

SENATE BILL No. 473

May 15, 2001, Introduced by Senators STILLE, BENNETT, JOHNSON and EMERSON and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 373, 502, 506, 507, and 1280 (MCL 380.373, 380.502, 380.506, 380.507, and 380.1280), section 373 as amended by 2000 PA 230, sections 502 and 507 as amended by 1995 PA 289, section 506 as added by 1993 PA 362, 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
5 district and of its secretary and treasurer are suspended unless
6 and until a new school board is elected under section 375.

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

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

26 (3) Upon appointment of a school reform board for a
27 qualifying school district under this part, and until appointment

1 of a chief executive officer under section 374, all provisions of
2 this act that would otherwise apply to the school board of the
3 qualifying school district or to the chief executive officer
4 apply to the school reform board, and the school reform board
5 immediately may exercise all the powers and duties otherwise
6 vested by law in the board of the qualifying school district and
7 in its secretary and treasurer, and all powers and duties of the
8 chief executive officer as provided under this part.

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

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

25 (b) Rights and obligations under collective bargaining
26 agreements and employment contracts entered into by the elected

1 school board, except for employment contracts of those employees
2 described in subsection ~~(6)~~ (7).

3 (c) Rights to prosecute and defend litigation.

4 (d) Obligations under any judgments entered against the
5 elected school board.

6 (e) Rights and obligations under statute, rule, and common
7 law.

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

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

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

24 (7) ~~(6)~~ Beginning on the effective date of the amendatory
25 act that added this part or the date on which a school district
26 becomes a qualifying school district, and until appointment of a
27 school reform board for a qualifying school district under this

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

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

1 (9) ~~(8)~~ A chief executive officer with the approval of the
2 school reform board for the qualifying school district shall
3 submit an annual report to the mayor, governor, school district
4 accountability board created in section 376, and legislature and
5 shall make the annual report available to the community in the
6 qualifying school district. The annual report shall contain at
7 least all of the following:

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

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

15 (i) Standardized test scores of pupils.

16 (ii) Dropout rates.

17 (iii) Daily attendance figures.

18 (iv) Enrollment figures.

19 (v) High school completion and other pertinent completion
20 rates.

21 (vi) Changes made in course offerings.

22 (vii) Proportion of school district resources devoted to
23 direct educational services.

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

1 (10) ~~(9)~~ A school reform board may organize and establish
2 community assistance teams to work with the school reform board
3 to implement a cohesive, full service community school program
4 addressing the needs and concerns of the qualifying school
5 district's population. The school reform board may delegate to a
6 community assistance team the authority to devise and implement
7 family, community, cultural, and recreational activities to
8 assure that the academic mission of the schools is successful.
9 The community assistance teams may also develop parental involve-
10 ment activities that focus on the encouragement of voluntary par-
11 enting education, enhancing parent and family involvement in edu-
12 cation, and promoting adult and family literacy.

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

21 Sec. 502. (1) A public school academy shall be organized
22 and administered under the direction of a board of directors in
23 accordance with this part and with bylaws adopted by the board of
24 directors. A public school academy corporation shall be orga-
25 nized under the nonprofit corporation act, ~~Act No. 162 of the~~
26 ~~Public Acts of 1982, being sections 450.2101 to 450.3192 of the~~
27 ~~Michigan Compiled Laws~~ 1982 PA 162, MCL 450.2101 TO 450.3192,

1 except that a public school academy corporation is not required
2 to comply with sections 170 to 177 of ~~Act No. 327 of the Public~~
3 ~~Acts of 1931, being sections 450.170 to 450.177 of the Michigan~~
4 ~~Compiled Laws~~ 1931 PA 327, MCL 450.170 TO 450.177. To the
5 extent disqualified under the state or federal constitution, a
6 public school academy shall not be organized by a church or other
7 religious organization and shall not have any organizational or
8 contractual affiliation with or constitute a church or other
9 religious organization. IF A PUBLIC SCHOOL ACADEMY IS DESIGNATED
10 AS A PRIORITY SCHOOL DISTRICT UNDER PART 15A, THE PUBLIC SCHOOL
11 ACADEMY'S BOARD OF DIRECTORS IS SUBJECT TO REPLACEMENT UNDER SEC-
12 TION 1195.

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

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

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

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

22 (d) The governing board of a state public university.
23 However, the combined total number of contracts ~~for public~~
24 ~~school academies~~ issued by all state public universities FOR
25 PUBLIC SCHOOL ACADEMIES OTHER THAN CONTRACTS ISSUED UNDER SUBSEC-
26 TION (3) shall not exceed ~~85 through 1996, and, after the~~
27 ~~initial evaluation under section 501a, shall not exceed 100~~

1 through 1997, ~~125 through 1998, or~~ 150. ~~thereafter.~~ Further,
2 the total number of contracts issued by any 1 state public uni-
3 versity FOR PUBLIC SCHOOL ACADEMIES OTHER THAN CONTRACTS ISSUED
4 UNDER SUBSECTION (3) shall not exceed ~~50 through 1996, and~~
5 ~~thereafter shall not exceed 50% of the maximum combined total~~
6 ~~number that may be issued under this subdivision~~ 75.

