

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 981

(As amended December 10, 2009)

[A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 5, 6, 502, 503, 504, 507, 523, 1147, 1246,
1250, 1278a, 1278b, 1284b, 1311e, 1536, 1561, 1596, and 1701a (MCL
380.5, 380.6, 380.502, 380.503, 380.504, 380.507, 380.523,
380.1147, 380.1246, 380.1250, 380.1278a, 380.1278b, 380.1284b,
380.1311e, 380.1536, 380.1561, 380.1596, and 380.1701a), section 5
as amended by 2005 PA 61, sections 6, 504, and 1701a as amended by
2008 PA 1, sections 502 and 507 as amended and section 1250 as
added by 1995 PA 289, section 503 as amended by 2003 PA 299,
section 523 as added by 2003 PA 179, section 1246 as amended by
2004 PA 148, section 1278a as amended by 2008 PA 316, section 1278b
as amended by 2007 PA 141, section 1284b as amended by 2006 PA 235,

Senate Bill No. 981 (H-2) as amended December 10, 2009
section 1311e as added by 1999 PA 23, section 1536 as added by 2006
PA 335, and section 1561 as amended by 1996 PA 339, and by adding
sections 502a and 1249 and part 6e.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) "Local act school district" or "special act school
2 district" means a district governed by a special or local act or
3 chapter of a local act. "Local school district" and "local school
4 district board" as used in article 3 include a local act school
5 district and a local act school district board.

6 (2) "Membership" means the number of full-time equivalent
7 pupils in a public school as determined by the number of pupils
8 registered for attendance plus pupils received by transfer and
9 minus pupils lost as defined by rules promulgated by the state
10 board.

11 (3) "Michigan election law" means the Michigan election law,
12 1954 PA 116, MCL 168.1 to 168.992.

13 (4) "Nonpublic school" means a private, denominational, or
14 parochial school.

15 (5) "Objectives" means measurable pupil academic skills and
16 knowledge.

17 (6) "Public school" means a public elementary or secondary
18 educational entity or agency that is established under this act,
19 has as its primary mission the teaching and learning of academic
20 and vocational-technical skills and knowledge, and is operated by a
21 school district, local act school district, special act school
22 district, intermediate school district, **SCHOOL OF EXCELLENCE**,
23 public school academy corporation, strict discipline academy

1 corporation, urban high school academy corporation, or by the
2 department or state board. Public school also includes a laboratory
3 school or other elementary or secondary school that is controlled
4 and operated by a state public university described in section 4,
5 5, or 6 of article VIII of the state constitution of 1963.

6 (7) "Public school academy" means a public school academy
7 established under part 6a and, except as used in part 6a, also
8 includes an urban high school academy established under part 6c, **A**
9 **SCHOOL OF EXCELLENCE ESTABLISHED UNDER PART 6E**, and a strict
10 discipline academy established under sections 1311b to 1311l.

11 (8) "Pupil membership count day" of a school district means
12 that term as defined in section 6 of the state school aid act of
13 1979, MCL 388.1606.

14 (9) "Regular school election" or "regular election" means the
15 election held in a school district, local act school district, or
16 intermediate school district to elect a school board member in the
17 regular course of the terms of that office and held on the school
18 district's regular election date as determined under section 642 or
19 642a of the Michigan election law, MCL 168.642 and 168.642a.

20 (10) "Reorganized intermediate school district" means an
21 intermediate school district formed by consolidation or annexation
22 of 2 or more intermediate school districts under sections 701 and
23 702.

24 (11) "Rule" means a rule promulgated under the administrative
25 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

26 Sec. 6. (1) "School district" or "local school district" means
27 a general powers school district organized under this act,

1 regardless of previous classification, or a school district of the
2 first class.

3 (2) "School district filing official" means the school
4 district election coordinator as defined in section 4 of the
5 Michigan election law, MCL 168.4, or an authorized agent of the
6 school district election coordinator.

7 (3) "School elector" means a person qualified as an elector
8 under section 492 of the Michigan election law, MCL 168.492, and
9 resident of the school district or intermediate school district on
10 or before the thirtieth day before the next ensuing regular or
11 special school election.

12 (4) "School month" means a 4-week period of 5 days each unless
13 otherwise specified in the teacher's contract.

14 (5) **"SCHOOL OF EXCELLENCE" MEANS A SCHOOL OF EXCELLENCE**
15 **ESTABLISHED UNDER PART 6E.**

16 (6) ~~(5)~~—"Special education building and equipment" means a
17 structure or portion of a structure or personal property accepted,
18 leased, purchased, or otherwise acquired, prepared, or used for
19 special education programs and services.

20 (7) ~~(6)~~—"Special education personnel" means persons engaged in
21 and having professional responsibility for students with a
22 disability in special education programs and services including,
23 but not limited to, teachers, aides, school social workers,
24 diagnostic personnel, physical therapists, occupational therapists,
25 audiologists, teachers of speech and language, instructional media-
26 curriculum specialists, mobility specialists, teacher consultants,
27 supervisors, and directors.

1 (8) ~~(7)~~—"Special education programs and services" means
2 educational and training services designed for students with a
3 disability and operated by local school districts, local act school
4 districts, intermediate school districts, the Michigan schools for
5 the deaf and blind, the department of community health, the
6 department of human services, or a combination of these, and
7 ancillary professional services for students with a disability
8 rendered by agencies approved by the state board. The programs
9 shall include vocational training, but need not include academic
10 programs of college or university level.

11 (9) ~~(8)~~—"Special school election" or "special election" means
12 a school district election to fill a vacancy on the school board or
13 submit a ballot question to the school electors that is held on a
14 regular election date established under section 641 of the Michigan
15 election law, MCL 168.641.

16 (10) ~~(9)~~—"State approved nonpublic school" means a nonpublic
17 school that complies with 1921 PA 302, MCL 388.551 to 388.558.

18 (11) ~~(10)~~—"State board" means the state board of education
19 unless clearly otherwise stated.

20 (12) ~~(11)~~—"Student with a disability" means that term as
21 defined in R 340.1702 of the Michigan administrative code.

22 (13) ~~(12)~~—"Department" means the department of education
23 created and operating under sections 300 to 305 of the executive
24 organization act of 1965, 1965 PA 380, MCL 16.400 to 16.405.

25 (14) ~~(13)~~—"State school aid" means allotments from the general
26 appropriating act for the purpose of aiding in the support of the
27 public schools of the state.

1 (15) ~~(14)~~ "The state school aid act of 1979" means the state
2 school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

3 Sec. 502. (1) A public school academy shall be organized and
4 administered under the direction of a board of directors in
5 accordance with this part and with bylaws adopted by the board of
6 directors. A public school academy corporation shall be organized
7 under the nonprofit corporation act, ~~Act No. 162 of the Public Acts~~
8 ~~of 1982, being sections 450.2101 to 450.3192 of the Michigan~~
9 ~~Compiled Laws 1982 PA 162, MCL 450.2101 TO 450.3192~~, except that a
10 public school academy corporation is not required to comply with
11 sections 170 to 177 of ~~Act No. 327 of the Public Acts of 1931,~~
12 ~~being sections 450.170 to 450.177 of the Michigan Compiled Laws~~
13 **1931 PA 327, MCL 450.170 TO 450.177**. To the extent disqualified
14 under the state or federal constitution, a public school academy
15 shall not be organized by a church or other religious organization
16 and shall not have any organizational or contractual affiliation
17 with or constitute a church or other religious organization.

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

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

27 (b) An intermediate school board. However, the board of an

1 intermediate school district shall not issue a contract for a
2 public school academy to operate outside the intermediate school
3 district's boundaries, and a public school academy authorized by
4 the board of an intermediate school district shall not operate
5 outside that intermediate school district's boundaries.

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

27 (d) The governing board of a state public university. However,

1 the combined total number of contracts for public school academies
2 issued by all state public universities shall not exceed ~~85 through~~
3 ~~1996, and, after the initial evaluation under section 501a, shall~~
4 ~~not exceed 100 through 1997, 125 through 1998, or 150 thereafter~~
5 150. Further, the total number of contracts issued by any 1 state
6 public university shall not exceed ~~50 through 1996, and thereafter~~
7 ~~shall not exceed 50%~~ of the maximum combined total number that may
8 be issued under this subdivision.

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

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

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

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

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

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

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

26 (iii) The name of the authorizing body.

27 (iv) The proposed time when the articles of incorporation will

1 be effective.

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

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

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

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

9 (ii) A copy of the educational goals of the public school
10 academy and the curricula to be offered and methods of pupil
11 assessment to be used by the public school academy. To the extent
12 applicable, the progress of the pupils in the public school academy
13 shall be assessed using at least a Michigan education assessment
14 program (MEAP) test or ~~an assessment instrument developed under~~
15 ~~section 1279 for a state endorsed high school diploma~~ **THE MICHIGAN**
16 **MERIT EXAMINATION, AS APPLICABLE.**

17 (iii) The admission policy and criteria to be maintained by the
18 public school academy. The admission policy and criteria shall
19 comply with section 504. This part of the application also shall
20 include a description of how the applicant will provide to the
21 general public adequate notice that a public school academy is
22 being created and adequate information on the admission policy,
23 criteria, and process.

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

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

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

1 (g) For an application to the board of a school district, an
2 intermediate school board, or board of a community college,
3 identification of the local and intermediate school districts in
4 which the public school academy will be located.

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

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

14 (j) A description of and address for the proposed physical
15 plant in which the public school 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 public school academy operating under a
19 contract issued by the authorizing body. The oversight shall be
20 sufficient to ensure that the authorizing body can certify that the
21 public school academy is in compliance with statute, rules, and the
22 terms of the contract.

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

1 authorizing body to issue new contracts to organize and operate
2 public school academies. A contract issued by the authorizing body
3 during the suspension is void. A contract issued by the authorizing
4 body before the suspension is not affected by the suspension.

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

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

18 **SEC. 502A. (1) IF A PUBLIC SCHOOL ACADEMY OPERATING UNDER THIS**
19 **PART MEETS THE REQUIREMENTS OF SUBSECTION (2), WITH THE APPROVAL OF**
20 **ITS AUTHORIZING BODY, THE BOARD OF DIRECTORS OF THE PUBLIC SCHOOL**
21 **ACADEMY MAY ADOPT A RESOLUTION CHOOSING TO CONVERT THE PUBLIC**
22 **SCHOOL ACADEMY TO A SCHOOL OF EXCELLENCE UNDER PART 6E. IF A BOARD**
23 **OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY THAT MEETS THE REQUIREMENTS**
24 **OF SUBSECTION (2) ADOPTS SUCH A RESOLUTION, ALL OF THE FOLLOWING**
25 **APPLY:**

26 (A) THE PUBLIC SCHOOL ACADEMY SHALL CEASE TO OPERATE AS A
27 PUBLIC SCHOOL ACADEMY UNDER THIS PART AND SHALL OPERATE AS A SCHOOL

1 OF EXCELLENCE UNDER PART 6E BEGINNING WITH THE NEXT SCHOOL YEAR
2 THAT BEGINS AFTER THE DATE OF THE RESOLUTION.

3 (B) THE PUBLIC SCHOOL ACADEMY SHALL BE CONSIDERED TO BE A
4 SCHOOL OF EXCELLENCE FOR ALL PURPOSES BEGINNING WITH THAT NEXT
5 SCHOOL YEAR, BUT SHALL RETAIN ITS CORPORATE IDENTITY.

6 (C) IF THE AUTHORIZING BODY OF THE PUBLIC SCHOOL ACADEMY IS
7 THE GOVERNING BOARD OF A STATE UNIVERSITY, THEN ALL OF THE
8 FOLLOWING APPLY TO ISSUANCE OF A NEW CONTRACT FOR A PUBLIC SCHOOL
9 ACADEMY UNDER THIS ACT AFTER THE CONVERSION:

10 (i) THAT AUTHORIZING BODY IS THE ONLY AUTHORIZING BODY THAT MAY
11 ISSUE A NEW CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY TO FILL THE
12 AVAILABILITY UNDER SECTION 502(D) THAT IS CREATED BY THE CONVERSION
13 OF THE PUBLIC SCHOOL ACADEMY TO A SCHOOL OF EXCELLENCE.

14 (ii) IN ISSUING A NEW CONTRACT, THE AUTHORIZING BODY SHALL GIVE
15 PREFERENCE TO THE BOARD OF DIRECTORS OR EDUCATIONAL MANAGEMENT
16 ORGANIZATION THAT OPERATED THE PUBLIC SCHOOL ACADEMY UNDER THIS
17 PART IF THAT BOARD OF DIRECTORS OR EDUCATIONAL MANAGEMENT
18 ORGANIZATION CHOOSES TO APPLY FOR THE NEW CONTRACT.

19 (2) SUBSECTION (1) APPLIES TO A PUBLIC SCHOOL ACADEMY THAT
20 MEETS ALL OF THE FOLLOWING, AS APPLICABLE:

21 (A) IF THE PUBLIC SCHOOL ACADEMY OPERATES ONLY SOME OR ALL OF
22 GRADES K TO 8, MEETS BOTH OF THE FOLLOWING:

23 (i) ON AVERAGE OVER A 3-YEAR PERIOD, AT LEAST 80% OF THE PUPILS
24 ENROLLED IN THE PUBLIC SCHOOL ACADEMY ACHIEVED A SCORE OF
25 PROFICIENT OR BETTER ON THE MICHIGAN EDUCATION ASSESSMENT PROGRAM
26 MATHEMATICS AND ENGLISH LANGUAGE ARTS TESTS.

27 (ii) ON AVERAGE OVER A 3-YEAR PERIOD, AT LEAST 50% OF THE

1 PUPILS ENROLLED IN THE PUBLIC SCHOOL ACADEMY MET THE INCOME
2 ELIGIBILITY CRITERIA FOR THE FEDERAL FREE OR REDUCED-PRICE LUNCH
3 PROGRAM, AS DETERMINED UNDER THE RICHARD B. RUSSELL NATIONAL SCHOOL
4 LUNCH ACT, 42 USC 1751 TO 1769I, AND REPORTED TO THE DEPARTMENT.

5 (B) IF THE PUBLIC SCHOOL ACADEMY OPERATES GRADES 9 TO 12, AT
6 LEAST 80% OF THE SCHOOL'S PUPILS GRADUATE FROM HIGH SCHOOL OR ARE
7 DETERMINED BY THE DEPARTMENT TO BE ON TRACK TO GRADUATE FROM HIGH
8 SCHOOL, THE SCHOOL HAS AT LEAST 80% AVERAGE ATTENDANCE, AND THE
9 SCHOOL'S PUPILS HAVE AN AVERAGE SCORE OF AT LEAST 17 ON THE COLLEGE
10 ENTRANCE EXAMINATION COMPONENT OF THE MICHIGAN MERIT EXAMINATION.

11 Sec. 503. (1) An authorizing body is not required to issue a
12 contract to any person or entity. Public school academy contracts
13 shall be issued on a competitive basis taking into consideration
14 the resources available for the proposed public school academy, the
15 population to be served by the proposed public school academy, and
16 the educational goals to be achieved by the proposed public school
17 academy, AND THE APPLICANT'S TRACK RECORD, IF ANY, IN OPERATING
18 PUBLIC SCHOOL ACADEMIES OR OTHER PUBLIC SCHOOLS. HOWEVER, AN
19 AUTHORIZING BODY MAY GIVE PRIORITY TO A PUBLIC SCHOOL ACADEMY THAT
20 IS INTENDED TO REPLACE A PUBLIC SCHOOL ACADEMY THAT HAS BEEN CLOSED
21 PURSUANT TO SECTION 507(2), THAT WILL OPERATE ALL OF THE SAME GRADE
22 LEVELS AS THE PUBLIC SCHOOL ACADEMY THAT HAS BEEN CLOSED, AND THAT
23 WILL WORK TOWARD OPERATING ALL OF GRADES 9 TO 12 WITHIN 4 YEARS
24 AFTER IT BEGINS OPERATIONS OR CONSISTENT WITH GRADE EXPANSION.

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

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

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

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

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

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

1 the extent applicable, the pupil performance of a public school
2 academy shall be assessed using at least a Michigan education
3 assessment program (MEAP) test or ~~an assessment instrument~~
4 ~~developed under section 1279~~ **THE MICHIGAN MERIT EXAMINATION, AS**
5 **APPLICABLE.**

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

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

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

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

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

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

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

27 **(I) THE TERM OF THE CONTRACT AND A DESCRIPTION OF THE PROCESS**

1 AND STANDARDS FOR RENEWAL OF THE CONTRACT AT THE END OF THE TERM.
2 THE STANDARDS FOR RENEWAL SHALL INCLUDE STUDENT GROWTH AS MEASURED
3 BY ASSESSMENTS AND OTHER OBJECTIVE CRITERIA AS A SIGNIFICANT FACTOR
4 IN THE DECISION OF WHETHER OR NOT TO RENEW THE CONTRACT.

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

7 (a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

8 (b) The freedom of information act, 1976 PA 442, MCL 15.231 to
9 15.246.

10 (c) 1947 PA 336, MCL 423.201 to 423.217.

11 (d) 1965 PA 166, MCL 408.551 to 408.558.

12 (e) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and 1274.

13 (7) A public school academy and its incorporators, board
14 members, officers, employees, and volunteers have governmental
15 immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An
16 authorizing body and its board members, officers, and employees are
17 immune from civil liability, both personally and professionally,
18 for an act or omission in authorizing a public school academy if
19 the authorizing body or the person acted or reasonably believed he
20 or she acted within the authorizing body's or the person's scope of
21 authority.

22 (8) A public school academy is exempt from all taxation on its
23 earnings and property. Instruments of conveyance to or from a
24 public school academy are exempt from all taxation including taxes
25 imposed by 1966 PA 134, MCL 207.501 to 207.513. A public school
26 academy may not levy ad valorem property taxes or another tax for
27 any purpose. However, operation of 1 or more public school

1 academies by a school district or intermediate school district does
2 not affect the ability of the school district or intermediate
3 school district to levy ad valorem property taxes or another tax.

4 (9) A public school academy may acquire by purchase, gift,
5 devise, lease, sublease, installment purchase agreement, land
6 contract, option, or by any other means, hold and own in its own
7 name buildings and other property for school purposes, and
8 interests therein, and other real and personal property, including,
9 but not limited to, interests in property subject to mortgages,
10 security interests, or other liens, necessary or convenient to
11 fulfill its purposes. For the purposes of condemnation, a public
12 school academy may proceed under the uniform condemnation
13 procedures act, 1980 PA 87, MCL 213.51 to 213.75, excluding
14 sections 6 to 9 of that act, MCL 213.56 to 213.59, or other
15 applicable statutes, but only with the express, written permission
16 of the authorizing body in each instance of condemnation and only
17 after just compensation has been determined and paid.

18 Sec. 504. (1) A public school academy may be located in all or
19 part of an existing public school building. A public school academy
20 shall not operate at a site other than the single site requested
21 for the configuration of grades that will use the site, as
22 specified in the application required under section 502 and in the
23 contract.

24 (2) A public school academy shall not charge tuition and shall
25 not discriminate in its pupil admissions policies or practices on
26 the basis of intellectual or athletic ability, measures of
27 achievement or aptitude, status as a student with a disability, or

1 any other basis that would be illegal if used by a school district.
2 However, a public school academy may limit admission to pupils who
3 are within a particular range of age or grade level or on any other
4 basis that would be legal if used by a school district.

5 (3) Except for a foreign exchange student who is not a United
6 States citizen, a public school academy shall not enroll a pupil
7 who is not a resident of this state. Enrollment in the public
8 school academy may be open to all individuals who reside in this
9 state who meet the admission policy and shall be open to all pupils
10 who reside within the geographic boundaries, if any, of the
11 authorizing body as described in section 502(2)(a) to (c) who meet
12 the admission policy, except that admission to a public school
13 academy authorized by the board of a community college to operate,
14 or operated by the board of a community college, on the grounds of
15 a federal military installation, as described in section 502(2)(c),
16 shall be open to all pupils who reside in the county in which the
17 federal military installation is located. For a public school
18 academy authorized by a state public university, enrollment shall
19 be open to all pupils who reside in this state who meet the
20 admission policy. If there are more applications to enroll in the
21 public school academy than there are spaces available, pupils shall
22 be selected to attend using a random selection process. However, a
23 public school academy may give enrollment priority to a sibling of
24 a pupil enrolled in the public school academy. A public school
25 academy shall allow any pupil who was enrolled in the public school
26 academy in the immediately preceding school year to enroll in the
27 public school academy in the appropriate grade unless the

1 appropriate grade is not offered at that public school academy.

