Public Acts of 1966, being~~  
5 ~~sections 207.501 to 207.513 of the Michigan Compiled Laws 1966~~  
6 PA 134, MCL 207.501 TO 207.513. A public school academy may not  
7 levy ad valorem property taxes or any other tax for any purpose.  
8 However, operation of 1 or more public school academies by a  
9 school district or intermediate school district does not affect  
10 the ability of the school district or intermediate school dis-  
11 trict to levy ad valorem property taxes or any other tax.

12 (9) A public school academy may acquire by purchase, gift,  
13 devise, lease, sublease, installment purchase agreement, land  
14 contract, option, or by any other means, hold and own in its own  
15 name buildings and other property for school purposes, and inter-  
16 ests therein, and other real and personal property, including,  
17 but not limited to, interests in property subject to mortgages,  
18 security interests, or other liens, necessary or convenient to  
19 fulfill its purposes. For the purposes of condemnation, a public  
20 school academy may proceed under the uniform condemnation proce-  
21 dures act, ~~Act No. 87 of the Public Acts of 1980, being sections~~  
22 ~~213.51 to 213.77 of the Michigan Compiled Laws 1980 PA 87,~~  
23 MCL 213.51 TO 213.75, excluding sections 6 to 9 of that act,  
24 ~~being sections 213.56 to 213.59 of the Michigan Compiled Laws~~  
25 MCL 213.56 TO 213.59, or other applicable statutes, but only with  
26 the express, written permission of the authorizing body in each

1 instance of condemnation and only after just compensation has  
2 been determined and paid.