

# HOUSE BILL No. 5712

December 17, 2009, Introduced by Rep. Sheltroun and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 502, 503, 522, 523, 1278, 1279a, 1279c, 1279d, 1280, 1282, 1311d, 1311e, and 1525 (MCL 380.502, 380.503, 380.522, 380.523, 380.1278, 380.1279a, 380.1279c, 380.1279d, 380.1280, 380.1282, 380.1311d, 380.1311e, and 380.1525), section 502 as amended by 1995 PA 289, section 503 as amended by 2003 PA 299, sections 522 and 523 as added by 2003 PA 179, sections 1278, 1279a, 1279c, 1279d, and 1525 as amended by 2004 PA 596, section 1280 as amended by 2006 PA 123, section 1282 as amended by 1997 PA 181, and sections 1311d and 1311e 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

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

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

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

23 (b) An intermediate school board. However, the board of an  
24 intermediate school district shall not issue a contract for a  
25 public school academy to operate outside the intermediate school  
26 district's boundaries, and a public school academy authorized by  
27 the board of an intermediate school district shall not operate

1 outside that intermediate school district's boundaries.

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

23 (d) The governing board of a state public university. However,  
24 the combined total number of contracts for public school academies  
25 issued by all state public universities shall not exceed 85 through  
26 1996, and, after the initial evaluation under section 501a, shall  
27 not exceed 100 through 1997, 125 through 1998, or 150 thereafter.

1 Further, the total number of contracts issued by any 1 state public  
2 university shall not exceed 50 through 1996, and thereafter shall  
3 not exceed 50% of the maximum combined total number that may be  
4 issued under this subdivision.

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

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

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

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

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

18 (ii) The purposes for the public school academy corporation.  
19 This language shall provide that the public school academy is  
20 incorporated pursuant to this part and that the public school  
21 academy corporation is a governmental entity.

22 (iii) The name of the authorizing body.

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

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

27 (d) A copy of the proposed bylaws of the public school

1 academy.

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

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

5 (ii) A copy of the educational goals of the public school  
6 academy and the curricula to be offered and methods of pupil  
7 assessment to be used by the public school academy. To the extent  
8 applicable, the progress of the pupils in the public school academy  
9 shall be assessed using at least a ~~Michigan education assessment~~  
10 ~~program (MEAP) test or an assessment instrument developed under~~  
11 ~~section 1279 for a state endorsed high school diploma~~ **AN ASSESSMENT**  
12 **USED UNDER SECTION 2 OF 1970 PA 38, MCL 388.1082, OR THE MICHIGAN**  
13 **MERIT EXAMINATION DEVELOPED UNDER SECTION 1279G, AS APPLICABLE.**

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

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

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

23 (f) Descriptions of staff responsibilities and of the public  
24 school 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 public school academy will be located.

2 (h) An agreement that the public school academy 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 public school academy authorized by a school  
7 district, an assurance that employees of the public school academy  
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 public school academies.

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

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

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

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

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

14           Sec. 503. (1) An authorizing body is not required to issue a  
15 contract to any person or entity. Public school academy contracts  
16 shall be issued on a competitive basis taking into consideration  
17 the resources available for the proposed public school academy, the  
18 population to be served by the proposed public school academy, and  
19 the educational goals to be achieved by the proposed public school  
20 academy.

21           (2) If a person or entity applies to the board of a school  
22 district for a contract to organize and operate 1 or more public  
23 school academies within the boundaries of the school district and  
24 the board does not issue the contract, the person or entity may  
25 petition the board to place the question of issuing the contract on  
26 the ballot to be decided by the school electors of the school  
27 district. The petition shall contain all of the information

1 required to be in the contract application under section 502 and  
2 shall be signed by a number of school electors of the school  
3 district equal to at least 15% of the total number of school  
4 electors of that school district. The petition shall be filed with  
5 the school district filing official. If the board receives a  
6 petition meeting the requirements of this subsection, the board  
7 shall have the question of issuing the contract placed on the  
8 ballot at its next regular school election held at least 60 days  
9 after receiving the petition. If a majority of the school electors  
10 of the school district voting on the question vote to issue the  
11 contract, the board shall issue the contract.

12 (3) Within 10 days after issuing a contract for a public  
13 school academy, the authorizing body shall submit to the  
14 superintendent of public instruction a copy of the contract and of  
15 the application under section 502.

