

SENATE BILL No. 636

June 11, 2009, Introduced by Senator KUIPERS and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 5, 1204a, 1230, 1230a, 1230b, 1230c, 1230d,
1230e, 1233, 1233b, 1246, 1277, 1278, 1280, and 1311 (MCL 380.5,
380.1204a, 380.1230, 380.1230a, 380.1230b, 380.1230c, 380.1230d,
380.1230e, 380.1233, 380.1233b, 380.1246, 380.1277, 380.1278,
380.1280, and 380.1311), section 5 as amended by 2005 PA 61,
section 1204a as amended by 1996 PA 159, sections 1230 and 1230a as
amended by 2008 PA 583, section 1230b as added by 1996 PA 189,
sections 1230c and 1230d as amended and section 1230e as added by
2006 PA 680, section 1233 as amended by 2000 PA 288, section 1233b
as amended by 1995 PA 289, section 1246 as amended by 2004 PA 148,
section 1277 as amended by 1997 PA 179, section 1278 as amended by

2004 PA 596, section 1280 as amended by 2006 PA 123, and section 1311 as amended 2008 PA 1, and by adding part 6D and section 1701b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

13 (4) **"NEIGHBORHOOD PUBLIC SCHOOL" MEANS A NEIGHBORHOOD PUBLIC**
14 **SCHOOL ESTABLISHED UNDER PART 6D.**

15 (5) ~~(4)~~—"Nonpublic school" means a private, denominational, or
16 parochial school.

17 (6) ~~(5)~~—"Objectives" means measurable pupil academic skills
18 and knowledge.

19 (7) ~~(6)~~—"Public school" means a public elementary or secondary
20 educational entity or agency that is established under this act,
21 has as its primary mission the teaching and learning of academic
22 and vocational-technical skills and knowledge, and is operated by a
23 school district, local act school district, special act school
24 district, intermediate school district, **NEIGHBORHOOD PUBLIC SCHOOL**

1 **CORPORATION**, public school academy corporation, strict discipline
2 academy corporation, urban high school academy corporation, or by
3 the department or state board. Public school also includes a
4 laboratory school or other elementary or secondary school that is
5 controlled and operated by a state public university described in
6 section 4, 5, or 6 of article VIII of the state constitution of
7 1963.

8 (8) ~~(7)~~—"Public school academy" means a public school academy
9 established under part 6a and, except as used in part 6a, also
10 includes an urban high school academy established under part 6c and
11 a strict discipline academy established under sections 1311b to
12 1311/.

13 (9) ~~(8)~~—"Pupil membership count day" of a school district
14 means that term as defined in section 6 of the state school aid act
15 of 1979, MCL 388.1606.

16 (10) ~~(9)~~—"Regular school election" or "regular election" means
17 the election held in a school district, local act school district,
18 or intermediate school district to elect a school board member in
19 the regular course of the terms of that office and held on the
20 school district's regular election date as determined under section
21 642 or 642a of the Michigan election law, MCL 168.642 and 168.642a.

22 (11) ~~(10)~~—"Reorganized intermediate school district" means an
23 intermediate school district formed by consolidation or annexation
24 of 2 or more intermediate school districts under sections 701 and
25 702.

26 (12) ~~(11)~~—"Rule" means a rule promulgated under the
27 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to

1 24.328.

2 PART 6D

3 NEIGHBORHOOD PUBLIC SCHOOLS

4 SEC. 531. (1) A NEIGHBORHOOD PUBLIC SCHOOL IS A PUBLIC SCHOOL
5 UNDER SECTION 2 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963,
6 IS A SCHOOL DISTRICT FOR THE PURPOSES OF SECTION 11 OF ARTICLE IX
7 OF THE STATE CONSTITUTION OF 1963 AND FOR THE PURPOSES OF SECTION
8 1225 AND SECTION 1351A, AND IS SUBJECT TO THE LEADERSHIP AND
9 GENERAL SUPERVISION OF THE STATE BOARD OVER ALL PUBLIC EDUCATION
10 UNDER SECTION 3 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963.
11 A NEIGHBORHOOD PUBLIC SCHOOL IS A BODY CORPORATE AND IS A
12 GOVERNMENTAL AGENCY. THE POWERS GRANTED TO A NEIGHBORHOOD PUBLIC
13 SCHOOL UNDER THIS PART CONSTITUTE THE PERFORMANCE OF ESSENTIAL
14 PUBLIC PURPOSES AND GOVERNMENTAL FUNCTIONS OF THIS STATE.