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

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

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

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

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

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

1 (ii) The purposes for the public school academy
2 corporation. This language shall provide that the public school
3 academy is incorporated pursuant to this part and that the public
4 school academy corporation is a governmental entity.

5 (iii) The name of the authorizing body.

6 (iv) The proposed time when the articles of incorporation
7 will be effective.

8 (v) Other matters considered expedient to be in the articles
9 of incorporation.

10 (d) A copy of the proposed bylaws of the public school
11 academy.

12 (e) Documentation meeting the application requirements of
13 the authorizing body, including at least all of the following:

14 (i) The governance structure of the public school academy.

15 (ii) A copy of the educational goals of the public school
16 academy and the curricula to be offered and methods of pupil
17 assessment to be used by the public school academy. To the
18 extent applicable, the progress of the pupils in the public
19 school academy shall be assessed using at least a Michigan educa-
20 tion assessment program (MEAP) test or an assessment instrument
21 developed under section 1279. ~~for a state-endorsed high school~~
22 ~~diploma.~~

23 (iii) The admission policy and criteria to be maintained by
24 the public school academy. The admission policy and criteria
25 shall comply with section 504. This part of the application also
26 shall include a description of how the applicant will provide to
27 the general public adequate notice that a public school academy

1 is being created and adequate information on the admission
2 policy, criteria, and process.

3 (iv) The school calendar and school day schedule.

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

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

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

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

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

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

24 (5) ~~(4)~~ An authorizing body shall oversee, or shall con-
25 tract with an intermediate school district, community college, or
26 state public university to oversee, each public school academy
27 operating under a contract issued by the authorizing body. The

1 oversight shall be sufficient to ensure that the authorizing body
2 can certify that the public school academy is in compliance with
3 statute, rules, and the terms of the contract.

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

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

1 IMPROVEMENT BOARD. An authorizing body may provide other services
2 for a public school academy and charge a fee for those services,
3 but shall not require such an arrangement as a condition to issu-
4 ing the contract authorizing the public school academy.

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

8 Sec. 506. (1) A public school academy, with the approval of
9 the authorizing body, may employ or ~~contract~~ ENTER INTO
10 AGREEMENTS with personnel as necessary for the operation of the
11 public school academy, prescribe their duties, and fix their
12 compensation.

13 (2) A PUBLIC SCHOOL ACADEMY, WITH THE APPROVAL OF THE AUTHO-
14 RIZING BODY, MAY ENTER INTO AN AGREEMENT WITH AN EDUCATIONAL MAN-
15 AGEMENT COMPANY OR OTHER ENTITY FOR THE MANAGEMENT OR OPERATION
16 OF 1 OR MORE FUNCTIONS OF THE PUBLIC SCHOOL ACADEMY. HOWEVER, A
17 PUBLIC SCHOOL ACADEMY SHALL NOT ENTER INTO AN AGREEMENT UNDER
18 THIS SUBSECTION UNLESS THE AGREEMENT CONTAINS A TERMINATION OR
19 CANCELLATION PROVISION THAT ALLOWS THE PUBLIC SCHOOL ACADEMY TO
20 TERMINATE OR CANCEL THE AGREEMENT IF THE AGREEMENT IS NOT ACHIEV-
21 ING THE ANTICIPATED OUTCOMES OR FOR ANY OTHER REASON SPECIFIED BY
22 THE AUTHORIZING BODY.

23 SEC. 506A. IF A PUBLIC SCHOOL ACADEMY IS DESIGNATED AS A
24 PRIORITY SCHOOL DISTRICT SUBJECT TO THE SCHOOL DISTRICT ACCOUNT-
25 ABILITY MEASURES UNDER PART 15A, ALL POWERS AND DUTIES OF THE
26 PUBLIC SCHOOL ACADEMY'S BOARD OF DIRECTORS, OFFICERS, AND
27 AUTHORIZING BODY ARE SUBJECT TO PART 15A.

1 Sec. 507. (1) The authorizing body for a public school
2 academy is the fiscal agent for the public school academy. A
3 state school aid payment for a public school academy shall be
4 paid to the authorizing body that is the fiscal agent for that
5 public school academy, which shall then forward the payment to
6 the public school academy. An authorizing body has the responsi-
7 bility to oversee a public school academy's compliance with the
8 contract and all applicable law.

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

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

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

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

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

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

26 (4) ~~-(2)-~~ The decision of an authorizing body to revoke a
27 contract under this section is solely within the discretion of

1 the authorizing body, is final, and is not subject to review by a
2 court or any state agency. An authorizing body that revokes a
3 contract under this section is not liable for that action to the
4 public school academy, public school academy corporation, a pupil
5 of the public school academy, the parent or guardian of a pupil
6 of the public school academy, or any other person.

7 PART 15A

8 SCHOOL DISTRICT ACCOUNTABILITY MEASURES

9 SEC. 1191. AS USED IN THIS PART:

10 (A) "BOARD" OR "SCHOOL BOARD" INCLUDES A SCHOOL BOARD OR THE
11 BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY.

