

# HOUSE BILL No. 4490

March 3, 2009, Introduced by Reps. McMillin, Knollenberg, Genetski, Amash and Moss and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
 "The revised school code,"  
 by amending section 502 (MCL 380.502), as amended by 1995 PA 289.

**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  
 9 sections 170 to 177 of ~~Act No. 327 of the Public Acts of 1931,~~  
 10 ~~being sections 450.170 to 450.177 of the Michigan Compiled Laws~~

1 1931 PA 327, MCL 450.170 TO 450.177. To the extent disqualified  
2 under the state or federal constitution, a public school academy  
3 shall not be organized by a church or other religious organization  
4 and shall not have any organizational or contractual affiliation  
5 with or constitute a church or other religious organization.

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (iii) The name of the authorizing body.

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

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

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

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

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

24 (ii) A copy of the educational goals of the public school  
25 academy and the curricula to be offered and methods of pupil  
26 assessment to be used by the public school academy. To the extent  
27 applicable, the progress of the pupils in the public school academy

1 shall be assessed using at least a Michigan education assessment  
2 program (MEAP) test or an assessment instrument developed under  
3 section ~~1279 for a state endorsed high school diploma~~ **1279G**.

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

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

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

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

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

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

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

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

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

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

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

1 to issuing the contract authorizing the public school academy.

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