

SUBSTITUTE FOR

SENATE BILL NO. 981

(As amended December 2, 2009)

<<A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 449, 504, 507, 1246, 1280, and 1536 (MCL 380.449,
380.504, 380.507, 380.1280, and 380.1536), section 449 as amended by
2004 PA 303, section 504 as amended by 2008 PA 1, section 507 as
amended by 1995 PA 289, section 1246 as amended by 2004 PA 148,
section 1280 as amended by 2006 PA 123, and section 1536 as added
by 2006 PA 335, and by adding sections 11c, 1249, 1280c, and 1280d.>>

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 11C. ALL POWERS AND DUTIES OF THE SCHOOL BOARD OF A**
2 **GENERAL POWERS SCHOOL DISTRICT AND OF ITS OFFICERS ARE SUBJECT TO**
3 **SECTIONS 1280, 1280C, AND 1280D.**

4 Sec. 449. (1) All powers and duties of the school board of the
5 first class school district and of its officers are subject to part
6 5a until January 1 following the expiration of 5 years after the
7 initial appointment of a school reform board in the school district

1 under part 5a.

2 (2) ALL POWERS AND DUTIES OF THE SCHOOL BOARD OF THE FIRST
 3 CLASS SCHOOL DISTRICT AND OF ITS OFFICERS ARE SUBJECT TO SECTIONS
 4 1280, 1280C, AND 1280D.

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

(2) A public school academy shall not charge tuition and shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, or any other basis that would be illegal if used by a school district. However, a public school academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district. **THE ACADEMY WILL REPORT TO THEIR AUTHORIZER AND THE STATE DEPARTMENT OF EDUCATION THE NUMBER OF STUDENTS WITH DISABILITIES ENROLLED IN THE ACADEMY AND THE SERVICES THEY ARE BEING GIVEN.**

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

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

5 Sec. 507. (1) The authorizing body for a public school academy
 6 is the fiscal agent for the public school academy. A state school
 7 aid payment for a public school academy shall be paid to the

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8 authorizing body that is the fiscal agent for that public school
9 academy, which shall then forward the payment to the public school
10 academy. An authorizing body has the responsibility to oversee a
11 public school academy's compliance with the contract and all
12 applicable law. A contract issued under this part may be revoked by
13 the authorizing body that issued the contract if the authorizing
14 body determines that 1 or more of the following has occurred:

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

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

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

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

23 (2) IF AN AUTHORIZING BODY RECEIVES NOTICE FROM THE
24 SUPERINTENDENT OF PUBLIC INSTRUCTION THAT A PUBLIC SCHOOL ACADEMY
25 THAT IT AUTHORIZED HAS BEEN DETERMINED BY THE SUPERINTENDENT OF
26 PUBLIC INSTRUCTION TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL
27 PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF THE

1 FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005 AND
 2 14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
 3 2009, PUBLIC LAW 111-5, THE AUTHORIZING BODY MAY REVOKE THE PUBLIC
 4 SCHOOL ACADEMY'S CONTRACT AND THE PUBLIC SCHOOL ACADEMY MAY BE
 5 CLOSED.

6 (3) ~~(2)~~—The decision of an authorizing body to revoke a
 7 contract under this section is solely within the discretion of the
 8 authorizing body, is final, and is not subject to review by a court
 9 or any state agency.

10 (4) An authorizing body that revokes a contract under this
 11 section is not liable for that action to the public school academy,
 12 public school academy corporation, a pupil of the public school
 13 academy, the parent or guardian of a pupil of the public school
 14 academy, or any other person.

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

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

~~(B) SUBJECT TO SUBSECTION (3), FOR A SUPERINTENDENT, PRINCIPAL, ASSISTANT PRINCIPAL, OR OTHER PERSON WHOSE PRIMARY RESPONSIBILITY IS ADMINISTERING INSTRUCTIONAL PROGRAMS AND WHO IS INITIALLY EMPLOYED AS A SCHOOL ADMINISTRATOR IN THIS STATE AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, MEETS 1 OF THE FOLLOWING:~~

~~(i) POSSESSES A VALID MICHIGAN SCHOOL ADMINISTRATOR'S CERTIFICATE ISSUED UNDER SECTION 1536.~~

~~(ii) POSSESSES AN EARNED ADVANCED DEGREE IN A SUBJECT AREA APPROVED BY THE STATE BOARD.~~

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

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(3) A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT MAY EMPLOY AS A SUPERINTENDENT, PRINCIPAL, ASSISTANT PRINCIPAL, OR OTHER PERSON WHOSE PRIMARY RESPONSIBILITY IS ADMINISTERING INSTRUCTIONAL PROGRAMS A PERSON WHO IS ENROLLED IN A PROGRAM LEADING TO CERTIFICATION AS A SCHOOL ADMINISTRATOR UNDER SECTION 1536 NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION OR 6 MONTHS AFTER HE OR SHE BEGINS THE EMPLOYMENT, WHICHEVER IS LATER. A PERSON EMPLOYED AS A SCHOOL ADMINISTRATOR PURSUANT TO THIS SUBSECTION HAS 3 YEARS TO MEET THE CERTIFICATION REQUIREMENTS OF SECTION 1536, OR THE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT SHALL NOT CONTINUE TO EMPLOY THE PERSON AS A SCHOOL ADMINISTRATOR DESCRIBED IN THIS SUBSECTION.>>

15 SEC. 1249. THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE
16 SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY
17 SHALL ADOPT AND IMPLEMENT FOR ALL TEACHERS AND SCHOOL
18 ADMINISTRATORS A RIGOROUS, TRANSPARENT, AND FAIR PERFORMANCE
19 EVALUATION SYSTEM THAT DOES ALL OF THE FOLLOWING:

20 <<(A) DIFFERENTIATES EFFECTIVENESS USING MULTIPLE RATING
21 CATEGORIES THAT TAKE INTO ACCOUNT DATA ON STUDENT GROWTH AS A
22 SIGNIFICANT FACTOR.

23 (B) IS DESIGNED AND DEVELOPED WITH TEACHER AND PRINCIPAL
24 INVOLVEMENT.

25 >>

26 Sec. 1280. (1) The board of a school district that does not
27 want to be subject to the measures described in this section shall

1 ensure that each public school within the school district is
2 accredited.

3 (2) As used in subsection (1), and subject to subsection (6),
4 "accredited" means certified by the superintendent of public
5 instruction as having met or exceeded standards established under
6 this section for 6 areas of school operation: administration and
7 school organization, curricula, staff, school plant and facilities,
8 school and community relations, and school improvement plans and
9 student performance. The building-level evaluation used in the
10 accreditation process shall include, but is not limited to, school
11 data collection, self-study, visitation and validation,
12 determination of performance data to be used, and the development
13 of a school improvement plan.

14 (3) The department shall develop and distribute to all public
15 schools proposed accreditation standards. Upon distribution of the
16 proposed standards, the department shall hold statewide public
17 hearings for the purpose of receiving testimony concerning the
18 standards. After a review of the testimony, the department shall
19 revise and submit the proposed standards to the superintendent of
20 public instruction. After a review and revision, if appropriate, of
21 the proposed standards, the superintendent of public instruction
22 shall submit the proposed standards to the senate and house
23 committees that have the responsibility for education legislation.
24 Upon approval by these committees, the department shall distribute
25 to all public schools the standards to be applied to each school
26 for accreditation purposes. The superintendent of public
27 instruction shall review and update the accreditation standards

1 annually using the process prescribed under this subsection.