2 (4) ~~A~~**SUBJECT TO SUBSECTION (5),** A public school academy may
3 include any grade up to grade 12 or any configuration of those
4 grades, including kindergarten and early childhood education, as
5 specified in its contract. If specified in its contract, a public
6 school academy may also operate an adult basic education program,
7 adult high school completion program, or general education
8 development testing preparation program. The authorizing body may
9 approve amendment of a contract with respect to ages of pupils or
10 grades offered.

11 (5) **A PUBLIC SCHOOL ACADEMY AUTHORIZED AFTER THE EFFECTIVE**
12 **DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION THAT IS**
13 **INTENDED TO REPLACE A PUBLIC SCHOOL ACADEMY THAT HAS BEEN CLOSED**
14 **PURSUANT TO SECTION 507(2) SHALL OPERATE ALL OF THE SAME GRADE**
15 **LEVELS AS THE PUBLIC SCHOOL ACADEMY THAT HAS BEEN CLOSED AND SHALL**
16 **WORK TOWARD OPERATING ALL OF GRADES 9 TO 12 WITHIN 4 YEARS AFTER IT**
17 **BEGINS OPERATIONS OR CONSISTENT WITH GRADE EXPANSION.**

18 Sec. 507. (1) The authorizing body for a public school academy
19 is the fiscal agent for the public school academy. A state school
20 aid payment for a public school academy shall be paid to the
21 authorizing body that is the fiscal agent for that public school
22 academy, which shall then forward the payment to the public school
23 academy. An authorizing body has the responsibility to oversee a
24 public school academy's compliance with the contract and all
25 applicable law. A contract issued under this part may be revoked by
26 the authorizing body that issued the contract if the authorizing
27 body determines that 1 or more of the following has occurred:

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

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

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

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

9 (2) EXCEPT FOR A PUBLIC SCHOOL ACADEMY THAT IS AN ALTERNATIVE
10 SCHOOL SERVING A SPECIAL STUDENT POPULATION, IF THE SUPERINTENDENT
11 OF PUBLIC INSTRUCTION DETERMINES THAT A PUBLIC SCHOOL ACADEMY THAT
12 HAS BEEN OPERATING FOR AT LEAST 4 YEARS IS AMONG THE LOWEST
13 ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR
14 THE PURPOSES OF THE FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER
15 SECTIONS 14005 AND 14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND
16 REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5, THE SUPERINTENDENT OF
17 PUBLIC INSTRUCTION SHALL NOTIFY THE PUBLIC SCHOOL ACADEMY'S
18 AUTHORIZING BODY. IF AN AUTHORIZING BODY RECEIVES NOTICE FROM THE
19 SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER THIS SUBSECTION, THE
20 AUTHORIZING BODY SHALL REVOKE THE PUBLIC SCHOOL ACADEMY'S CONTRACT
21 AND THE PUBLIC SCHOOL ACADEMY SHALL BE CLOSED, EFFECTIVE AT THE END
22 OF THE CURRENT SCHOOL YEAR.

23 (3) ~~(2)~~—The decision of an authorizing body to revoke a
24 contract under this section is solely within the discretion of the
25 authorizing body, is final, and is not subject to review by a court
26 or any state agency.

27 (4) An authorizing body that revokes a contract under this

1 section is not liable for that action to the public school academy,
2 public school academy corporation, a pupil of the public school
3 academy, the parent or guardian of a pupil of the public school
4 academy, or any other person.

5 Sec. 523. (1) An authorizing body is not required to issue a
6 contract to any entity. Urban high school academy contracts shall
7 be issued on a competitive basis taking into consideration the
8 resources available for the proposed urban high school academy, the
9 population to be served by the proposed urban high school academy,
10 and the educational goals to be achieved by the proposed urban high
11 school academy. In evaluating if an applicant is qualified, the
12 authorizing body shall examine the proposed performance standards,
13 proposed academic program, financial viability of the applicant,
14 and the ability of the proposed board of directors to meet the
15 contract goals and objectives. An authorizing body shall give
16 priority to applicants that demonstrate all of the following:

17 (a) The proposed school will operate at least all of grades 9
18 through 12 within 3 years after beginning operation.

19 (b) The proposed school will occupy a building or buildings
20 that are newly constructed or renovated after January 1, 2003.

21 (c) The proposed school has a stated goal of increasing high
22 school graduation rates.

23 (d) The proposed school has received commitments for financial
24 and educational support from the entity applying for the contract.

25 (e) The entity that submits the application for a contract has
26 net assets of at least \$50,000,000.00.

27 (2) A contract issued to organize and administer an urban high

1 school academy shall contain at least all of the following:

2 (a) The educational goals the urban high school academy is to
3 achieve and the methods by which it will be held accountable. To
4 the extent applicable, the pupil performance of an urban high
5 school academy shall be assessed using at least a Michigan
6 education assessment program (MEAP) test or ~~an assessment~~
7 ~~instrument developed under section 1279~~ **THE MICHIGAN MERIT**
8 **EXAMINATION DEVELOPED UNDER SECTION 1279G, AS APPLICABLE.**

9 (b) A description of the method to be used to monitor the
10 urban high school academy's compliance with applicable law and its
11 performance in meeting its targeted educational objectives.

12 (c) A description of the process for amending the contract
13 during the term of the contract. An authorizing body may approve
14 amendment of the contract with respect to any provision contained
15 in the contract.

16 (d) A certification, signed by an authorized member of the
17 urban high school academy board of directors, that the urban high
18 school academy will comply with the contract and all applicable
19 law.

20 (e) Procedures for revoking the contract and grounds for
21 revoking the contract.

22 (f) A description of and address for the proposed building or
23 buildings in which the urban high school academy will be located.

24 (g) Requirements and procedures for financial audits. The
25 financial audits shall be conducted at least annually by an
26 independent certified public accountant in accordance with
27 generally accepted governmental auditing principles.

1 (h) A requirement that the board of directors shall ensure
2 compliance with the requirements of 1968 PA 317, MCL 15.321 to
3 15.330.

4 (i) A requirement that the board of directors shall prohibit
5 specifically identified family relationships between members of the
6 board of directors, individuals who have an ownership interest in
7 or who are officers or employees of an educational management
8 company involved in the operation of the urban high school academy,
9 and employees of the urban high school academy. The contract shall
10 identify the specific prohibited relationships consistent with
11 applicable law.

12 (j) A requirement that the board of directors of the urban
13 high school academy shall make information concerning its operation
14 and management available to the public and to the authorizing body
15 in the same manner as is required by state law for school
16 districts.

17 (k) A requirement that the board of directors of the urban
18 high school academy shall collect, maintain, and make available to
19 the public and the authorizing body, in accordance with applicable
20 law and the contract, at least all of the following information
21 concerning the operation and management of the urban high school
22 academy:

23 (i) A copy of the contract issued by the authorizing body for
24 the urban high school academy.

25 (ii) A list of currently serving members of the board of
26 directors of the urban high school academy, including name,
27 address, and term of office; copies of policies approved by the

1 board of directors; board meeting agendas and minutes; copy of the
2 budget approved by the board of directors and of any amendments to
3 the budget; and copies of bills paid for amounts of \$10,000.00 or
4 more as they were submitted to the board of directors.

5 (iii) Quarterly financial reports submitted to the authorizing
6 body.

7 (iv) A current list of teachers working at the urban high
8 school academy that includes their individual salaries; copies of
9 the teaching certificates or permits of current teaching staff; and
10 evidence of compliance with the criminal background and records
11 checks and unprofessional conduct check required under sections
12 1230, 1230a, and 1230b for all teachers and administrators working
13 at the urban high school academy.

14 (v) Curriculum documents and materials given to the
15 authorizing body.

16 (vi) Proof of insurance as required by the contract.

17 (vii) Copies of facility leases or deeds, or both, and of any
18 equipment leases.

19 (viii) Copies of any management contracts or services contracts
20 approved by the board of directors.

21 (ix) All health and safety reports and certificates, including
22 those relating to fire safety, environmental matters, asbestos
23 inspection, boiler inspection, and food service.

24 (x) Any management letters issued as part of the annual
25 financial audit under subdivision (g).

26 (xi) Any other information specifically required under this
27 act.

1 (l) A requirement that the authorizing body must review and may
2 disapprove any agreement between the board of directors and an
3 educational management company before the agreement is final and
4 valid. An authorizing body may disapprove an agreement described in
5 this subdivision only if the agreement is contrary to the contract
6 or applicable law.

7 (m) A requirement that the board of directors shall
8 demonstrate all of the following to the satisfaction of the
9 authorizing body with regard to its pupil admission process:

10 (i) That the urban high school academy has made a reasonable
11 effort to advertise its enrollment openings in a newspaper of
12 general circulation in the intermediate school district in which
13 the urban high school academy is located.

14 (ii) That the urban high school academy has made the following
15 additional efforts to recruit pupils who are eligible for special
16 education programs and services to apply for admission:

17 (A) Reasonable efforts to advertise all enrollment openings to
18 organizations and media that regularly serve and advocate for
19 individuals with disabilities within the boundaries of the
20 intermediate school district in which the urban high school academy
21 is located.

22 (B) Inclusion in all pupil recruitment materials of a
23 statement that appropriate special education services will be made
24 available to pupils attending the school as required by law.

25 (iii) That the open enrollment period for the urban high school
26 academy is for a duration of at least 2 weeks and that the
27 enrollment times include some evening and weekend times.

1 (n) A requirement that the board of directors shall prohibit
2 any individual from being employed by the urban high school academy
3 in more than 1 full-time position and simultaneously being
4 compensated at a full-time rate for each of those positions.

5 (o) A requirement that, if requested, the board of directors
6 shall report to the authorizing body the total compensation for
7 each individual working at the urban high school academy.

8 **(P) THE TERM OF THE CONTRACT AND A DESCRIPTION OF THE PROCESS**
9 **AND STANDARDS FOR RENEWAL OF THE CONTRACT AT THE END OF THE TERM.**
10 **THE STANDARDS FOR RENEWAL SHALL INCLUDE STUDENT GROWTH AS MEASURED**
11 **BY ASSESSMENTS AND OTHER OBJECTIVE CRITERIA AS A SIGNIFICANT FACTOR**
12 **IN THE DECISION OF WHETHER OR NOT TO RENEW THE CONTRACT.**

13 (3) An urban high school academy shall comply with all
14 applicable law, including all of the following:

15 (a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

16 (b) The freedom of information act, 1976 PA 442, MCL 15.231 to
17 15.246.

18 (c) 1947 PA 336, MCL 423.201 to 423.217.

19 (d) 1965 PA 166, MCL 408.551 to 408.558.

20 (e) 1978 PA 566, MCL 15.181 to 15.185.

21 (f) 1968 PA 317, MCL 15.321 to 15.330.

22 (g) The uniform budgeting and accounting act, 1968 PA 2, MCL
23 141.421 to 141.440a.

24 (h) The revised municipal finance act, 2001 PA 34, MCL
25 141.2101 to 141.2821.

26 (i) The federal no child left behind act of 2001, Public Law
27 107-110, 115 Stat. 1425.

1 (j) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, 1274, and
2 1280.

3 (4) An urban high school academy and its incorporators, board
4 members, officers, employees, and volunteers have governmental
5 immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An
6 authorizing body and its board members, officers, and employees are
7 immune from civil liability, both personally and professionally,
8 for any acts or omissions in authorizing or oversight of an urban
9 high school academy if the authorizing body or the person acted or
10 reasonably believed he or she acted within the authorizing body's
11 or the person's scope of authority.

12 (5) An urban high school academy is exempt from all taxation
13 on its earnings and property. Instruments of conveyance to or from
14 an urban high school academy are exempt from all taxation,
15 including taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. An
16 urban high school academy may not levy ad valorem property taxes or
17 any other tax for any purpose.

18 (6) An urban high school academy may acquire by purchase,
19 gift, devise, lease, sublease, installment purchase agreement, land
20 contract, option, or any other means, hold, and own in its own name
21 buildings and other property for school purposes, and interests
22 therein, and other real and personal property, including, but not
23 limited to, interests in property subject to mortgages, security
24 interests, or other liens, necessary or convenient to fulfill its
25 purposes. For the purposes of condemnation, an urban high school
26 academy may proceed under the uniform condemnation procedures act,
27 1980 PA 87, MCL 213.51 to 213.75, excluding sections 6 to 9 of that

1 act, MCL 213.56 to 213.59, or other applicable statutes, but only
2 with the express, written permission of the authorizing body in
3 each instance of condemnation and only after just compensation has
4 been determined and paid.

5 **PART 6E**

6 **SCHOOLS OF EXCELLENCE**

7 **SEC. 551. (1) A SCHOOL OF EXCELLENCE IS A PUBLIC SCHOOL UNDER**
8 **SECTION 2 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, IS A**
9 **SCHOOL DISTRICT FOR THE PURPOSES OF SECTION 11 OF ARTICLE IX OF THE**
10 **STATE CONSTITUTION OF 1963 AND FOR THE PURPOSES OF SECTION 1225 AND**
11 **SECTION 1351A, AND IS SUBJECT TO THE LEADERSHIP AND GENERAL**
12 **SUPERVISION OF THE STATE BOARD OVER ALL PUBLIC EDUCATION UNDER**
13 **SECTION 3 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963. A**
14 **SCHOOL OF EXCELLENCE IS A BODY CORPORATE AND IS A GOVERNMENTAL**
15 **AGENCY. THE POWERS GRANTED TO A SCHOOL OF EXCELLENCE UNDER THIS**
16 **PART CONSTITUTE THE PERFORMANCE OF ESSENTIAL PUBLIC PURPOSES AND**
17 **GOVERNMENTAL FUNCTIONS OF THIS STATE.**

18 **(2) AS USED IN THIS PART:**

19 **(A) "AUTHORIZING BODY" MEANS ANY OF THE FOLLOWING THAT ISSUES**
20 **A CONTRACT AS PROVIDED IN THIS PART:**

21 **(i) THE BOARD OF A SCHOOL DISTRICT THAT OPERATES GRADES K TO**
22 **12.**

23 **(ii) AN INTERMEDIATE SCHOOL BOARD.**

24 **(iii) THE BOARD OF A COMMUNITY COLLEGE.**

25 **(iv) THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY.**

26 **(B) "CERTIFICATED TEACHER" MEANS AN INDIVIDUAL WHO HOLDS A**
27 **VALID TEACHING CERTIFICATE ISSUED BY THE SUPERINTENDENT OF PUBLIC**

1 INSTRUCTION UNDER SECTION 1531.

2 (C) "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE ORGANIZED
3 UNDER THE COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1 TO
4 389.195, OR A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE THAT IS
5 RECOGNIZED UNDER THE TRIBALLY CONTROLLED COMMUNITY COLLEGE
6 ASSISTANCE ACT OF 1978, PUBLIC LAW 95-471, AND IS DETERMINED BY THE
7 DEPARTMENT TO MEET THE REQUIREMENTS FOR ACCREDITATION BY A
8 RECOGNIZED REGIONAL ACCREDITING BODY.

9 (D) "CONTRACT" MEANS THE EXECUTIVE ACT TAKEN BY AN AUTHORIZING
10 BODY THAT EVIDENCES THE AUTHORIZATION OF A SCHOOL OF EXCELLENCE AND
11 THAT ESTABLISHES, SUBJECT TO THE CONSTITUTIONAL POWERS OF THE STATE
12 BOARD AND APPLICABLE LAW, THE WRITTEN INSTRUMENT EXECUTED BY AN
13 AUTHORIZING BODY CONFERRING CERTAIN RIGHTS, FRANCHISES, PRIVILEGES,
14 AND OBLIGATIONS ON A SCHOOL OF EXCELLENCE, AS PROVIDED BY THIS
15 PART, AND CONFIRMING THE STATUS OF A SCHOOL OF EXCELLENCE AS A
16 PUBLIC SCHOOL IN THIS STATE.

17 (E) "EDUCATIONAL MANAGEMENT ORGANIZATION" MEANS AN ENTITY THAT
18 ENTERS INTO AN AGREEMENT WITH THE GOVERNING BOARD OF A PUBLIC
19 SCHOOL TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE,
20 MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO THE PUBLIC
21 SCHOOL.

22 (F) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS
23 CORPORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION,
24 CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

25 (G) "STATE PUBLIC UNIVERSITY" MEANS A STATE UNIVERSITY
26 DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE
27 CONSTITUTION OF 1963.

Senate Bill No. 981 (H-2) as amended December 10, 2009

1 SEC. 552. (1) AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT
2 TO ORGANIZE AND OPERATE A SCHOOL OF EXCELLENCE TO A PERSON OR
3 ENTITY UNLESS THE AUTHORIZING BODY HAS RECEIVED AN APPLICATION FROM
4 A PERSON OR ENTITY THAT IS INCLUDED ON THE LIST OF APPROVED PERSONS
5 OR ENTITIES PUBLISHED BY THE DEPARTMENT UNDER SUBSECTION (2).
6 FURTHER, NOT MORE THAN 1 CONTRACT MAY BE ISSUED UNDER THIS PART FOR
7 EACH PUBLIC SCHOOL ACADEMY OPERATED UNDER PART 6A THAT MEETS THE
8 REQUIREMENTS UNDER SUBSECTION (2) [, AND THAT PUBLIC SCHOOL ACADEMY SHALL
9 BE IDENTIFIED IN THE CONTRACT ISSUED BY THE AUTHORIZING BODY].

10 (2) THE DEPARTMENT SHALL DEVELOP, PUBLISH, AND MAINTAIN A LIST
11 OF PERSONS OR ENTITIES THAT ARE APPROVED TO APPLY TO AN AUTHORIZING
12 BODY FOR THE ISSUANCE OF A CONTRACT TO ORGANIZE AND OPERATE A
13 SCHOOL OF EXCELLENCE UNDER THIS PART. SUBJECT TO SUBSECTION (3),
14 FOR A PERSON OR ENTITY TO BE INCLUDED ON THE LIST, THE DEPARTMENT
15 MUST DETERMINE THAT THE PERSON OR ENTITY IS UNDER CONTRACT WITH THE
16 BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY TO MANAGE A PUBLIC
17 SCHOOL ACADEMY UNDER PART 6A THAT MEETS THE FOLLOWING REQUIREMENTS:

18 (A) IF THE PUBLIC SCHOOL ACADEMY OPERATES ONLY SOME OR ALL OF
19 GRADES K TO 8, MEETS BOTH OF THE FOLLOWING:

20 (i) ON AVERAGE OVER A 3-YEAR PERIOD, AT LEAST 80% OF THE PUPILS
21 ENROLLED IN THE PUBLIC SCHOOL ACADEMY ACHIEVED A SCORE OF
22 PROFICIENT OR BETTER ON THE MICHIGAN EDUCATION ASSESSMENT PROGRAM
23 MATHEMATICS AND ENGLISH LANGUAGE ARTS TESTS.

24 (ii) ON AVERAGE OVER A 3-YEAR PERIOD, AT LEAST 50% OF THE
25 PUPILS ENROLLED IN THE PUBLIC SCHOOL ACADEMY MET THE INCOME
26 ELIGIBILITY CRITERIA FOR THE FEDERAL FREE OR REDUCED-PRICE LUNCH
27 PROGRAM, AS DETERMINED UNDER THE RICHARD B. RUSSELL NATIONAL SCHOOL
LUNCH ACT, 42 USC 1751 TO 1769I, AND REPORTED TO THE DEPARTMENT.

Senate Bill No. 981 (H-2) as amended December 10, 2009

1 (B) IF THE PUBLIC SCHOOL ACADEMY OPERATES GRADES 9 TO 12, AT
2 LEAST 80% OF THE SCHOOL'S PUPILS GRADUATE FROM HIGH SCHOOL OR ARE
3 DETERMINED BY THE DEPARTMENT TO BE ON TRACK TO GRADUATE FROM HIGH
4 SCHOOL, THE SCHOOL HAS AT LEAST 80% AVERAGE ATTENDANCE, AND THE
5 [SCHOOL HAS AT LEAST AN 80% POSTSECONDARY ENROLLMENT RATE.

6]
7 (3) THE DEPARTMENT MAY INCLUDE A PERSON OR ENTITY ON THE LIST
8 OF PERSONS OR ENTITIES UNDER SUBSECTION (2) IF THE DEPARTMENT
9 DETERMINES THAT THE PERSON OR ENTITY IS UNDER CONTRACT TO MANAGE,
10 OR OPERATES, A PUBLIC SCHOOL IN ANOTHER STATE THAT MEETS CRITERIA
11 THE DEPARTMENT DETERMINES TO BE EQUIVALENT TO THE REQUIREMENTS
12 UNDER SUBSECTION (2).