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

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

22 (a) The educational goals the public school academy is to  
23 achieve and the methods by which it will be held accountable. To  
24 the extent applicable, the pupil performance of a public school  
25 academy shall be assessed using at least ~~a Michigan education~~  
26 ~~assessment program (MEAP) test or an assessment instrument~~  
27 ~~developed under section 1279~~ **AN ASSESSMENT USED UNDER SECTION 2 OF**



1 1970 PA 38, MCL 388.1082, OR THE MICHIGAN MERIT EXAMINATION  
2 DEVELOPED UNDER SECTION 1279G, AS APPLICABLE.

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

6 (c) A description of the process for amending the contract  
7 during the term of the contract.

8 (d) All of the matters set forth in the application for the  
9 contract.

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

15 (f) Procedures for revoking the contract and grounds for  
16 revoking the contract, including at least the grounds listed in  
17 section 507.

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

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

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

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

27 (b) The freedom of information act, 1976 PA 442, MCL 15.231 to

1 15.246.

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

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

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

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

14 (8) A public school academy is exempt from all taxation on its  
15 earnings and property. Instruments of conveyance to or from a  
16 public school academy are exempt from all taxation including taxes  
17 imposed by 1966 PA 134, MCL 207.501 to 207.513. A public school  
18 academy may not levy ad valorem property taxes or another tax for  
19 any purpose. However, operation of 1 or more public school  
20 academies by a school district or intermediate school district does  
21 not affect the ability of the school district or intermediate  
22 school district to levy ad valorem property taxes or another tax.

23 (9) A public school academy may acquire by purchase, gift,  
24 devise, lease, sublease, installment purchase agreement, land  
25 contract, option, or by any other means, hold and own in its own  
26 name buildings and other property for school purposes, and  
27 interests therein, and other real and personal property, including,

1 but not limited to, interests in property subject to mortgages,  
2 security interests, or other liens, necessary or convenient to  
3 fulfill its purposes. For the purposes of condemnation, a public  
4 school academy may proceed under the uniform condemnation  
5 procedures act, 1980 PA 87, MCL 213.51 to 213.75, excluding  
6 sections 6 to 9 of that act, MCL 213.56 to 213.59, or other  
7 applicable statutes, but only with the express, written permission  
8 of the authorizing body in each instance of condemnation and only  
9 after just compensation has been determined and paid.

10       Sec. 522. (1) An urban high school academy shall be organized  
11 and administered under the direction of a board of directors in  
12 accordance with this part and with bylaws adopted by the board of  
13 directors. An urban high school academy corporation shall be  
14 organized under the nonprofit corporation act, 1982 PA 162, MCL  
15 450.2101 to 450.3192, except that an urban high school academy  
16 corporation is not required to comply with sections 170 to 177 of  
17 1931 PA 327, MCL 450.170 to 450.177. To the extent disqualified  
18 under the state or federal constitution, an urban high school  
19 academy shall not be organized by a church or other religious  
20 organization and shall not have any organizational or contractual  
21 affiliation with or constitute a church or other religious  
22 organization.

23       (2) The governing board of a state public university may act  
24 as an authorizing body to issue a contract for the organization and  
25 operation of an urban high school academy under this part. Subject  
26 to section 524(1), not more than 15 contracts may be issued under  
27 this part. A contract issued under this part shall be for an urban

1 high school academy that will be located in a school district of  
2 the first class. An urban high school academy authorized under this  
3 part shall not operate outside the boundaries of a school district  
4 of the first class.

5 (3) A contract issued under this part shall be issued for an  
6 initial term of 10 years. If the urban high school academy meets  
7 the educational goals set forth in the contract and operates in  
8 substantial compliance with this part, the authorizing body shall  
9 automatically renew the contract for subsequent 10-year terms.

10 (4) To obtain a contract to organize and operate 1 or more  
11 urban high school academies, an entity may apply to an authorizing  
12 body described in subsection (2). The contract shall be issued to  
13 an urban high school academy corporation designated by the entity  
14 applying for the contract. The application shall include at least  
15 all of the following:

16 (a) Name of the entity applying for the contract.