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

9 (5) The standards for accreditation or summary accreditation
10 under this section shall include as criteria pupil performance on
11 Michigan education assessment program (MEAP) tests and on the
12 Michigan merit examination under section 1279g, ~~and, until the~~
13 ~~Michigan merit examination has been fully implemented, the~~
14 ~~percentage of pupils achieving state endorsement under section~~
15 ~~1279, but shall not be based solely on pupil performance on MEAP~~
16 ~~tests or the Michigan merit examination. or on the percentage of~~
17 ~~pupils achieving state endorsement under section 1279.~~ The
18 standards shall also include as criteria multiple year change in
19 pupil performance on MEAP tests and the Michigan merit examination.
20 ~~and, until after the Michigan merit examination is fully~~
21 ~~implemented, multiple year change in the percentage of pupils~~
22 ~~achieving state endorsement under section 1279.~~ If it is necessary
23 for the superintendent of public instruction to revise
24 accreditation or summary accreditation standards established under
25 subsection (3) or (4) to comply with this subsection, the revised
26 standards shall be developed, reviewed, approved, and distributed
27 using the same process as prescribed in subsection (3).

1 (6) If the superintendent of public instruction determines
2 that a public school has met the standards established under
3 subsection (4) or (5) for summary accreditation, the school is
4 considered to be accredited without the necessity for a full
5 building-level evaluation under subsection (2).

6 (7) If the superintendent of public instruction determines
7 that a school has not met the standards established under
8 subsection (4) or (5) for summary accreditation but that the school
9 is making progress toward meeting those standards, or if, based on
10 a full building-level evaluation under subsection (2), the
11 superintendent of public instruction determines that a school has
12 not met the standards for accreditation but is making progress
13 toward meeting those standards, the school is in interim status and
14 is subject to a full building-level evaluation as provided in this
15 section.

16 (8) If a school has not met the standards established under
17 subsection (4) or (5) for summary accreditation and is not eligible
18 for interim status under subsection (7), the school is unaccredited
19 and subject to the measures provided in this section.

20 (9) ~~Beginning with the 2002-2003 school year, if~~ **IF** at least
21 5% of a public school's answer sheets from the administration of
22 the Michigan educational assessment program (MEAP) tests are lost
23 by the department or by a state contractor and if the public school
24 can verify that the answer sheets were collected from pupils and
25 forwarded to the department or the contractor, the department shall
26 not assign an accreditation score or school report card grade to
27 the public school for that subject area for the corresponding year

1 for the purposes of determining state accreditation under this
2 section. The department shall not assign an accreditation score or
3 school report card grade to the public school for that subject area
4 until the results of all tests for the next year are available.

5 (10) Subsection (9) does not preclude the department from
6 determining whether a public school or a school district has
7 achieved adequate yearly progress for the school year in which the
8 answer sheets were lost for the purposes of the no child left
9 behind act of 2001, Public Law 107-110. However, the department
10 shall ensure that a public school or the school district is not
11 penalized when determining adequate yearly progress status due to
12 the fact that the public school's MEAP answer sheets were lost by
13 the department or by a state contractor, but shall not require a
14 public school or school district to retest pupils or produce scores
15 from another test for this purpose.

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

20 (12) The superintendent of public instruction shall, and the
21 intermediate school district to which a school district is
22 constituent, a consortium of intermediate school districts, or any
23 combination thereof may, provide technical assistance, as
24 appropriate, to a school that is unaccredited or that is in interim
25 status upon request of the board of the school district in which
26 the school is located. If requests to the superintendent of public
27 instruction for technical assistance exceed the capacity, priority

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1 shall be given to unaccredited schools.

2 (13) ~~A school that~~ **IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION**
 3 **DETERMINES THAT A <<PUBLIC>> SCHOOL** has been unaccredited for 3
 consecutive
 4 years ~~is subject to~~ **OR IS AMONG THE LOWEST ACHIEVING 5% OF ALL**
 5 **PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF THE**
 6 **FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005 AND**
 7 **14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF**
 8 **2009, PUBLIC LAW 111-5, KNOWN AS THE "RACE TO THE TOP" GRANT**
 9 **PROGRAM, THEN THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY ISSUE AN**
 10 **ORDER IMPOSING** 1 or more of the following measures, as determined
 11 by the superintendent of public instruction:

12 (a) The superintendent of public instruction or his or her
 13 designee ~~shall~~ **MAY** appoint at the expense of the affected school
 14 district an administrator of the school until the school becomes
 15 accredited.

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

20 (c) The **SUPERINTENDENT OF PUBLIC INSTRUCTION MAY ORDER THE**
 21 **BOARD OR BOARD OF DIRECTORS THAT OPERATES THE** school, ~~with the~~
 22 ~~approval of the superintendent of public instruction,~~ **shall TO**
 23 ~~align itself~~ **THE SCHOOL** with an existing research-based school
 24 improvement model or establish an affiliation for providing
 25 assistance to the school with a college or university located in
 26 this state, **AS APPROVED BY THE SUPERINTENDENT OF PUBLIC**
 27 **INSTRUCTION.**

1 (d) ~~The school shall be closed.~~ **THE SUPERINTENDENT OF PUBLIC**
2 **INSTRUCTION MAY TAKE ACTION TO IMPLEMENT FOR THE SCHOOL ANY OF THE**
3 **4 SCHOOL INTERVENTION MODELS THAT ARE PROVIDED FOR THE LOWEST**
4 **ACHIEVING SCHOOLS UNDER THE FEDERAL INCENTIVE GRANT PROGRAM CREATED**
5 **UNDER SECTIONS 14005 AND 14006 OF TITLE XIV OF THE AMERICAN**
6 **RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5, KNOWN AS**
7 **THE "RACE TO THE TOP" GRANT PROGRAM. THESE MODELS ARE THE**
8 **TURNAROUND MODEL, RESTART MODEL, SCHOOL CLOSURE, AND TRANSFORMATION**
9 **MODEL.**

10 (14) The superintendent of public instruction shall evaluate
11 the school accreditation program and the status of schools under
12 this section and shall submit an annual report based upon the
13 evaluation to the senate and house committees that have the
14 responsibility for education legislation. The report shall address
15 the reasons each unaccredited school is not accredited and shall
16 recommend legislative action that will result in the accreditation
17 of all public schools in this state.

18 (15) Beginning with the 2008-2009 school year, a high school
19 shall not be accredited by the department unless the department
20 determines that the high school is providing or has otherwise
21 ensured that all pupils have access to all of the elements of the
22 curriculum required under sections 1278a and 1278b. If it is
23 necessary for the superintendent of public instruction to revise
24 accreditation or summary accreditation standards established under
25 subsection (3) or (4) to comply with the changes made to this
26 section by the amendatory act that added this subsection, the
27 revised standards shall be developed, reviewed, approved, and

1 distributed using the same process as prescribed in subsection (3).

2 (16) AS SOON AS PRACTICABLE AFTER THE FEDERAL DEPARTMENT OF
3 EDUCATION HAS ADOPTED THE FINAL WORK RULES AND FORMULA FOR
4 IDENTIFYING THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS
5 STATE FOR THE PURPOSES OF THE FEDERAL INCENTIVE GRANT PROGRAM
6 CREATED UNDER SECTIONS 14005 AND 14006 OF TITLE XIV OF THE AMERICAN
7 RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5, KNOWN AS
8 THE "RACE TO THE TOP" GRANT PROGRAM, THE DEPARTMENT SHALL POST ALL
9 OF THE FOLLOWING ON ITS WEBSITE:

10 (A) THE FEDERAL WORK RULES AND FORMULA.

11 (B) A LIST OF THE PUBLIC SCHOOLS IN THIS STATE THAT HAVE BEEN
12 IDENTIFIED FOR THESE PURPOSES AS BEING AMONG THE LOWEST ACHIEVING
13 5% OF ALL PUBLIC SCHOOLS IN THIS STATE. THE DEPARTMENT SHALL UPDATE
14 THIS LIST AS IT CONSIDERS APPROPRIATE.