13 (4) A SCHOOL OF EXCELLENCE SHALL BE ORGANIZED AND ADMINISTERED
14 UNDER THE DIRECTION OF A BOARD OF DIRECTORS IN ACCORDANCE WITH THIS
15 PART AND WITH BYLAWS ADOPTED BY THE BOARD OF DIRECTORS. A SCHOOL OF
16 EXCELLENCE SHALL BE ORGANIZED UNDER THE NONPROFIT CORPORATION ACT,
17 1982 PA 162, MCL 450.2101 TO 450.3192, EXCEPT THAT A SCHOOL OF
18 EXCELLENCE IS NOT REQUIRED TO COMPLY WITH SECTIONS 170 TO 177 OF
19 1931 PA 327, MCL 450.170 TO 450.177. TO THE EXTENT DISQUALIFIED
20 UNDER THE STATE OR FEDERAL CONSTITUTION, A SCHOOL OF EXCELLENCE
21 SHALL NOT BE ORGANIZED BY A CHURCH OR OTHER RELIGIOUS ORGANIZATION
22 AND SHALL NOT HAVE ANY ORGANIZATIONAL OR CONTRACTUAL AFFILIATION
23 WITH OR CONSTITUTE A CHURCH OR OTHER RELIGIOUS ORGANIZATION.

24 (5) ANY OF THE FOLLOWING MAY ACT AS AN AUTHORIZING BODY TO
25 ISSUE A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE SCHOOLS OF
26 EXCELLENCE UNDER THIS PART:

27 (A) THE BOARD OF A SCHOOL DISTRICT THAT OPERATES GRADES K TO

1 12. HOWEVER, THE BOARD OF A SCHOOL DISTRICT SHALL NOT ISSUE A
2 CONTRACT FOR A SCHOOL OF EXCELLENCE TO OPERATE OUTSIDE THE SCHOOL
3 DISTRICT'S BOUNDARIES, AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE
4 BOARD OF A SCHOOL DISTRICT SHALL NOT OPERATE OUTSIDE THAT SCHOOL
5 DISTRICT'S BOUNDARIES.

6 (B) AN INTERMEDIATE SCHOOL BOARD. HOWEVER, THE BOARD OF AN
7 INTERMEDIATE SCHOOL DISTRICT SHALL NOT ISSUE A CONTRACT FOR A
8 SCHOOL OF EXCELLENCE TO OPERATE OUTSIDE THE INTERMEDIATE SCHOOL
9 DISTRICT'S BOUNDARIES, AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE
10 BOARD OF AN INTERMEDIATE SCHOOL DISTRICT SHALL NOT OPERATE OUTSIDE
11 THAT INTERMEDIATE SCHOOL DISTRICT'S BOUNDARIES.

12 (C) THE BOARD OF A COMMUNITY COLLEGE. THE BOARD OF A COMMUNITY
13 COLLEGE SHALL NOT ISSUE A CONTRACT FOR A SCHOOL OF EXCELLENCE TO
14 OPERATE OUTSIDE THE BOUNDARIES OF THE COMMUNITY COLLEGE DISTRICT,
15 AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE BOARD OF A COMMUNITY
16 COLLEGE SHALL NOT OPERATE OUTSIDE THE BOUNDARIES OF THE COMMUNITY
17 COLLEGE DISTRICT. THE BOARD OF A COMMUNITY COLLEGE ALSO MAY ISSUE A
18 CONTRACT FOR NOT MORE THAN 1 SCHOOL OF EXCELLENCE TO OPERATE ON THE
19 GROUNDS OF AN ACTIVE OR CLOSED FEDERAL MILITARY INSTALLATION
20 LOCATED OUTSIDE THE BOUNDARIES OF THE COMMUNITY COLLEGE DISTRICT,
21 OR MAY OPERATE A SCHOOL OF EXCELLENCE ITSELF ON THE GROUNDS OF SUCH
22 A FEDERAL MILITARY INSTALLATION, IF THE FEDERAL MILITARY
23 INSTALLATION IS NOT LOCATED WITHIN THE BOUNDARIES OF ANY COMMUNITY
24 COLLEGE DISTRICT AND THE COMMUNITY COLLEGE HAS PREVIOUSLY OFFERED
25 COURSES ON THE GROUNDS OF THE FEDERAL MILITARY INSTALLATION FOR AT
26 LEAST 10 YEARS.

27 (D) THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY.

1 (6) TO OBTAIN A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE
2 SCHOOLS OF EXCELLENCE, 1 OR MORE PERSONS OR AN ENTITY MAY APPLY TO
3 AN AUTHORIZING BODY DESCRIBED IN SUBSECTION (5). THE APPLICATION
4 SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

5 (A) IDENTIFICATION OF THE APPLICANT FOR THE CONTRACT.

6 (B) SUBJECT TO THE RESOLUTION ADOPTED BY THE AUTHORIZING BODY
7 UNDER SECTION 553(3), A LIST OF THE PROPOSED MEMBERS OF THE BOARD
8 OF DIRECTORS OF THE SCHOOL OF EXCELLENCE AND A DESCRIPTION OF THE
9 QUALIFICATIONS AND METHOD FOR APPOINTMENT OR ELECTION OF MEMBERS OF
10 THE BOARD OF DIRECTORS.

11 (C) THE PROPOSED ARTICLES OF INCORPORATION, WHICH SHALL
12 INCLUDE AT LEAST ALL OF THE FOLLOWING:

13 (i) THE NAME OF THE PROPOSED SCHOOL OF EXCELLENCE.

14 (ii) THE PURPOSES FOR THE SCHOOL OF EXCELLENCE CORPORATION.

15 THIS LANGUAGE SHALL PROVIDE THAT THE SCHOOL OF EXCELLENCE IS
16 INCORPORATED PURSUANT TO THIS PART AND THAT THE SCHOOL OF
17 EXCELLENCE IS A GOVERNMENTAL ENTITY.

18 (iii) THE NAME OF THE AUTHORIZING BODY.

19 (iv) THE PROPOSED TIME WHEN THE ARTICLES OF INCORPORATION WILL
20 BE EFFECTIVE.

21 (v) OTHER MATTERS CONSIDERED EXPEDIENT TO BE IN THE ARTICLES
22 OF INCORPORATION.

23 (D) A COPY OF THE PROPOSED BYLAWS OF THE SCHOOL OF EXCELLENCE.

24 (E) DOCUMENTATION MEETING THE APPLICATION REQUIREMENTS OF THE
25 AUTHORIZING BODY, INCLUDING AT LEAST ALL OF THE FOLLOWING:

26 (i) THE GOVERNANCE STRUCTURE OF THE SCHOOL OF EXCELLENCE.

27 (ii) A COPY OF THE EDUCATIONAL GOALS OF THE SCHOOL OF

1 EXCELLENCE AND THE CURRICULA TO BE OFFERED AND METHODS OF PUPIL
2 ASSESSMENT TO BE USED BY THE SCHOOL OF EXCELLENCE. TO THE EXTENT
3 APPLICABLE, THE PROGRESS OF THE PUPILS IN THE SCHOOL OF EXCELLENCE
4 SHALL BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION ASSESSMENT
5 PROGRAM (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION UNDER SECTION
6 1279G.

7 (iii) THE ADMISSION POLICY AND CRITERIA TO BE MAINTAINED BY THE
8 SCHOOL OF EXCELLENCE. THE ADMISSION POLICY AND CRITERIA SHALL
9 COMPLY WITH SECTION 556. 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 SCHOOL OF EXCELLENCE IS BEING
12 CREATED AND ADEQUATE INFORMATION ON THE ADMISSION POLICY, CRITERIA,
13 AND PROCESS.

14 (iv) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE.

15 (v) THE AGE OR GRADE RANGE OF PUPILS TO BE ENROLLED. THE
16 SCHOOL OF EXCELLENCE MUST OPERATE, IN ADDITION TO ANY OTHER GRADE
17 LEVELS IT OPERATES, ALL OF GRADES 9 TO 12 WITHIN 4 YEARS AFTER IT
18 BEGINS OPERATIONS.

19 (F) DESCRIPTIONS OF STAFF RESPONSIBILITIES AND OF THE SCHOOL
20 OF EXCELLENCE GOVERNANCE STRUCTURE.

21 (G) FOR AN APPLICATION TO THE BOARD OF A SCHOOL DISTRICT, AN
22 INTERMEDIATE SCHOOL BOARD, OR BOARD OF A COMMUNITY COLLEGE,
23 IDENTIFICATION OF THE SCHOOL DISTRICT AND INTERMEDIATE SCHOOL
24 DISTRICT IN WHICH THE SCHOOL OF EXCELLENCE WILL BE LOCATED. A
25 SCHOOL OF EXCELLENCE SHALL NOT BE LOCATED IN A SCHOOL DISTRICT THAT
26 HAS A GRADUATION RATE OF OVER 60%, ON AVERAGE, FOR THE MOST RECENT
27 3 SCHOOL YEARS FOR WHICH THE DATA ARE AVAILABLE, AS DETERMINED BY

Senate Bill No. 981 (H-2) as amended December 10, 2009
1 THE DEPARTMENT.

2 (H) AN AGREEMENT THAT THE SCHOOL OF EXCELLENCE WILL COMPLY
3 WITH THE PROVISIONS OF THIS PART AND, SUBJECT TO THE PROVISIONS OF
4 THIS PART, WITH ALL OTHER STATE LAW APPLICABLE TO PUBLIC BODIES AND
5 WITH FEDERAL LAW APPLICABLE TO PUBLIC BODIES OR SCHOOL DISTRICTS.

6 (I) FOR A SCHOOL OF EXCELLENCE AUTHORIZED BY A SCHOOL
7 DISTRICT, AN ASSURANCE THAT EMPLOYEES OF THE SCHOOL OF EXCELLENCE
8 WILL BE COVERED BY THE COLLECTIVE BARGAINING AGREEMENTS THAT APPLY
9 TO OTHER EMPLOYEES OF THE SCHOOL DISTRICT EMPLOYED IN SIMILAR
10 CLASSIFICATIONS IN SCHOOLS THAT ARE NOT SCHOOLS OF EXCELLENCE.

11 (J) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL
12 PLANT IN WHICH THE SCHOOL OF EXCELLENCE WILL BE LOCATED. A SCHOOL
13 OF EXCELLENCE SHALL NOT BE LOCATED IN A SCHOOL DISTRICT THAT HAS A
14 GRADUATION RATE OF OVER 60%, ON AVERAGE, FOR THE MOST RECENT 3
15 SCHOOL YEARS FOR WHICH THE DATA ARE AVAILABLE, AS DETERMINED BY THE
16 DEPARTMENT.

17 [(K) IDENTIFICATION OF THE PUBLIC SCHOOL ACADEMY OPERATED UNDER
18 PART 6A THAT MEETS THE REQUIREMENTS OF SUBSECTION (2) TO WHICH THE SCHOOL
19 OF EXCELLENCE CONTRACT CORRESPONDS, AS REQUIRED UNDER SUBSECTION (1).]

20 (7) AN AUTHORIZING BODY SHALL OVERSEE, OR SHALL CONTRACT WITH
21 AN INTERMEDIATE SCHOOL DISTRICT, COMMUNITY COLLEGE, OR STATE PUBLIC
22 UNIVERSITY TO OVERSEE, EACH SCHOOL OF EXCELLENCE OPERATING UNDER A
23 CONTRACT ISSUED BY THE AUTHORIZING BODY. THE OVERSIGHT SHALL BE
24 SUFFICIENT TO ENSURE THAT THE AUTHORIZING BODY CAN CERTIFY THAT THE
25 SCHOOL OF EXCELLENCE IS IN COMPLIANCE WITH STATUTE, RULES, AND THE
26 TERMS OF THE CONTRACT.

27 (8) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION FINDS THAT AN
AUTHORIZING BODY IS NOT ENGAGING IN APPROPRIATE CONTINUING
OVERSIGHT OF 1 OR MORE SCHOOLS OF EXCELLENCE OPERATING UNDER A
CONTRACT ISSUED BY THE AUTHORIZING BODY, THE SUPERINTENDENT OF

1 PUBLIC INSTRUCTION MAY SUSPEND THE POWER OF THE AUTHORIZING BODY TO
2 ISSUE NEW CONTRACTS TO ORGANIZE AND OPERATE SCHOOLS OF EXCELLENCE.
3 A CONTRACT ISSUED BY THE AUTHORIZING BODY DURING THE SUSPENSION IS
4 VOID. A CONTRACT ISSUED BY THE AUTHORIZING BODY BEFORE THE
5 SUSPENSION IS NOT AFFECTED BY THE SUSPENSION.

6 (9) 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 SCHOOL OF EXCELLENCE IN AN AMOUNT THAT EXCEEDS A
10 COMBINED TOTAL OF 3% OF THE TOTAL STATE SCHOOL AID RECEIVED BY THE
11 SCHOOL OF EXCELLENCE IN THE SCHOOL YEAR IN WHICH THE FEES OR
12 EXPENSES ARE CHARGED. ALL OF THE FOLLOWING APPLY TO THIS FEE:

13 (A) THE AUTHORIZING BODY MAY USE THIS FEE ONLY FOR THE
14 FOLLOWING PURPOSES:

15 (i) CONSIDERING APPLICATIONS AND ISSUING OR ADMINISTERING
16 CONTRACTS.

17 (ii) COMPLIANCE MONITORING AND OVERSIGHT OF SCHOOLS OF
18 EXCELLENCE.

19 (iii) TRAINING FOR SCHOOL OF EXCELLENCE APPLICANTS,
20 ADMINISTRATORS, AND BOARDS OF DIRECTORS.

21 (iv) TECHNICAL ASSISTANCE TO SCHOOLS OF EXCELLENCE.

22 (v) ACADEMIC SUPPORT TO SCHOOLS OF EXCELLENCE OR TO PUPILS OF
23 SCHOOLS OF EXCELLENCE.

24 (vi) EVALUATION OF SCHOOL OF EXCELLENCE PERFORMANCE.

25 (vii) TRAINING OF TEACHERS.

26 (viii) OTHER PURPOSES THAT ASSIST THE SCHOOL OF EXCELLENCE OR
27 TRADITIONAL PUBLIC SCHOOLS IN ACHIEVING IMPROVED ACADEMIC

1 PERFORMANCE.

2 (B) THE AUTHORIZING BODY MAY PROVIDE OTHER SERVICES FOR A
3 SCHOOL OF EXCELLENCE AND CHARGE A FEE FOR THOSE SERVICES, BUT SHALL
4 NOT REQUIRE SUCH AN ARRANGEMENT AS A CONDITION TO ISSUING THE
5 CONTRACT AUTHORIZING THE SCHOOL OF EXCELLENCE.

6 (10) A SCHOOL OF EXCELLENCE SHALL BE PRESUMED TO BE LEGALLY
7 ORGANIZED IF IT HAS EXERCISED THE FRANCHISES AND PRIVILEGES OF A
8 PUBLIC SCHOOL ACADEMY FOR AT LEAST 2 YEARS.

9 SEC. 553. (1) AN AUTHORIZING BODY IS NOT REQUIRED TO ISSUE A
10 CONTRACT TO ANY PERSON OR ENTITY. SCHOOLS OF EXCELLENCE CONTRACTS
11 SHALL BE ISSUED ON A COMPETITIVE BASIS TAKING INTO CONSIDERATION
12 THE RESOURCES AVAILABLE FOR THE PROPOSED SCHOOL OF EXCELLENCE, THE
13 POPULATION TO BE SERVED BY THE PROPOSED SCHOOL OF EXCELLENCE, THE
14 EDUCATIONAL GOALS TO BE ACHIEVED BY THE PROPOSED SCHOOL OF
15 EXCELLENCE, AND THE APPLICANT'S TRACK RECORD, IF ANY, IN OPERATING
16 PUBLIC SCHOOL ACADEMIES OR OTHER PUBLIC SCHOOLS.

17 (2) WITHIN 10 DAYS AFTER ISSUING A CONTRACT FOR A SCHOOL OF
18 EXCELLENCE, THE AUTHORIZING BODY SHALL SUBMIT TO THE SUPERINTENDENT
19 OF PUBLIC INSTRUCTION A COPY OF THE CONTRACT AND OF THE APPLICATION
20 UNDER SECTION 552.

21 (3) AN AUTHORIZING BODY SHALL ADOPT A RESOLUTION ESTABLISHING
22 THE METHOD OF SELECTION, LENGTH OF TERM, AND NUMBER OF MEMBERS OF
23 THE BOARD OF DIRECTORS OF EACH SCHOOL OF EXCELLENCE SUBJECT TO ITS
24 JURISDICTION.

25 (4) A CONTRACT ISSUED TO ORGANIZE AND ADMINISTER A SCHOOL OF
26 EXCELLENCE SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING:

27 (A) THE EDUCATIONAL GOALS THE SCHOOL OF EXCELLENCE IS TO

1 ACHIEVE AND THE METHODS BY WHICH IT WILL BE HELD ACCOUNTABLE. TO
2 THE EXTENT APPLICABLE, THE PUPIL PERFORMANCE OF A SCHOOL OF
3 EXCELLENCE SHALL BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION
4 ASSESSMENT PROGRAM (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION
5 UNDER SECTION 1279G.

6 (B) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE
7 SCHOOL OF EXCELLENCE'S COMPLIANCE WITH APPLICABLE LAW AND ITS
8 PERFORMANCE IN MEETING ITS TARGETED EDUCATIONAL OBJECTIVES.

9 (C) A DESCRIPTION OF THE PROCESS FOR AMENDING THE CONTRACT
10 DURING THE TERM OF THE CONTRACT.

11 (D) ALL OF THE MATTERS SET FORTH IN THE APPLICATION FOR THE
12 CONTRACT.

13 (E) FOR A SCHOOL OF EXCELLENCE AUTHORIZED BY A SCHOOL
14 DISTRICT, AN AGREEMENT THAT EMPLOYEES OF THE SCHOOL OF EXCELLENCE
15 WILL BE COVERED BY THE COLLECTIVE BARGAINING AGREEMENTS THAT APPLY
16 TO EMPLOYEES OF THE SCHOOL DISTRICT EMPLOYED IN SIMILAR
17 CLASSIFICATIONS IN SCHOOLS THAT ARE NOT SCHOOLS OF EXCELLENCE.

18 (F) PROCEDURES FOR REVOKING THE CONTRACT AND GROUNDS FOR
19 REVOKING THE CONTRACT, INCLUDING AT LEAST THE GROUNDS LISTED IN
20 SECTION 561.

21 (G) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL
22 PLANT IN WHICH THE SCHOOL OF EXCELLENCE WILL BE LOCATED. A SCHOOL
23 OF EXCELLENCE SHALL NOT BE LOCATED IN A SCHOOL DISTRICT THAT HAS A
24 GRADUATION RATE OF OVER 60% FOR THE MOST RECENT SCHOOL YEAR FOR
25 WHICH THE DATA ARE AVAILABLE, AS DETERMINED BY THE DEPARTMENT.

26 (H) REQUIREMENTS AND PROCEDURES FOR FINANCIAL AUDITS. THE
27 FINANCIAL AUDITS SHALL BE CONDUCTED AT LEAST ANNUALLY BY A

1 CERTIFIED PUBLIC ACCOUNTANT IN ACCORDANCE WITH GENERALLY ACCEPTED
2 GOVERNMENTAL AUDITING PRINCIPLES.

3 (I) A CERTIFICATION, SIGNED BY AN AUTHORIZED MEMBER OF THE
4 SCHOOL OF EXCELLENCE BOARD OF DIRECTORS, THAT THE SCHOOL OF
5 EXCELLENCE WILL COMPLY WITH THE CONTRACT AND ALL APPLICABLE LAW.

6 (J) A REQUIREMENT THAT THE BOARD OF DIRECTORS SHALL ENSURE
7 COMPLIANCE WITH THE REQUIREMENTS OF 1968 PA 317, MCL 15.321 TO
8 15.330.

9 (K) A REQUIREMENT THAT THE BOARD OF DIRECTORS SHALL PROHIBIT
10 SPECIFICALLY IDENTIFIED FAMILY RELATIONSHIPS BETWEEN MEMBERS OF THE
11 BOARD OF DIRECTORS, INDIVIDUALS WHO HAVE AN OWNERSHIP INTEREST IN
12 OR WHO ARE OFFICERS OR EMPLOYEES OF AN EDUCATIONAL MANAGEMENT
13 ORGANIZATION INVOLVED IN THE OPERATION OF THE SCHOOL OF EXCELLENCE,
14 AND EMPLOYEES OF THE SCHOOL OF EXCELLENCE. THE CONTRACT SHALL
15 IDENTIFY THE SPECIFIC PROHIBITED RELATIONSHIPS CONSISTENT WITH
16 APPLICABLE LAW.