12 (B) "EDUCATIONAL EVALUATION TEAM" MEANS AN EDUCATIONAL EVAL-
13 UATION TEAM APPOINTED FOR A PRIORITY SCHOOL DISTRICT UNDER
14 SECTION 1194.

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

17 (D) "SCHOOL DISTRICT" INCLUDES A SCHOOL DISTRICT, LOCAL ACT
18 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY, THAT HAS BEEN IN OPER-
19 ATION FOR AT LEAST 3 SCHOOL YEARS.

20 (E) "STATE EDUCATIONAL IMPROVEMENT BOARD" MEANS THE STATE
21 EDUCATIONAL IMPROVEMENT BOARD CREATED UNDER SECTION 1192.

22 SEC. 1192. (1) THE STATE EDUCATIONAL IMPROVEMENT BOARD IS
23 CREATED IN THE DEPARTMENT. THE STATE EDUCATIONAL IMPROVEMENT
24 BOARD CONSISTS OF THE FOLLOWING 5 MEMBERS:

25 (A) THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR HIS OR HER
26 DESIGNEE.

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

2 (C) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES.

4 (D) TWO MEMBERS APPOINTED BY THE GOVERNOR.

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

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

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

17 (5) THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR HIS OR HER
18 DESIGNEE SHALL SERVE AS CHAIRPERSON OF THE STATE EDUCATIONAL
19 IMPROVEMENT BOARD.

20 (6) A MAJORITY OF THE MEMBERS OF THE STATE EDUCATIONAL
21 IMPROVEMENT BOARD CONSTITUTE A QUORUM FOR THE TRANSACTION OF
22 BUSINESS AT A MEETING OF THE STATE EDUCATIONAL IMPROVEMENT
23 BOARD. A MAJORITY OF THE MEMBERS SERVING ARE REQUIRED FOR OFFI-
24 CIAL ACTION OF THE STATE EDUCATIONAL IMPROVEMENT BOARD.

25 (7) THE BUSINESS THAT THE STATE EDUCATIONAL IMPROVEMENT
26 BOARD MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE

1 STATE EDUCATIONAL IMPROVEMENT BOARD HELD IN COMPLIANCE WITH THE
2 OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

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

7 (9) MEMBERS OF THE STATE EDUCATIONAL IMPROVEMENT BOARD SHALL
8 SERVE WITHOUT COMPENSATION, BUT MAY BE REIMBURSED FOR THEIR
9 ACTUAL AND NECESSARY EXPENSES IN THE PERFORMANCE OF THEIR OFFI-
10 CIAL DUTIES AS MEMBERS OF THE STATE EDUCATIONAL IMPROVEMENT
11 BOARD.

12 (10) THE DEPARTMENT SHALL PROVIDE TECHNICAL AND STAFF
13 ASSISTANCE FOR THE STATE EDUCATIONAL IMPROVEMENT BOARD AS
14 REQUESTED BY THE STATE EDUCATIONAL IMPROVEMENT BOARD.

15 (11) THE STATE EDUCATIONAL IMPROVEMENT BOARD SHALL DESIGNATE
16 THOSE DISTRICTS AS PRIORITY SCHOOL DISTRICTS BASED ON THE CRI-
17 TERIA UNDER SECTION 1193, AND SHALL PERFORM OTHER DUTIES AS PRE-
18 SCRIBED UNDER THIS PART.

19 SEC. 1193. (1) UNTIL JANUARY 1, 2002, THE STATE EDUCATIONAL
20 IMPROVEMENT BOARD SHALL DESIGNATE A SCHOOL DISTRICT AS A PRIORITY
21 SCHOOL DISTRICT SUBJECT TO THE MEASURES UNDER THIS PART IF THE
22 SCHOOL DISTRICT HAS AT LEAST 100 PUPILS IN MEMBERSHIP AND THE
23 STATE EDUCATIONAL IMPROVEMENT BOARD DETERMINES THAT THE SCHOOL
24 DISTRICT RANKS IN THE BOTTOM 5% AMONG ALL SCHOOL DISTRICTS STATE-
25 WIDE IN AT LEAST 3 OF THE FOLLOWING 5 MEASUREMENTS OR, IF THE
26 SCHOOL DISTRICT DOES NOT OPERATE A HIGH SCHOOL, IN AT LEAST 2 OF