17 (b) Subject to the resolution adopted by the authorizing body  
18 under section 528, a list of the proposed members of the board of  
19 directors of the urban high school academy and a description of the  
20 qualifications and method for appointment or election of members of  
21 the board of directors.

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

24 (i) The name of the proposed urban high school academy to which  
25 the contract will be issued.

26 (ii) The purposes for the urban high school academy  
27 corporation. This language shall provide that the urban high school

1 academy is incorporated pursuant to this part and that the urban  
2 high school academy corporation is a governmental entity and  
3 political subdivision of this state.

4 (iii) The name of the authorizing body.

5 (iv) The proposed time when the articles of incorporation will  
6 be effective.

7 (v) Other matters considered expedient to be in the articles  
8 of incorporation.

9 (d) A copy of the proposed bylaws of the urban high school  
10 academy.

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

13 (i) The governance structure of the urban high school academy.

14 (ii) A copy of the educational goals of the urban high school  
15 academy and the curricula to be offered and methods of pupil  
16 assessment to be used by the urban high school academy. To the  
17 extent applicable, the progress of the pupils in the urban high  
18 school academy shall be assessed using at least a Michigan  
19 education assessment program (MEAP) test or an assessment

20 ~~instrument developed under section 1279~~ **AN ASSESSMENT USED UNDER**  
21 **SECTION 2 OF 1970 PA 38, MCL 388.1082, OR THE MICHIGAN MERIT**  
22 **EXAMINATION DEVELOPED UNDER SECTION 1279G, AS APPLICABLE.**

23 (iii) The admission policy and criteria to be maintained by the  
24 urban high school academy. The admission policy and criteria shall  
25 comply with section 524. This part of the application also shall  
26 include a description of how the applicant will provide to the  
27 general public adequate notice that an urban high school academy is

1 being created and adequate information on the admission policy,  
2 criteria, and process.

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

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

5 (f) Descriptions of staff responsibilities and of the urban  
6 high school academy's governance structure.

7 (g) A description of and address for the proposed building or  
8 buildings in which the urban high school academy will be located,  
9 and a financial commitment by the entity applying for the contract  
10 to construct or renovate the building or buildings that will be  
11 occupied by the urban high school academy that is issued the  
12 contract.

13 (5) If a particular state public university issues a contract  
14 that allows an urban high school academy to operate the same  
15 configuration of grades at more than 1 site, as provided in section  
16 524(1), each of those sites shall be under the direction of the  
17 board of directors that is a party to the contract.

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

27 (7) An authorizing body shall not charge a fee, or require

1 reimbursement of expenses, for considering an application for a  
2 contract, for issuing a contract, or for providing oversight of a  
3 contract for an urban high school academy in an amount that exceeds  
4 a combined total of 3% of the total state school aid received by  
5 the urban high school academy in the school year in which the fees  
6 or expenses are charged. All of the following apply to this fee:

7 (a) An authorizing body may use this fee only for the  
8 following purposes:

9 (i) Considering applications and issuing or administering  
10 contracts.

11 (ii) Compliance monitoring and oversight of urban high school  
12 academies.

13 (iii) Training for urban high school academy applicants,  
14 administrators, and boards of directors.

15 (iv) Technical assistance to urban high school academies.

16 (v) Academic support to urban high school academies or to  
17 pupils or graduates of urban high school academies.

18 (vi) Evaluation of urban high school academy performance.

19 (vii) Training of teachers, including supervision of teacher  
20 interns.

21 (viii) Other purposes that assist the urban high school  
22 academies or traditional public schools in achieving improved  
23 academic performance.

24 (b) An authorizing body may provide other services for an  
25 urban high school academy and charge a fee for those services, but  
26 shall not require such an arrangement as a condition to issuing the  
27 contract authorizing the urban high school academy.

1           (8) An urban high school academy shall be presumed to be  
2 legally organized if it has exercised the franchises and privileges  
3 of an urban high school academy for at least 2 years.

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

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

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

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

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

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

26           (2) A contract issued to organize and administer an urban high  
27 school academy shall contain at least all of the following:



1 (a) The educational goals the urban high school academy is to  
2 achieve and the methods by which it will be held accountable. To  
3 the extent applicable, the pupil performance of an urban high  
4 school academy shall be assessed using at least ~~a Michigan~~  
5 ~~education assessment program (MEAP) test or an assessment~~  
6 ~~instrument developed under section 1279~~ **AN ASSESSMENT USED UNDER**  
7 **SECTION 2 OF 1970 PA 38, MCL 388.1082, OR 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 (3) An urban high school academy shall comply with all  
9 applicable law, including all of the following:

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

11 (b) The freedom of information act, 1976 PA 442, MCL 15.231 to  
12 15.246.