17 (L) A REQUIREMENT THAT THE BOARD OF DIRECTORS OF THE SCHOOL OF
18 EXCELLENCE SHALL MAKE INFORMATION CONCERNING ITS OPERATION AND
19 MANAGEMENT AVAILABLE TO THE PUBLIC AND TO THE AUTHORIZING BODY IN
20 THE SAME MANNER AS IS REQUIRED BY STATE LAW FOR SCHOOL DISTRICTS.

21 (M) A REQUIREMENT THAT THE BOARD OF DIRECTORS OF THE SCHOOL OF
22 EXCELLENCE SHALL COLLECT, MAINTAIN, AND MAKE AVAILABLE TO THE
23 PUBLIC AND THE AUTHORIZING BODY, IN ACCORDANCE WITH APPLICABLE LAW
24 AND THE CONTRACT, AT LEAST ALL OF THE FOLLOWING INFORMATION
25 CONCERNING THE OPERATION AND MANAGEMENT OF THE SCHOOL OF
26 EXCELLENCE:

27 (i) A COPY OF THE CONTRACT ISSUED BY THE AUTHORIZING BODY FOR

Senate Bill No. 981 (H-2) as amended December 10, 2009
1 THE SCHOOL OF EXCELLENCE.

2 (ii) A LIST OF CURRENTLY SERVING MEMBERS OF THE BOARD OF
3 DIRECTORS OF THE SCHOOL OF EXCELLENCE, INCLUDING NAME, ADDRESS, AND
4 TERM OF OFFICE; COPIES OF POLICIES APPROVED BY THE BOARD OF
5 DIRECTORS; BOARD MEETING AGENDAS AND MINUTES; COPY OF THE BUDGET
6 APPROVED BY THE BOARD OF DIRECTORS AND OF ANY AMENDMENTS TO THE
7 BUDGET; AND COPIES OF BILLS PAID FOR AMOUNTS OF \$10,000.00 OR MORE
8 AS THEY WERE SUBMITTED TO THE BOARD OF DIRECTORS.

9 (iii) QUARTERLY FINANCIAL REPORTS SUBMITTED TO THE AUTHORIZING
10 BODY.

11 (iv) A CURRENT LIST OF TEACHERS AND SCHOOL ADMINISTRATORS
12 WORKING AT THE SCHOOL OF EXCELLENCE THAT INCLUDES THEIR INDIVIDUAL
13 SALARIES; COPIES OF THE TEACHING [OR SCHOOL ADMINISTRATOR'S] CERTIFICATES
14 OR PERMITS OF CURRENT TEACHING [AND ADMINISTRATIVE] STAFF; AND EVIDENCE OF COMPLIANCE WITH THE
15 CRIMINAL BACKGROUND AND RECORDS CHECKS AND UNPROFESSIONAL CONDUCT CHECK
16 REQUIRED UNDER SECTIONS 1230, 1230A, AND 1230B FOR ALL TEACHERS AND
17 ADMINISTRATORS WORKING AT THE SCHOOL OF EXCELLENCE.

18 (v) CURRICULUM DOCUMENTS AND MATERIALS GIVEN TO THE
19 AUTHORIZING BODY.

20 (vi) PROOF OF INSURANCE AS REQUIRED BY THE CONTRACT.

21 (vii) COPIES OF FACILITY LEASES OR DEEDS, OR BOTH, AND OF ANY
22 EQUIPMENT LEASES.

23 (viii) COPIES OF ANY MANAGEMENT CONTRACTS OR SERVICES CONTRACTS
24 APPROVED BY THE BOARD OF DIRECTORS.

25 (ix) ALL HEALTH AND SAFETY REPORTS AND CERTIFICATES, INCLUDING
26 THOSE RELATING TO FIRE SAFETY, ENVIRONMENTAL MATTERS, ASBESTOS
27 INSPECTION, BOILER INSPECTION, AND FOOD SERVICE.

Senate Bill No. 981 (H-2) as amended December 10, 2009

1 (x) ANY MANAGEMENT LETTERS ISSUED AS PART OF THE ANNUAL
2 FINANCIAL AUDIT UNDER SUBDIVISION (H).

3 (xi) ANY OTHER INFORMATION SPECIFICALLY REQUIRED UNDER THIS
4 ACT.

5 (N) A REQUIREMENT THAT THE AUTHORIZING BODY MUST REVIEW AND
6 MAY DISAPPROVE ANY AGREEMENT BETWEEN THE BOARD OF DIRECTORS AND AN
7 EDUCATIONAL MANAGEMENT ORGANIZATION BEFORE THE AGREEMENT IS FINAL
8 AND VALID. THE AUTHORIZING BODY SHALL ENSURE THAT THE AGREEMENT IS
9 IN COMPLIANCE WITH [SECTION 557].

10 (O) A REQUIREMENT THAT THE BOARD OF DIRECTORS SHALL
11 DEMONSTRATE ALL OF THE FOLLOWING TO THE SATISFACTION OF THE
12 AUTHORIZING BODY WITH REGARD TO ITS PUPIL ADMISSION PROCESS:

13 (i) THAT THE SCHOOL OF EXCELLENCE HAS MADE A REASONABLE EFFORT
14 TO ADVERTISE ITS ENROLLMENT OPENINGS.

15 (ii) THAT THE SCHOOL OF EXCELLENCE HAS MADE THE FOLLOWING
16 ADDITIONAL EFFORTS TO RECRUIT PUPILS WHO ARE ELIGIBLE FOR SPECIAL
17 EDUCATION PROGRAMS AND SERVICES OR ENGLISH AS A SECOND LANGUAGE
18 SERVICES TO APPLY FOR ADMISSION:

19 (A) REASONABLE EFFORTS TO ADVERTISE ALL ENROLLMENT OPENINGS TO
20 ORGANIZATIONS AND MEDIA THAT REGULARLY SERVE AND ADVOCATE FOR
21 INDIVIDUALS WITH DISABILITIES OR CHILDREN WITH LIMITED ENGLISH-
22 SPEAKING ABILITY WITHIN THE BOUNDARIES OF THE INTERMEDIATE SCHOOL
23 DISTRICT IN WHICH THE SCHOOL OF EXCELLENCE IS LOCATED.

24 (B) INCLUSION IN ALL PUPIL RECRUITMENT MATERIALS OF A
25 STATEMENT THAT APPROPRIATE SPECIAL EDUCATION SERVICES AND ENGLISH
26 AS A SECOND LANGUAGE SERVICES WILL BE MADE AVAILABLE TO PUPILS
27 ATTENDING THE SCHOOL AS REQUIRED BY LAW.

Senate Bill No. 981 (H-2) as amended December 10, 2009

1 (iii) THAT THE OPEN ENROLLMENT PERIOD FOR THE SCHOOL OF
2 EXCELLENCE IS FOR A DURATION OF AT LEAST 2 WEEKS AND THAT THE
3 ENROLLMENT TIMES INCLUDE SOME EVENING AND WEEKEND TIMES.

4 (P) A REQUIREMENT THAT THE BOARD OF DIRECTORS SHALL PROHIBIT
5 ANY INDIVIDUAL FROM BEING EMPLOYED BY THE SCHOOL OF EXCELLENCE IN
6 MORE THAN 1 FULL-TIME POSITION AND SIMULTANEOUSLY BEING COMPENSATED
7 AT A FULL-TIME RATE FOR EACH OF THOSE POSITIONS.

8 (Q) A REQUIREMENT THAT, IF REQUESTED, THE BOARD OF DIRECTORS
9 SHALL REPORT TO THE AUTHORIZING BODY THE TOTAL COMPENSATION FOR
10 EACH INDIVIDUAL WORKING AT THE SCHOOL OF EXCELLENCE.

11 [(R) IDENTIFICATION OF THE PUBLIC SCHOOL ACADEMY OPERATED UNDER
12 PART 6A THAT MEETS THE REQUIREMENTS OF SECTION 552(2) TO WHICH THE SCHOOL
13 OF EXCELLENCE CORRESPONDS, AS REQUIRED UNDER SECTION 552(1), AND A
14 REQUIREMENT THAT THE SCHOOL OF EXCELLENCE SHALL SERVE A SIMILAR STUDENT
15 POPULATION AS IS SERVED BY THAT PUBLIC SCHOOL ACADEMY.]

16 (5) A SCHOOL OF EXCELLENCE SHALL COMPLY WITH ALL APPLICABLE
17 LAW, INCLUDING ALL OF THE FOLLOWING:

18 (A) THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

19 (B) THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
20 15.246.

21 (C) 1947 PA 336, MCL 423.201 TO 423.217.

22 (D) 1965 PA 166, MCL 408.551 TO 408.558.

23 (E) SECTIONS 1134, 1135, 1146, 1153, 1263(3), 1267, AND 1274.

24 (6) A SCHOOL OF EXCELLENCE AND ITS INCORPORATORS, BOARD
25 MEMBERS, OFFICERS, EMPLOYEES, AND VOLUNTEERS HAVE GOVERNMENTAL
26 IMMUNITY AS PROVIDED IN SECTION 7 OF 1964 PA 170, MCL 691.1407. AN
27 AUTHORIZING BODY AND ITS BOARD MEMBERS, OFFICERS, AND EMPLOYEES ARE
IMMUNE FROM CIVIL LIABILITY, BOTH PERSONALLY AND PROFESSIONALLY,
FOR AN ACT OR OMISSION IN AUTHORIZING A SCHOOL OF EXCELLENCE IF THE
AUTHORIZING BODY OR THE PERSON ACTED OR REASONABLY BELIEVED HE OR
SHE ACTED WITHIN THE AUTHORIZING BODY'S OR THE PERSON'S SCOPE OF
AUTHORITY.

1 (7) A SCHOOL OF EXCELLENCE IS EXEMPT FROM ALL TAXATION ON ITS
2 EARNINGS AND PROPERTY. INSTRUMENTS OF CONVEYANCE TO OR FROM A
3 SCHOOL OF EXCELLENCE ARE EXEMPT FROM ALL TAXATION INCLUDING TAXES
4 IMPOSED BY 1966 PA 134, MCL 207.501 TO 207.513. A SCHOOL OF
5 EXCELLENCE MAY NOT LEVY AD VALOREM PROPERTY TAXES OR ANOTHER TAX
6 FOR ANY PURPOSE. HOWEVER, OPERATION OF 1 OR MORE SCHOOLS OF
7 EXCELLENCE BY A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
8 DOES NOT AFFECT THE ABILITY OF THE SCHOOL DISTRICT OR INTERMEDIATE
9 SCHOOL DISTRICT TO LEVY AD VALOREM PROPERTY TAXES OR ANOTHER TAX.

10 (8) A SCHOOL OF EXCELLENCE MAY ACQUIRE BY PURCHASE, GIFT,
11 DEVISE, LEASE, SUBLEASE, INSTALLMENT PURCHASE AGREEMENT, LAND
12 CONTRACT, OPTION, OR BY ANY OTHER MEANS, HOLD, AND OWN IN ITS OWN
13 NAME BUILDINGS AND OTHER PROPERTY FOR SCHOOL PURPOSES, AND
14 INTERESTS THEREIN, AND OTHER REAL AND PERSONAL PROPERTY, INCLUDING,
15 BUT NOT LIMITED TO, INTERESTS IN PROPERTY SUBJECT TO MORTGAGES,
16 SECURITY INTERESTS, OR OTHER LIENS, NECESSARY OR CONVENIENT TO
17 FULFILL ITS PURPOSES. FOR THE PURPOSES OF CONDEMNATION, A SCHOOL OF
18 EXCELLENCE MAY PROCEED UNDER THE UNIFORM CONDEMNATION PROCEDURES
19 ACT, 1980 PA 87, MCL 213.51 TO 213.75, EXCLUDING SECTIONS 6 TO 9 OF
20 THAT ACT, MCL 213.56 TO 213.59, OR OTHER APPLICABLE STATUTES, BUT
21 ONLY WITH THE EXPRESS, WRITTEN PERMISSION OF THE AUTHORIZING BODY
22 IN EACH INSTANCE OF CONDEMNATION AND ONLY AFTER JUST COMPENSATION
23 HAS BEEN DETERMINED AND PAID.

24 SEC. 554. IF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
25 APPLIES FOR AND OBTAINS A CONTRACT TO OPERATE 1 OR MORE SCHOOLS OF
26 EXCELLENCE UNDER THIS PART, THE POWER OF THE SCHOOL DISTRICT OR
27 INTERMEDIATE SCHOOL DISTRICT TO LEVY TAXES FOR ANY PURPOSE UNDER

1 THIS ACT IS NOT AFFECTED BY THE OPERATION OF A SCHOOL OF EXCELLENCE
2 BY THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT. REVENUE
3 FROM TAXES LEVIED BY A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
4 DISTRICT UNDER THIS ACT OR BONDS ISSUED BY A SCHOOL DISTRICT OR
5 INTERMEDIATE SCHOOL DISTRICT UNDER THIS ACT MAY BE USED TO SUPPORT
6 THE OPERATION OR FACILITIES OF A SCHOOL OF EXCELLENCE OPERATED BY
7 THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT IN THE SAME
8 MANNER AS THAT REVENUE MAY BE USED UNDER THIS ACT BY THE SCHOOL
9 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO SUPPORT SCHOOL DISTRICT
10 OR INTERMEDIATE SCHOOL DISTRICT OPERATIONS AND FACILITIES. THIS
11 SECTION DOES NOT AUTHORIZE A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
12 DISTRICT TO LEVY TAXES OR TO ISSUE BONDS FOR ANY PURPOSE THAT IS
13 NOT OTHERWISE AUTHORIZED UNDER THIS ACT.

14 SEC. 555. (1) AN AGREEMENT, MORTGAGE, LOAN, OR OTHER
15 INSTRUMENT OF INDEBTEDNESS ENTERED INTO BY A SCHOOL OF EXCELLENCE
16 AND A THIRD PARTY DOES NOT CONSTITUTE AN OBLIGATION, EITHER
17 GENERAL, SPECIAL, OR MORAL, OF THIS STATE OR AN AUTHORIZING BODY.
18 THE FULL FAITH AND CREDIT OR THE TAXING POWER OF THIS STATE OR ANY
19 AGENCY OF THIS STATE, OR THE FULL FAITH AND CREDIT OF AN
20 AUTHORIZING BODY, MAY NOT BE PLEDGED FOR THE PAYMENT OF ANY SCHOOL
21 OF EXCELLENCE BOND, NOTE, AGREEMENT, MORTGAGE, LOAN, OR OTHER
22 INSTRUMENT OF INDEBTEDNESS.

23 (2) THIS PART DOES NOT IMPOSE ANY LIABILITY ON THIS STATE OR
24 ON AN AUTHORIZING BODY FOR ANY DEBT INCURRED BY A SCHOOL OF
25 EXCELLENCE.

26 SEC. 556. (1) A SCHOOL OF EXCELLENCE MAY BE LOCATED IN ALL OR
27 PART OF AN EXISTING PUBLIC SCHOOL BUILDING. A SCHOOL OF EXCELLENCE

1 SHALL NOT OPERATE AT A SITE OTHER THAN THE SINGLE SITE REQUESTED
2 FOR THE CONFIGURATION OF GRADES THAT WILL USE THE SITE, AS
3 SPECIFIED IN THE APPLICATION REQUIRED UNDER SECTION 552 AND IN THE
4 CONTRACT. A SCHOOL OF EXCELLENCE SHALL NOT BE LOCATED IN A SCHOOL
5 DISTRICT THAT HAS A GRADUATION RATE OF OVER 60%, ON AVERAGE, FOR
6 THE MOST RECENT 3 SCHOOL YEARS FOR WHICH THE DATA ARE AVAILABLE, AS
7 DETERMINED BY THE DEPARTMENT.

8 (2) A SCHOOL OF EXCELLENCE SHALL NOT CHARGE TUITION AND SHALL
9 NOT DISCRIMINATE IN ITS PUPIL ADMISSIONS POLICIES OR PRACTICES ON
10 THE BASIS OF INTELLECTUAL OR ATHLETIC ABILITY, MEASURES OF
11 ACHIEVEMENT OR APTITUDE, STATUS AS A STUDENT WITH A DISABILITY, OR
12 ANY OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A SCHOOL DISTRICT.
13 HOWEVER, A SCHOOL OF EXCELLENCE MAY LIMIT ADMISSION TO PUPILS WHO
14 ARE WITHIN A PARTICULAR RANGE OF AGE OR GRADE LEVEL OR ON ANY OTHER
15 BASIS THAT WOULD BE LEGAL IF USED BY A SCHOOL DISTRICT.

16 (3) EXCEPT FOR A FOREIGN EXCHANGE STUDENT WHO IS NOT A UNITED
17 STATES CITIZEN, A SCHOOL OF EXCELLENCE SHALL NOT ENROLL A PUPIL WHO
18 IS NOT A RESIDENT OF THIS STATE. ENROLLMENT IN THE SCHOOL OF
19 EXCELLENCE MAY BE OPEN TO ALL INDIVIDUALS WHO RESIDE IN THIS STATE
20 WHO MEET THE ADMISSION POLICY AND SHALL BE OPEN TO ALL PUPILS WHO
21 RESIDE WITHIN THE GEOGRAPHIC BOUNDARIES, IF ANY, OF THE AUTHORIZING
22 BODY AS DESCRIBED IN SECTION 552(4)(A) TO (C) WHO MEET THE
23 ADMISSION POLICY, EXCEPT THAT ADMISSION TO A SCHOOL OF EXCELLENCE
24 AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE TO OPERATE, OR
25 OPERATED BY THE BOARD OF A COMMUNITY COLLEGE, ON THE GROUNDS OF A
26 FEDERAL MILITARY INSTALLATION, AS DESCRIBED IN SECTION 552(4)(C),
27 SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN THE COUNTY IN WHICH THE

1 FEDERAL MILITARY INSTALLATION IS LOCATED. FOR A SCHOOL OF
2 EXCELLENCE AUTHORIZED BY A STATE PUBLIC UNIVERSITY, ENROLLMENT
3 SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN THIS STATE WHO MEET THE
4 ADMISSION POLICY. IF THERE ARE MORE APPLICATIONS TO ENROLL IN THE
5 SCHOOL OF EXCELLENCE THAN THERE ARE SPACES AVAILABLE, PUPILS SHALL
6 BE SELECTED TO ATTEND USING A RANDOM SELECTION PROCESS. HOWEVER, A
7 SCHOOL OF EXCELLENCE MAY GIVE ENROLLMENT PRIORITY TO A SIBLING OF A
8 PUPIL ENROLLED IN THE SCHOOL OF EXCELLENCE. A SCHOOL OF EXCELLENCE
9 SHALL ALLOW ANY PUPIL WHO WAS ENROLLED IN THE SCHOOL OF EXCELLENCE
10 IN THE IMMEDIATELY PRECEDING SCHOOL YEAR TO ENROLL IN THE SCHOOL OF
11 EXCELLENCE IN THE APPROPRIATE GRADE UNLESS THE APPROPRIATE GRADE IS
12 NOT OFFERED AT THAT SCHOOL OF EXCELLENCE.

13 (4) SUBJECT TO SUBSECTION (5), A SCHOOL OF EXCELLENCE MAY
14 INCLUDE ANY GRADE UP TO GRADE 12 OR ANY CONFIGURATION OF THOSE
15 GRADES, INCLUDING KINDERGARTEN AND EARLY CHILDHOOD EDUCATION, AS
16 SPECIFIED IN ITS CONTRACT. IF SPECIFIED IN ITS CONTRACT, A SCHOOL
17 OF EXCELLENCE MAY ALSO OPERATE AN ADULT BASIC EDUCATION PROGRAM,
18 ADULT HIGH SCHOOL COMPLETION PROGRAM, OR GENERAL EDUCATION
19 DEVELOPMENT TESTING PREPARATION PROGRAM. THE AUTHORIZING BODY MAY
20 APPROVE AMENDMENT OF A CONTRACT WITH RESPECT TO AGES OF PUPILS OR
21 GRADES OFFERED.

22 (5) A SCHOOL OF EXCELLENCE MUST OPERATE, IN ADDITION TO ANY
23 OTHER GRADE LEVELS IT OPERATES, ALL OF GRADES 9 TO 12 WITHIN 4
24 YEARS AFTER IT BEGINS OPERATIONS.

25 SEC. 557. (1) IN ADDITION TO OTHER POWERS SET FORTH IN THIS
26 PART, A SCHOOL OF EXCELLENCE MAY TAKE ACTION TO CARRY OUT THE
27 PURPOSES FOR WHICH IT WAS INCORPORATED UNDER THIS PART, INCLUDING,

1 BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

2 (A) TO SUE AND BE SUED IN ITS NAME.