15 (2) AS USED IN THIS PART:

16 (A) "CERTIFICATED TEACHER" MEANS AN INDIVIDUAL WHO HOLDS A
17 VALID TEACHING CERTIFICATE OR OTHER APPROVAL TO TEACH IN A
18 NEIGHBORHOOD PUBLIC SCHOOL AS DESCRIBED IN SECTION 543.

19 (B) "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE ORGANIZED
20 UNDER THE COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1 TO
21 389.195, OR A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE THAT IS
22 RECOGNIZED UNDER THE TRIBALLY CONTROLLED COMMUNITY COLLEGE
23 ASSISTANCE ACT OF 1978, PUBLIC LAW 95-471.

24 (C) "CONVERSION NEIGHBORHOOD PUBLIC SCHOOL" MEANS A
25 NEIGHBORHOOD PUBLIC SCHOOL ESTABLISHED UNDER THIS PART THAT HAS
26 BEEN ISSUED A PERFORMANCE CONTRACT TO BE A CONVERSION NEIGHBORHOOD
27 PUBLIC SCHOOL UNDER SECTION 537.

1 (D) "CYBER SCHOOL" MEANS A NEIGHBORHOOD PUBLIC SCHOOL
2 ESTABLISHED UNDER THIS PART THAT HAS BEEN ISSUED A PERFORMANCE
3 CONTRACT TO BE A CYBER SCHOOL UNDER SECTION 538 THAT PROVIDES FULL-
4 TIME INSTRUCTION TO PUPILS THROUGH ONLINE LEARNING OR OTHERWISE ON
5 A COMPUTER OR OTHER TECHNOLOGY, WHICH INSTRUCTION AND LEARNING MAY
6 BE REMOTE FROM A SCHOOL FACILITY.

7 (E) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS
8 CORPORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION,
9 CORPORATION, TRUST, OR OTHER LEGAL ENTITY OR A GOVERNMENTAL ENTITY.

10 (F) "PERFORMANCE CONTRACT" MEANS THE EXECUTIVE ACTION TAKEN BY
11 A SPONSORING BODY THAT EVIDENCES THE SPONSORSHIP OF A NEIGHBORHOOD
12 PUBLIC SCHOOL AND THAT ESTABLISHES, SUBJECT TO THE CONSTITUTIONAL
13 POWERS OF THE STATE BOARD AND APPLICABLE LAW, THE WRITTEN
14 INSTRUMENT EXECUTED BY A SPONSORING BODY CONFERRING CERTAIN RIGHTS,
15 FRANCHISES, PRIVILEGES, AND OBLIGATIONS ON A NEIGHBORHOOD PUBLIC
16 SCHOOL, AS PROVIDED BY THIS PART, AND CONFIRMING THE STATUS OF THE
17 NEIGHBORHOOD PUBLIC SCHOOL AS A PUBLIC SCHOOL IN THIS STATE.

18 (G) "SPONSORING BODY" MEANS AN ENTITY THAT GRANTS A
19 PERFORMANCE CONTRACT AS PROVIDED IN SECTION 533.

20 (H) "STATE PUBLIC UNIVERSITY" MEANS A STATE UNIVERSITY
21 DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE
22 CONSTITUTION OF 1963.