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

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

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

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

17 (g) The uniform budgeting and accounting act, 1968 PA 2, MCL  
18 141.421 to 141.440a.

19 (h) The revised municipal finance act, 2001 PA 34, MCL  
20 141.2101 to 141.2821.

21 (i) The ~~federal~~-no child left behind act of 2001, Public Law  
22 107-110, 115 Stat. 1425.

23 (j) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, 1274, and  
24 1280.

25 (4) An urban high school academy and its incorporators, board  
26 members, officers, employees, and volunteers have governmental  
27 immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An

1 authorizing body and its board members, officers, and employees are  
2 immune from civil liability, both personally and professionally,  
3 for any acts or omissions in authorizing or oversight of an urban  
4 high school academy if the authorizing body or the person acted or  
5 reasonably believed he or she acted within the authorizing body's  
6 or the person's scope of authority.

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

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

27 Sec. 1278. (1) In addition to the requirements for

1 accreditation under section 1280 specified in that section, if the  
2 board of a school district wants all of the schools of the school  
3 district to be accredited under section 1280, the board shall  
4 provide to all pupils attending public school in the district a  
5 core academic curriculum in compliance with subsection (3) in each  
6 of the curricular areas specified in the state board recommended  
7 model core academic curriculum content standards developed under  
8 subsection (2). The state board model core academic curriculum  
9 content standards shall encompass academic and cognitive  
10 instruction only. For purposes of this section, the state board  
11 model core academic curriculum content standards shall not include  
12 attitudes, beliefs, or value systems that are not essential in the  
13 legal, economic, and social structure of our society and to the  
14 personal and social responsibility of citizens of our society.

15 (2) Recommended model core academic curriculum content  
16 standards shall be developed and periodically updated by the state  
17 board, shall be in the form of knowledge and skill content  
18 standards that are recommended as state standards for adoption by  
19 public schools in local curriculum formulation and adoption, and  
20 shall be distributed to each school district in the state. The  
21 recommended model core academic curriculum content standards shall  
22 set forth desired learning objectives in math, science, reading,  
23 history, geography, economics, American government, and writing for  
24 all children at each stage of schooling and be based upon the  
25 "Michigan K-12 program standards of quality" to ensure that high  
26 academic standards, academic skills, and academic subject matters  
27 are built into the instructional goals of all school districts for

1 all children. The state board also shall ensure that the Michigan  
2 ~~educational assessment program~~ **ASSESSMENTS USED UNDER SECTION 2 OF**  
3 **1970 PA 38, MCL 388.1082**, and the Michigan merit examination are  
4 based on the state recommended model core curriculum content  
5 standards, are testing only for proficiency in basic and advanced  
6 academic skills and academic subject matter, and are not used to  
7 measure pupils' values or attitudes.

8 (3) The board of each school district, considering academic  
9 curricular objectives defined and recommended pursuant to  
10 subsection (2), shall do both of the following:

11 (a) Establish a core academic curriculum for its pupils at the  
12 elementary, middle, and secondary school levels. The core academic  
13 curriculum shall define academic objectives to be achieved by all  
14 pupils and shall be based upon the school district's educational  
15 mission, long-range pupil goals, and pupil performance objectives.  
16 The core academic curriculum may vary from the model core academic  
17 curriculum content standards recommended by the state board  
18 pursuant to subsection (2).

19 (b) After consulting with teachers and school building  
20 administrators, determine the aligned instructional program for  
21 delivering the core academic curriculum and identify the courses  
22 and programs in which the core academic curriculum will be taught.

23 (4) The board may supplement the core academic curriculum by  
24 providing instruction through additional classes and programs.

25 (5) For all pupils, the subjects or courses, and the delivery  
26 of those including special assistance, that constitute the  
27 curriculum the pupils engage in shall assure the pupils have a



1 realistic opportunity to learn all subjects and courses required by  
2 the district's core academic curriculum. A subject or course  
3 required by the core academic curriculum pursuant to subsection (3)  
4 shall be provided to all pupils in the school district by a school  
5 district, a consortium of school districts, or a consortium of 1 or  
6 more school districts and 1 or more intermediate school districts.