15 (17) IF A SCHOOL ON THE LIST POSTED BY THE SUPERINTENDENT OF
16 PUBLIC INSTRUCTION UNDER SUBSECTION (16) IS A PUBLIC SCHOOL
17 ACADEMY, THE SUPERINTENDENT OF PUBLIC INSTRUCTION IMMEDIATELY SHALL
18 NOTIFY THE PUBLIC SCHOOL ACADEMY'S AUTHORIZING BODY THAT THE SCHOOL
19 HAS BEEN IDENTIFIED FOR THESE PURPOSES AS BEING AMONG THE LOWEST
20 ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE. THE PUBLIC SCHOOL
21 ACADEMY'S AUTHORIZING BODY MAY REVOKE THE PUBLIC SCHOOL ACADEMY'S
22 CONTRACT, AND THE PUBLIC SCHOOL ACADEMY MAY BE CLOSED.

23 SEC. 1280C. (1) BEGINNING AFTER THE 2010-2011 SCHOOL YEAR, IF
24 THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT 25% OR
25 MORE OF THE PUPILS IN MEMBERSHIP IN A SCHOOL DISTRICT ARE ENROLLED
26 IN 1 OR MORE SCHOOLS THAT HAVE BEEN DETERMINED BY THE
27 SUPERINTENDENT OF PUBLIC INSTRUCTION TO BE AMONG THE LOWEST

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1 ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR
2 THE PURPOSES OF THE FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER
3 SECTIONS 14005 AND 14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND
4 REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5, THEN THE SUPERINTENDENT
5 OF PUBLIC INSTRUCTION SHALL ISSUE AN ORDER DESIGNATING THE SCHOOL
6 DISTRICT AS A TURNAROUND SCHOOL DISTRICT AND SHALL TAKE MEASURES
7 UNDER SUBSECTION (3) WITH RESPECT TO THE SCHOOL DISTRICT, AS
8 APPLICABLE. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ISSUE
9 THE ORDER DESIGNATING A SCHOOL DISTRICT AS A TURNAROUND SCHOOL
10 DISTRICT WITHIN 15 DAYS AFTER HE OR SHE DETERMINES THAT THE PUBLIC
11 SCHOOL MEETS THE CRITERIA UNDER THIS SUBSECTION.

12 (2) WITHIN 15 DAYS AFTER ISSUING AN ORDER UNDER SUBSECTION
13 (1), THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL APPOINT A
14 REVIEW TEAM TO CONDUCT AN EVALUATION OF THE TURNAROUND SCHOOL
15 DISTRICT. ALL OF THE FOLLOWING APPLY TO THIS REVIEW TEAM:

16 (A) THE REVIEW TEAM SHALL CONSIST OF AT LEAST A TEACHER WHO IS
17 NOT EMPLOYED BY THE TURNAROUND SCHOOL DISTRICT, A SUPPORT STAFF
18 MEMBER WHO IS NOT EMPLOYED BY THE TURNAROUND SCHOOL DISTRICT, A
19 PARENT WHO DOES NOT HAVE A CHILD ENROLLED IN THE TURNAROUND SCHOOL
20 DISTRICT, A SCHOOL ADMINISTRATOR WHO IS NOT EMPLOYED BY THE
21 TURNAROUND SCHOOL DISTRICT, A SCHOOL BOARD MEMBER, <<A TEACHER
EMPLOYED BY THE TURNAROUND DISTRICT,>> A REPRESENTATIVE
22 OF THE INTERMEDIATE SCHOOL DISTRICT IN WHICH THE TURNAROUND SCHOOL
23 DISTRICT IS LOCATED, A MEMBER OF THE LOCAL COMMUNITY, AND ANOTHER
24 DESIGNEE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION. A MEMBER OF
25 THE REVIEW TEAM SERVES AT THE PLEASURE OF THE SUPERINTENDENT OF
26 PUBLIC INSTRUCTION AND MAY BE REMOVED AND REPLACED BY THE
27 SUPERINTENDENT OF PUBLIC INSTRUCTION.

1 (B) THE REVIEW TEAM'S EVALUATION SHALL FOCUS ON ISSUES AT BOTH
2 THE SCHOOL DISTRICT LEVEL AND SCHOOL BUILDING LEVEL AND SHALL
3 COVER, AT A MINIMUM, PUPIL PERFORMANCE ON STATE ASSESSMENTS,
4 STANDARDS AND EXPECTATIONS, CURRICULUM, INSTRUCTION, TIME ON TASK,
5 LEARNING ENVIRONMENT, PREVALENCE OF TRANSIENT PUPILS, PARENTAL
6 INVOLVEMENT, COMMUNITY INVOLVEMENT, STAFF DEVELOPMENT, PLANNING AND
7 ASSESSMENT, AND GOVERNANCE AND LEADERSHIP.

8 (C) WITHIN 30 DAYS AFTER BEING APPOINTED, THE REVIEW TEAM
9 SHALL SUBMIT A REPORT TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION
10 BASED ON ITS EVALUATION THAT IDENTIFIES THE REASONS FOR THE LOW
11 ACHIEVEMENT WITHIN THE SCHOOL DISTRICT AND CONTAINS RECOMMENDATIONS
12 ON THE MEASURES THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND
13 THE CHIEF EDUCATIONAL OFFICER APPOINTED UNDER SUBSECTION (3) SHOULD
14 TAKE UNDER THIS SECTION WITH REGARD TO THE TURNAROUND SCHOOL
15 DISTRICT.

16 (D) THE REVIEW TEAM SHALL REEVALUATE THE TURNAROUND SCHOOL
17 DISTRICT AT LEAST ANNUALLY TO MONITOR THE PROGRESS BEING MADE IN
18 IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE REVIEW TEAM'S
19 EVALUATION REPORT.

20 (E) THE BOARD OF A TURNAROUND SCHOOL DISTRICT SHALL COOPERATE
21 FULLY WITH A REVIEW TEAM APPOINTED UNDER THIS SUBSECTION.

22 (3) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION ISSUES AN
23 ORDER DESIGNATING A SCHOOL DISTRICT AS A TURNAROUND SCHOOL DISTRICT
24 UNDER SUBSECTION (1), THEN WITHIN 60 DAYS AFTER RECEIVING THE
25 EVALUATION REPORT FROM THE REVIEW TEAM UNDER SUBSECTION (2), THE
26 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ISSUE AN ORDER
27 APPOINTING A CHIEF EDUCATIONAL OFFICER FOR THE TURNAROUND SCHOOL

1 DISTRICT. THE CHIEF EDUCATIONAL OFFICER SHALL TAKE CONTROL OF THE
2 TURNAROUND SCHOOL DISTRICT AND OPERATE IT AS PROVIDED UNDER THIS
3 SECTION.

4 (4) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION APPOINTS A
5 CHIEF EDUCATIONAL OFFICER FOR A TURNAROUND SCHOOL DISTRICT UNDER
6 SUBSECTION (3), ALL OF THE FOLLOWING APPLY:

7 (A) THE CHIEF EDUCATIONAL OFFICER SHALL CARRY OUT THE
8 FUNCTIONS UNDER THIS SECTION AND AS OTHERWISE PRESCRIBED BY LAW.
9 ALL OF THE FOLLOWING APPLY TO THE APPOINTMENT:

10 (i) THE CHIEF EDUCATIONAL OFFICER SHALL BE CHOSEN SOLELY ON THE
11 BASIS OF HIS OR HER COMPETENCE AND EXPERIENCE EITHER IN EDUCATIONAL
12 REFORM AND REDESIGN AND IMPROVING PUPIL ACHIEVEMENT OR IN BUSINESS
13 AND FISCAL MATTERS. IF THE CHIEF EDUCATIONAL OFFICER IS CHOSEN
14 BASED ON HIS OR HER EXPERIENCE AND COMPETENCE IN BUSINESS AND
15 FISCAL MATTERS, THE CHIEF EDUCATIONAL OFFICER, WITH THE APPROVAL OF
16 THE SUPERINTENDENT OF PUBLIC INSTRUCTION, SHALL HIRE AN EXPERT IN
17 EDUCATIONAL REFORM AND REDESIGN WITH A PROVEN RECORD OF IMPROVING
18 PUPIL ACHIEVEMENT TO ASSIST THE CHIEF EDUCATIONAL OFFICER IN
19 OPERATING THE TURNAROUND SCHOOL DISTRICT.

