

# HOUSE BILL No. 4319

February 15, 2005, Introduced by Reps. Lemmons, III, Lemmons, Jr., Gosselin, Cushingberry, Accavitti, McConico, Cheeks, Sheen, Murphy, Tobocman, Hunter, Gaffney, Hildenbrand and Jones and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 502 and 1311d (MCL 380.502 and 380.1311d),  
section 502 as amended by 1995 PA 289 and section 1311d as added by  
1999 PA 23.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 502. (1) A public school academy shall be organized and  
2       administered under the direction of a board of directors in  
3       accordance with this part and with bylaws adopted by the board of  
4       directors. A public school academy corporation shall be organized  
5       under the nonprofit corporation act, ~~Act No. 162 of the Public~~  
6       ~~Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan~~  
7       ~~Compiled Laws 1982 PA 162, MCL 450.2101 TO 450.3192~~, except that a

1 public school academy corporation is not required to comply with  
2 sections 170 to 177 of ~~Act No. 327 of the Public Acts of 1931,~~  
3 ~~being sections 450.170 to 450.177 of the Michigan Compiled Laws~~  
4 **1931 PA 327, MCL 450.170 TO 450.177.** To the extent disqualified  
5 under the state or federal constitution, a public school academy  
6 shall not be organized by a church or other religious organization  
7 and shall not have any organizational or contractual affiliation  
8 with or constitute a church or other religious organization.

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

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

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

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

~~first class, a public school academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class,~~ the board of a community college shall not issue a contract for a public school academy to operate outside the boundaries of the community college district —, and a public school academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 public school academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a public school academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years.

(d) The governing board of a state public university. However, the combined total number of contracts for public school academies issued by all state public universities shall not exceed 85 through 1996, and, after the initial evaluation under section 501a, shall not exceed 100 through 1997, 125 through 1998, or 150 thereafter. Further, the total number of contracts issued by any 1 state public university shall not exceed 50 through 1996, and thereafter shall not exceed 50% of the maximum combined total number that may be issued under this subdivision.

(3) To obtain a contract to organize and operate 1 or more

public school academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application shall include at least all of the following:

(a) Identification of the applicant for the contract.

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

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

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

(ii) The purposes for the public school academy corporation.

This language shall provide that the public school academy is incorporated pursuant to this part and that the public school academy corporation is a governmental entity.

(iii) The name of the authorizing body.

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

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

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

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

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

(ii) A copy of the educational goals of the public school

1 academy and the curricula to be offered and methods of pupil  
2 assessment to be used by the public school academy. To the extent  
3 applicable, the progress of the pupils in the public school academy  
4 shall be assessed using at least a Michigan education assessment  
5 program (MEAP) test or an assessment instrument developed under  
6 section 1279. ~~for a state endorsed high school diploma.~~

7 (iii) The admission policy and criteria to be maintained by the  
8 public school academy. The admission policy and criteria shall  
9 comply with section 504. This part of the application also shall  
10 include a description of how the applicant will provide to the  
11 general public adequate notice that a public school academy is  
12 being created and adequate information on the admission policy,  
13 criteria, and process.

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

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

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

18 (g) For an application to the board of a school district, an  
19 intermediate school board, or board of a community college,  
20 identification of the local and intermediate school districts in  
21 which the public school academy will be located.

22 (h) An agreement that the public school academy will comply  
23 with the provisions of this part and, subject to the provisions of  
24 this part, with all other state law applicable to public bodies and  
25 with federal law applicable to public bodies or school districts.

26 (i) For a public school academy authorized by a school  
27 district, an assurance that employees of the public school academy

1 will be covered by the collective bargaining agreements that apply  
2 to other employees of the school district employed in similar  
3 classifications in schools that are not public school academies.

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

6 (4) An authorizing body shall oversee, or shall contract with  
7 an intermediate school district, community college, or state public  
8 university to oversee, each public school academy operating under a  
9 contract issued by the authorizing body. The oversight shall be  
10 sufficient to ensure that the authorizing body can certify that the  
11 public school academy is in compliance with statute, rules, and the  
12 terms of the contract.