7 (6) To the extent practicable, the state board may adopt or  
8 develop academic objective-oriented high standards for knowledge  
9 and life skills, and a recommended core academic curriculum, for  
10 special education pupils for whom it may not be realistic or  
11 desirable to expect achievement of initial mastery of the state  
12 board recommended model core academic content standards objectives  
13 or of a high school diploma.

14 (7) The state board shall make available to all nonpublic  
15 schools in this state, as a resource for their consideration, the  
16 model core academic curriculum content standards developed for  
17 public schools pursuant to subsection (2) for the purpose of  
18 assisting the governing body of a nonpublic school in developing  
19 its core academic curriculum.

20 (8) Excluding special education pupils, pupils having a  
21 learning disability, and pupils with extenuating circumstances as  
22 determined by school officials, a pupil who does not score  
23 satisfactorily on the 4th or 7th grade ~~Michigan educational~~  
24 ~~assessment program reading test~~ **READING ASSESSMENT USED UNDER**  
25 **SECTION 2 OF 1970 PA 38, MCL 388.1082,** shall be provided special  
26 assistance reasonably expected to enable the pupil to bring his or  
27 her reading skills to grade level within 12 months.

(9) Any course that would have been considered a nonessential elective course under Snyder v Charlotte School Dist, 421 Mich 517 (1984), on April 13, 1990 shall continue to be offered to resident pupils of nonpublic schools on a shared time basis.

Sec. 1279a. If the superintendent of public instruction has reason to suspect that there are irregularities in a school district's or public school academy's administration of, or preparation of pupils for, ~~a Michigan educational assessment program (MEAP) test~~ **AN ASSESSMENT USED UNDER SECTION 2 OF 1970 PA 38, MCL 388.1082**, or the Michigan merit examination, the superintendent of public instruction shall not report the suspected irregularities to any person or entity not involved in the scoring or administration of the test before notifying the school district or public school academy of the suspected irregularities and allowing at least 5 business days for school officials to respond.

Sec. 1279c. The state board, the superintendent of public instruction, the board of each school district, and each public school academy shall ensure that the ~~Michigan educational assessment program (MEAP) tests~~ **ASSESSMENTS USED UNDER SECTION 2 OF 1970 PA 38, MCL 388.1082**, and the Michigan merit examination are not used to measure pupils' values or attitudes.

Sec. 1279d. If the superintendent of public instruction or any other state agency has reason to suspect that there are irregularities in a school district's or public school academy's administration of, or preparation of pupils for, ~~a Michigan educational assessment program (MEAP) test~~ **AN ASSESSMENT USED UNDER SECTION 2 OF 1970 PA 38, MCL 388.1082**, or the Michigan merit

1 examination, the superintendent of public instruction or other  
2 state agency shall not report the suspected irregularities to any  
3 person or entity not involved in the scoring or administration of  
4 the test before notifying the school district or public school  
5 academy of the suspected irregularities and allowing at least 5  
6 business days for school officials to respond.

7       Sec. 1280. (1) The board of a school district that does not  
8 want to be subject to the measures described in this section shall  
9 ensure that each public school within the school district is  
10 accredited.

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

22       (3) The department shall develop and distribute to all public  
23 schools proposed accreditation standards. Upon distribution of the  
24 proposed standards, the department shall hold statewide public  
25 hearings for the purpose of receiving testimony concerning the  
26 standards. After a review of the testimony, the department shall  
27 revise and submit the proposed standards to the superintendent of

1 public instruction. After a review and revision, if appropriate, of  
 2 the proposed standards, the superintendent of public instruction  
 3 shall submit the proposed standards to the senate and house  
 4 committees that have the responsibility for education legislation.  
 5 Upon approval by these committees, the department shall distribute  
 6 to all public schools the standards to be applied to each school  
 7 for accreditation purposes. The superintendent of public  
 8 instruction shall review and update the accreditation standards  
 9 annually using the process prescribed under this subsection.