20 (ii) THE CHIEF EDUCATIONAL OFFICER OR AN ASSISTANT DESCRIBED IN
21 SUBPARAGRAPH (i) SHALL NOT HAVE BEEN EITHER AN ELECTED OR APPOINTED
22 OFFICIAL OR EMPLOYEE OF THE SCHOOL DISTRICT FOR WHICH HE OR SHE IS
23 APPOINTED FOR NOT LESS THAN 5 YEARS BEFORE THE APPOINTMENT.

24 (iii) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOT SERVE
25 AS A CHIEF EDUCATIONAL OFFICER UNDER THIS SECTION.

26 (iv) THE CHIEF EDUCATIONAL OFFICER NEED NOT BE A RESIDENT OF
27 THE SCHOOL DISTRICT FOR WHICH HE OR SHE IS APPOINTED.

1 (v) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENTER INTO
2 A CONTRACT WITH THE CHIEF EDUCATIONAL OFFICER APPOINTING THE CHIEF
3 EDUCATIONAL OFFICER FOR A TERM OF AT LEAST 1 BUT NOT MORE THAN 3
4 YEARS, AS DETERMINED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.
5 SUBJECT TO SUBDIVISION (K), THE SUPERINTENDENT OF PUBLIC
6 INSTRUCTION MAY RENEW THE APPOINTMENT FOR 1 OR MORE SUBSEQUENT
7 TERMS OF NOT MORE THAN 3 YEARS, AS DETERMINED BY THE SUPERINTENDENT
8 OF PUBLIC INSTRUCTION.

9 (B) WITH RESPECT TO THE TURNAROUND SCHOOL DISTRICT, THE CHIEF
10 EDUCATIONAL OFFICER HAS ALL OF THE POWERS AND DUTIES DESCRIBED IN
11 THIS SECTION. ALL PROVISIONS OF THIS ACT THAT WOULD OTHERWISE APPLY
12 TO THE SCHOOL BOARD THAT PREVIOUSLY OPERATED THE TURNAROUND SCHOOL
13 DISTRICT APPLY TO THE CHIEF EDUCATIONAL OFFICER WITH RESPECT TO
14 THAT SCHOOL DISTRICT, EXCEPT THOSE RELATING TO TAXATION OR
15 BORROWING. SUBJECT TO THIS SECTION, THE CHIEF EDUCATIONAL OFFICER
16 MAY EXERCISE ALL THE POWERS AND DUTIES OTHERWISE VESTED BY LAW IN
17 THE SCHOOL BOARD THAT PREVIOUSLY OPERATED THE TURNAROUND SCHOOL
18 DISTRICT AND IN ITS OFFICERS, EXCEPT THOSE RELATING TO TAXATION OR
19 BORROWING, AND MAY EXERCISE ALL ADDITIONAL POWERS AND DUTIES
20 PROVIDED UNDER THIS SECTION. SUBJECT TO THIS SECTION, THE CHIEF
21 EDUCATIONAL OFFICER ACCEDES TO ALL THE RIGHTS, DUTIES, AND
22 OBLIGATIONS OF THE SCHOOL BOARD. OTHER THAN TAXATION AND BORROWING
23 AND SPECIFIC POWERS AND DUTIES GIVEN TO THE SCHOOL BOARD UNDER THIS
24 SECTION, THE SCHOOL BOARD'S ROLE IS LIMITED TO ACTING AS AN
25 ADVISORY BOARD TO THE CHIEF EDUCATIONAL OFFICER. THE CHIEF
26 EDUCATIONAL OFFICER'S POWERS, RIGHTS, DUTIES, AND OBLIGATIONS
27 INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

1 (i) AUTHORITY OVER EXPENDITURE OF ALL FUNDS OF THE SCHOOL
2 DISTRICT, INCLUDING PROCEEDS FROM BONDED INDEBTEDNESS AND OTHER
3 FUNDS DEDICATED TO CAPITAL PROJECTS.

4 (ii) SUBJECT TO THIS SECTION, RIGHTS AND OBLIGATIONS UNDER
5 COLLECTIVE BARGAINING AGREEMENTS AND EMPLOYMENT CONTRACTS ENTERED
6 INTO BY THE SCHOOL BOARD FOR EMPLOYEES OF THE SCHOOL DISTRICT.

7 (iii) RIGHTS TO PROSECUTE AND DEFEND LITIGATION.

8 (iv) RIGHTS AND OBLIGATIONS UNDER STATUTE, RULE, AND COMMON
9 LAW.

10 (v) SUBJECT TO SUBSECTION (7), AUTHORITY TO DELEGATE ANY OF
11 THE CHIEF EDUCATIONAL OFFICER'S POWERS AND DUTIES TO 1 OR MORE
12 DESIGNEES, WITH PROPER SUPERVISION BY THE CHIEF EDUCATIONAL
13 OFFICER.

14 (vi) POWER TO TERMINATE ANY CONTRACT OR PORTION OF A CONTRACT
15 ENTERED INTO BY THE SCHOOL BOARD. HOWEVER, THIS SUBPARAGRAPH DOES
16 NOT ALLOW ANY TERMINATION OR DIMINISHMENT OF OBLIGATIONS TO PAY
17 DEBT SERVICE ON LEGALLY AUTHORIZED BONDS AND DOES NOT ALLOW A
18 COLLECTIVE BARGAINING AGREEMENT TO BE AFFECTED EXCEPT AS PROVIDED
19 UNDER THIS SECTION. A CONTRACT TERMINATED BY THE CHIEF EDUCATIONAL
20 OFFICER UNDER THIS SUBPARAGRAPH IS VOID.

21 (c) THE CHIEF EDUCATIONAL OFFICER SHALL TAKE CONTROL OF THE
22 CONTINUED DAY-TO-DAY OPERATION OF THE TURNAROUND SCHOOL DISTRICT.
23 THE CHIEF EDUCATIONAL OFFICER MAY MODIFY SCHOOL DISTRICT POLICIES
24 AND RENEGOTIATE APPLICABLE COLLECTIVE BARGAINING AGREEMENTS TO
25 PROVIDE FOR ANY MEASURES THAT THE CHIEF EDUCATIONAL OFFICER
26 DETERMINES TO BE NECESSARY TO ACHIEVE THE EDUCATIONAL GOALS
27 ESTABLISHED BY THE CHIEF EDUCATIONAL OFFICER. THE POLICIES THAT MAY

1 BE MODIFIED OR COLLECTIVE BARGAINING AGREEMENT PROVISIONS THAT MAY
2 BE RENEGOTIATED UNDER THIS SUBSECTION INCLUDE, BUT ARE NOT LIMITED
3 TO, ALL OF THE FOLLOWING:

4 (i) THAT ANY CONTRACTUAL OR OTHER SENIORITY SYSTEM THAT WOULD
5 OTHERWISE BE APPLICABLE SHALL NOT APPLY. THIS SUBPARAGRAPH DOES NOT
6 ALLOW UNILATERAL CHANGES IN PAY SCALES OR BENEFITS.