13 (5) If the ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION**  
14 finds that an authorizing body is not engaging in appropriate  
15 continuing oversight of 1 or more public school academies operating  
16 under a contract issued by the authorizing body, the ~~state board~~  
17 **SUPERINTENDENT OF PUBLIC INSTRUCTION** may suspend the power of the  
18 authorizing body to issue new contracts to organize and operate  
19 public school academies. A contract issued by the authorizing body  
20 during the suspension is void. A contract issued by the authorizing  
21 body before the suspension is not affected by the suspension.

22 (6) An authorizing body shall not charge a fee, or require  
23 reimbursement of expenses, for considering an application for a  
24 contract, for issuing a contract, or for providing oversight of a  
25 contract for a public school academy in an amount that exceeds a  
26 combined total of 3% of the total state school aid received by the  
27 public school academy in the school year in which the fees or

1 expenses are charged. An authorizing body may provide other  
2 services for a public school academy and charge a fee for those  
3 services, but shall not require such an arrangement as a condition  
4 to issuing the contract authorizing the public school academy.

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

8 Sec. 1311d. (1) A strict discipline academy shall be organized  
9 and administered under the direction of a board of directors in  
10 accordance with sections 1311b to 1311f and with bylaws adopted by  
11 the board of directors. A strict discipline academy corporation  
12 created to operate a strict discipline academy shall be organized  
13 under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to  
14 450.3192, except that the strict discipline academy corporation is  
15 not required to comply with sections 170 to 177 of 1931 PA 327, MCL  
16 450.170 to 450.177. To the extent disqualified under the state or  
17 federal constitution, a strict discipline academy shall not be  
18 organized by a church or other religious organization and shall not  
19 have any organizational or contractual affiliation with or  
20 constitute a church or other religious organization.

21 (2) Any of the following may act as an authorizing body to  
22 issue a contract to organize and operate 1 or more strict  
23 discipline academies under sections 1311b to 1311f:

24 (a) The board of a school district that operates grades K to  
25 12. However, the board of a school district shall not issue a  
26 contract for a strict discipline academy to operate outside the  
27 school district's boundaries, and a strict discipline academy

1 authorized by the board of a school district shall not operate  
2 outside that school district's boundaries.

3 (b) An intermediate school board. However, the board of an  
4 intermediate school district shall not issue a contract for a  
5 strict discipline academy to operate outside the intermediate  
6 school district's boundaries, and a strict discipline academy  
7 authorized by the board of an intermediate school district shall  
8 not operate outside that intermediate school district's boundaries.

9 (c) The board of a community college. However, except as  
10 otherwise provided in this subdivision, ~~the board of a community~~  
11 ~~college shall not issue a contract for a strict discipline academy~~  
12 ~~to operate in a school district organized as a school district of~~  
13 ~~the first class, a strict discipline academy authorized by the~~  
14 ~~board of a community college shall not operate in a school district~~  
15 ~~organized as a school district of the first class,~~ the board of a  
16 community college shall not issue a contract for a strict  
17 discipline academy to operate outside the boundaries of the  
18 community college district ~~—~~ and a strict discipline academy  
19 authorized by the board of a community college shall not operate  
20 outside the boundaries of the community college district. The board  
21 of a community college also may issue a contract for not more than  
22 1 strict discipline academy to operate on the grounds of an active  
23 or closed federal military installation located outside the  
24 boundaries of the community college district, or may operate a  
25 strict discipline academy itself on the grounds of such a federal  
26 military installation, if the federal military installation is not  
27 located within the boundaries of any community college district and



1 the community college has previously offered courses on the grounds  
2 of the federal military installation for at least 10 years.

3 (d) The governing board of a state public university.

4 (3) To obtain a contract to organize and operate 1 or more  
5 strict discipline academies, 1 or more persons or an entity may  
6 apply to an authorizing body described in subsection (2). The  
7 application shall include at least all of the following:

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

9 (b) Subject to the resolution adopted by the authorizing body  
10 under section 1311e, a list of the proposed members of the board of  
11 directors of the strict discipline academy and a description of the  
12 qualifications and method for appointment or election of members of  
13 the board of directors.

