

HOUSE BILL No. 4063

January 22, 2009, Introduced by Rep. Lemmons and referred to the Committee on Education.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 502. (1) A public school academy shall be organized and
2 administered under the direction of a board of directors in
3 accordance with this part and with bylaws adopted by the board of
4 directors. A public school academy corporation shall be organized
5 under the nonprofit corporation act, ~~Act No. 162 of the Public Acts~~
6 ~~of 1982, being sections 450.2101 to 450.3192 of the Michigan~~
7 ~~Compiled Laws 1982 PA 162, MCL 450.2101 TO 450.3192~~, except that a
8 public school academy corporation is not required to comply with

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

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

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

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

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

1 ~~community college shall not operate in a school district organized~~
2 ~~as a school district of the first class,~~ the board of a community
3 college shall not issue a contract for a public school academy to
4 operate outside the boundaries of the community college district ~~7~~
5 and a public school academy authorized by the board of a community
6 college shall not operate outside the boundaries of the community
7 college district. The board of a community college also may issue a
8 contract for not more than 1 public school academy to operate on
9 the grounds of an active or closed federal military installation
10 located outside the boundaries of the community college district,
11 or may operate a public school academy itself on the grounds of
12 such a federal military installation, if the federal military
13 installation is not located within the boundaries of any community
14 college district and the community college has previously offered
15 courses on the grounds of the federal military installation for at
16 least 10 years.

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

26 (3) To obtain a contract to organize and operate 1 or more
27 public school academies, 1 or more persons or an entity may apply

1 to an authorizing body described in subsection (2). The application
2 shall include at least all of the following:

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

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

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

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

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

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

16 (iii) The name of the authorizing body.

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

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

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

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

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

26 (ii) A copy of the educational goals of the public school
27 academy and the curricula to be offered and methods of pupil

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

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

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

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

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

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

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

25 (i) For a public school academy authorized by a school
26 district, an assurance that employees of the public school academy
27 will be covered by the collective bargaining agreements that apply

1 to other employees of the school district employed in similar
2 classifications in schools that are not public school academies.

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

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

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

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

1 services for a public school academy and charge a fee for those
2 services, but shall not require such an arrangement as a condition
3 to issuing the contract authorizing the public school academy.

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

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

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

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

1 outside that school district's boundaries.

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

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

1 of the federal military installation for at least 10 years.

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

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

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

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

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

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

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

21 (iii) The name of the authorizing body.

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

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

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

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

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

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

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

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

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

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

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

25 (g) For an application to the board of a school district, an
26 intermediate school board, or board of a community college,
27 identification of the local and intermediate school districts in

1 which the strict discipline academy will be located.

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

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

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

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

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

1 and operate strict discipline academies. A contract issued by the
2 authorizing body during the suspension is void. A contract issued
3 by the authorizing body before the suspension is not affected by
4 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 strict discipline academy in an amount that exceeds
9 a combined total of 3% of the total state school aid received by
10 the strict discipline academy in the school year in which the fees
11 or expenses are charged. An authorizing body may provide other
12 services for a strict discipline 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 strict discipline academy.

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