7 (ii) THAT ANY CONTRACTUAL OR OTHER WORK RULES THE CHIEF
8 EDUCATIONAL OFFICER DETERMINES TO BE IMPEDIMENTS TO ACHIEVING
9 SATISFACTORY PUPIL PERFORMANCE SHALL NOT APPLY. THIS SUBPARAGRAPH
10 DOES NOT ALLOW UNILATERAL CHANGES IN PAY SCALES OR BENEFITS.

11 (iii) THAT THE CHIEF EDUCATIONAL OFFICER SHALL DIRECT THE
12 EXPENDITURE OF ALL FUNDS OF THE SCHOOL DISTRICT, AND THE CHIEF
13 EDUCATIONAL OFFICER SHALL HAVE FULL AUTONOMY AND CONTROL OVER
14 CURRICULUM AND DISCRETIONARY SPENDING FOR THE SCHOOL DISTRICT.

15 (D) FOR THE PURPOSES OF COLLECTIVE BARGAINING UNDER 1947 PA
16 336, MCL 423.201 TO 423.217, THE CHIEF EDUCATIONAL OFFICER IS THE
17 PUBLIC EMPLOYER OF THE EMPLOYEES OF THE SCHOOL DISTRICT FOR AS LONG
18 AS THE SCHOOL DISTRICT IS OPERATED BY THE CHIEF EDUCATIONAL
19 OFFICER.

20 (E) EXCEPT AS OTHERWISE PROVIDED BY LAW, AN INDIVIDUAL MAY BE
21 EMPLOYED TO TEACH IN THE SCHOOL DISTRICT ONLY IF HE OR SHE HOLDS A
22 VALID MICHIGAN TEACHING CERTIFICATE.

23 (F) THE CHIEF EDUCATIONAL OFFICER SHALL REPORT ALL OF THE
24 FOLLOWING TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION:

25 (i) THE EDUCATIONAL GOALS THE TURNAROUND SCHOOL DISTRICT IS TO
26 ACHIEVE AND THE METHODS BY WHICH IT WILL BE HELD ACCOUNTABLE. TO
27 THE EXTENT APPLICABLE, THE PUPIL PERFORMANCE OF A TURNAROUND SCHOOL

1 DISTRICT SHALL BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION
2 ASSESSMENT PROGRAM (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION,
3 AS APPLICABLE. AT A MINIMUM, THE EDUCATIONAL GOALS SHALL INCLUDE
4 THAT AT LEAST 80% OF THE SCHOOL DISTRICT'S PUPILS GRADUATE FROM
5 HIGH SCHOOL OR ARE DETERMINED BY THE DEPARTMENT TO BE ON TRACK TO
6 GRADUATE FROM HIGH SCHOOL, THE SCHOOL DISTRICT HAS AT LEAST 80%
7 AVERAGE ATTENDANCE, AND, FOR A SCHOOL DISTRICT THAT OPERATES A HIGH
8 SCHOOL, ITS PUPILS HAVE AN AVERAGE SCORE OF AT LEAST 18 ON THE
9 COLLEGE ENTRANCE EXAMINATION COMPONENT OF THE MICHIGAN MERIT
10 EXAMINATION.

11 (ii) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE
12 TURNAROUND SCHOOL DISTRICT'S COMPLIANCE WITH APPLICABLE LAW AND ITS
13 PERFORMANCE IN MEETING ITS TARGETED EDUCATIONAL OBJECTIVES.

14 (G) THE FOLLOWING POWERS CONCERNING EMPLOYEES:

15 (i) THE CHIEF EDUCATIONAL OFFICER MAY REMOVE A STAFF MEMBER
16 FROM A JOB ASSIGNMENT IN THE SCHOOL DISTRICT IN ACCORDANCE WITH ANY
17 APPLICABLE COLLECTIVE BARGAINING AGREEMENT, AFTER ANY MODIFICATION
18 OF THE COLLECTIVE BARGAINING AGREEMENT UNDER THIS SECTION, AND
19 DIRECT THAT HE OR SHE BE ASSIGNED ELSEWHERE IN THE SCHOOL DISTRICT.

20 (ii) THE CHIEF EDUCATIONAL OFFICER OR OTHER SCHOOL LEADER
21 DESIGNATED BY THE CHIEF EDUCATIONAL OFFICER MAY HIRE AND ASSIGN
22 EMPLOYEES TO WORK IN THE SCHOOL DISTRICT.

23 (H) THE SCHOOL BOARD OF THE TURNAROUND SCHOOL DISTRICT SHALL
24 ENSURE THAT ALL OF ITS SCHOOL OFFICIALS AND EMPLOYEES COOPERATE
25 WITH THE CHIEF EDUCATIONAL OFFICER AND WITH ANY EDUCATIONAL
26 MANAGEMENT ENTITY MANAGING THE TURNAROUND SCHOOL DISTRICT.

27 (I) THE CHIEF EDUCATIONAL OFFICER SHALL ADOPT AND IMPLEMENT

1 FOR THE TURNAROUND SCHOOL DISTRICT A PARENT INVOLVEMENT PLAN
2 DESIGNED TO ENCOURAGE PARENTAL PARTICIPATION. THIS PARENT
3 INVOLVEMENT PLAN MAY BE, BUT IS NOT REQUIRED TO BE, BASED ON THE
4 PARENT INVOLVEMENT PLAN PREVIOUSLY IMPLEMENTED IN THE SCHOOL
5 DISTRICT UNDER SECTION 1294. THE CHIEF EDUCATIONAL OFFICER SHALL
6 PROVIDE A COPY OF THE PARENT INVOLVEMENT PLAN TO THE PARENT OR
7 LEGAL GUARDIAN OF EACH PUPIL ENROLLED IN THE SCHOOL DISTRICT AND TO
8 THE SUPERINTENDENT OF PUBLIC INSTRUCTION. THE CHIEF EDUCATIONAL
9 OFFICER MAY PROVIDE THE COPY OF THE PLAN BY INCLUDING THE PLAN IN
10 THE STUDENT HANDBOOK OR A SIMILAR PUBLICATION THAT IS DISTRIBUTED
11 TO ALL PUPILS AND PARENTS.

12 (J) THE CHIEF EDUCATIONAL OFFICER SHALL ESTABLISH A SCHOOL
13 ADVISORY COUNCIL FOR THE TURNAROUND SCHOOL DISTRICT, AS APPLICABLE,
14 CONSISTING OF PARENTS AND COMMUNITY LEADERS AND SHALL MEET WITH THE
15 SCHOOL ADVISORY COUNCIL PERIODICALLY TO RECEIVE THEIR INPUT. THE
16 INTERMEDIATE SCHOOL DISTRICT IN WHICH THE TURNAROUND SCHOOL
17 DISTRICT IS LOCATED SHALL APPOINT A REPRESENTATIVE TO THE SCHOOL
18 ADVISORY COUNCIL. THE CHIEF EDUCATIONAL OFFICER MAY ALSO INCLUDE ON
19 THE ADVISORY COUNCIL 1 OR MORE PUPILS; REPRESENTATIVES OF LOCAL
20 COMMUNITY ORGANIZATIONS THAT OFFER HEALTH, SOCIAL, OR EDUCATIONAL
21 SERVICES; OR REPRESENTATIVES OF LOCAL WORKFORCE DEVELOPMENT BOARDS
22 OR POSTSECONDARY INSTITUTIONS THAT SERVE THE LOCAL COMMUNITY.