3 (B) SUBJECT TO SECTION 555, TO ACQUIRE, HOLD, AND OWN IN ITS
4 OWN NAME REAL AND PERSONAL PROPERTY, OR INTERESTS IN REAL OR
5 PERSONAL PROPERTY, FOR EDUCATIONAL PURPOSES BY PURCHASE, GIFT,
6 GRANT, DEVISE, BEQUEST, LEASE, SUBLEASE, INSTALLMENT PURCHASE
7 AGREEMENT, LAND CONTRACT, OPTION, OR CONDEMNATION, AND SUBJECT TO
8 MORTGAGES, SECURITY INTERESTS, OR OTHER LIENS; AND TO SELL OR
9 CONVEY THE PROPERTY AS THE INTERESTS OF THE SCHOOL OF EXCELLENCE
10 REQUIRE.

11 (C) TO RECEIVE, DISBURSE, AND PLEDGE FUNDS FOR LAWFUL
12 PURPOSES.

13 (D) SUBJECT TO SUBSECTION (2), TO ENTER INTO BINDING LEGAL
14 AGREEMENTS WITH PERSONS OR ENTITIES AS NECESSARY FOR THE OPERATION,
15 MANAGEMENT, FINANCING, AND MAINTENANCE OF THE SCHOOL OF EXCELLENCE.

16 (E) TO INCUR TEMPORARY DEBT IN ACCORDANCE WITH SECTION 1225.

17 (F) TO SOLICIT AND ACCEPT ANY GRANTS OR GIFTS FOR EDUCATIONAL
18 PURPOSES AND TO ESTABLISH OR PERMIT TO BE ESTABLISHED ON ITS BEHALF
19 1 OR MORE NONPROFIT CORPORATIONS THE PURPOSE OF WHICH IS TO ASSIST
20 THE SCHOOL OF EXCELLENCE IN THE FURTHERANCE OF ITS PUBLIC PURPOSES.

21 (G) TO BORROW MONEY AND ISSUE BONDS IN ACCORDANCE WITH SECTION
22 1351A AND IN ACCORDANCE WITH PART VI OF THE REVISED MUNICIPAL
23 FINANCE ACT, 2001 PA 34, MCL 141.2601 TO 141.2613, EXCEPT THAT THE
24 BORROWING OF MONEY AND ISSUANCE OF BONDS BY A SCHOOL OF EXCELLENCE
25 IS NOT SUBJECT TO SECTION 1351A(4) OR SECTION 1351(2) TO (4). BONDS
26 ISSUED UNDER THIS SECTION SHALL BE FULL FAITH AND CREDIT
27 OBLIGATIONS OF THE SCHOOL OF EXCELLENCE, PLEDGING THE GENERAL FUNDS

1 OR ANY OTHER MONEY AVAILABLE FOR SUCH A PURPOSE. BONDS ISSUED UNDER
2 THIS SECTION ARE SUBJECT TO THE REVISED MUNICIPAL FINANCE ACT, 2001
3 PA 34, MCL 141.2101 TO 141.2821.

4 (2) A SCHOOL OF EXCELLENCE SHALL NOT ENTER INTO A CONTRACT
5 WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO OPERATE OR MANAGE
6 THE SCHOOL OF EXCELLENCE UNLESS THE EDUCATIONAL MANAGEMENT
7 ORGANIZATION HAS OPERATED OR MANAGED AT LEAST 1 PUBLIC SCHOOL
8 ACADEMY ESTABLISHED UNDER PART 6A THAT MEETS THE REQUIREMENTS UNDER
9 SECTION 552(2) OR HAS AN EQUIVALENT TRACK RECORD OF PERFORMANCE IN
10 ANOTHER STATE, AS DETERMINED BY THE SUPERINTENDENT OF PUBLIC
11 INSTRUCTION.

12 SEC. 558. IF A SCHOOL OF EXCELLENCE IS OPERATED BY A SCHOOL
13 DISTRICT THAT IS SUBJECT TO A COURT DESEGREGATION ORDER, PUPIL
14 SELECTION AT THE SCHOOL OF EXCELLENCE IS SUBJECT TO THAT ORDER.

15 SEC. 559. (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, A SCHOOL OF
16 EXCELLENCE SHALL USE CERTIFICATED TEACHERS ACCORDING TO STATE BOARD
17 RULE.

18 (2) A SCHOOL OF EXCELLENCE OPERATED BY A STATE PUBLIC
19 UNIVERSITY OR COMMUNITY COLLEGE MAY USE NONCERTIFICATED INDIVIDUALS
20 TO TEACH AS FOLLOWS:

21 (A) IF THE SCHOOL OF EXCELLENCE IS OPERATED BY A STATE PUBLIC
22 UNIVERSITY, THE SCHOOL OF EXCELLENCE MAY USE AS A CLASSROOM TEACHER
23 IN ANY GRADE A FACULTY MEMBER WHO IS EMPLOYED FULL-TIME BY THE
24 STATE PUBLIC UNIVERSITY AND WHO HAS BEEN GRANTED INSTITUTIONAL
25 TENURE, OR HAS BEEN DESIGNATED AS BEING ON TENURE TRACK, BY THE
26 STATE PUBLIC UNIVERSITY.

27 (B) FOR A SCHOOL OF EXCELLENCE OPERATED BY A COMMUNITY

1 COLLEGE, THE SCHOOL OF EXCELLENCE MAY USE AS A CLASSROOM TEACHER A
2 FULL-TIME MEMBER OF THE COMMUNITY COLLEGE FACULTY WHO HAS AT LEAST
3 5 YEARS' EXPERIENCE AT THAT COMMUNITY COLLEGE IN TEACHING THE
4 SUBJECT MATTER THAT HE OR SHE IS TEACHING AT THE SCHOOL OF
5 EXCELLENCE.

6 (C) IN ANY OTHER SITUATION IN WHICH A SCHOOL DISTRICT IS
7 PERMITTED UNDER THIS ACT TO USE NONCERTIFICATED TEACHERS.

8 (3) A SCHOOL OF EXCELLENCE MAY DEVELOP AND IMPLEMENT NEW
9 TEACHING TECHNIQUES OR METHODS OR SIGNIFICANT REVISIONS TO KNOWN
10 TEACHING TECHNIQUES OR METHODS, AND SHALL REPORT THOSE TO THE
11 AUTHORIZING BODY AND STATE BOARD TO BE MADE AVAILABLE TO THE
12 PUBLIC. A SCHOOL OF EXCELLENCE MAY USE ANY INSTRUCTIONAL TECHNIQUE
13 OR DELIVERY METHOD THAT MAY BE USED BY A SCHOOL DISTRICT.

14 SEC. 560. SUBJECT TO ANY COLLECTIVE BARGAINING RIGHTS UNDER
15 1947 PA 336, MCL 423.201 TO 423.217, A SCHOOL OF EXCELLENCE, WITH
16 THE APPROVAL OF THE AUTHORIZING BODY, MAY EMPLOY OR CONTRACT WITH
17 PERSONNEL AS NECESSARY FOR THE OPERATION OF THE SCHOOL OF
18 EXCELLENCE, PRESCRIBE THEIR DUTIES, AND FIX THEIR COMPENSATION. A
19 SCHOOL OF EXCELLENCE MAY IMPLEMENT AND MAINTAIN A METHOD OF
20 COMPENSATION FOR ITS EMPLOYEES THAT IS BASED ON JOB PERFORMANCE,
21 JOB ACCOMPLISHMENTS, AND JOB ASSIGNMENT IN A SUBJECT AREA OR SCHOOL
22 THAT IS DIFFICULT TO FIND EMPLOYEES TO STAFF.

23 SEC. 560A. IF THE BOARD OF DIRECTORS OF A SCHOOL OF EXCELLENCE
24 PROVIDES MEDICAL, OPTICAL, OR DENTAL BENEFITS TO EMPLOYEES AND
25 THEIR DEPENDENTS, THE BOARD OF DIRECTORS SHALL PROVIDE THOSE
26 BENEFITS IN ACCORDANCE WITH THE PUBLIC EMPLOYEES HEALTH BENEFIT
27 ACT, 2007 PA 106, MCL 124.71 TO 124.85, AND SHALL COMPLY WITH THAT

1 ACT.

2 SEC. 561. (1) IF AN AUTHORIZING BODY ISSUES A CONTRACT FOR A
3 SCHOOL OF EXCELLENCE UNDER THIS PART, THE AUTHORIZING BODY SHALL DO
4 ALL OF THE FOLLOWING:

5 (A) ENSURE THAT THE CONTRACT AND THE APPLICATION FOR THE
6 CONTRACT COMPLY WITH THE REQUIREMENTS OF THIS PART.

7 (B) WITHIN 10 DAYS AFTER ISSUING THE CONTRACT, SUBMIT TO THE
8 DEPARTMENT A COPY OF THE CONTRACT.

9 (C) ESTABLISH THE METHOD OF SELECTION, LENGTH OF TERM, AND
10 NUMBER OF MEMBERS OF THE BOARD OF DIRECTORS OF EACH SCHOOL OF
11 EXCELLENCE THAT IT AUTHORIZES. THE AUTHORIZING BODY SHALL ENSURE
12 THAT THE BOARD OF DIRECTORS INCLUDES REPRESENTATION FROM THE LOCAL
13 COMMUNITY.

14 (D) OVERSEE THE OPERATIONS OF EACH SCHOOL OF EXCELLENCE
15 OPERATING UNDER A CONTRACT ISSUED BY THE AUTHORIZING BODY. THE
16 OVERSIGHT SHALL BE SUFFICIENT TO ENSURE THAT THE SCHOOL OF
17 EXCELLENCE IS IN COMPLIANCE WITH THE TERMS OF THE CONTRACT AND WITH
18 APPLICABLE LAW.

19 (E) DEVELOP AND IMPLEMENT A PROCESS FOR HOLDING A SCHOOL OF
20 EXCELLENCE BOARD OF DIRECTORS ACCOUNTABLE FOR MEETING APPLICABLE
21 ACADEMIC PERFORMANCE STANDARDS SET FORTH IN THE CONTRACT AND FOR
22 IMPLEMENTING CORRECTIVE ACTION FOR A SCHOOL OF EXCELLENCE THAT DOES
23 NOT MEET THOSE STANDARDS.

24 (F) TAKE NECESSARY MEASURES TO ENSURE THAT A SCHOOL OF
25 EXCELLENCE BOARD OF DIRECTORS OPERATES INDEPENDENTLY OF ANY
26 EDUCATIONAL MANAGEMENT ORGANIZATION INVOLVED IN THE OPERATIONS OF
27 THE SCHOOL OF EXCELLENCE.

1 (G) OVERSEE AND ENSURE THAT THE PUPIL ADMISSION PROCESS USED
2 BY THE SCHOOL OF EXCELLENCE IS OPERATED IN A FAIR AND OPEN MANNER
3 AND IS IN COMPLIANCE WITH THE CONTRACT AND THIS PART.

4 (H) ENSURE THAT THE BOARD OF DIRECTORS OF THE SCHOOL OF
5 EXCELLENCE MAINTAINS AND RELEASES INFORMATION AS NECESSARY TO
6 COMPLY WITH APPLICABLE LAW.

7 (2) THE AUTHORIZING BODY MAY ENTER INTO AN AGREEMENT WITH 1 OR
8 MORE AUTHORIZING BODIES, AS DEFINED UNDER PART 6A, TO CARRY OUT ANY
9 FUNCTION OF THE AUTHORIZING BODY UNDER SUBSECTION (1) (A) TO (H).

10 (3) THE AUTHORIZING BODY FOR A SCHOOL OF EXCELLENCE IS THE
11 FISCAL AGENT FOR THE SCHOOL OF EXCELLENCE. A STATE SCHOOL AID
12 PAYMENT FOR A SCHOOL OF EXCELLENCE SHALL BE PAID TO THE AUTHORIZING
13 BODY AS THE FISCAL AGENT FOR THAT SCHOOL OF EXCELLENCE, AND THE
14 AUTHORIZING BODY SHALL THEN FORWARD THE PAYMENT TO THE SCHOOL OF
15 EXCELLENCE. WITHIN 30 DAYS AFTER A CONTRACT IS SUBMITTED TO THE
16 DEPARTMENT BY THE AUTHORIZING BODY UNDER SUBSECTION (1), THE
17 DEPARTMENT SHALL ISSUE A DISTRICT CODE TO THE SCHOOL OF EXCELLENCE
18 FOR WHICH THE CONTRACT WAS ISSUED. IF THE DEPARTMENT DOES NOT ISSUE
19 A DISTRICT CODE WITHIN 30 DAYS AFTER A CONTRACT IS FILED, THE STATE
20 TREASURER SHALL ASSIGN A TEMPORARY DISTRICT CODE IN ORDER FOR THE
21 SCHOOL OF EXCELLENCE TO RECEIVE FUNDING UNDER THE STATE SCHOOL AID
22 ACT OF 1979.

23 (4) A CONTRACT ISSUED UNDER THIS PART MAY BE REVOKED BY THE
24 AUTHORIZING BODY IF THE AUTHORIZING BODY DETERMINES THAT 1 OR MORE
25 OF THE FOLLOWING HAVE OCCURRED:

26 (A) FAILURE OF THE SCHOOL OF EXCELLENCE TO ABIDE BY AND MEET
27 THE EDUCATIONAL GOALS SET FORTH IN THE CONTRACT.

1 (B) FAILURE OF THE SCHOOL OF EXCELLENCE TO COMPLY WITH ALL
2 APPLICABLE LAW.

3 (C) FAILURE OF THE SCHOOL OF EXCELLENCE TO MEET GENERALLY
4 ACCEPTED PUBLIC SECTOR ACCOUNTING PRINCIPLES.

5 (D) THE EXISTENCE OF 1 OR MORE OTHER GROUNDS FOR REVOCATION AS
6 SPECIFIED IN THE CONTRACT.

7 (5) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES
8 THAT A SCHOOL OF EXCELLENCE THAT HAS BEEN OPERATING FOR AT LEAST 4
9 YEARS IS AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN
10 THIS STATE, AS DEFINED FOR THE PURPOSES OF THE FEDERAL INCENTIVE
11 GRANT PROGRAM CREATED UNDER SECTIONS 14005 AND 14006 OF TITLE XIV
12 OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW
13 111-5, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOTIFY THE
14 AUTHORIZING BODY FOR THE SCHOOL OF EXCELLENCE. IF AN AUTHORIZING
15 BODY RECEIVES NOTICE FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION
16 UNDER THIS SUBSECTION, THE AUTHORIZING BODY SHALL REVOKE THE
17 CONTRACT OF THE SCHOOL OF EXCELLENCE AND THE SCHOOL OF EXCELLENCE
18 SHALL BE CLOSED.

19 (6) THE DECISION OF THE AUTHORIZING BODY TO ISSUE, REISSUE, OR
20 RECONSTITUTE A CONTRACT UNDER THIS PART, OR TO REVOKE A CONTRACT
21 UNDER THIS SECTION, IS SOLELY WITHIN THE DISCRETION OF THE
22 AUTHORIZING BODY, IS FINAL, AND IS NOT SUBJECT TO REVIEW BY A COURT
23 OR ANY OTHER STATE AGENCY. IF THE AUTHORIZING BODY DOES NOT ISSUE,
24 REISSUE, OR RECONSTITUTE A CONTRACT UNDER THIS PART, OR REVOKES A
25 CONTRACT UNDER THIS SECTION, THE AUTHORIZING BODY IS NOT LIABLE FOR
26 THAT ACTION TO THE SCHOOL OF EXCELLENCE, THE SCHOOL OF EXCELLENCE
27 CORPORATION, A PUPIL OF THE SCHOOL OF EXCELLENCE, THE PARENT OR

Senate Bill No. 981 (H-2) as amended December 10, 2009

1 GUARDIAN OF A PUPIL OF THE SCHOOL OF EXCELLENCE, OR ANY OTHER
2 PERSON.

3 (7) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), BEFORE THE
4 AUTHORIZING BODY REVOKES A CONTRACT, THE AUTHORIZING BODY [SHALL]
5 CONSIDER AND TAKE CORRECTIVE MEASURES TO AVOID REVOCATION. THE
6 AUTHORIZING BODY MAY RECONSTITUTE THE SCHOOL OF EXCELLENCE IN A
7 FINAL ATTEMPT TO IMPROVE STUDENT EDUCATIONAL PERFORMANCE OR TO
8 AVOID INTERRUPTION OF THE EDUCATIONAL PROCESS. THE AUTHORIZING BODY
9 [SHALL] INCLUDE A RECONSTITUTING PROVISION IN THE CONTRACT THAT
10 IDENTIFIES THESE CORRECTIVE MEASURES, INCLUDING, BUT NOT LIMITED
11 TO, [CANCELING A CONTRACT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION, IF
12 ANY],
13 WITHDRAWING APPROVAL TO CONTRACT UNDER SECTION 557, OR APPOINTING A
14 NEW BOARD OF DIRECTORS OR A TRUSTEE TO TAKE OVER OPERATION OF THE
15 SCHOOL OF EXCELLENCE.

16 (8) IF THE AUTHORIZING BODY REVOKES A CONTRACT, THE
17 AUTHORIZING BODY SHALL WORK WITH A SCHOOL DISTRICT OR ANOTHER
18 PUBLIC SCHOOL, OR WITH A COMBINATION OF THESE ENTITIES, TO ENSURE A
19 SMOOTH TRANSITION FOR THE AFFECTED PUPILS. IF THE REVOCATION OCCURS
20 DURING THE SCHOOL YEAR, THE AUTHORIZING BODY, AS THE FISCAL AGENT
21 FOR THE SCHOOL OF EXCELLENCE UNDER THIS PART, SHALL RETURN ANY
22 SCHOOL AID FUNDS RECEIVED BY THE AUTHORIZING BODY THAT ARE
23 ATTRIBUTABLE TO THE AFFECTED PUPILS TO THE STATE TREASURER FOR
24 DEPOSIT INTO THE STATE SCHOOL AID FUND. THE STATE TREASURER SHALL
25 DISTRIBUTE FUNDS TO THE PUBLIC SCHOOL IN WHICH THE PUPILS ENROLL
26 AFTER THE REVOCATION PURSUANT TO A METHODOLOGY ESTABLISHED BY THE
27 DEPARTMENT AND THE CENTER FOR EDUCATIONAL PERFORMANCE AND
INFORMATION.

1 (9) NOT MORE THAN 10 DAYS AFTER A SCHOOL OF EXCELLENCE'S
2 CONTRACT TERMINATES OR IS REVOKED, THE AUTHORIZING BODY SHALL
3 NOTIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION IN WRITING OF THE
4 NAME OF THE SCHOOL OF EXCELLENCE WHOSE CONTRACT HAS TERMINATED OR
5 BEEN REVOKED AND THE DATE OF CONTRACT TERMINATION OR REVOCATION.

6 (10) IF A SCHOOL OF EXCELLENCE'S CONTRACT TERMINATES OR IS
7 REVOKED, TITLE TO ALL REAL AND PERSONAL PROPERTY, INTEREST IN REAL
8 OR PERSONAL PROPERTY, AND OTHER ASSETS OWNED BY THE SCHOOL OF
9 EXCELLENCE SHALL REVERT TO THE STATE. THIS PROPERTY SHALL BE
10 DISTRIBUTED IN ACCORDANCE WITH THE FOLLOWING:

11 (A) WITHIN 30 DAYS FOLLOWING THE TERMINATION OR REVOCATION,
12 THE BOARD OF DIRECTORS OF A SCHOOL OF EXCELLENCE SHALL HOLD A
13 PUBLIC MEETING TO ADOPT A PLAN OF DISTRIBUTION OF ASSETS AND TO
14 APPROVE THE DISSOLUTION OF THE SCHOOL OF EXCELLENCE CORPORATION,
15 ALL IN ACCORDANCE WITH CHAPTER 8 OF THE NONPROFIT CORPORATION ACT,
16 1982 PA 162, MCL 450.2801 TO 450.2864.

17 (B) THE SCHOOL OF EXCELLENCE SHALL FILE A CERTIFICATE OF
18 DISSOLUTION WITH THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC
19 GROWTH WITHIN 10 BUSINESS DAYS FOLLOWING BOARD APPROVAL.

