

# HOUSE BILL No. 4506

March 16, 2005, Introduced by Reps. Dillon, Mayes, Miller, Meisner, Waters, Kehrl,  
Polidori, Stewart, Clemente and Leland 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  
8 public school academy corporation is not required to comply with

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

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

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

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

23 (c) The board of a community college. ~~However, except~~ **ALL OF**  
24 **THE FOLLOWING APPLY TO THE ISSUANCE OF A CONTRACT BY THE BOARD OF A**  
25 **COMMUNITY COLLEGE:**

26 (i) **EXCEPT** as otherwise provided in ~~this subdivision~~  
27 **SUBPARAGRAPH (v)**, the board of a community college shall not issue a

1 contract for a public school academy to operate in a school  
2 district organized as a school district of the first class, a  
3 public school academy authorized by the board of a community  
4 college shall not operate in a school district organized as a  
5 school district of the first class, the board of a community  
6 college shall not issue a contract for a public school academy to  
7 operate outside the boundaries of the community college district,  
8 and a public school academy authorized by the board of a community  
9 college shall not operate outside the boundaries of the community  
10 college district.

11 (ii) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (v),  
12 BEGINNING WITH CONTRACTS ISSUED AFTER AUGUST 1, 2005, THE BOARD OF  
13 A COMMUNITY COLLEGE SHALL NOT ISSUE A CONTRACT FOR A PUBLIC SCHOOL  
14 ACADEMY TO OPERATE AT A LOCATION MORE THAN 50 MILES FROM THE  
15 PRINCIPAL PLACE OF BUSINESS OF THE COMMUNITY COLLEGE, AND A PUBLIC  
16 SCHOOL ACADEMY AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE SHALL  
17 NOT OPERATE AT A LOCATION MORE THAN 50 MILES FROM THE PRINCIPAL  
18 PLACE OF BUSINESS OF THE COMMUNITY COLLEGE.

19 (iii) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (v),  
20 BEGINNING WITH CONTRACTS ISSUED AFTER AUGUST 1, 2005, THE BOARD OF  
21 A COMMUNITY COLLEGE SHALL NOT ISSUE A CONTRACT FOR A PUBLIC SCHOOL  
22 ACADEMY TO BE LOCATED WITHIN THE BOUNDARIES OF ANOTHER COMMUNITY  
23 COLLEGE DISTRICT UNLESS THE BOARD FIRST OBTAINS THE WRITTEN  
24 PERMISSION OF THE BOARD OF THAT OTHER COMMUNITY COLLEGE.

25 (iv) IF THE BOARD OF A COMMUNITY COLLEGE THAT IS A FEDERAL  
26 TRIBALLY CONTROLLED COMMUNITY COLLEGE ISSUES A CONTRACT FOR A  
27 PUBLIC SCHOOL ACADEMY ON OR BEFORE AUGUST 1, 2005, THE PUBLIC

1 SCHOOL ACADEMY SHALL ENROLL PUPILS AND BEGIN OPERATING AS A PUBLIC  
2 SCHOOL NOT LATER THAN SEPTEMBER 1, 2005. IF THE PUBLIC SCHOOL  
3 ACADEMY DOES NOT MEET THIS REQUIREMENT, THE CONTRACT IS VOID.

4 (v) The board of a community college also may issue a contract  
5 for not more than 1 public school academy to operate on the grounds  
6 of an active or closed federal military installation located  
7 outside the boundaries of the community college district, or may  
8 operate a public school academy itself on the grounds of such a  
9 federal military installation, if the federal military installation  
10 is not located within the boundaries of any community college  
11 district and the community college has previously offered courses  
12 on the grounds of the federal military installation for at least 10  
13 years.

14 (d) The governing board of a state public university. However,  
15 the combined total number of contracts for public school academies  
16 issued by all state public universities shall not exceed 85 through  
17 1996, and, after the initial evaluation under section 501a, shall  
18 not exceed 100 through 1997, 125 through 1998, or 150 thereafter.  
19 Further, the total number of contracts issued by any 1 state public  
20 university shall not exceed 50 through 1996, and thereafter shall  
21 not exceed 50% of the maximum combined total number that may be  
22 issued under this subdivision.

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

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

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

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

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

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

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

13           (iii) The name of the authorizing body.

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

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

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

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

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

23           (ii) A copy of the educational goals of the public school  
24 academy and the curricula to be offered and methods of pupil  
25 assessment to be used by the public school academy. To the extent  
26 applicable, the progress of the pupils in the public school academy  
27 shall be assessed using at least a Michigan education assessment

1 program (MEAP) test or an assessment instrument developed under  
2 section 1279. ~~for a state endorsed high school diploma.~~

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

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

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

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

14 (g) For an application to the board of a school district, an  
15 intermediate school board, or board of a community college,  
16 identification of the local and intermediate school districts in  
17 which the public school academy will be located.