23 (K) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES
24 THAT THE TURNAROUND SCHOOL DISTRICT HAS NOT MET AT LEAST ALL OF THE
25 FOLLOWING AFTER 3 FULL SCHOOL YEARS OF BEING OPERATED BY A
26 PARTICULAR CHIEF EDUCATIONAL OFFICER, THE SUPERINTENDENT OF PUBLIC
27 INSTRUCTION SHALL APPOINT A NEW CHIEF EDUCATIONAL OFFICER FOR THE

1 SCHOOL DISTRICT AS PROVIDED UNDER THIS SECTION:

2 (i) AT LEAST 1 OF THE FOLLOWING:

3 (A) THE PERCENTAGE OF ALL PUPILS ENROLLED IN THE TURNAROUND
4 SCHOOL DISTRICT WHO SCORED AT LEAST "PROFICIENT" ON THE MOST RECENT
5 MICHIGAN EDUCATION ASSESSMENT PROGRAM ASSESSMENTS OR MICHIGAN MERIT
6 EXAMINATION, AS APPLICABLE, FOR WHICH RESULTS ARE AVAILABLE WAS AT
7 LEAST 30% IN EITHER MATHEMATICS OR ENGLISH LANGUAGE ARTS.

8 (B) THE PERCENTAGE OF ALL PUPILS BELOW THE PROFICIENT
9 ACHIEVEMENT LEVEL USED FOR THE FEDERAL PUPIL PERFORMANCE STANDARD
10 DECREASED BY AT LEAST 10% FROM THE PRECEDING YEAR. SCORES LABELED
11 "PROVISIONALLY PROFICIENT" ARE CONSIDERED AS PROFICIENT FOR THESE
12 PURPOSES.

13 (ii) ALL OF THE FOLLOWING EDUCATIONAL GOALS:

14 (A) AT LEAST 80% OF THE SCHOOL DISTRICT'S PUPILS GRADUATE FROM
15 HIGH SCHOOL OR ARE DETERMINED BY THE DEPARTMENT TO BE ON TRACK TO
16 GRADUATE FROM HIGH SCHOOL.

17 (B) THE SCHOOL DISTRICT HAS AT LEAST 80% AVERAGE ATTENDANCE.

18 (C) FOR A SCHOOL DISTRICT THAT OPERATES A HIGH SCHOOL, ITS
19 PUPILS HAVE AN AVERAGE SCORE OF AT LEAST 18 ON THE COLLEGE ENTRANCE
20 EXAMINATION COMPONENT OF THE MICHIGAN MERIT EXAMINATION.

21 (iii) THE REVIEW TEAM APPOINTED UNDER SUBSECTION (2) DETERMINES
22 IN ITS ANNUAL REEVALUATIONS THAT THE CHIEF EDUCATIONAL OFFICER IS
23 MAKING SATISFACTORY PROGRESS IN IMPLEMENTING THE RECOMMENDATIONS IN
24 THE REVIEW TEAM'S INITIAL EVALUATION REPORT.

25 (5) THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY DETERMINE AND
26 CERTIFY THAT THE CONDITIONS FOR REVOKING THE DESIGNATION OF A
27 SCHOOL DISTRICT AS A TURNAROUND SCHOOL DISTRICT HAVE BEEN MET AFTER

1 RECEIVING A RECOMMENDATION FROM THE CHIEF EDUCATIONAL OFFICER. THE
2 CHIEF EDUCATIONAL OFFICER MAY CONDITION HIS OR HER RECOMMENDATION
3 TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION UPON THE SCHOOL BOARD'S
4 ADOPTION OF A RESOLUTION THAT WILL ENSURE THAT THE GOALS AND
5 METHODS OF THE CHIEF EDUCATIONAL OFFICER, AS REPORTED TO THE
6 SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER SUBSECTION (4) (F), WILL
7 BE CONTINUED IN THE SCHOOL DISTRICT.

8 (6) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DO 1 OF THE
9 FOLLOWING:

10 (A) CREATE A HIGH-PERFORMING SCHOOL REVIEW TEAM THAT EVALUATES
11 PUBLIC SCHOOL ACADEMIES IN THIS STATE AND SIMILAR PUBLIC SCHOOLS IN
12 OTHER STATES TO IDENTIFY PERSONS OR ENTITIES THAT OPERATE HIGH-
13 PERFORMING PUBLIC SCHOOLS. THE HIGH-PERFORMING SCHOOL REVIEW TEAM
14 SHALL CONSIST OF AT LEAST TEACHERS, SCHOOL ADMINISTRATORS, AND
15 OTHER EDUCATIONAL EXPERTS. IN IDENTIFYING HIGH-PERFORMING PUBLIC
16 SCHOOLS, THE HIGH-PERFORMING SCHOOL REVIEW TEAM SHALL TAKE INTO
17 ACCOUNT THE PAST ACADEMIC PERFORMANCE OF PUPILS AT THE SCHOOL, PAST
18 GRADE OFFERINGS AT THE SCHOOL, AND THE DEMOGRAPHICS OF PUPILS AT
19 THE SCHOOL.

20 (B) CONTRACT WITH AN ENTITY TO PERFORM THE FUNCTIONS UNDER
21 SUBDIVISION (A).

22 (7) SUBJECT TO SECTION 1280D, A CHIEF EDUCATIONAL OFFICER MAY
23 CONTRACT WITH AN EDUCATIONAL MANAGEMENT ENTITY FOR THE MANAGEMENT
24 OF THE TURNAROUND SCHOOL DISTRICT THAT THE CHIEF EDUCATIONAL
25 OFFICER OPERATES, AT THE DISCRETION OF THE CHIEF EDUCATIONAL
26 OFFICER. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL USE THE
27 EVALUATIONS OF THE HIGH-PERFORMING SCHOOL REVIEW TEAM OR THE

1 CONTRACTING ENTITY UNDER SUBSECTION (6) TO SOLICIT PROPOSALS FROM
2 EDUCATIONAL MANAGEMENT ENTITIES TO MANAGE TURNAROUND SCHOOL
3 DISTRICTS. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL SHARE
4 THESE PROPOSALS WITH THE CHIEF EDUCATIONAL OFFICERS APPOINTED BY
5 THE SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER THIS SECTION.

6 (8) UNLESS THE LEGISLATURE PROVIDES SPECIAL FUNDING, A CHIEF
7 EDUCATIONAL OFFICER APPOINTED UNDER THIS SECTION SHALL RECEIVE
8 COMPENSATION AS ESTABLISHED BY THE SUPERINTENDENT OF PUBLIC
9 INSTRUCTION, AND REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES,
10 FROM THE TURNAROUND SCHOOL DISTRICT, AS APPROVED BY THE
11 SUPERINTENDENT OF PUBLIC INSTRUCTION. IN ADDITION TO STAFF
12 OTHERWISE AUTHORIZED BY LAW, WITH THE APPROVAL OF THE
13 SUPERINTENDENT OF PUBLIC INSTRUCTION, THE CHIEF EDUCATIONAL OFFICER
14 MAY APPOINT ADDITIONAL STAFF AND SECURE PROFESSIONAL ASSISTANCE
15 CONSIDERED NECESSARY TO IMPLEMENT THIS SECTION. IF THE CHIEF
16 EDUCATIONAL OFFICER WAS CHOSEN BASED ON HIS OR HER EXPERIENCE AND
17 COMPETENCE IN BUSINESS AND FISCAL MATTERS, THE CHIEF EDUCATIONAL
18 OFFICER, WITH THE APPROVAL OF THE SUPERINTENDENT OF PUBLIC
19 INSTRUCTION, SHALL HIRE AN EXPERT IN EDUCATIONAL REFORM AND
20 REDESIGN WITH A PROVEN RECORD OF IMPROVING PUPIL ACHIEVEMENT TO
21 ASSIST THE CHIEF EDUCATIONAL OFFICER IN OPERATING THE TURNAROUND
22 SCHOOL DISTRICT.