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

17 (5) The standards for accreditation or summary accreditation  
 18 under this section shall include as criteria pupil performance on  
 19 ~~Michigan education assessment program (MEAP) tests~~ **ASSESSMENTS USED**  
 20 **UNDER SECTION 2 OF 1970 PA 38, MCL 388.1082,** and on the Michigan  
 21 merit examination under section 1279g, ~~and, until the Michigan~~  
 22 ~~merit examination has been fully implemented, the percentage of~~  
 23 ~~pupils achieving state endorsement under section 1279,~~ but shall  
 24 not be based solely on pupil performance on ~~MEAP tests~~ **ASSESSMENTS**  
 25 **USED UNDER SECTION 2 OF 1970 PA 38, MCL 388.1082,** or the Michigan  
 26 merit examination. ~~or on the percentage of pupils achieving state~~  
 27 ~~endorsement under section 1279.~~ The standards shall also include as

1 criteria multiple year change in pupil performance on ~~MEAP tests~~  
2 **ASSESSMENTS USED UNDER SECTION 2 OF 1970 PA 38, MCL 388.1082,** and  
3 the Michigan merit examination. ~~and, until after the Michigan merit~~  
4 ~~examination is fully implemented, multiple year change in the~~  
5 ~~percentage of pupils achieving state endorsement under section~~  
6 ~~1279.~~ If it is necessary for the superintendent of public  
7 instruction to revise accreditation or summary accreditation  
8 standards established under subsection (3) or (4) to comply with  
9 this subsection, the revised standards shall be developed,  
10 reviewed, approved, and distributed using the same process as  
11 prescribed in subsection (3).

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

17 (7) If the superintendent of public instruction determines  
18 that a school has not met the standards established under  
19 subsection (4) or (5) for summary accreditation but that the school  
20 is making progress toward meeting those standards, or if, based on  
21 a full building-level evaluation under subsection (2), the  
22 superintendent of public instruction determines that a school has  
23 not met the standards for accreditation but is making progress  
24 toward meeting those standards, the school is in interim status and  
25 is subject to a full building-level evaluation as provided in this  
26 section.

27 (8) If a school has not met the standards established under

1 subsection (4) or (5) for summary accreditation and is not eligible  
2 for interim status under subsection (7), the school is unaccredited  
3 and subject to the measures provided in this section.

4 ~~(9) Beginning with the 2002-2003 school year, if~~ **IF** at least  
5 5% of a public school's answer sheets from the administration of  
6 the ~~Michigan educational assessment program (MEAP) tests~~  
7 **ASSESSMENTS USED UNDER SECTION 2 OF 1970 PA 38, MCL 388.1082**, are  
8 lost by the department or by a state contractor and if the public  
9 school can verify that the answer sheets were collected from pupils  
10 and forwarded to the department or the contractor, the department  
11 shall not assign an accreditation score or school report card grade  
12 to the public school for that subject area for the corresponding  
13 year for the purposes of determining state accreditation under this  
14 section. The department shall not assign an accreditation score or  
15 school report card grade to the public school for that subject area  
16 until the results of all tests for the next year are available.

17 (10) Subsection (9) does not preclude the department from  
18 determining whether a public school or a school district has  
19 achieved adequate yearly progress for the school year in which the  
20 answer sheets were lost for the purposes of the no child left  
21 behind act of 2001, Public Law 107-110. However, the department  
22 shall ensure that a public school or the school district is not  
23 penalized when determining adequate yearly progress status due to  
24 the fact that the public school's ~~MEAP~~ answer sheets were lost by  
25 the department or by a state contractor, but shall not require a  
26 public school or school district to retest pupils or produce scores  
27 from another test for this purpose.

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

5           (12) The superintendent of public instruction shall, and the  
6 intermediate school district to which a school district is  
7 constituent, a consortium of intermediate school districts, or any  
8 combination thereof may, provide technical assistance, as  
9 appropriate, to a school that is unaccredited or that is in interim  
10 status upon request of the board of the school district in which  
11 the school is located. If requests to the superintendent of public  
12 instruction for technical assistance exceed the capacity, priority  
13 shall be given to unaccredited schools.

14           (13) A school that has been unaccredited for 3 consecutive  
15 years is subject to 1 or more of the following measures, as  
16 determined by the superintendent of public instruction:

17           (a) The superintendent of public instruction or his or her  
18 designee shall appoint at the expense of the affected school  
19 district an administrator of the school until the school becomes  
20 accredited.