23 SEC. 533. (1) A PERSON OR ENTITY DESCRIBED IN SUBSECTION (2)
24 MAY APPLY FOR A PERFORMANCE CONTRACT TO ORGANIZE A NEIGHBORHOOD
25 PUBLIC SCHOOL TO BE OPERATED UNDER THE DIRECTION OF A GOVERNING
26 BOARD IN ACCORDANCE WITH THIS PART AND WITH BYLAWS ADOPTED BY THE
27 GOVERNING BOARD. A NEIGHBORHOOD PUBLIC SCHOOL MAY BE ORGANIZED AS

1 ANY TYPE OF PUBLIC SCHOOL INCLUDING, BUT NOT LIMITED TO, 1 OR MORE
2 OF THE FOLLOWING TYPES OF SCHOOLS:

3 (A) A FAMILY EDUCATIONAL SERVICE CENTER, WHICH WOULD OFFER A
4 COMBINATION OF EARLY CHILDHOOD, ADULT EDUCATION, AND SOCIAL
5 SERVICES THAT ARE DESIGNED TO ENRICH AND SUPPORT NEIGHBORHOODS, AND
6 PROVIDE A MORE HOLISTIC APPROACH TO PUPIL AND FAMILY EDUCATION AND
7 DEVELOPMENT.

8 (B) AN EARLY CHILDHOOD LEARNING CENTER, WHICH WOULD PRIMARILY
9 FOCUS ON OFFERING PRESCHOOL AND KINDERGARTEN EDUCATIONAL PROGRAMS.

10 (C) A NEIGHBORHOOD ELEMENTARY OR MIDDLE SCHOOL, WHICH WOULD
11 OPERATE INNOVATIVE EDUCATIONAL PROGRAMS OR PROGRAMS WITH INNOVATIVE
12 INSTRUCTIONAL APPROACHES, ENRICH EDUCATIONAL PROGRAMS THROUGH
13 PARTNERSHIPS WITH COMMUNITY AND CULTURAL ORGANIZATIONS, PROVIDE
14 ENHANCED COUNSELING AND SOCIAL SERVICES, OR OPERATE OTHER RESEARCH-
15 BASED PROGRAMS OR SERVICES THAT ARE DESIGNED TO IMPROVE PUPIL
16 ACHIEVEMENT.

17 (D) A CAREER EDUCATION HIGH SCHOOL, WHICH WOULD FOCUS ON
18 PREPARING PUPILS FOR JOBS IMMEDIATELY UPON GRADUATING.

19 (E) A COLLEGE PREPARATORY HIGH SCHOOL, WHICH WOULD FOCUS ON
20 ADVANCED PLACEMENT, INTERNATIONAL BACCALAUREATE, OR ANOTHER TYPE OF
21 COLLEGE PREPARATORY ACADEMIC CURRICULUM.

22 (F) A MIDDLE COLLEGE, WHICH WOULD OPERATE PROGRAMS THAT ALLOW
23 PUPILS TO SIMULTANEOUSLY EARN A HIGH SCHOOL DIPLOMA AND AN
24 ASSOCIATE'S DEGREE.

25 (G) A DROPOUT RECOVERY CENTER, WHICH WOULD PROVIDE EDUCATIONAL
26 PROGRAMS TO PUPILS WHO ARE UP TO THE AGE OF 21 AND WHO EITHER HAVE
27 PREVIOUSLY DROPPED OUT OF SCHOOL OR ARE AT RISK OF DROPPING OUT OF

1 SCHOOL.

2 (H) A CYBER SCHOOL, AS DESCRIBED IN SECTION 538.

3 (2) ANY OF THE FOLLOWING PERSONS OR ENTITIES MAY APPLY FOR A
4 PERFORMANCE CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE NEIGHBORHOOD
5 PUBLIC SCHOOLS UNDER THIS PART:

6 (A) FOR A CONVERSION NEIGHBORHOOD PUBLIC SCHOOL, A
7 NEIGHBORHOOD PUBLIC SCHOOL CORPORATION THAT IS FORMED BY 1 OR MORE
8 CERTIFICATED TEACHERS DESCRIBED IN SECTION 537 OR BY A MAJORITY OF
9 THE PARENTS OR LEGAL GUARDIANS OF PUPILS ENROLLED IN THE SCHOOL TO
10 BE CONVERTED AND THAT MEETS THE REQUIREMENTS OF SUBSECTION (3).