23 (9) AT LEAST ANNUALLY, THE DEPARTMENT SHALL PUBLISH A WATCH
24 LIST OF PUBLIC SCHOOLS THAT ARE IN DANGER OF BEING DETERMINED TO BE
25 AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE,
26 AS DEFINED FOR THE PURPOSES OF THE FEDERAL INCENTIVE GRANT PROGRAM
27 CREATED UNDER SECTIONS 14005 AND 14006 OF TITLE XIV OF THE AMERICAN

1 RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5. THE
2 DEPARTMENT SHALL INCLUDE A PUBLIC SCHOOL ON THIS WATCH LIST IF THE
3 DEPARTMENT DETERMINES THAT A PUBLIC SCHOOL HAS BEEN UNACCREDITED
4 UNDER SECTION 1280 FOR 2 OR MORE CONSECUTIVE YEARS OR HAS FAILED TO
5 ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD FOR 3 OR MORE
6 CONSECUTIVE YEARS, AND THAT THE PERCENTAGE OF ALL PUPILS ENROLLED
7 IN THE PUBLIC SCHOOL WHO SCORED AT LEAST "PROFICIENT" ON THE MOST
8 RECENT MICHIGAN EDUCATION ASSESSMENT PROGRAM ASSESSMENTS OR
9 MICHIGAN MERIT EXAMINATION, AS APPLICABLE, FOR WHICH RESULTS ARE
10 AVAILABLE WAS LESS THAN 45% IN BOTH MATHEMATICS AND ENGLISH
11 LANGUAGE ARTS, AND MAY INCLUDE OTHER PUBLIC SCHOOLS IF THE
12 DEPARTMENT DETERMINES THAT THERE ARE OTHER REASONS WHY THEY ARE IN
13 DANGER OF BEING DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF
14 ALL PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF
15 THE FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005
16 AND 14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT
17 ACT OF 2009, PUBLIC LAW 111-5.

18 (10) IF A PUBLIC SCHOOL IS INCLUDED ON THE WATCH LIST UNDER
19 SUBSECTION (9), THE DEPARTMENT SHALL NOTIFY THE SCHOOL BOARD OR
20 BOARD OF DIRECTORS THAT OPERATES THE PUBLIC SCHOOL, THE COLLECTIVE
21 BARGAINING REPRESENTATIVES OF ALL COLLECTIVE BARGAINING UNITS WITH
22 MEMBERS WHO WORK AT THE SCHOOL OR WHO ARE EMPLOYED BY THAT SCHOOL
23 BOARD OR BOARD OF DIRECTORS, AND THE INTERMEDIATE SCHOOL DISTRICT
24 IN WHICH THE PUBLIC SCHOOL IS LOCATED. THE SCHOOL BOARD OR BOARD OF
25 DIRECTORS SHALL NOTIFY EMPLOYEES AND PARENT ORGANIZATIONS OF THE
26 SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY THAT THE SCHOOL HAS BEEN
27 PLACED ON THIS WATCH LIST AND SHALL PUBLISH A NOTICE TO THIS EFFECT

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1 ON ITS WEBSITE. THE SCHOOL BOARD OR BOARD OF DIRECTORS SHALL ENSURE
2 THAT APPROPRIATE PERSONNEL OF THE SCHOOL DISTRICT OR SCHOOL MEET
3 WITH THE INTERMEDIATE SCHOOL DISTRICT IN WHICH THE PUBLIC SCHOOL IS
4 LOCATED TO DEVELOP A PLAN TO IMPLEMENT MEASURES AT THE PUBLIC
5 SCHOOL THAT ARE DESIGNED TO ENABLE THE PUBLIC SCHOOL TO MAKE THE
6 NECESSARY IMPROVEMENT TO BE REMOVED FROM THE WATCH LIST.

7 (11) FOR THE PURPOSES OF THIS SECTION, THE SUPERINTENDENT OF
8 PUBLIC INSTRUCTION IS ENCOURAGED TO CONSIDER TAKING MEASURES TO
9 INCREASE THE NUMBER OF QUALIFIED SCHOOL COUNSELORS SERVING A
10 TURNAROUND SCHOOL DISTRICT TO ENSURE THAT THERE IS AT LEAST 1
11 QUALIFIED SCHOOL COUNSELOR FOR EVERY 250 PUPILS. IF FEDERAL FUNDS
12 BECOME AVAILABLE TO SUPPORT THE PLACEMENT OF ADDITIONAL QUALIFIED
13 SCHOOL COUNSELORS FOR A TURNAROUND SCHOOL DISTRICT, THE DEPARTMENT
14 SHALL NOTIFY THE CHIEF EDUCATIONAL OFFICER OPERATING THE TURNAROUND
15 SCHOOL DISTRICT ABOUT THESE FUNDS AND SHALL TAKE STEPS AS NECESSARY
16 TO FACILITATE THE PROCUREMENT OF THESE FUNDS FOR THE TURNAROUND
17 SCHOOL DISTRICT.

18 (12) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES
19 THAT THE RESOURCES AVAILABLE TO THE DEPARTMENT ARE INSUFFICIENT TO
20 ADDRESS ALL OF THE SCHOOL DISTRICTS DESCRIBED IN SUBSECTION (1),
21 THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PRIORITIZE HIS OR
22 HER EFFORTS BY ADDRESSING THE 30 LOWEST-PERFORMING SCHOOL DISTRICTS
23 DURING THE 2011-2012 SCHOOL YEAR AND 30 ADDITIONAL SCHOOL DISTRICTS
24 EACH SUBSEQUENT SCHOOL YEAR UNTIL ALL OF THE SCHOOL DISTRICTS
25 DESCRIBED IN SUBSECTION (1) HAVE BEEN ADDRESSED.

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(14) AT LEAST QUARTERLY, THE SUPERINTENDENT OF PUBLIC

1 INSTRUCTION SHALL SUBMIT A REPORT TO THE STANDING COMMITTEES OF THE
2 SENATE AND HOUSE OF REPRESENTATIVES HAVING JURISDICTION OVER
3 EDUCATION LEGISLATION ON THE PROGRESS BEING MADE IN IMPROVING PUPIL
4 PROFICIENCY DUE TO THE MEASURES UNDER THIS SECTION.

5 (15) THIS STATE, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND
6 A CHIEF EDUCATIONAL OFFICER APPOINTED UNDER THIS SECTION ARE NOT
7 LIABLE FOR ANY OBLIGATION OF OR CLAIM AGAINST A SCHOOL DISTRICT
8 RESULTING FROM ACTIONS TAKEN IN ACCORDANCE WITH THIS SECTION.

9 (16) AS USED IN THIS SECTION:

10 (A) "ACHIEVED THE FEDERAL PUPIL PERFORMANCE STANDARD" MEANS
11 THAT THE DEPARTMENT HAS DETERMINED THAT THE SCHOOL HAS ACHIEVED
12 ADEQUATE YEARLY PROGRESS UNDER THE NO CHILD LEFT BEHIND ACT OF
13 2001, PUBLIC LAW 107-110, OR HAS MET A SUCCESSOR FEDERAL STANDARD
14 THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION HAS IDENTIFIED AS
15 BEING A STANDARD ESTABLISHED BY THE FEDERAL GOVERNMENT THAT IS
16 BASED ON PUPIL PERFORMANCE AND IS REQUIRED TO BE MET IN ORDER TO
17 RECEIVE FULL FEDERAL FUNDING.

18 (B) "FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD"
19 MEANS THAT THE DEPARTMENT HAS DETERMINED THAT THE SCHOOL HAS FAILED
20 TO ACHIEVE ADEQUATE YEARLY PROGRESS UNDER THE NO CHILD LEFT BEHIND
21 ACT OF 2001, PUBLIC LAW 107-110, OR HAS FAILED TO MEET A SUCCESSOR
22 FEDERAL STANDARD THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION HAS
23 IDENTIFIED AS BEING A STANDARD ESTABLISHED BY THE FEDERAL
24 GOVERNMENT THAT IS BASED ON PUPIL PERFORMANCE AND IS REQUIRED TO BE
25 MET IN ORDER TO RECEIVE FULL FEDERAL FUNDING.