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

25           (c) The school, with the approval of the superintendent of  
26 public instruction, shall align itself with an existing research-  
27 based school improvement model or establish an affiliation for

1 providing assistance to the school with a college or university  
2 located in this state.

3 (d) The school shall be closed.

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

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

23 Sec. 1282. (1) The board of a school district shall establish  
24 and carry on the grades, schools, and departments it considers  
25 necessary or desirable for the maintenance and improvement of its  
26 schools and determine the courses of study to be pursued.

27 (2) The board of a school district shall provide a core



1 academic curriculum, learning processes, special assistance  
2 particularly for students with reading disorders or who have  
3 demonstrated marked difficulty in achieving success on standardized  
4 tests. ~~and sufficient access to each of these so that all pupils~~  
5 ~~have a fair opportunity to achieve a state endorsement under~~  
6 ~~section 1279. The board shall use Michigan education assessment~~  
7 ~~program (MEAP) test results~~ **ON THE ASSESSMENTS USED UNDER SECTION 2**  
8 **OF 1970 PA 38, MCL 388.1082,** as an indicator of ~~which pupils need~~  
9 ~~special assistance to have a fair opportunity to achieve state~~  
10 ~~endorsement under section 1279 and of whether the school district's~~  
11 ~~curriculum is adequately aligned. to prepare pupils to achieve that~~  
12 ~~state endorsement.~~ This special assistance may include at least 1  
13 meeting attended by at least the pupil and a member of the school  
14 district's staff or a local or intermediate school district  
15 consultant who is knowledgeable in the measurement and evaluation  
16 of pupils. The school district may provide the meeting as a group  
17 meeting for pupils in similar circumstances. If the pupil is a  
18 minor, the school district shall invite and encourage the pupil's  
19 parent, legal guardian, or person in loco parentis to attend the  
20 meeting and shall mail a notice of the meeting to the pupil's  
21 parent, legal guardian, or person in loco parentis. The purpose of  
22 this meeting and any subsequent meeting under this subsection  
23 should be to determine an educational program for the pupil  
24 designed to assist the pupil to be prepared. ~~to achieve state~~  
25 ~~endorsement under section 1279.~~ In addition, the school district  
26 may provide for subsequent meetings with the pupil conducted by a  
27 counselor or teacher designated by the pupil's principal, and shall

1 invite and encourage the pupil's parent, legal guardian, or person  
2 in loco parentis to attend the subsequent meetings. The school  
3 district may provide special programs for the pupil or develop a  
4 program using the educational programs regularly provided by the  
5 school district.

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

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

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

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

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

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

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

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

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

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

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

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

20 (iii) The name of the authorizing body.

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

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

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

27 (e) Documentation meeting the application requirements of the

1 authorizing body, including at least all of the following:

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

3 (ii) A copy of the educational goals of the strict discipline  
4 academy and the curricula to be offered and methods of pupil

5 assessment to be used by the strict discipline academy. To the  
6 extent applicable, the progress of the pupils in the strict

7 discipline academy shall be assessed using at least a ~~Michigan~~  
8 ~~education assessment program (MEAP) test or an assessment~~

9 ~~instrument developed under section 1279 for a state endorsed high~~  
10 ~~school diploma~~ **AN ASSESSMENT USED UNDER SECTION 2 OF 1970 PA 38,**

11 **MCL 388.1082, OR THE MICHIGAN MERIT EXAMINATION DEVELOPED UNDER**  
12 **SECTION 1279G, AS APPLICABLE.**

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

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

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

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

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

26 (g) For an application to the board of a school district, an  
27 intermediate school board, or board of a community college,

1 identification of the local and intermediate school districts in  
2 which the strict discipline academy will be located.

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

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

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

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

1 strict discipline academies. A contract issued by the authorizing  
2 body during the suspension is void. A contract issued by the  
3 authorizing body before the suspension is not affected by the  
4 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.

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 ~~diplo~~~~ma~~ **AN ASSESSMENT USED UNDER SECTION 2 OF 1970 PA 38, MCL**  
6 **388.1082, OR THE MICHIGAN MERIT EXAMINATION DEVELOPED UNDER SECTION**  
7 **1279G, AS APPLICABLE.**

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

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

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

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

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

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

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

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

6 (b) The freedom of information act, 1976 PA 442, MCL 15.231 to  
7 15.246.