20 (C) SIMULTANEOUSLY WITH THE FILING OF THE CERTIFICATE OF
21 DISSOLUTION UNDER SUBDIVISION (B), THE SCHOOL OF EXCELLENCE BOARD
22 OF DIRECTORS SHALL PROVIDE A COPY OF THE BOARD OF DIRECTORS' PLAN
23 OF DISTRIBUTION OF ASSETS TO THE STATE TREASURER FOR APPROVAL.
24 WITHIN 30 DAYS, THE STATE TREASURER, OR HIS OR HER DESIGNEE, SHALL
25 REVIEW AND APPROVE THE BOARD OF DIRECTORS' PLAN OF DISTRIBUTION OF
26 ASSETS. IF THE PROPOSED PLAN OF DISTRIBUTION OF ASSETS IS NOT
27 APPROVED WITHIN 30 DAYS, THE STATE TREASURER, OR HIS OR HER

1 DESIGNEE, SHALL PROVIDE THE BOARD OF DIRECTORS WITH AN ACCEPTABLE
2 PLAN OF DISTRIBUTION OF ASSETS.

3 (D) THE STATE TREASURER, OR HIS OR HER DESIGNEE, SHALL MONITOR
4 THE SCHOOL OF EXCELLENCE'S WINDING UP OF THE DISSOLVED CORPORATION
5 IN ACCORDANCE WITH THE PLAN OF DISTRIBUTION OF ASSETS APPROVED OR
6 PROVIDED UNDER SUBDIVISION (C).

7 (E) AS PART OF THE PLAN OF DISTRIBUTION OF ASSETS, THE SCHOOL
8 OF EXCELLENCE BOARD OF DIRECTORS SHALL DESIGNATE THE DIRECTOR OF
9 THE DEPARTMENT OF MANAGEMENT AND BUDGET, OR HIS OR HER DESIGNEE, TO
10 DISPOSE OF ALL REAL PROPERTY OF THE SCHOOL OF EXCELLENCE
11 CORPORATION IN ACCORDANCE WITH THE DIRECTIVES DEVELOPED FOR
12 DISPOSITION OF SURPLUS LAND AND FACILITIES UNDER SECTION 251 OF THE
13 MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1251.

14 (F) IF THE BOARD OF DIRECTORS OF A SCHOOL OF EXCELLENCE FAILS
15 TO TAKE ANY NECESSARY ACTION UNDER THIS SECTION, THE STATE
16 TREASURER, OR HIS OR HER DESIGNEE, MAY SUSPEND THE SCHOOL OF
17 EXCELLENCE BOARD OF DIRECTORS AND APPOINT A TRUSTEE TO CARRY OUT
18 THE BOARD'S PLAN OF DISTRIBUTION OF ASSETS. UPON APPOINTMENT, THE
19 TRUSTEE SHALL HAVE ALL THE RIGHTS, POWERS, AND PRIVILEGES UNDER LAW
20 THAT THE SCHOOL OF EXCELLENCE BOARD OF DIRECTORS HAD BEFORE BEING
21 SUSPENDED.

22 (G) FOLLOWING THE SALE OF THE REAL OR PERSONAL PROPERTY OR
23 INTERESTS IN THE REAL OR PERSONAL PROPERTY, AND AFTER PAYMENT OF
24 ANY SCHOOL OF EXCELLENCE DEBT SECURED BY THE PROPERTY OR INTEREST
25 IN PROPERTY, WHETHER REAL OR PERSONAL, THE SCHOOL OF EXCELLENCE
26 BOARD OF DIRECTORS, OR A TRUSTEE APPOINTED UNDER THIS SECTION,
27 SHALL FORWARD ANY REMAINING MONEY TO THE STATE TREASURER. FOLLOWING

1 RECEIPT, THE STATE TREASURER, OR HIS OR HER DESIGNEE, SHALL DEPOSIT
2 THIS REMAINING MONEY IN THE STATE SCHOOL AID FUND.

3 SEC. 562. THE AUTHORIZING BODY AND SCHOOL OF EXCELLENCE MAY
4 INCLUDE PROVISIONS IN THE CONTRACT THAT PERMIT THE PERSON OR ENTITY
5 THAT APPLIED FOR THE CONTRACT TO DO ANY OF THE FOLLOWING:

6 (A) PARTICIPATE IN THE RECRUITING, INTERVIEWING, AND
7 NOMINATING PROCESS FOR MEMBERS OF THE SCHOOL OF EXCELLENCE BOARD OF
8 DIRECTORS.

9 (B) CONDUCT AN INDEPENDENT EDUCATIONAL REVIEW, ON A PERIODIC
10 BASIS, TO DETERMINE WHETHER THE SCHOOL OF EXCELLENCE IS SUCCESSFUL
11 IN IMPLEMENTING THE EDUCATIONAL GOALS SET FORTH IN THE CONTRACT.

12 (C) SERVE AS CONTRACT ADMINISTRATOR BETWEEN THE SCHOOL OF
13 EXCELLENCE BOARD OF DIRECTORS AND ANY EDUCATIONAL MANAGEMENT
14 ORGANIZATION CONTRACTED TO OPERATE OR MANAGE THE SCHOOL OF
15 EXCELLENCE.

16 (D) MAKE RECOMMENDATIONS TO THE AUTHORIZING BODY AND SCHOOL OF
17 EXCELLENCE ON HOW TO IMPROVE THE SCHOOL OF EXCELLENCE'S OPERATION.

18 Sec. 1147. (1) A person ~~, resident of~~ WHO RESIDES IN a school
19 district ~~not maintaining a kindergarten and at least 5 years of age~~
20 ~~on the first day of enrollment of the school year, shall have~~ HAS a
21 right to attend school in the SCHOOL district ~~—IF THE PERSON MEETS~~
22 EITHER OF THE FOLLOWING:

23 (A) IS AT LEAST 5 YEARS OF AGE ON DECEMBER 1 AND LESS THAN 20
24 YEARS OF AGE ON SEPTEMBER 1 OF THE SCHOOL YEAR.

25 (B) IF THE PERSON IS A SPECIAL EDUCATION PUPIL WHO IS ENROLLED
26 AND RECEIVING INSTRUCTION IN A SPECIAL EDUCATION PROGRAM OR SERVICE
27 APPROVED BY THE DEPARTMENT, IS LESS THAN 26 YEARS OF AGE ON

1 **SEPTEMBER 1 OF THE SCHOOL YEAR.**

2 ~~(2) In a school district where provision is made for~~
3 ~~kindergarten work, a child, resident of the district, A SCHOOL~~
4 **DISTRICT, OR A PUBLIC SCHOOL ACADEMY THAT PROVIDES GRADE 1, SHALL**
5 **PROVIDE KINDERGARTEN. A CHILD WHO RESIDES IN THE SCHOOL DISTRICT is**
6 entitled to enroll in the kindergarten if the child is at least 5
7 years of age on December 1 of the school year of enrollment. ~~In a~~
8 ~~school district which has semiannual promotions, a child, resident~~
9 ~~of the district, is entitled to enroll in kindergarten for the~~
10 ~~second semester if the child is at least 5 years of age on March 1~~
11 ~~of the year of enrollment.~~

12 Sec. 1246. (1) A school district, public school academy, or
13 intermediate school district shall not continue to employ a person
14 as a superintendent, principal, assistant principal, or other
15 person whose primary responsibility is administering instructional
16 programs or as a chief business official unless the person **MEETS 1**
17 **OR MORE OF THE FOLLOWING REQUIREMENTS, AS APPLICABLE:**

18 **(A) FOR A SUPERINTENDENT, PRINCIPAL, ASSISTANT PRINCIPAL, OR**
19 **OTHER PERSON WHOSE PRIMARY RESPONSIBILITY IS ADMINISTERING**
20 **INSTRUCTIONAL PROGRAMS, OR A CHIEF BUSINESS OFFICIAL, WHO WAS**
21 **EMPLOYED AS A SCHOOL ADMINISTRATOR IN THIS STATE ON OR BEFORE THE**
22 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION,**
23 has completed the continuing education requirements prescribed by
24 rule under subsection (2).

25 **(B) SUBJECT TO SUBSECTION (3), FOR A SUPERINTENDENT,**
26 **PRINCIPAL, ASSISTANT PRINCIPAL, OR OTHER PERSON WHOSE PRIMARY**
27 **RESPONSIBILITY IS ADMINISTERING INSTRUCTIONAL PROGRAMS AND WHO IS**

1 INITIALLY EMPLOYED AS A SCHOOL ADMINISTRATOR IN THIS STATE AFTER
2 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
3 SUBDIVISION, POSSESSES A VALID MICHIGAN SCHOOL ADMINISTRATOR'S
4 CERTIFICATE ISSUED UNDER SECTION 1536.

5 (2) The superintendent of public instruction shall promulgate
6 rules establishing continuing education requirements as a condition
7 for continued employment for persons ~~employed in positions~~
8 described in subsection ~~(1)~~ (1) (A). The rules shall prescribe a
9 minimum amount of continuing education that shall be completed
10 within 5 years after initial employment and shall be completed each
11 subsequent 5-year period to meet the requirements of subsection ~~(1)~~
12 (1) (A) for continued employment.

13 (3) A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE
14 SCHOOL DISTRICT MAY EMPLOY AS A SUPERINTENDENT, PRINCIPAL,
15 ASSISTANT PRINCIPAL, OR OTHER PERSON WHOSE PRIMARY RESPONSIBILITY
16 IS ADMINISTERING INSTRUCTIONAL PROGRAMS A PERSON WHO IS ENROLLED IN
17 A PROGRAM LEADING TO CERTIFICATION AS A SCHOOL ADMINISTRATOR UNDER
18 SECTION 1536 NOT LATER THAN 6 MONTHS AFTER HE OR SHE BEGINS THE
19 EMPLOYMENT. A PERSON EMPLOYED AS A SCHOOL ADMINISTRATOR PURSUANT TO
20 THIS SUBSECTION HAS 3 YEARS TO MEET THE CERTIFICATION REQUIREMENTS
21 OF SECTION 1536, OR THE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR
22 INTERMEDIATE SCHOOL DISTRICT SHALL NOT CONTINUE TO EMPLOY THE
23 PERSON AS A SCHOOL ADMINISTRATOR DESCRIBED IN THIS SUBSECTION.

24 SEC. 1249. WITH THE INVOLVEMENT OF TEACHERS AND SCHOOL
25 ADMINISTRATORS, THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE
26 SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY
27 SHALL ADOPT AND IMPLEMENT FOR ALL TEACHERS AND SCHOOL

1 ADMINISTRATORS A RIGOROUS, TRANSPARENT, AND FAIR PERFORMANCE
2 EVALUATION SYSTEM THAT DOES ALL OF THE FOLLOWING:

3 (A) EVALUATES THE TEACHER'S OR SCHOOL ADMINISTRATOR'S JOB
4 PERFORMANCE AT LEAST ANNUALLY WHILE PROVIDING TIMELY AND
5 CONSTRUCTIVE FEEDBACK.

6 (B) ESTABLISHES CLEAR APPROACHES TO MEASURING STUDENT GROWTH
7 AND PROVIDES TEACHERS AND SCHOOL ADMINISTRATORS WITH RELEVANT DATA
8 ON STUDENT GROWTH.

9 (C) EVALUATES A TEACHER'S OR SCHOOL ADMINISTRATOR'S JOB
10 PERFORMANCE, USING MULTIPLE RATING CATEGORIES THAT TAKE INTO
11 ACCOUNT DATA ON STUDENT GROWTH AS A SIGNIFICANT FACTOR. FOR THESE
12 PURPOSES, STUDENT GROWTH SHALL BE MEASURED BY NATIONAL, STATE, OR
13 LOCAL ASSESSMENTS AND OTHER OBJECTIVE CRITERIA.

14 (D) USES THE EVALUATIONS, AT A MINIMUM, TO DO ALL OF THE
15 FOLLOWING:

16 (i) TO DETERMINE THE EFFECTIVENESS OF TEACHERS AND SCHOOL
17 ADMINISTRATORS WHILE ENSURING THAT THEY ARE GIVEN AMPLE
18 OPPORTUNITIES FOR IMPROVEMENT.

19 (ii) TO INFORM DECISIONS REGARDING PROMOTION, RETENTION, AND
20 DEVELOPMENT OF TEACHER AND SCHOOL ADMINISTRATORS, INCLUDING
21 PROVIDING RELEVANT COACHING, INSTRUCTION SUPPORT, OR PROFESSIONAL
22 DEVELOPMENT.

23 Sec. 1250. (1) A school district, PUBLIC SCHOOL ACADEMY, or
24 intermediate school district ~~may~~ **SHALL** implement and maintain a
25 method of compensation for its ~~employees~~ **TEACHERS AND SCHOOL**
26 **ADMINISTRATORS** that ~~is based on~~ **INCLUDES** job performance and job
27 accomplishments **AS A SIGNIFICANT FACTOR IN DETERMINING COMPENSATION**

1 AND ADDITIONAL COMPENSATION. THE ASSESSMENT OF JOB PERFORMANCE
 2 SHALL INCORPORATE A RIGOROUS, TRANSPARENT, AND FAIR EVALUATION
 3 SYSTEM THAT EVALUATES A TEACHER'S OR SCHOOL ADMINISTRATOR'S
 4 PERFORMANCE AT LEAST IN PART BASED UPON DATA ON STUDENT GROWTH AS
 5 MEASURED BY ASSESSMENTS AND OTHER OBJECTIVE CRITERIA.

6 (2) IF A COLLECTIVE BARGAINING AGREEMENT IS IN EFFECT FOR
 7 TEACHERS OR SCHOOL ADMINISTRATORS OF A SCHOOL DISTRICT, PUBLIC
 8 SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT AS OF THE EFFECTIVE
 9 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, AND IF THAT
 10 COLLECTIVE BARGAINING AGREEMENT PREVENTS COMPLIANCE WITH SUBSECTION
 11 (1), THEN SUBSECTION (1) DOES NOT APPLY TO THAT SCHOOL DISTRICT,
 12 PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT UNTIL AFTER
 13 THE EXPIRATION OF THAT COLLECTIVE BARGAINING AGREEMENT.

14 Sec. 1278a. (1) Except as otherwise provided in this section
 15 or section 1278b, beginning with pupils entering grade 8 in 2006,
 16 the board of a school district or board of directors of a public
 17 school academy shall not award a high school diploma to a pupil
 18 unless the pupil meets all of the following:

19 (a) Has successfully completed all of the following credit
 20 requirements of the Michigan merit standard before graduating from
 21 high school:

22 (i) At least 4 credits in mathematics that are aligned with
 23 subject area content expectations developed by the department and
 24 approved by the state board under section 1278b, including
 25 completion of at least 1 CREDIT IN algebra I, 1 CREDIT IN geometry
 26 EARNED IN A GEOMETRY COURSE OR THE INTEGRATED EQUIVALENT IN A
 27 CAREER AND TECHNICAL EDUCATION COURSE, and algebra ~~III~~ 1 CREDIT

1 EARNED IN EITHER A COURSE IN FINANCIAL LITERACY AS DESCRIBED IN
2 SECTION 1165 OR AN ALGEBRA II COURSE OR THE INTEGRATED EQUIVALENT
3 IN A CAREER AND TECHNICAL EDUCATION COURSE, or an integrated
4 sequence of this course content that consists of 3 credits, and an
5 additional mathematics credit, such as trigonometry, statistics,
6 precalculus, calculus, applied math, accounting, business math, a
7 ~~retake of algebra II, a course in financial literacy as described~~
8 ~~in section 1165~~ OR THE INTEGRATED EQUIVALENT IN A CAREER AND
9 TECHNICAL EDUCATION COURSE, A RETAKE OF ALGEBRA II, A COURSE IN
10 FINANCIAL LITERACY AS DESCRIBED IN SECTION 1165, OR A CAREER AND
11 TECHNICAL EDUCATION COURSE WITH MATHEMATICS CONTENT APPROVED BY THE
12 BOARD OF THE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF THE PUBLIC
13 SCHOOL ACADEMY. A pupil may complete algebra II over 2 years with a
14 credit awarded for each of those years for the purposes of this
15 section and section 1278b. Each pupil must successfully complete at
16 least 1 mathematics course during his or her final year of high
17 school enrollment. This subparagraph does not require completion of
18 mathematics courses in any particular sequence.

19 (ii) At least 3 credits in social science that are aligned with
20 subject area content expectations developed by the department and
21 approved by the state board under section 1278b, including
22 completion of at least 1 credit in United States history and
23 geography, 1 credit in world history and geography, 1/2 credit in
24 economics, and the civics course described in section 1166(2).

25 (iii) At least 1 credit in subject matter that includes both
26 health and physical education aligned with guidelines developed by
27 the department and approved by the state board under section 1278b.

1 (iv) At least 1 credit in visual arts, performing arts, or
2 applied arts, as defined by the department, that is aligned with
3 guidelines developed by the department and approved by the state
4 board under section 1278b.

5 (v) The credit requirements specified in section 1278b(1).

6 (b) Meets the online course or learning experience requirement
7 of this subsection. A school district or public school academy
8 shall provide the basic level of technology and internet access
9 required by the state board to complete the online course or
10 learning experience. For a pupil to meet this requirement, the
11 pupil shall meet either of the following, as determined by the
12 school district or public school academy:

13 (i) Has successfully completed at least 1 course or learning
14 experience that is presented online, as defined by the department.

15 (ii) The pupil's school district or public school academy has
16 integrated an online experience throughout the high school
17 curriculum by ensuring that each teacher of each course that
18 provides the required credits of the Michigan merit curriculum has
19 integrated an online experience into the course.

20 (2) In addition to the requirements under subsection (1),
21 beginning with pupils entering grade 3 in 2006, the board of a
22 school district or board of directors of a public school academy
23 shall not award a high school diploma to a pupil unless the pupil
24 has successfully completed during grades 9 to 12 at least 2
25 credits, as determined by the department, in a language other than
26 English, or the pupil has successfully completed at any time during
27 grades K to 12 course work or other learning experiences that are

1 substantially equivalent to 2 credits in a language other than
2 English, based on guidelines developed by the department. For the
3 purposes of this subsection, all of the following apply:

4 (a) American sign language is considered to be a language
5 other than English.

6 (b) The pupil may meet all or part of this requirement with
7 online course work.

8 (3) The requirements under this section and section 1278b for
9 a high school diploma are in addition to any local requirements
10 imposed by the board of a school district or board of directors of
11 a public school academy. The board of a school district or board of
12 directors of a public school academy, as a local requirement for a
13 high school diploma, may require a pupil to complete some or all of
14 the subject area assessments under section 1279 or the Michigan
15 merit examination under section 1279g, as applicable to the pupil
16 under section 1279g, or may require a pupil to participate in the
17 MIAccess assessments if appropriate for the pupil.

18 (4) For the purposes of this section and section 1278b, all of
19 the following apply:

20 (a) A pupil is considered to have completed a credit if the
21 pupil successfully completes the subject area content expectations
22 or guidelines developed by the department that apply to the credit.

23 (b) A school district or public school academy shall base its
24 determination of whether a pupil has successfully completed the
25 subject area content expectations or guidelines developed by the
26 department that apply to a credit at least in part on the pupil's
27 performance on the assessments developed or selected by the

1 department under section 1278b or on 1 or more assessments
2 developed or selected by the school district or public school
3 academy that measure a pupil's understanding of the subject area
4 content expectations or guidelines that apply to the credit.

5 (c) A school district or public school academy shall also
6 grant a pupil a credit if the pupil earns a qualifying score, as
7 determined by the department, on the assessments developed or
8 selected for the subject area by the department under section 1278b
9 or the pupil earns a qualifying score, as determined by the school
10 district or public school academy, on 1 or more assessments
11 developed or selected by the school district or public school
12 academy that measure a pupil's understanding of the subject area
13 content expectations or guidelines that apply to the credit.

14 (5) If a high school is designated by the superintendent of
15 public instruction as a specialty school and the high school meets
16 the requirements of subsection (6), then the pupils of the high
17 school are not required to successfully complete the 4 credits in
18 English language arts required under section 1278b(1)(a) or the 3
19 credits in social science required under subsection (1)(a)(ii) and
20 the school district or public school academy is not required to
21 ensure that each pupil is offered the curriculum necessary for
22 meeting those English language arts or social science credit
23 requirements. The superintendent of public instruction may
24 designate up to 15 high schools that meet the requirements of this
25 subsection as specialty schools. Subject to this maximum number,
26 the superintendent of public instruction shall designate a high
27 school as a specialty school if the superintendent of public

1 instruction finds that the high school meets all of the following
2 criteria:

3 (a) The high school incorporates a significant reading and
4 writing component throughout its curriculum.

5 (b) The high school uses a specialized, innovative, and
6 rigorous curriculum in such areas as performing arts, foreign
7 language, extensive use of internships, or other learning
8 innovations that conform to pioneering innovations among other
9 leading national or international high schools.

10 (6) A high school that is designated by the superintendent of
11 public instruction as a specialty school under subsection (5) is
12 only exempt from requirements as described under subsection (5) as
13 long as the superintendent of public instruction finds that the
14 high school continues to meet all of the following requirements:

15 (a) The high school clearly states to prospective pupils and
16 their parents that it does not meet the requirements of the
17 Michigan merit standard under this section and section 1278b but is
18 a designated specialty school that is exempt from some of those
19 requirements and that a pupil who enrolls in the high school and
20 subsequently transfers to a high school that is not a specialty
21 school meeting the requirements of this subsection will be required
22 to comply with the requirements of the Michigan merit standard
23 under this section and section 1278b.