1 THE FOLLOWING 5 MEASUREMENTS, DETERMINED AS PROVIDED IN THIS
2 SUBSECTION:

3 (A) STATE TEST SCORES. THE SCHOOL DISTRICT IS AMONG THE
4 LOWEST 5% OF SCHOOL DISTRICTS IN STATE TEST SCORES, AS DETERMINED
5 BY THE DEPARTMENT BASED ON THE PERCENTAGE OF THE SCHOOL
6 DISTRICT'S PUPILS WHO HAVE SCORED IN THE LOWEST CATEGORY ON THE
7 MICHIGAN EDUCATIONAL ASSESSMENT PROGRAM (MEAP) TESTS OVER THE
8 MOST RECENT 3-YEAR PERIOD FOR WHICH STATISTICS ARE AVAILABLE.
9 THIS CALCULATION SHALL BE MADE BY ADDING THE NUMBER OF THE SCHOOL
10 DISTRICT'S PUPILS SCORING IN THE LOWEST CATEGORY IN EACH SUBJECT
11 AREA AND AT EACH GRADE LEVEL AT WHICH A TEST IS GIVEN AND DIVID-
12 ING THAT SUM BY THE COMBINED TOTAL NUMBER OF THE DISTRICT'S
13 PUPILS WHO TOOK THE TESTS IN EACH SUBJECT AREA AND AT EACH GRADE
14 LEVEL.

15 (B) FREE AND REDUCED PRICE LUNCH ELIGIBILITY. THE SCHOOL
16 DISTRICT IS AMONG THE HIGHEST 5% OF SCHOOL DISTRICTS IN FREE AND
17 REDUCED PRICE LUNCH ELIGIBILITY, AS DETERMINED BY THE DEPARTMENT
18 BASED ON THE PERCENTAGE OF PUPILS ENROLLED IN THE SCHOOL DISTRICT
19 WHO MET THE INCOME ELIGIBILITY CRITERIA FOR FREE OR REDUCED PRICE
20 BREAKFAST OR LUNCH IN THE IMMEDIATELY PRECEDING STATE FISCAL
21 YEAR, AS DETERMINED UNDER THE RICHARD B. RUSSELL NATIONAL SCHOOL
22 LUNCH ACT, CHAPTER 281, 60 STAT. 230, FOR THE MOST RECENT SCHOOL
23 YEAR FOR WHICH STATISTICS ARE AVAILABLE.

24 (C) DROPOUT RATE. THE SCHOOL DISTRICT IS AMONG THE HIGHEST
25 5% OF SCHOOL DISTRICTS IN DROPOUT RATE, AS DETERMINED BY THE
26 DEPARTMENT BASED ON THE MOST RECENT DATA COMPILED BY THE

1 DEPARTMENT FOR THE MICHIGAN SCHOOL REPORTS PUBLISHED BY THE
2 DEPARTMENT.

3 (D) GRADUATION RATE. THE SCHOOL DISTRICT IS AMONG THE
4 LOWEST 5% OF SCHOOL DISTRICTS IN GRADUATION RATE, AS DETERMINED
5 BY THE DEPARTMENT BASED ON THE MOST RECENT DATA COMPILED BY THE
6 DEPARTMENT FOR THE MICHIGAN SCHOOL REPORTS PUBLISHED BY THE
7 DEPARTMENT.

8 (E) GRADE LEVEL READING RATE. THE SCHOOL DISTRICT IS AMONG
9 THE LOWEST 5% OF SCHOOL DISTRICTS IN GRADE LEVEL READING RATE, AS
10 DETERMINED BY THE DEPARTMENT BASED ON THE PERCENTAGE OF THE
11 SCHOOL DISTRICT'S PUPILS IN GRADES IN WHICH THE MEAP READING TEST
12 IS ADMINISTERED WHO ACHIEVE A SCORE IN THE LOWEST CATEGORY ON
13 THAT READING TEST, OVER THE MOST RECENT 3-YEAR PERIOD FOR WHICH
14 STATISTICS ARE AVAILABLE. THIS CALCULATION SHALL BE MADE BY
15 ADDING THE NUMBER OF THE SCHOOL DISTRICT'S PUPILS ACHIEVING A
16 SCORE IN THE LOWEST CATEGORY IN READING AT EACH GRADE LEVEL AT
17 WHICH A MEAP READING TEST IS GIVEN AND DIVIDING THAT SUM BY THE
18 COMBINED TOTAL NUMBER OF THE SCHOOL DISTRICT'S PUPILS WHO TOOK
19 THE READING TESTS AT EACH GRADE LEVEL.

20 (2) BEGINNING JANUARY 1, 2002, THE STATE EDUCATIONAL
21 IMPROVEMENT BOARD SHALL DESIGNATE A SCHOOL DISTRICT AS A PRIORITY
22 SCHOOL DISTRICT SUBJECT TO THE MEASURES UNDER THIS PART IF THE
23 SCHOOL DISTRICT HAS AT LEAST 100 PUPILS IN MEMBERSHIP AND THE
24 STATE EDUCATIONAL IMPROVEMENT BOARD DETERMINES THAT THE SCHOOL
25 DISTRICT RANKS IN THE BOTTOM 5% AMONG ALL SCHOOL DISTRICTS STATE-
26 WIDE IN AT LEAST 5 OF THE FOLLOWING 8 MEASUREMENTS OR, IF THE
27 SCHOOL DISTRICT DOES NOT OPERATE A HIGH SCHOOL, IN AT LEAST 3 OF