18 (h) An agreement that the public school academy will comply  
19 with the provisions of this part and, subject to the provisions of  
20 this part, with all other state law applicable to public bodies and  
21 with federal law applicable to public bodies or school districts.

22 (i) For a public school academy authorized by a school  
23 district, an assurance that employees of the public school academy  
24 will be covered by the collective bargaining agreements that apply  
25 to other employees of the school district employed in similar  
26 classifications in schools that are not public school academies.

27 (j) A description of and address for the proposed physical

1 plant in which the public school academy will be located.

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

9 (5) If the state board finds that an authorizing body is not  
10 engaging in appropriate continuing oversight of 1 or more public  
11 school academies operating under a contract issued by the  
12 authorizing body, the state board may suspend the power of the  
13 authorizing body to issue new contracts to organize and operate  
14 public school academies. A contract issued by the authorizing body  
15 during the suspension is void. A contract issued by the authorizing  
16 body before the suspension is not affected by the suspension.

17 (6) An authorizing body shall not charge a fee, or require  
18 reimbursement of expenses, for considering an application for a  
19 contract, for issuing a contract, or for providing oversight of a  
20 contract for a public school academy in an amount that exceeds a  
21 combined total of 3% of the total state school aid received by the  
22 public school academy in the school year in which the fees or  
23 expenses are charged. An authorizing body may provide other  
24 services for a public school academy and charge a fee for those  
25 services, but shall not require such an arrangement as a condition  
26 to issuing the contract authorizing the public school academy.

27 (7) A public school academy shall be presumed to be legally

1 organized if it has exercised the franchises and privileges of a  
2 public school academy for at least 2 years.

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

16       (2) Any of the following may act as an authorizing body to  
17 issue a contract to organize and operate 1 or more strict  
18 discipline academies under sections 1311b to 1311l:

19       (a) The board of a school district that operates grades K to  
20 12. However, the board of a school district shall not issue a  
21 contract for a strict discipline academy to operate outside the  
22 school district's boundaries, and a strict discipline academy  
23 authorized by the board of a school district shall not operate  
24 outside that school district's boundaries.

25       (b) An intermediate school board. However, the board of an  
26 intermediate school district shall not issue a contract for a  
27 strict discipline academy to operate outside the intermediate



1 school district's boundaries, and a strict discipline academy  
2 authorized by the board of an intermediate school district shall  
3 not operate outside that intermediate school district's boundaries.

4 (c) The board of a community college. ~~However, except~~ **ALL OF**  
5 **THE FOLLOWING APPLY TO THE ISSUANCE OF A CONTRACT BY THE BOARD OF A**  
6 **COMMUNITY COLLEGE:**

7 (i) **EXCEPT** as otherwise provided in ~~this subdivision~~  
8 **SUBPARAGRAPH (v)**, the board of a community college shall not issue a  
9 contract for a strict discipline academy to operate in a school  
10 district organized as a school district of the first class, a  
11 strict discipline academy authorized by the board of a community  
12 college shall not operate in a school district organized as a  
13 school district of the first class, the board of a community  
14 college shall not issue a contract for a strict discipline academy  
15 to operate outside the boundaries of the community college  
16 district, and a strict discipline academy authorized by the board  
17 of a community college shall not operate outside the boundaries of  
18 the community college district.

19 (ii) **EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (v)**,  
20 **BEGINNING WITH CONTRACTS ISSUED AFTER AUGUST 1, 2005, THE BOARD OF**  
21 **A COMMUNITY COLLEGE SHALL NOT ISSUE A CONTRACT FOR A STRICT**  
22 **DISCIPLINE ACADEMY TO OPERATE AT A LOCATION MORE THAN 50 MILES FROM**  
23 **THE PRINCIPAL PLACE OF BUSINESS OF THE COMMUNITY COLLEGE, AND A**  
24 **STRICT DISCIPLINE ACADEMY AUTHORIZED BY THE BOARD OF A COMMUNITY**  
25 **COLLEGE SHALL NOT OPERATE AT A LOCATION MORE THAN 50 MILES FROM THE**  
26 **PRINCIPAL PLACE OF BUSINESS OF THE COMMUNITY COLLEGE.**

27 (iii) **EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (v)**,

1 BEGINNING WITH CONTRACTS ISSUED AFTER AUGUST 1, 2005, THE BOARD OF  
2 A COMMUNITY COLLEGE SHALL NOT ISSUE A CONTRACT FOR A STRICT  
3 DISCIPLINE ACADEMY TO BE LOCATED WITHIN THE BOUNDARIES OF ANOTHER  
4 COMMUNITY COLLEGE DISTRICT UNLESS THE BOARD FIRST OBTAINS THE  
5 WRITTEN PERMISSION OF THE BOARD OF THAT OTHER COMMUNITY COLLEGE.