24 (b) For the most recent year for which the data are available,
25 the mean scores on both the mathematics and science portions of the
26 ACT examination for the pupils of the high school exceed by at
27 least 10% the mean scores on the mathematics and science portions

1 of the ACT examination for the pupils of the school district in
2 which the greatest number of the pupils of the high school reside.

3 (c) For the most recent year for which the data are available,
4 the high school had a graduation rate of at least 85%, as
5 determined by the department.

6 (d) For the most recent year for which the data are available,
7 at least 75% of the pupils who graduated from the high school the
8 preceding year are enrolled in a postsecondary institution.

9 (e) All pupils of the high school are required to meet the
10 mathematics credit requirements of subsection (1)(a)(i), with no
11 modification of these requirements under section 1278b(5), and each
12 pupil is offered the curriculum necessary to meet this requirement.

13 (f) All pupils of the high school are required to meet the
14 science credit requirements of section 1278b(1)(b) and are also
15 required to successfully complete at least 1 additional science
16 credit, for a total of at least 4 science credits, with no
17 modification of these requirements under section 1278b(5), and each
18 pupil is offered the curriculum necessary to meet this requirement.

19 Sec. 1278b. (1) Except as otherwise provided in this section
20 or section 1278a, beginning with pupils entering grade 8 in 2006,
21 as part of the requirements under section 1278a the board of a
22 school district or board of directors of a public school academy
23 shall not award a high school diploma to a pupil unless the pupil
24 has successfully completed all of the following credit requirements
25 of the Michigan merit standard before graduating from high school:

26 (a) At least 4 credits in English language arts that are
27 aligned with subject area content expectations developed by the

1 department and approved by the state board under this section.

2 (b) At least 3 credits in science that are aligned with
3 subject area content expectations developed by the department and
4 approved by the state board under this section, including
5 completion of at least biology and either chemistry or physics. The
6 legislature strongly encourages pupils to complete a fourth credit
7 in science, such as forensics, astronomy, Earth science,
8 agricultural science, environmental science, geology, physics or
9 chemistry, physiology, or microbiology.

10 (c) The credit requirements specified in section 1278a(1)(a)(i)
11 to (iv).

12 (2) If a pupil successfully completes 1 or more of the high
13 school credits required under subsection (1) or under section
14 1278a(1) before entering high school, the pupil shall be given high
15 school credit for that credit.

16 (3) For the purposes of this section and section 1278a, the
17 department shall do all of the following:

18 (a) Develop subject area content expectations that apply to
19 the credit requirements of the Michigan merit standard that are
20 required under subsection (1)(a) and (b) and section 1278a(1)(a)(i)
21 and (ii) and develop guidelines for the remaining credit
22 requirements of the Michigan merit standard that are required under
23 this section and section 1278a(1)(a), for the online course or
24 learning experience required under section 1278a(1)(b), and for the
25 requirements for a language other than English under section
26 1278a(2). All of the following apply to these subject area content
27 expectations and guidelines:

1 (i) All subject area content expectations shall be consistent
2 with the state board recommended model core academic curriculum
3 content standards under section 1278. Subject area content
4 expectations or guidelines shall not include attitudes, beliefs, or
5 value systems that are not essential in the legal, economic, and
6 social structure of our society and to the personal and social
7 responsibility of citizens of our society. The subject area content
8 expectations shall require pupils to demonstrate critical thinking
9 skills.

10 (ii) The subject area content expectations and the guidelines
11 must be approved by the state board under subsection (4).

12 (iii) The subject area content expectations shall state in clear
13 and measurable terms what pupils are expected to know upon
14 completion of each credit.

15 (iv) The department shall complete the development of the
16 subject area content expectations that apply to algebra I and the
17 guidelines for the online course or learning experience under
18 section 1278a(1)(b) not later than August 1, 2006.

19 (v) The department shall complete development of the subject
20 area content expectations or guidelines that apply to each of the
21 other credits required in the Michigan merit standard under
22 subsection (1) and section 1278a(1)(a) not later than 1 year before
23 the beginning of the school year in which a pupil entering high
24 school in 2007 would normally be expected to complete the credit.

25 (vi) If the department has not completed development of the
26 subject area content expectations that apply to a particular credit
27 required in the Michigan merit standard under subsection (1) or

1 section 1278a(1)(a) by the date required under this subdivision, a
2 school district or public school academy may align the content of
3 the credit with locally adopted standards.

4 (vii) Until all of the subject area content expectations and
5 guidelines have been developed by the department and approved by
6 the state board, the department shall submit a report at least
7 every 6 months to the senate and house standing committees
8 responsible for education legislation on the status of the
9 development of the subject area content expectations and
10 guidelines. The report shall detail any failure by the department
11 to meet a deadline established under subparagraph (iv) or (v) and
12 the reasons for that failure.

13 (b) Develop and implement a process for developing the subject
14 area content expectations and guidelines required under this
15 section. This process shall provide for all of the following:

16 (i) Soliciting input from all of the following groups:

17 (A) Recognized experts in the relevant subject areas.

18 (B) Representatives from 4-year colleges or universities,
19 community colleges, and other postsecondary institutions.

20 (C) Teachers, administrators, and school personnel who have
21 specialized knowledge of the subject area.

22 (D) Representatives from the business community.

23 (E) Representatives from vocational and career and technical
24 education providers.

25 (F) Government officials, including officials from the
26 legislature.

27 (G) Parents of public school pupils.

1 (ii) A review of the subject area content expectations or
2 guidelines by national experts.

3 (iii) An opportunity for the public to review and provide input
4 on the proposed subject area content expectations or guidelines
5 before they are submitted to the state board for approval. The time
6 period allowed for this review and input shall be at least 15
7 business days.

8 (c) Determine the basic level of technology and internet
9 access required for pupils to complete the online course or
10 learning experience requirement of section 1278a(1)(b), and submit
11 that determination to the state board for approval.

12 (d) Develop and make available material to assist school
13 districts and public school academies in implementing the
14 requirements of this section and section 1278a. This shall include
15 developing guidelines for alternative instructional delivery
16 methods as described in subsection (7).

17 (4) The state board shall approve subject area content
18 expectations and guidelines developed by the department under
19 subsection (3) before those subject area content expectations and
20 guidelines may take effect. The state board also shall approve the
21 basic level of technology and internet access required for pupils
22 to complete the online course or learning experience requirement of
23 section 1278a(1)(b).

24 (5) The parent or legal guardian of a pupil **WHO HAS COMPLETED**
25 **GRADE 9, A TEACHER WHO IS CURRENTLY TEACHING THE PUPIL, WHO**
26 **CURRENTLY TEACHES IN OR WHOSE EXPERTISE IS IN A SUBJECT AREA**
27 **PROPOSED TO BE MODIFIED BY THE PERSONAL CURRICULUM, OR WHO IS**

1 DETERMINED BY THE PRINCIPAL TO HAVE QUALIFICATIONS OTHERWISE
2 RELEVANT TO DEVELOPING A PERSONAL CURRICULUM, OR A SCHOOL COUNSELOR
3 OR SCHOOL EMPLOYEE QUALIFIED TO ACT IN A COUNSELING ROLE UNDER
4 SECTION 1233 OR 1233A may request a personal curriculum under this
5 subsection for the pupil that modifies certain of the Michigan
6 merit standard requirements under subsection (1) or section
7 1278a(1) (a). **A TEACHER, SCHOOL COUNSELOR, OR SCHOOL EMPLOYEE**
8 **QUALIFIED TO ACT IN A COUNSELING ROLE UNDER SECTION 1233 OR 1233A**
9 **MAY CONTACT A PUPIL'S PARENT OR LEGAL GUARDIAN TO DISCUSS THE**
10 **POSSIBILITY AND POTENTIAL BENEFITS OF A PERSONAL CURRICULUM UNDER**
11 **THIS SUBSECTION FOR THE PUPIL.** If all of the requirements under
12 this subsection for a personal curriculum are met, then the board
13 of a school district or board of directors of a public school
14 academy may award a high school diploma to a pupil who successfully
15 completes his or her personal curriculum even if it does not meet
16 the requirements of the Michigan merit standard required under
17 subsection (1) and section 1278a(1) (a). All of the following apply
18 to a personal curriculum:

19 (a) The personal curriculum shall be developed by a group that
20 includes at least the pupil, at least 1 of the pupil's parents or
21 the pupil's legal guardian, **A TEACHER DESCRIBED IN THIS**
22 **SUBDIVISION,** and the pupil's high school counselor or another
23 designee qualified to act in a counseling role under section 1233
24 or 1233a selected by the high school principal. In addition, for a
25 pupil who receives special education services, a school
26 psychologist should also be included in this group. **THE TEACHER**
27 **INCLUDED IN THE GROUP DEVELOPING THE PERSONAL CURRICULUM SHALL BE A**

1 TEACHER WHO IS CURRENTLY TEACHING THE PUPIL, WHO CURRENTLY TEACHES
2 IN OR WHOSE EXPERTISE IS IN A SUBJECT AREA BEING MODIFIED BY THE
3 PERSONAL CURRICULUM, OR WHO IS DETERMINED BY THE PRINCIPAL TO HAVE
4 QUALIFICATIONS OTHERWISE RELEVANT TO THE GROUP.

5 (b) The personal curriculum shall incorporate as much of the
6 subject area content expectations of the Michigan merit standard
7 required under subsection (1) and section 1278a(1)(a) as is
8 practicable for the pupil; shall establish measurable goals that
9 the pupil must achieve while enrolled in high school and shall
10 provide a method to evaluate whether the pupil achieved these
11 goals; and shall be aligned with the pupil's educational
12 development plan developed under subsection (11).

13 (c) Before it takes effect, the personal curriculum must be
14 agreed to by the pupil's parent or legal guardian and by the
15 superintendent of the school district or chief executive of the
16 public school academy or his or her designee.

17 (d) The pupil's parent or legal guardian shall be in
18 communication with each of the pupil's teachers at least once each
19 calendar quarter to monitor the pupil's progress toward the goals
20 contained in the pupil's personal curriculum.

21 (e) Revisions may be made in the personal curriculum if the
22 revisions are developed and agreed to in the same manner as the
23 original personal curriculum.

24 (f) The English language arts credit requirements of
25 subsection (1)(a) and the science credit requirements of subsection
26 (1)(b) are not subject to modification as part of a personal
27 curriculum under this subsection.

1 (g) Except as otherwise provided in this subdivision, the
2 mathematics credit requirements of section 1278a(1)(a)(i) may be
3 modified as part of a personal curriculum only after the pupil has
4 ~~successfully completed~~, **WITHOUT NECESSARILY HAVING ATTAINED A**
5 **PASSING GRADE IN**, at least ~~2-1/2-1-1/2~~ credits of the mathematics
6 credits required under that section and only if the pupil
7 successfully completes at least 3-1/2 total credits of the
8 mathematics credits required under that section before completing
9 high school. The requirement under ~~that~~ section **1278A(1)** that a
10 pupil must successfully complete at least 1 mathematics course
11 during his or her final year of high school enrollment is not
12 subject to modification as part of a personal curriculum under this
13 subsection. The algebra II credit required under that section may
14 be modified as part of a personal curriculum under this subsection
15 only if the pupil ~~has successfully completed at least 2 credits of~~
16 ~~the mathematics credits required under section 1278a(1)(a)(i) and~~
17 meets 1 or more of the following:

18 (i) Has successfully completed the same content as 1 semester
19 of algebra II, as determined by the department.

20 (ii) Elects to complete the same content as algebra II over 2
21 years, with a credit awarded for each of those 2 years, and
22 successfully completes that content.

23 (iii) Enrolls in a formal career and technical education program
24 or curriculum and in that program or curriculum successfully
25 completes the same content as 1 semester of algebra II, as
26 determined by the department.

27 (h) The social science credit requirements of section

1 1278a(1) (a) (ii) may be modified as part of a personal curriculum
2 only if all of the following are met:

3 (i) The pupil has successfully completed 2 credits of the
4 social science credits required under section 1278a(1), including
5 the civics course described in section 1166(2).

6 (ii) The modification requires the pupil to complete 1
7 additional credit in English language arts, mathematics, or science
8 or 1 additional credit in a language other than English. This
9 additional credit must be in addition to the number of those
10 credits otherwise required under subsection (1) and section
11 1278a(1) or under section 1278a(2).

12 (i) The health and physical education credit requirement under
13 section 1278a(1) (a) (iii) may be modified as part of a personal
14 curriculum only if the modification requires the pupil to complete
15 1 additional credit in English language arts, mathematics, or
16 science or 1 additional credit in a language other than English.
17 This additional credit must be in addition to the number of those
18 credits otherwise required under subsection (1) and section
19 1278a(1) or under section 1278a(2).

20 (j) The visual arts, performing arts, or applied arts credit
21 requirement under section 1278a(1) (a) (iv) may be modified as part of
22 a personal curriculum only if the modification requires the pupil
23 to complete 1 additional credit in English language arts,
24 mathematics, or science or 1 additional credit in a language other
25 than English. This additional credit must be in addition to the
26 number of those credits otherwise required under subsection (1) and
27 section 1278a(1) or under section 1278a(2).

1 (k) If the parent or legal guardian of a pupil requests as
2 part of the pupil's personal curriculum a modification of the
3 Michigan merit standard requirements that would not otherwise be
4 allowed under this section and demonstrates that the modification
5 is necessary because the pupil is a child with a disability, the
6 school district or public school academy may allow that additional
7 modification to the extent necessary because of the pupil's
8 disability if the group under subdivision (a) determines that the
9 modification is consistent with both the pupil's educational
10 development plan under subsection (11) and the pupil's
11 individualized education program. If the superintendent of public
12 instruction has reason to believe that a school district or a
13 public school academy is allowing modifications inconsistent with
14 the requirements of this subdivision, the superintendent of public
15 instruction shall monitor the school district or public school
16 academy to ensure that the school district's or public school
17 academy's policies, procedures, and practices are in compliance
18 with the requirements for additional modifications under this
19 subdivision. As used in this subdivision, "child with a disability"
20 means that term as defined in 20 USC 1401.

21 (l) If a pupil transfers to a school district or public school
22 academy from out of state or from a nonpublic school, the pupil's
23 parent or legal guardian may request, as part of the pupil's
24 personal curriculum, a modification of the Michigan merit standard
25 requirements that would not otherwise be allowed under this
26 section. The school district or public school academy may allow
27 this additional modification for a transfer pupil if all of the

1 following are met:

2 (i) The transfer pupil has successfully completed at least the
3 equivalent of 2 years of high school credit out of state or at a
4 nonpublic school. The school district or public school academy may
5 use appropriate assessment examinations to determine what credits,
6 if any, the pupil has earned out of state or at a nonpublic school
7 that may be used to satisfy the curricular requirements of the
8 Michigan merit standard and this subdivision.

9 (ii) The transfer pupil's personal curriculum incorporates as
10 much of the subject area content expectations of the Michigan merit
11 standard as is practicable for the pupil.

12 (iii) The transfer pupil's personal curriculum requires the
13 pupil to successfully complete at least 1 mathematics course during
14 his or her final year of high school enrollment. In addition, if
15 the transfer pupil is enrolled in the school district or public
16 school academy for at least 1 full school year, both of the
17 following apply:

18 (A) The transfer pupil's personal curriculum shall require
19 that this mathematics course is at least algebra I.

20 (B) If the transfer pupil demonstrates that he or she has
21 mastered the content of algebra I, the transfer pupil's personal
22 curriculum shall require that this mathematics course is a course
23 normally taken after completing algebra I.

24 (iv) The transfer pupil's personal curriculum includes the
25 civics course described in section 1166(2).

26 (m) If a pupil is at least age 18 or is an emancipated minor,
27 the pupil may act on his or her own behalf under this subsection.

1 (n) This subsection does not apply to a pupil enrolled in a
2 high school that is designated as a specialty school under section
3 1278a(5) and that is exempt under that section from the English
4 language arts requirement under subsection (1)(a) and the social
5 science credit requirement under section 1278a(1)(a)(ii).

6 (6) If a pupil receives special education services, the
7 pupil's individualized education program, in accordance with the
8 individuals with disabilities education act, title VI of Public Law
9 91-230, shall identify the appropriate course or courses of study
10 and identify the supports, accommodations, and modifications
11 necessary to allow the pupil to progress in the curricular
12 requirements of this section and section 1278a, or in a personal
13 curriculum as provided under subsection (5), and meet the
14 requirements for a high school diploma.

15 (7) The board of a school district or board of directors of a
16 public school academy that operates a high school shall ensure that
17 each pupil is offered the curriculum necessary for the pupil to
18 meet the curricular requirements of this section and section 1278a.
19 The board or board of directors may provide this curriculum by
20 providing the credits specified in this section and section 1278a,
21 by using alternative instructional delivery methods such as
22 alternative course work, humanities course sequences, career and
23 technical education **PROGRAMS OR COURSES**, industrial technology
24 courses, or vocational education, or by a combination of these.
25 School districts and public school academies that operate career
26 and technical education programs are encouraged to integrate the
27 credit requirements of this section and section 1278a into those

1 programs.

2 (8) If the board of a school district or board of directors of
3 a public school academy wants its high school to be accredited
4 under section 1280, the board or board of directors shall ensure
5 that all elements of the curriculum required under this section and
6 section 1278a are made available to all affected pupils. If a
7 school district or public school academy does not offer all of the
8 required credits, the board of the school district or board of
9 directors of the public school academy shall ensure that the pupil
10 has access to the required credits by another means, such as
11 enrollment in a postsecondary course under the postsecondary
12 enrollment options act, 1996 PA 160, MCL 388.511 to 388.524;
13 enrollment in an online course; a cooperative arrangement with a
14 neighboring school district or with a public school academy; or
15 granting approval under section 6(6) of the state school aid act of
16 1979, MCL 388.1606, for the pupil to be counted in membership in
17 another school district.

18 (9) If a pupil is not successfully completing a credit
19 required for graduation under this section and section 1278a, or is
20 identified as being at risk of withdrawing from high school, then
21 the pupil's school district or public school academy shall notify
22 the pupil's parent or legal guardian or, if the pupil is at least
23 age 18 or is an emancipated minor, the pupil, of the availability
24 of tutoring or other supplemental educational support and
25 counseling services that may be available to the pupil under
26 existing state or federal programs, such as those programs or
27 services available under section 31a of the state school aid act of

1 1979, MCL 388.1631a, or under the no child left behind act of 2001,
2 Public Law 107-110.

3 (10) To the extent required by the no child left behind act of
4 2001, Public Law 107-110, the board of a school district or public
5 school academy shall ensure that all components of the curricular
6 requirements under this section and section 1278a are taught by
7 highly qualified teachers. If a school district or public school
8 academy demonstrates to the department that the school district or
9 public school academy is unable to meet the requirements of this
10 section because the school district or public school academy is
11 unable to hire enough highly qualified teachers, the department
12 shall work with the school district or public school academy to
13 develop a plan to allow the school district or public school
14 academy to hire enough highly qualified teachers to meet the
15 requirements of this section.

16 (11) The board of a school district or board of directors of a
17 public school academy shall ensure that each pupil in grade 7 is
18 provided with the opportunity to develop an educational development
19 plan, and that each pupil has developed an educational development
20 plan before he or she begins high school. An educational
21 development plan shall be developed by the pupil under the
22 supervision of the pupil's school counselor or another designee
23 qualified to act in a counseling role under section 1233 or 1233a
24 selected by the high school principal and shall be based on a
25 career pathways program or similar career exploration program. In
26 addition, if the pupil receives special education services, a
27 school psychologist should also participate in developing the

1 pupil's educational development plan.

2 (12) Except as otherwise provided in this subsection, if a
3 school district or public school academy is unable to implement all
4 of the curricular requirements of this section and section 1278a
5 for pupils entering grade 9 in 2007 or is unable to implement
6 another requirement of this section or section 1278a, the school
7 district or public school academy may apply to the department for
8 permission to phase in 1 or more of the requirements of this
9 section or section 1278a. To apply, the school district or public
10 school academy shall submit a proposed phase-in plan to the
11 department. The department shall approve a phase-in plan if the
12 department determines that the plan will result in the school
13 district or public school academy making satisfactory progress
14 toward full implementation of the requirements of this section and
15 section 1278a. If the department disapproves a proposed phase-in
16 plan, the department shall work with the school district or public
17 school academy to develop a satisfactory plan that may be approved.
18 However, if legislation is enacted that adds section 1290 to allow
19 school districts and public school academies to apply for a
20 contract that waives certain state or federal requirements, then
21 this subsection does not apply but a school district or public
22 school academy may take action as described in subsection (13).
23 This subsection does not apply to a high school that is designated
24 as a specialty school under section 1278a(5) and that is exempt
25 under that section from the English language arts requirement under
26 subsection (1)(a) and the social science credit requirement under
27 section 1278a(1)(a)(ii).