1 THE FOLLOWING 8 MEASUREMENTS, DETERMINED AS PROVIDED IN THIS
2 SUBSECTION:

3 (A) STATE TEST SCORES. THE SCHOOL DISTRICT IS AMONG THE
4 LOWEST 5% OF SCHOOL DISTRICTS IN STATE TEST SCORES, AS DETERMINED
5 BY THE DEPARTMENT BASED ON THE PERCENTAGE OF THE SCHOOL
6 DISTRICT'S PUPILS WHO HAVE SCORED IN THE LOWEST CATEGORY ON THE
7 MICHIGAN EDUCATIONAL ASSESSMENT PROGRAM (MEAP) TESTS OVER THE
8 MOST RECENT 3-YEAR PERIOD FOR WHICH STATISTICS ARE AVAILABLE.
9 THIS CALCULATION SHALL BE MADE BY ADDING THE NUMBER OF THE SCHOOL
10 DISTRICT'S PUPILS SCORING IN THE LOWEST CATEGORY IN EACH SUBJECT
11 AREA AND AT EACH GRADE LEVEL AT WHICH A TEST IS GIVEN AND DIVID-
12 ING THAT SUM BY THE COMBINED TOTAL NUMBER OF THE DISTRICT'S
13 PUPILS WHO TOOK THE TESTS IN EACH SUBJECT AREA AND AT EACH GRADE
14 LEVEL.

15 (B) FREE AND REDUCED PRICE LUNCH ELIGIBILITY. THE SCHOOL
16 DISTRICT IS AMONG THE HIGHEST 5% OF SCHOOL DISTRICTS IN FREE AND
17 REDUCED PRICE LUNCH ELIGIBILITY, AS DETERMINED BY THE DEPARTMENT
18 BASED ON THE PERCENTAGE OF PUPILS ENROLLED IN THE SCHOOL DISTRICT
19 WHO MET THE INCOME ELIGIBILITY CRITERIA FOR FREE OR REDUCED PRICE
20 BREAKFAST OR LUNCH IN THE IMMEDIATELY PRECEDING STATE FISCAL
21 YEAR, AS DETERMINED UNDER THE RICHARD B. RUSSELL NATIONAL SCHOOL
22 LUNCH ACT, CHAPTER 281, 60 STAT. 230, FOR THE MOST RECENT SCHOOL
23 YEAR FOR WHICH STATISTICS ARE AVAILABLE.

24 (C) DROPOUT RATE. THE SCHOOL DISTRICT IS AMONG THE HIGHEST
25 5% OF SCHOOL DISTRICTS IN DROPOUT RATE, AS DETERMINED BY THE
26 DEPARTMENT BASED ON THE MOST RECENT DATA COMPILED BY THE

1 DEPARTMENT FOR THE MICHIGAN SCHOOL REPORTS PUBLISHED BY THE
2 DEPARTMENT.

3 (D) GRADUATION RATE. THE SCHOOL DISTRICT IS AMONG THE
4 LOWEST 5% OF SCHOOL DISTRICTS IN GRADUATION RATE, AS DETERMINED
5 BY THE DEPARTMENT BASED ON THE MOST RECENT DATA COMPILED BY THE
6 DEPARTMENT FOR THE MICHIGAN SCHOOL REPORTS PUBLISHED BY THE
7 DEPARTMENT.

8 (E) PUPIL ATTENDANCE RATE. THE SCHOOL DISTRICT IS AMONG THE
9 LOWEST 5% OF SCHOOL DISTRICTS IN PUPIL ATTENDANCE RATE, AS DETER-
10 MINED BY THE DEPARTMENT BASED ON THE AVERAGE PERCENTAGE OF PUPILS
11 ABSENT FROM SCHOOL IN THE SCHOOL DISTRICT FOR THE MOST RECENT
12 SCHOOL YEAR FOR WHICH STATISTICS ARE AVAILABLE, USING DATA COL-
13 LECTED AND MAINTAINED BY THE CENTER FOR EDUCATIONAL PERFORMANCE
14 AND INFORMATION.

15 (F) TEACHER ATTENDANCE RATE. THE SCHOOL DISTRICT IS AMONG
16 THE LOWEST 5% OF SCHOOL DISTRICTS IN TEACHER ATTENDANCE RATE, AS
17 DETERMINED BY THE DEPARTMENT BASED ON THE AVERAGE PERCENTAGE OF
18 SUBSTITUTE TEACHERS NEEDED BY THE SCHOOL DISTRICT FOR THE MOST
19 RECENT SCHOOL YEAR FOR WHICH STATISTICS ARE AVAILABLE, USING DATA
20 COLLECTED AND MAINTAINED BY THE CENTER FOR EDUCATIONAL PER-
21 FORMANCE AND INFORMATION.