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

16 (i) The name of the proposed strict discipline academy.

17 (ii) The purposes for the strict discipline academy corporation  
18 that will operate the strict discipline academy. This language  
19 shall provide that the strict discipline academy is established  
20 pursuant to sections 1311b to 1311f and that the strict discipline  
21 academy corporation is a governmental entity.

22 (iii) The name of the authorizing body.

23 (iv) The proposed time when the articles of incorporation will  
24 be effective.

25 (v) Other matters considered expedient to be in the articles  
26 of incorporation.

27 (d) A copy of the proposed bylaws of the strict discipline

1 academy.

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

4 (i) The governance structure of the strict discipline academy.

5 (ii) A copy of the educational goals of the strict discipline  
6 academy and the curricula to be offered and methods of pupil  
7 assessment to be used by the strict discipline academy. To the  
8 extent applicable, the progress of the pupils in the strict  
9 discipline academy shall be assessed using at least a Michigan  
10 education assessment program (MEAP) test or an assessment  
11 instrument developed under section 1279. ~~for a state-endorsed high~~  
12 ~~school diploma.~~

13 (iii) The admission policy and criteria to be maintained by the  
14 strict discipline academy. The admission policy and criteria shall  
15 comply with section 1311g. This part of the application also shall  
16 include a description of how the applicant will provide to the  
17 general public adequate notice that a strict discipline academy is  
18 being created and adequate information on the admission policy,  
19 criteria, and process.

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

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

22 (vi) The type of pupils to be enrolled in the strict discipline  
23 academy, as described in section 1311g(3) and (4).

24 (f) Descriptions of staff responsibilities and of the strict  
25 discipline academy's governance structure.

26 (g) For an application to the board of a school district, an  
27 intermediate school board, or board of a community college,

1 identification of the local and intermediate school districts in  
2 which the strict discipline academy will be located.

3 (h) An agreement that the strict discipline academy will  
4 comply with the provisions of sections 1311b to 1311l and, subject  
5 to the provisions of these sections, with all other state law  
6 applicable to public bodies and with federal law applicable to  
7 public bodies or school districts.

8 (i) For a strict discipline academy authorized by a school  
9 district, an assurance that employees of the strict discipline  
10 academy will be covered by the collective bargaining agreements  
11 that apply to other employees of the school district employed in  
12 similar classifications in schools that are not strict discipline  
13 academies.

14 (j) A description of and address for the proposed physical  
15 plant in which the strict discipline academy will be located.

16 (4) An authorizing body shall oversee, or shall contract with  
17 an intermediate school district, community college, or state public  
18 university to oversee, each strict discipline academy operating  
19 under a contract issued by the authorizing body. The oversight  
20 shall be sufficient to ensure that the authorizing body can certify  
21 that the strict discipline academy is in compliance with statute,  
22 rules, and the terms of the contract.

23 (5) If the ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION**  
24 finds that an authorizing body is not engaging in appropriate  
25 continuing oversight of 1 or more strict discipline academies  
26 operating under a contract issued by the authorizing body, the  
27 ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION** may suspend the

1 power of the authorizing body to issue new contracts to organize  
2 and operate strict discipline academies. A contract issued by the  
3 authorizing body during the suspension is void. A contract issued  
4 by the authorizing body before the suspension is not affected by  
5 the suspension.

6 (6) An authorizing body shall not charge a fee, or require  
7 reimbursement of expenses, for considering an application for a  
8 contract, for issuing a contract, or for providing oversight of a  
9 contract for a strict discipline academy in an amount that exceeds  
10 a combined total of 3% of the total state school aid received by  
11 the strict discipline academy in the school year in which the fees  
12 or expenses are charged. An authorizing body may provide other  
13 services for a strict discipline academy and charge a fee for those  
14 services, but shall not require such an arrangement as a condition  
15 to issuing the contract authorizing the strict discipline academy.

16 (7) A strict discipline academy shall be presumed to be  
17 legally organized if it has exercised the franchises and privileges  
18 of a strict discipline academy for at least 2 years.