1 (13) If a school district or public school academy does not
2 offer all of the required credits or provide options to have access
3 to the required credits as provided under subsection (8) and if
4 legislation is enacted that adds section 1290 to allow school
5 districts and public school academies to apply for a contract that
6 waives certain state or federal requirements, then the school
7 district or public school academy is encouraged to apply for a
8 contract under section 1290. The purpose of a contract described in
9 this subsection is to improve pupil performance.

10 (14) This section and section 1278a do not prohibit a pupil
11 from satisfying or exceeding the credit requirements of the
12 Michigan merit standard under this section and section 1278a
13 through advanced studies such as accelerated course placement,
14 advanced placement, dual enrollment in a postsecondary institution,
15 or participation in the international baccalaureate program or an
16 early college/middle college program.

17 (15) Not later than April 1 of each year, the department shall
18 submit an annual report to the legislature that evaluates the
19 overall success of the curriculum required under this section and
20 section 1278a, the rigor and relevance of the course work required
21 by the curriculum, the ability of public schools to implement the
22 curriculum and the required course work, and the impact of the
23 curriculum on pupil success, and that details any activities the
24 department has undertaken to implement this section and section
25 1278a or to assist public schools in implementing the requirements
26 of this section and section 1278a.

27 Sec. 1284b. (1) ~~Until subsection (2) applies to the school~~

1 ~~district, public school academy, or intermediate school district,~~
 2 ~~the~~ **THE** board of a school district or intermediate school district
 3 or board of directors of a public school academy shall ensure that
 4 the district's or public school academy's schools are not in
 5 session on the Friday before Labor day.

6 (2) Except as otherwise provided in this section, the board of
 7 a school district or intermediate school district or board of
 8 directors of a public school academy shall ensure that the
 9 district's or public school academy's school year does not begin
 10 before Labor day.

11 ~~(3) If a collective bargaining agreement that provides a~~
 12 ~~complete school calendar is in effect for employees of a school~~
 13 ~~district, public school academy, or intermediate school district as~~
 14 ~~of the effective date of the amendatory act that added subsection~~
 15 ~~(2), and if that school calendar is not in compliance with~~
 16 ~~subsection (2), then subsection (2) does not apply to that school~~
 17 ~~district, public school academy, or intermediate school district~~
 18 ~~until after the expiration of that collective bargaining agreement.~~

19 **IF A PUBLIC SCHOOL HAS BEEN DETERMINED BY THE SUPERINTENDENT OF**
 20 **PUBLIC INSTRUCTION TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL**
 21 **PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF THE**
 22 **FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005 AND**
 23 **14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF**
 24 **2009, PUBLIC LAW 111-5, THEN SUBSECTION (2) DOES NOT APPLY TO THAT**
 25 **PUBLIC SCHOOL. HOWEVER, SUBSECTION (1) STILL APPLIES TO THE PUBLIC**
 26 **SCHOOL AND, IF THE BOARD OR BOARD OF DIRECTORS OPERATES 1 OR MORE**
 27 **OTHER PUBLIC SCHOOLS THAT HAVE NOT BEEN DETERMINED TO BE AMONG THE**

1 **LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE, AS**
2 **DESCRIBED IN THIS SUBSECTION, THEN SUBSECTION (2) APPLIES TO THOSE**
3 **OTHER PUBLIC SCHOOLS.**

4 (4) If a school district, intermediate school district, or
5 public school academy is operating a year-round school or program
6 as of September 29, 2005 or is operating as of that date a school
7 that is an international baccalaureate academy that provides 1,160
8 hours of pupil instruction per school year, then subsection (2)
9 does not apply to that school or program. If a school district,
10 intermediate school district, or public school academy begins
11 operating a year-round school or program after September 29, 2005,
12 the school district, intermediate school district, or public school
13 academy may apply to the superintendent of public instruction for a
14 waiver from the requirements of subsection (2). Upon application,
15 if the superintendent of public instruction determines that a
16 school or program is a bona fide year-round school or program
17 established for educational reasons, the superintendent of public
18 instruction shall grant the waiver. The superintendent of public
19 instruction shall establish standards for determining a bona fide
20 year-round school or program for the purposes of this subsection.

21 (5) If an intermediate school district contracts with a
22 constituent district or public school academy to provide programs
23 or services for pupils of the constituent district or public school
24 academy; operates a program or service within a building owned by a
25 constituent district or a public school academy located within the
26 intermediate school district's boundaries; or otherwise provides
27 instructional programs or services for pupils of a constituent

1 district or public school academy, and if the school district's or
2 public school academy's school year begins before Labor day under
3 subsection (3) or (4), then the intermediate school district may
4 provide programs or services according to the school district's or
5 public school academy's calendar.

6 (6) This section does not apply to a public school that
7 operates all of grades 6 to 12 at a single site, that aligns its
8 high school curriculum with advanced placement courses as the
9 capstone of the curriculum, and that ends its second academic
10 semester concurrently with the end of the advanced placement
11 examination period.

12 (7) This section does not prohibit a school district,
13 intermediate school district, or public school academy from
14 offering or requiring professional development for its personnel
15 that is conducted before Labor day.

16 (8) As used in this section, "Labor day" means the first
17 Monday in September.

18 Sec. 1311e. (1) An authorizing body is not required to issue a
19 contract to any person or entity. Contracts for strict discipline
20 academies shall be issued on a competitive basis taking into
21 consideration the resources available for the proposed strict
22 discipline academy, the population to be served by the proposed
23 strict discipline academy, and the educational goals to be achieved
24 by the proposed strict discipline academy.

25 (2) If a person or entity applies to the board of a school
26 district for a contract to organize and operate 1 or more strict
27 discipline academies within the boundaries of the school district

1 and the board does not issue the contract, the person or entity may
2 petition the board to place the question of issuing the contract on
3 the ballot to be decided by the school electors of the school
4 district. The petition shall contain all of the information
5 required to be in the contract application under section 1311d and
6 shall be signed by a number of school electors of the school
7 district equal to at least 15% of the total number of school
8 electors of that school district. The petition shall be filed with
9 the secretary of the board. If the board receives a petition
10 meeting the requirements of this subsection, the board shall place
11 the question of issuing the contract on the ballot at its next
12 annual school election held at least 60 days after receiving the
13 petition. If a majority of the school electors of the school
14 district voting on the question vote to issue the contract, the
15 board shall issue the contract.

16 (3) Within 10 days after issuing a contract for a strict
17 discipline academy, the board of the authorizing body shall submit
18 to the state board a copy of the contract and of the application
19 under section 1311d.

20 (4) An authorizing body shall adopt a resolution establishing
21 the method of selection, length of term, and number of members of
22 the board of directors of each strict discipline academy subject to
23 its jurisdiction.

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

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

1 the extent applicable, the pupil performance of a strict discipline
2 academy shall be assessed using at least a Michigan education
3 assessment program (MEAP) test or ~~an assessment instrument~~
4 ~~developed under section 1279 for a state endorsed high school~~
5 ~~diploma~~ **THE MICHIGAN MERIT EXAMINATION DEVELOPED UNDER SECTION**
6 **1279G, AS APPLICABLE.**

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

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

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

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

20 (f) Procedures for revoking the contract and grounds for
21 revoking the contract, including at least the grounds listed in
22 section 1311/.

23 (g) A description of and address for the proposed physical
24 plant in which the strict discipline academy will be located.

25 (h) Requirements and procedures for financial audits. The
26 financial audits shall be conducted at least annually by a
27 certified public accountant in accordance with generally accepted

1 governmental auditing principles.

2 (I) THE TERM OF THE CONTRACT AND A DESCRIPTION OF THE PROCESS
3 AND STANDARDS FOR RENEWAL OF THE CONTRACT AT THE END OF THE TERM.
4 THE STANDARDS FOR RENEWAL SHALL INCLUDE STUDENT GROWTH AS MEASURED
5 BY ASSESSMENTS AND OTHER OBJECTIVE CRITERIA AS A SIGNIFICANT FACTOR
6 IN THE DECISION OF WHETHER OR NOT TO RENEW THE CONTRACT.

7 (6) A strict discipline academy shall comply with all
8 applicable law, including all of the following:

9 (a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

10 (b) The freedom of information act, 1976 PA 442, MCL 15.231 to
11 15.246.

12 (c) 1947 PA 336, MCL 423.201 to 423.217.

13 (d) 1965 PA 166, MCL 408.551 to 408.558.

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

15 (f) Except for part 6a, all provisions of this act that
16 explicitly apply to public school academies established under part
17 6a.

18 (7) A strict discipline academy and its incorporators, board
19 members, officers, employees, and volunteers have governmental
20 immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An
21 authorizing body and its board members, officers, and employees are
22 immune from civil liability, both personally and professionally,
23 for any acts or omissions in authorizing a strict discipline
24 academy if the authorizing body or the person acted or reasonably
25 believed he or she acted within the authorizing body's or the
26 person's scope of authority.

27 (8) A strict discipline academy is exempt from all taxation on

Senate Bill No. 981 (H-2) as amended December 10, 2009

1 its earnings and property. Instruments of conveyance to or from a
2 strict discipline academy are exempt from all taxation including
3 taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. A strict
4 discipline academy may not levy ad valorem property taxes or any
5 other tax for any purpose. However, operation of 1 or more strict
6 discipline academies by a school district or intermediate school
7 district does not affect the ability of the school district or
8 intermediate school district to levy ad valorem property taxes or
9 any other tax.

10 (9) A strict discipline academy may acquire by purchase, gift,
11 devise, lease, sublease, installment purchase agreement, land
12 contract, option, or by any other means, hold and own in its own
13 name buildings and other property for school purposes, and
14 interests therein, and other real and personal property, including,
15 but not limited to, interests in property subject to mortgages,
16 security interests, or other liens, necessary or convenient to
17 fulfill its purposes. For the purposes of condemnation, a strict
18 discipline academy may proceed under the uniform condemnation
19 procedures act, 1980 PA 87, MCL 213.51 to 213.75, excluding
20 sections 6 to 9 of that act, MCL 213.56 to 213.59, or other
21 applicable statutes, but only with the express, written permission
22 of the authorizing body in each instance of condemnation and only
23 after just compensation has been determined and paid.

24 [

25

26

27

Senate Bill No. 981 (H-2) as amended December 10, 2009

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

Senate Bill No. 981 (H-2) as amended December 10, 2009

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

Senate Bill No. 981 (H-2) as amended December 10, 2009

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

]

21

Sec. 1536. (1) The state board shall develop a school

22

administrator's certificate that ~~may~~**SHALL** be issued to **ALL** school

23

district and intermediate school district superintendents, school

24

principals, assistant principals, and other administrators whose

25

primary responsibility is administering instructional programs **AND**

26

WHO MEET THE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (3). An

27

individual **DESCRIBED IN SECTION 1246(1)(A)** is not required by this

1 section to have a school administrator's certificate under this
2 section or an endorsement under subsection (2) to be employed as a
3 school administrator by a school district, public school academy,
4 intermediate school district, or nonpublic school.

5 (2) The state board also ~~may~~**SHALL** develop appropriate
6 certificate endorsements for school administrators, by elementary,
7 secondary, and central office level.

8 (3) The state board shall develop standards, and **THE**
9 **SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DEVELOP** procedures, to
10 implement this section. The standards and procedures shall address
11 at least all of the following:

12 (a) The educational and professional experience requirements
13 for a certificate or endorsement under this section.

14 (b) Continuing education requirements for periodic
15 recertification. These requirements shall be consistent with the
16 continuing education requirements under section 1246.

17 (c) Procedures for application for and issuance of
18 certificates and endorsements under this section.

19 (d) Standards and procedures for suspension and revocation of
20 a certificate. These standards and procedures shall be based on the
21 standards and procedures for taking action against a person's
22 teaching certificate under section 1535a.

23 (4) The department shall consult and work with appropriate
24 professional organizations, primarily organizations representing
25 superintendents and building-level administrators, in developing
26 the standards required under this section.

27 (5) For the purposes of adding 1 or more enhancement or

1 specialty endorsements for a school administrator's certificate,
2 the department may recognize performance-based professional
3 learning programs offered by established state professional
4 organizations that represent school administrators described in
5 subsection (1). These programs must be approved by the department
6 based on alignment with state board-approved school administrator
7 program preparation standards.

8 (6) A SCHOOL ADMINISTRATOR'S CERTIFICATE ISSUED UNDER THIS
9 SECTION IS VALID FOR 5 YEARS AND SHALL BE RENEWED UPON COMPLETION
10 OF RENEWAL UNITS AS DETERMINED BY THE SUPERINTENDENT OF PUBLIC
11 INSTRUCTION.

12 (7) THE DEPARTMENT SHALL RECOGNIZE ALTERNATIVE PATHWAYS TO
13 EARNING THE BASIC SCHOOL ADMINISTRATOR'S CERTIFICATE BASED ON
14 EXPERIENCE OR ALTERNATIVE PREPARATION, OR BOTH, IF THE ALTERNATIVE
15 CERTIFICATION PROGRAM IS SUBMITTED BY AN ESTABLISHED STATE
16 PROFESSIONAL ORGANIZATION AND MEETS CRITERIA SET FORTH BY STATE
17 BOARD APPROVED SCHOOL ADMINISTRATOR PROGRAM PREPARATION STANDARDS.

18 (8) ~~(6)~~As used in this section, "established state
19 professional organization" means an association that has served
20 members on a statewide basis for at least 10 years.

21 Sec. 1561. (1) Except as otherwise provided in this section,
22 ~~every~~FOR A CHILD WHO TURNED AGE 14 BEFORE DECEMBER 1, 2007 OR WHO
23 ENTERED GRADE 9 BEFORE 2008, THE CHILD'S parent, guardian, or other
24 person in this state having control and charge of a ~~THE~~ child ~~from~~
25 ~~the age of 6 to the child's sixteenth birthday~~ shall send that
26 child to a public school during the entire school year FROM THE AGE
27 PRESCRIBED IN SUBSECTION (2) TO THE CHILD'S SIXTEENTH BIRTHDAY.

1 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, FOR A CHILD WHO TURNS
2 AGE 14 ON OR AFTER DECEMBER 1, 2007 OR A CHILD WHO WAS AGE 14
3 BEFORE THAT DATE AND ENTERS GRADE 9 IN 2008 OR LATER, THE CHILD'S
4 PARENT, GUARDIAN, OR OTHER PERSON IN THIS STATE HAVING CONTROL AND
5 CHARGE OF THE CHILD SHALL SEND THE CHILD TO A PUBLIC SCHOOL DURING
6 THE ENTIRE SCHOOL YEAR FROM THE AGE PRESCRIBED IN SUBSECTION (2) TO
7 THE CHILD'S EIGHTEENTH BIRTHDAY. The child's attendance shall be
8 continuous and consecutive for the school year fixed by the school
9 district in which the child is enrolled. In a school district that
10 maintains school during the entire calendar year and in which the
11 school year is divided into quarters, a child is not required to
12 attend the public school more than 3 quarters in 1 calendar year,
13 but a child shall not be absent for 2 or more consecutive quarters.

14 (2) A child **SHALL ATTEND SCHOOL AS FOLLOWS:**

15 (A) UNTIL THE 2012-2013 SCHOOL YEAR, A CHILD becoming 6 years
16 of age before December 1 shall be enrolled on the first school day
17 of the school year in which the child's sixth birthday occurs, ~~—A~~
18 AND A child becoming 6 years of age on or after December 1 shall be
19 enrolled on the first school day of the school year following the
20 school year in which the child's sixth birthday occurs.

21 (B) BEGINNING WITH THE 2012-2013 SCHOOL YEAR, A CHILD BECOMING
22 5 YEARS OF AGE ON OR BEFORE SEPTEMBER 1 SHALL BE ENROLLED ON THE
23 FIRST SCHOOL DAY OF THE SCHOOL YEAR IN WHICH THE CHILD'S FIFTH
24 BIRTHDAY OCCURS, AND A CHILD BECOMING 5 YEARS OF AGE AFTER
25 SEPTEMBER 1 SHALL BE ENROLLED ON THE FIRST SCHOOL DAY OF THE SCHOOL
26 YEAR FOLLOWING THE SCHOOL YEAR IN WHICH THE CHILD'S FIFTH BIRTHDAY
27 OCCURS.

1 (3) A child is not required to attend a public school in any
2 of the following cases:

3 (a) The child is attending regularly and is being taught in a
4 state approved nonpublic school, which teaches subjects comparable
5 to those taught in the public schools to children of corresponding
6 age and grade, as determined by the course of study for the public
7 schools of the district within which the nonpublic school is
8 located.

9 (b) The child is less than 9 years of age and does not reside
10 within 2-1/2 miles by the nearest traveled road of a public school.
11 If transportation is furnished for pupils in the school district of
12 the child's residence, this subdivision does not apply.

13 (c) The child is age 12 or 13 and is in attendance at
14 confirmation classes conducted for a period of 5 months or less.

15 (d) The child is regularly enrolled in a public school while
16 in attendance at religious instruction classes for not more than 2
17 class hours per week, off public school property during public
18 school hours, upon written request of the parent, guardian, or
19 person in loco parentis under rules promulgated by the state board.

20 (e) The child has graduated from high school or has fulfilled
21 all requirements for high school graduation.

22 (f) The child is being educated at the child's home by his or
23 her parent or legal guardian in an organized educational program in
24 the subject areas of reading, spelling, mathematics, science,
25 history, civics, literature, writing, and English grammar.

26 (4) For a child being educated at the child's home by his or
27 her parent or legal guardian, exemption from the requirement to

1 attend public school may exist under either subsection (3)(a) or
2 (3)(f), or both.

3 (5) FOR A CHILD WHO TURNS AGE 14 ON OR AFTER DECEMBER 1, 2007
4 OR WHO WAS AGE 14 BEFORE THAT DATE AND ENTERS GRADE 9 IN 2008 OR
5 LATER, THIS SECTION DOES NOT APPLY TO THE CHILD IF THE CHILD IS AT
6 LEAST AGE 16 AND THE CHILD'S PARENT OR LEGAL GUARDIAN HAS PROVIDED
7 TO SCHOOL OFFICIALS OF THE SCHOOL DISTRICT IN WHICH THE CHILD
8 RESIDES A WRITTEN NOTICE THAT THE CHILD HAS THE PERMISSION OF THE
9 PARENT OR LEGAL GUARDIAN TO STOP ATTENDING SCHOOL.

10 Sec. 1596. (1) The board of a school district other than a
11 primary school district may establish 1 or more ungraded schools
12 for the instruction of certain pupils classified in subsection (2).
13 The board may require the pupils to attend an ungraded school or a
14 department of the school as the board directs.

15 (2) ~~The following cases of persons,~~ A CHILD aged 7 to the ~~HIS~~
16 OR HER sixteenth birthday, ~~residing~~ OR HIS OR HER EIGHTEENTH
17 BIRTHDAY IF THE CHILD TURNS AGE 14 ON OR AFTER DECEMBER 1, 2007 OR
18 IS AGE 14 BEFORE THAT DATE AND ENTERS GRADE 9 IN 2008 OR LATER, WHO
19 RESIDES in the school district ~~shall be deemed~~ AND WHO MEETS 1 OR
20 MORE OF THE FOLLOWING IS CONSIDERED A juvenile disorderly ~~persons~~
21 PERSON and in the judgment of the proper school authorities may be
22 assigned to the ungraded school or department:

23 (a) ~~Class 1, habitual truants~~ EXCEPT FOR A CHILD DESCRIBED IN
24 SECTION 1561(5), A CHILD WHO IS HABITUALLY TRUANT from the school
25 in which ~~they are~~ HE OR SHE IS enrolled as ~~pupils~~ A PUPIL.

26 (b) ~~Class 2, children~~ A CHILD who, while attending school, ~~are~~
27 IS incorrigibly turbulent, disobedient, and insubordinate, or who

1 ~~are~~**IS** immoral in conduct.

2 (c) ~~Class 3, children~~**A CHILD** who ~~are~~**IS** not attending school
3 and who habitually ~~frequent~~**FREQUENTS** streets and other public
4 places, having no lawful business, employment, or occupation.

5 Sec. 1701a. For the purposes of ensuring that a student with a
6 disability enrolled in a public school academy ~~created under part~~
7 ~~6a or 6b~~ is provided with special education programs and services,
8 the public school academy is considered to be a local school
9 district under this article.