22 (G) GRADE LEVEL READING RATE. THE SCHOOL DISTRICT IS AMONG
23 THE LOWEST 5% OF SCHOOL DISTRICTS IN GRADE LEVEL READING RATE, AS
24 DETERMINED BY THE DEPARTMENT BASED ON THE PERCENTAGE OF THE
25 SCHOOL DISTRICT'S PUPILS IN GRADES IN WHICH THE MEAP READING TEST
26 IS ADMINISTERED WHO ACHIEVE A SCORE IN THE LOWEST CATEGORY ON
27 THAT READING TEST, OVER THE MOST RECENT 3-YEAR PERIOD FOR WHICH

1 STATISTICS ARE AVAILABLE. THIS CALCULATION SHALL BE MADE BY
2 ADDING THE NUMBER OF THE SCHOOL DISTRICT'S PUPILS ACHIEVING A
3 SCORE IN THE LOWEST CATEGORY IN READING AT EACH GRADE LEVEL AT
4 WHICH A MEAP READING TEST IS GIVEN AND DIVIDING THAT SUM BY THE
5 COMBINED TOTAL NUMBER OF THE SCHOOL DISTRICT'S PUPILS WHO TOOK
6 THE READING TESTS AT EACH GRADE LEVEL.

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

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

16 (A) THE BOARD OF THE SCHOOL DISTRICT SUBMITS A RESOLUTION TO
17 THE STATE EDUCATIONAL IMPROVEMENT BOARD REQUESTING THAT THE
18 SCHOOL DISTRICT BE DESIGNATED AS A PRIORITY SCHOOL DISTRICT.

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

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

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

14 (2) AN EDUCATIONAL EVALUATION TEAM UNDER THIS SECTION SHALL
15 CONSIST OF AT LEAST 3 MEMBERS, WITH 1 OF THE MEMBERS A REPRESEN-
16 TATIVE OF EITHER THE PRIORITY SCHOOL DISTRICT OR THE INTERMEDIATE
17 SCHOOL DISTRICT IN WHICH THE PRIORITY SCHOOL DISTRICT IS
18 LOCATED.

19 (3) THE EDUCATIONAL EVALUATION TEAM SHALL SERVE AT THE PLEA-
20 SURE OF THE STATE EDUCATIONAL IMPROVEMENT BOARD AND SHALL BE COM-
21 PENSATED BY THE DEPARTMENT. IF THERE IS A VACANCY ON AN EDUCA-
22 TIONAL EVALUATION TEAM, THE STATE EDUCATIONAL IMPROVEMENT BOARD
23 SHALL APPOINT A REPLACEMENT.

24 (4) AN EDUCATIONAL EVALUATION TEAM SHALL CONDUCT A COMPRE-
25 HENSIVE EVALUATION OF ALL ASPECTS OF A PRIORITY SCHOOL DISTRICT'S
26 ACADEMIC, FINANCIAL, AND MANAGERIAL PERFORMANCE. THE BOARD AND
27 PERSONNEL OF THE SCHOOL DISTRICT SHALL COOPERATE WITH THE

1 EDUCATIONAL EVALUATION TEAM AND PROVIDE TECHNICAL AND
2 ADMINISTRATIVE SUPPORT FOR THE EDUCATIONAL EVALUATION TEAM AS
3 REQUESTED.

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

10 (A) EVALUATES ALL ASPECTS OF THE SCHOOL DISTRICT'S
11 OPERATIONS.

12 (B) IDENTIFIES ANY DEFICIENCIES IN THE SCHOOL DISTRICT'S
13 OPERATIONS AND THE FACTORS THAT ARE CONTRIBUTING TO THOSE
14 DEFICIENCIES.

15 (C) MAKES SPECIFIC RECOMMENDATIONS, CONTAINING MEASURABLE
16 GOALS AND OUTCOMES, FOR IMPROVING CONDITIONS WITHIN THE SCHOOL
17 DISTRICT.

18 (6) THE STATE EDUCATIONAL IMPROVEMENT BOARD MAY EXTEND THE
19 TIME LIMIT PRESCRIBED IN SUBSECTION (5) UPON THE REQUEST OF THE
20 EDUCATIONAL EVALUATION TEAM.

21 SEC. 1195. (1) SUBJECT TO SUBSECTION (2), AFTER RECEIVING
22 THE REPORT OF THE EDUCATIONAL EVALUATION TEAM, THE STATE EDUCA-
23 TIONAL IMPROVEMENT BOARD MAY TAKE, OR ORDER THE BOARD OF THE PRI-
24 ORITY SCHOOL DISTRICT TO TAKE, ANY CORRECTIVE MEASURES THE STATE
25 EDUCATIONAL IMPROVEMENT BOARD CONSIDERS NECESSARY OR DESIRABLE TO
26 CORRECT THE DEFICIENCIES IDENTIFIED IN THE REPORT. THESE
27 CORRECTIVE MEASURES ARE NOT LIMITED BY THE RECOMMENDATIONS MADE

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

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

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

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

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

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

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

24 (G) CONTRACTING WITH A PRIVATE CONTRACTOR TO TAKE OVER MAN-
25 AGEMENT OF THE SCHOOL DISTRICT.