6 (iv) IF THE BOARD OF A COMMUNITY COLLEGE THAT IS A FEDERAL  
7 TRIBALLY CONTROLLED COMMUNITY COLLEGE ISSUES A CONTRACT FOR A  
8 STRICT DISCIPLINE ACADEMY ON OR BEFORE AUGUST 1, 2005, THE STRICT  
9 DISCIPLINE ACADEMY SHALL ENROLL PUPILS AND BEGIN OPERATING AS A  
10 PUBLIC SCHOOL NOT LATER THAN SEPTEMBER 1, 2005. IF THE STRICT  
11 DISCIPLINE ACADEMY DOES NOT MEET THIS REQUIREMENT, THE CONTRACT IS  
12 VOID.

13 (v) The board of a community college also may issue a contract  
14 for not more than 1 strict discipline academy to operate on the  
15 grounds of an active or closed federal military installation  
16 located outside the boundaries of the community college district,  
17 or may operate a strict discipline academy itself on the grounds of  
18 such a federal military installation, if the federal military  
19 installation is not located within the boundaries of any community  
20 college district and the community college has previously offered  
21 courses on the grounds of the federal military installation for at  
22 least 10 years.

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

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

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

2 (b) Subject to the resolution adopted by the authorizing body  
3 under section 1311e, a list of the proposed members of the board of  
4 directors of the strict discipline academy and a description of the  
5 qualifications and method for appointment or election of members of  
6 the board of directors.

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

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

10 (ii) The purposes for the strict discipline academy corporation  
11 that will operate the strict discipline academy. This language  
12 shall provide that the strict discipline academy is established  
13 pursuant to sections 1311b to 1311f and that the strict discipline  
14 academy corporation is a governmental entity.

15 (iii) The name of the authorizing body.

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

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

20 (d) A copy of the proposed bylaws of the strict discipline  
21 academy.

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

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

25 (ii) A copy of the educational goals of the strict discipline  
26 academy and the curricula to be offered and methods of pupil  
27 assessment to be used by the strict discipline academy. To the

1 extent applicable, the progress of the pupils in the strict  
2 discipline academy shall be assessed using at least a Michigan  
3 education assessment program (MEAP) test or an assessment  
4 instrument developed under section 1279. ~~for a state-endorsed high~~  
5 ~~school diploma.~~

6 (iii) The admission policy and criteria to be maintained by the  
7 strict discipline academy. The admission policy and criteria shall  
8 comply with section 1311g. This part of the application also shall  
9 include a description of how the applicant will provide to the  
10 general public adequate notice that a strict discipline academy is  
11 being created and adequate information on the admission policy,  
12 criteria, and process.

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

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

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

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

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

23 (h) An agreement that the strict discipline academy will  
24 comply with the provisions of sections 1311b to 1311l and, subject  
25 to the provisions of these sections, with all other state law  
26 applicable to public bodies and with federal law applicable to  
27 public bodies or school districts.

1 (i) For a strict discipline academy authorized by a school  
2 district, an assurance that employees of the strict discipline  
3 academy will be covered by the collective bargaining agreements  
4 that apply to other employees of the school district employed in  
5 similar classifications in schools that are not strict discipline  
6 academies.

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

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10 an intermediate school district, community college, or state public  
11 university to oversee, each strict discipline academy operating  
12 under a contract issued by the authorizing body. The oversight  
13 shall be sufficient to ensure that the authorizing body can certify  
14 that the strict discipline academy is in compliance with statute,  
15 rules, and the terms of the contract.

16 (5) If the state board finds that an authorizing body is not  
17 engaging in appropriate continuing oversight of 1 or more strict  
18 discipline academies operating under a contract issued by the  
19 authorizing body, the state board may suspend the power of the  
20 authorizing body to issue new contracts to organize and operate  
21 strict discipline academies. A contract issued by the authorizing  
22 body during the suspension is void. A contract issued by the  
23 authorizing body before the suspension is not affected by the  
24 suspension.

25 (6) An authorizing body shall not charge a fee, or require  
26 reimbursement of expenses, for considering an application for a  
27 contract, for issuing a contract, or for providing oversight of a

1 contract for a strict discipline academy in an amount that exceeds  
2 a combined total of 3% of the total state school aid received by  
3 the strict discipline academy in the school year in which the fees  
4 or expenses are charged. An authorizing body may provide other  
5 services for a strict discipline academy and charge a fee for those  
6 services, but shall not require such an arrangement as a condition  
7 to issuing the contract authorizing the strict discipline academy.

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