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

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

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

11 (f) Except for part 6a, all provisions of this act that  
12 explicitly apply to public school academies established under part  
13 6a.

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

23 (8) A strict discipline academy is exempt from all taxation on  
24 its earnings and property. Instruments of conveyance to or from a  
25 strict discipline academy are exempt from all taxation including  
26 taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. A strict  
27 discipline academy may not levy ad valorem property taxes or any

1 other tax for any purpose. However, operation of 1 or more strict  
2 discipline academies by a school district or intermediate school  
3 district does not affect the ability of the school district or  
4 intermediate school district to levy ad valorem property taxes or  
5 any other tax.

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

20 Sec. 1525. (1) State and federal funds appropriated by the  
21 legislature to support professional development and education may  
22 be used for the following:

23 (a) Professional development programs for administrators and  
24 teachers. These programs shall emphasize the improvement of  
25 teaching and pupils' learning of academic core curriculum  
26 objectives, as measured by ~~Michigan educational assessment program~~  
27 **THE ASSESSMENTS USED UNDER SECTION 2 OF 1970 PA 38, MCL 388.1082,**

1 the Michigan merit examination, and other criterion - reference  
2 assessments; collaborative decision-making; site-based management;  
3 the process of school improvement; instructional leadership; and  
4 the use of data and assessment instruments to improve teaching and  
5 learning for all pupils.

6 (b) A biennial education policy leadership institute. The  
7 state board shall organize and convene a biennial education policy  
8 leadership institute for the governor, the lieutenant governor, the  
9 state board, the state superintendent, the legislature, and the  
10 presidents of the state board approved teacher education  
11 institutions, and the staff of each as may be considered  
12 appropriate, to examine the most current public education policy  
13 issues and initiatives and the appropriate role of policy leaders.

14 (c) A statewide academy for school leadership established by  
15 the state board.

16 (d) A principal leadership academy. The department, in  
17 collaboration with statewide associations of school principals,  
18 shall establish the principal leadership academy. The principal  
19 leadership academy shall consist of training for school principals  
20 that is conducted by other school principals who have a record of  
21 demonstrated success in improving pupil performance. The department  
22 shall solicit input from school district superintendents and  
23 intermediate superintendents to compile a list of successful school  
24 principals who would likely be effective in conducting the training  
25 at the principal leadership academy and shall select school  
26 principals to conduct the training from this list. The training  
27 shall include all aspects of successful school leadership,

1 including at least all of the following:

2 (i) Strategies for increasing parental involvement.

3 (ii) Strategies for engaging community support and involvement.

4 (iii) Creative problem-solving.

5 (iv) Financial decision-making.

6 (v) Management rights and techniques.

7 (vi) Other strategies for improving school leadership to  
8 achieve better pupil performance.

9 (e) Community leadership development. The state board, in  
10 conjunction with intermediate school districts, shall conduct a  
11 leadership development training program in each school district for  
12 members of the community.

13 (f) Promotion of high educational standards. The state board,  
14 in collaboration with the business community and educators, shall  
15 coordinate and assist in the promotion of a statewide public  
16 education and information program concerning the need to achieve  
17 world class educational standards in the public schools of this  
18 state.

19 (g) Sabbatical leaves. School districts shall provide  
20 sabbatical leaves for up to 1 academic year for selected master  
21 teachers who aid in professional development.

22 (h) Any other purpose authorized in the appropriation for  
23 professional development in the state school aid act of 1979.

24 (2) In order to receive professional development funding  
25 described in subsection (1), each school district and intermediate  
26 school district shall prepare and submit to the state board for  
27 approval an annual professional development plan.

1           (3) The state board may disapprove for state funding proposed  
2 professional development that the state board finds to be 1 or more  
3 of the following:

4           (a) Not in furtherance of core academic curriculum needs.

5           (b) Not constituting serious, informed innovation.

6           (c) Of generally inferior overall quality or depth regardless  
7 of who sponsors or conducts the education or training.

8           (d) Not in compliance with the requirements of section 1526.

9           Enacting section 1. This amendatory act does not take effect  
10 unless Senate Bill No. \_\_\_\_ or House Bill No. 5710(request no.  
11 05076'09) of the 95th Legislature is enacted into law.