1 (H) AN EXCEPTION WITHIN THE SCHOOL DISTRICT TO THE CAP ON
2 ISSUANCE OF PUBLIC SCHOOL ACADEMY CONTRACTS BY STATE PUBLIC
3 UNIVERSITIES, 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) IF THE STATE EDUCATIONAL IMPROVEMENT BOARD ORDERS THE
14 PRIORITY SCHOOL DISTRICT TO UNDERTAKE OR PARTICIPATE IN 1 OR MORE
15 CORRECTIVE MEASURES AS DESCRIBED IN SUBSECTION (1), THE BOARD OF
16 THE SCHOOL DISTRICT SHALL COMPLY WITH THAT ORDER.

17 (4) AN ORDER OF THE STATE EDUCATIONAL IMPROVEMENT BOARD OF 1
18 OR MORE OF THE MEASURES AUTHORIZED UNDER THIS SECTION IS FINAL
19 AND IS NOT SUBJECT TO REVIEW BY A COURT OR ANY STATE AGENCY.

20 SEC. 1196. (1) IF THE STATE EDUCATIONAL IMPROVEMENT BOARD
21 ORDERS TURNING CONTROL OF THE OPERATIONS OF A SCHOOL DISTRICT
22 OVER TO THE INTERMEDIATE SCHOOL BOARD, AS PROVIDED UNDER SECTION
23 1195(1)(F), THE INTERMEDIATE SCHOOL BOARD IN WHICH THE SCHOOL
24 DISTRICT IS LOCATED SHALL ASSUME CONTROL OVER THE OPERATIONS OF
25 THE SCHOOL DISTRICT AS PROVIDED IN THIS SECTION.

26 (2) BEGINNING 10 DAYS AFTER THE DATE OF THE ORDER UNDER
27 SUBSECTION (1), THE POWERS AND DUTIES OF THE ELECTED SCHOOL BOARD

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

12 (3) BEGINNING 10 DAYS AFTER THE DATE OF THE ORDER UNDER
13 SUBSECTION (1), ALL PROVISIONS OF THIS ACT CONCERNING OPERATION
14 OF THE SCHOOL DISTRICT THAT WOULD OTHERWISE APPLY TO THE BOARD OF
15 THE SCHOOL DISTRICT APPLY TO THE INTERMEDIATE SCHOOL BOARD, AND
16 THE INTERMEDIATE SCHOOL BOARD IMMEDIATELY MAY EXERCISE ALL THE
17 POWERS AND DUTIES OTHERWISE VESTED BY LAW IN THE BOARD OF THE
18 SCHOOL DISTRICT AND IN ITS SECRETARY AND TREASURER. THE INTERME-
19 DIATE SCHOOL BOARD ACCEDES TO ALL THE RIGHTS, DUTIES, AND OBLIGA-
20 TIONS OF THE BOARD OF THE SCHOOL DISTRICT. THESE POWERS, RIGHTS,
21 DUTIES, AND OBLIGATIONS INCLUDE, BUT ARE NOT LIMITED TO, ALL OF
22 THE FOLLOWING:

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

1 (B) RIGHTS AND OBLIGATIONS UNDER COLLECTIVE BARGAINING
2 AGREEMENTS AND EMPLOYMENT CONTRACTS ENTERED INTO BY THE BOARD OF
3 THE SCHOOL DISTRICT.

4 (C) RIGHTS TO PROSECUTE AND DEFEND LITIGATION.

5 (D) OBLIGATIONS UNDER ANY JUDGMENTS ENTERED AGAINST THE
6 BOARD OF THE SCHOOL DISTRICT.

7 (E) RIGHTS AND OBLIGATIONS UNDER STATUTE, RULE, AND COMMON
8 LAW.

9 (F) AUTHORITY TO DELEGATE ANY OF THESE POWERS AND DUTIES TO
10 1 OR MORE DESIGNEES, WITH PROPER SUPERVISION BY THE INTERMEDIATE
11 SCHOOL BOARD.

12 (4) AFTER THE EXPIRATION OF 10 YEARS AFTER THE DATE OF THE
13 ORDER UNDER SUBSECTION (1), THE QUESTION OF WHETHER THE INTERME-
14 DIATE SCHOOL BOARD SHOULD RETAIN CONTROL OVER THE SCHOOL DISTRICT
15 SHALL BE PLACED ON THE BALLOT IN THE SCHOOL DISTRICT UNDER THIS
16 SECTION.

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

21 (6) THE QUESTION UNDER SUBSECTION (4) SHALL BE IN SUBSTAN-
22 TIALY THE FOLLOWING FORM:

23 "SHALL THE CONTROL OF THE INTERMEDIATE SCHOOL BOARD OVER THE
24 OPERATIONS OF THE _____ (NAME OF SCHOOL DISTRICT) UNDER
25 PART 15A OF THE REVISED SCHOOL CODE BE RETAINED? A VOTE IN THE
26 AFFIRMATIVE CONTINUES THE CONTROL OF THE INTERMEDIATE SCHOOL
27 BOARD OVER THE OPERATIONS OF THE SCHOOL DISTRICT. A VOTE IN THE

1 NEGATIVE WILL RESULT IN THE ELECTION OF A NEW ELECTED SCHOOL
2 BOARD FOR THE SCHOOL DISTRICT AND WILL TERMINATE THE INTERMEDIATE
3 SCHOOL BOARD CONTROL OVER THIS SCHOOL DISTRICT.