26 SEC. 1280D. (1) IF A CHIEF EDUCATIONAL OFFICER OPERATING A
27 TURNAROUND SCHOOL DISTRICT UNDER SECTION 1280C ENTERS INTO A

1 CONTRACT WITH AN EDUCATIONAL MANAGEMENT ENTITY FOR THE MANAGEMENT
2 OF THE TURNAROUND SCHOOL DISTRICT, THE CHIEF EDUCATIONAL OFFICER
3 SHALL ENSURE ALL OF THE FOLLOWING:

4 (A) THAT THE CHIEF EDUCATIONAL OFFICER HAS CONDUCTED
5 SUFFICIENT DUE DILIGENCE TO CONCLUDE THAT THE EDUCATIONAL
6 MANAGEMENT ENTITY HAS SUFFICIENT EDUCATIONAL EXPERTISE AND
7 MANAGEMENT EXPERIENCE TO PROVIDE THE AGREED SERVICES.

8 (B) THAT THE CHIEF EDUCATIONAL OFFICER WILL OBTAIN INDEPENDENT
9 LEGAL COUNSEL IN ALL NEGOTIATIONS WITH THE EDUCATIONAL MANAGEMENT
10 ENTITY.

11 (C) THAT, PURSUANT TO THE CONTRACT BETWEEN THE CHIEF
12 EDUCATIONAL OFFICER AND THE EDUCATIONAL MANAGEMENT ENTITY, THE
13 EDUCATIONAL MANAGEMENT ENTITY WILL PROVIDE TO THE CHIEF EDUCATIONAL
14 OFFICER ALL FINANCIAL AND OTHER INFORMATION REQUIRED TO COMPLY WITH
15 THE REQUIREMENTS CONCERNING REPORTING UNDER SECTION 1280C.

16 (2) IF A CHIEF EDUCATIONAL OFFICER OPERATING A TURNAROUND
17 SCHOOL DISTRICT UNDER SECTION 1280C ENTERS INTO A CONTRACT WITH AN
18 EDUCATIONAL MANAGEMENT ENTITY FOR THE MANAGEMENT OF THE TURNAROUND
19 SCHOOL DISTRICT, THE CONTRACT BETWEEN THE CHIEF EDUCATIONAL OFFICER
20 AND THE EDUCATIONAL MANAGEMENT ENTITY SHALL CONTAIN AT LEAST ALL OF
21 THE FOLLOWING PROVISIONS:

22 (A) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT ENTITY TO
23 PROVIDE TO THE CHIEF EDUCATIONAL OFFICER INFORMATION REGARDING ANY
24 TEACHERS, ADMINISTRATORS, AND SUPPORT STAFF EMPLOYED BY THE
25 EDUCATIONAL MANAGEMENT ENTITY AND ASSIGNED TO WORK IN THE SCHOOL
26 DISTRICT, INCLUDING AT LEAST ALL OF THE FOLLOWING PERSONAL
27 INFORMATION:

1 (i) NAME.

2 (ii) EDUCATION, INCLUDING HIGHEST DEGREE ATTAINED.

3 (iii) SALARY.

4 (iv) COPY OF TEACHING CERTIFICATE OR OTHER REQUIRED PERMIT OR
5 CREDENTIAL, IF REQUIRED FOR THE POSITION.

6 (v) DESCRIPTION OF RELEVANT EXPERIENCE.

7 (vi) EMPLOYMENT RECORD.

8 (B) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT ENTITY TO
9 PROVIDE TO THE CHIEF EDUCATIONAL OFFICER INFORMATION REGARDING THE
10 BUSINESS OPERATIONS OF THE TURNAROUND SCHOOL DISTRICT, INCLUDING AT
11 LEAST ALL OF THE FOLLOWING:

12 (i) FINANCIAL RECORDS AND INFORMATION CONCERNING THE OPERATION
13 OF THE SCHOOL DISTRICT, INCLUDING, BUT NOT LIMITED TO, BUDGETS AND
14 DETAILED RECORDS OF FUNDS RECEIVED FROM THIS STATE AND OTHER
15 ENTITIES, EXPENDITURE OF THOSE FUNDS, INVESTMENT OF THOSE FUNDS,
16 CARRYOVER, AND CONTRACTUAL ARRANGEMENTS OR AGREEMENTS ENTERED INTO
17 BY THE EDUCATIONAL MANAGEMENT ENTITY AS AN AGENT OF THE CHIEF
18 EDUCATIONAL OFFICER.

19 (ii) FINANCIAL RECORDS AND INFORMATION CONCERNING LEASES TO
20 WHICH THE CHIEF EDUCATIONAL OFFICER IS A PARTY, INCLUDING, BUT NOT
21 LIMITED TO, LEASES FOR EQUIPMENT, PHYSICAL FACILITY SPACE, OR
22 INSTITUTIONAL AND EDUCATIONAL MATERIALS.

23 (iii) FINANCIAL RECORDS AND INFORMATION CONCERNING MORTGAGES AND
24 LOANS TO WHICH THE CHIEF EDUCATIONAL OFFICER IS A PARTY.

25 (C) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT ENTITY TO
26 MAKE INFORMATION AVAILABLE TO THE CHIEF EDUCATIONAL OFFICER
27 CONCERNING THE OPERATION AND MANAGEMENT OF THE TURNAROUND SCHOOL

1 DISTRICT, INCLUDING AT LEAST ALL OF THE INFORMATION NECESSARY TO
 2 COMPLY WITH THE REQUIREMENTS CONCERNING REPORTING UNDER SECTION
 3 1280C.

4 (3) THIS SECTION DOES NOT APPLY TO A CONTRACT TO FURNISH
 5 SUBSTITUTE TEACHERS ENTERED INTO UNDER SECTION 1236A.

6 (4) AS USED IN THIS SECTION:

7 (A) "EDUCATIONAL MANAGEMENT ENTITY" MEANS AN ENTITY THAT
 8 ENTERS INTO AN AGREEMENT WITH THE CHIEF EDUCATIONAL OFFICER
 9 OPERATING A TURNAROUND SCHOOL DISTRICT UNDER SECTION 1280C TO
 10 PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR
 11 INSTRUCTIONAL SERVICES OR STAFF TO THE TURNAROUND SCHOOL DISTRICT.

12 (B) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS
 13 CORPORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION,
 14 CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

<<Sec. 1536. (1) The state board shall develop a school administrator's certificate that ~~may~~ **SHALL** be issued to **ALL** school district and intermediate school district superintendents, school principals, assistant principals, and other administrators whose primary responsibility is administering instructional programs **AND WHO MEET THE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (3)**. An individual **DESCRIBED IN SECTION 1246(1)(A)** is not required by this section to have a school administrator's certificate under this section or an endorsement under subsection (2) to be employed as a school administrator by a school district, public school academy, intermediate school district, or nonpublic school.

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

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

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

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

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

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

(4) The department shall consult and work with appropriate professional organizations, primarily organizations representing

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superintendents and building-level administrators, in developing the standards required under this section.

(5) For the purposes of adding 1 or more enhancement or specialty endorsements for a school administrator's certificate, the department may recognize performance-based professional learning programs offered by established state professional organizations that represent school administrators described in subsection (1). These programs must be approved by the department based on alignment with state board-approved school administrator program preparation standards.

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

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

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

15 Enacting section 1. This amendatory act does not take effect
16 unless all of the following bills of the 95th Legislature are
17 enacted into law:

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19 (a)>> Senate Bill No. 925.

20 <<(b)>> Senate Bill No. 926.

21 <<(c)>> Senate Bill No. 965.

22 <<(d)>> Senate Bill No. 982.

23 <<(e)>> Senate Bill No. 994.

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