4 YES ()

5 NO ()".

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

10 (A) THE INTERMEDIATE SCHOOL BOARD CONTINUES IN CONTROL OF
11 THE OPERATIONS OF THE SCHOOL DISTRICT.

12 (B) THE QUESTION MAY NOT BE PLACED ON THE BALLOT AGAIN IN
13 THE SCHOOL DISTRICT UNTIL THE EXPIRATION OF 5 YEARS AFTER THE
14 ELECTION AT WHICH THE QUESTION WAS APPROVED. THE QUESTION MAY BE
15 PLACED ON THE BALLOT AGAIN IN THE SCHOOL DISTRICT UNDER THIS SUB-
16 DIVISION IF PETITIONS CALLING FOR THE QUESTION TO BE PLACED ON
17 THE BALLOT ARE FILED WITH THE INTERMEDIATE SCHOOL BOARD NOT
18 SOONER THAN 4 YEARS AFTER THE QUESTION WAS MOST RECENTLY ON THE
19 BALLOT AND IF THE PETITIONS ARE SIGNED WITHIN A 180-DAY PERIOD BY
20 A NUMBER OF SCHOOL ELECTORS OF THE SCHOOL DISTRICT AT LEAST EQUAL
21 TO 10% OF THE TOTAL NUMBER OF SCHOOL ELECTORS OF THE SCHOOL
22 DISTRICT. IF THOSE PETITIONS ARE SUBMITTED AND VERIFIED, THE
23 QUESTION SHALL BE PLACED ON THE BALLOT IN THE SCHOOL DISTRICT AT
24 THE NEXT REGULAR SCHOOL ELECTION OCCURRING AT LEAST 5 YEARS AFTER
25 THE QUESTION WAS MOST RECENTLY ON THE BALLOT AND AT LEAST 90 DAYS
26 AFTER THE PETITIONS ARE SUBMITTED AND VERIFIED.

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

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

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

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

22 SEC. 1206. IF A SCHOOL DISTRICT IS DESIGNATED AS A PRIORITY
23 SCHOOL DISTRICT SUBJECT TO THE SCHOOL DISTRICT ACCOUNTABILITY
24 MEASURES UNDER PART 15A, ALL POWERS AND DUTIES OF THE SCHOOL
25 BOARD OF THE SCHOOL DISTRICT AND OF ITS OFFICERS ARE SUBJECT TO
26 PART 15A.

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

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

16 (3) The department shall develop and distribute to all
17 public schools proposed accreditation standards. Upon distribu-
18 tion of the proposed standards, the department shall hold state-
19 wide public hearings for the purpose of receiving testimony con-
20 cerning the standards. After a review of the testimony, the
21 department shall revise and submit the proposed standards to the
22 state board. After a review and revision, if appropriate, of the
23 proposed standards, the state board shall submit the proposed
24 standards to the senate and house committees that have the
25 responsibility for education legislation. Upon approval by these
26 committees, the department shall distribute to all public schools

1 the standards to be applied to each school for accreditation
2 purposes.

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

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

25 (6) If the department determines that a public school has
26 met the standards established under subsection (4) or (5) for
27 summary accreditation, the school is considered to be accredited

1 without the necessity for a full building-level evaluation under
2 subsection (2).

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

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

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

20 (10) The department shall, and the intermediate school dis-
21 trict to which a school district is constituent, a consortium of
22 intermediate school districts, or any combination thereof may,
23 provide technical assistance, as appropriate, to a school that is
24 unaccredited or that is in interim status upon request of the
25 board of the school district in which the school is located, AND
26 THE DEPARTMENT SHALL APPOINT AND SUPPORT EDUCATIONAL EVALUATION
27 TEAMS FOR SCHOOL DISTRICTS AS PROVIDED UNDER PART 15A. FUNDING

1 FOR THESE ACTIVITIES IS PROVIDED UNDER SECTION 94 OF THE STATE
2 SCHOOL AID ACT OF 1979, MCL 388.1694. If requests to the depart-
3 ment for technical assistance TO UNACCREDITED SCHOOLS exceed the
4 capacity, priority shall be given to unaccredited schools.

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

8 (a) The superintendent of public instruction or his or her
9 designee shall appoint at the expense of the affected school dis-
10 trict an administrator of the school until the school becomes
11 accredited.

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

16 (c) The school, with the approval of the superintendent of
17 public instruction, shall align itself with an existing
18 research-based school improvement model or establish an affilia-
19 tion for providing assistance to the school with a college or
20 university located in this state.

21 (d) The school shall be closed.

22 (12) The department shall evaluate the school accreditation
23 program and the status of schools under this section and shall
24 submit an annual report based upon the evaluation to the senate
25 and house committees that have the responsibility for education
26 legislation. The report shall address the reasons each
27 unaccredited school is not accredited and shall recommend

1 legislative action that will result in the accreditation of all
2 public schools in this state.