11 (B) FOR A NEIGHBORHOOD PUBLIC SCHOOL THAT IS NOT A CONVERSION
12 NEIGHBORHOOD PUBLIC SCHOOL, ANY OF THE FOLLOWING:

13 (i) A NEIGHBORHOOD PUBLIC SCHOOL CORPORATION THAT IS FORMED BY
14 ANY 1 OR MORE CERTIFICATED TEACHERS AND THAT MEETS THE REQUIREMENTS
15 OF SUBSECTION (3).

16 (ii) A COUNTY, CITY, VILLAGE, OR TOWNSHIP.

17 (iii) A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT.

18 (iv) A COMMUNITY COLLEGE.

19 (v) A STATE PUBLIC UNIVERSITY.

20 (vi) A DEPARTMENT OR OTHER AGENCY OF STATE GOVERNMENT.

21 (vii) ANOTHER PERSON OR ENTITY.

22 (3) A NEIGHBORHOOD PUBLIC SCHOOL CORPORATION SHALL BE
23 ORGANIZED UNDER THE NONPROFIT CORPORATION ACT, 1982 PA 162, MCL
24 450.2101 TO 450.3192, EXCEPT THAT A NEIGHBORHOOD PUBLIC SCHOOL
25 CORPORATION IS NOT REQUIRED TO COMPLY WITH SECTIONS 170 TO 177 OF
26 1931 PA 327, MCL 450.170 TO 450.177. A NEIGHBORHOOD PUBLIC SCHOOL
27 SHALL BE GOVERNED UNDER THE DIRECTION OF A BOARD OF DIRECTORS IN

1 ACCORDANCE WITH THIS PART AND WITH BYLAWS ADOPTED BY THE BOARD OF
2 DIRECTORS AND INCORPORATED INTO THE PERFORMANCE CONTRACT. TO THE
3 EXTENT DISQUALIFIED UNDER THE STATE OR FEDERAL CONSTITUTION, A
4 NEIGHBORHOOD PUBLIC SCHOOL SHALL NOT BE ORGANIZED BY A CHURCH OR
5 OTHER RELIGIOUS ORGANIZATION AND SHALL NOT HAVE ANY ORGANIZATIONAL
6 OR CONTRACTUAL AFFILIATION WITH OR CONSTITUTE A CHURCH OR OTHER
7 RELIGIOUS ORGANIZATION.

8 (4) SUBJECT TO SUBSECTION (5), A PERSON OR ENTITY DESCRIBED IN
9 SUBSECTION (2) MAY APPLY TO ANY OF THE FOLLOWING PUBLIC SPONSORING
10 BODIES FOR A PERFORMANCE CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE
11 NEIGHBORHOOD PUBLIC SCHOOLS UNDER THIS PART:

12 (A) THE STATE BOARD.

13 (B) THE BOARD OF A SCHOOL DISTRICT.

14 (C) THE INTERMEDIATE SCHOOL BOARD OF AN INTERMEDIATE SCHOOL
15 DISTRICT.

16 (D) THE BOARD OF A COMMUNITY COLLEGE.

17 (E) THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY.

18 (F) THE MAYOR OF A CITY WITH A POPULATION OF AT LEAST 65,000
19 AS OF THE MOST RECENT DECENNIAL CENSUS. A MAYOR DESCRIBED IN THIS
20 SUBDIVISION MAY ISSUE A PERFORMANCE CONTRACT FOR A NEIGHBORHOOD
21 PUBLIC SCHOOL WITHOUT REGARD TO ANY PROVISION TO THE CONTRARY IN
22 THE CITY CHARTER. HOWEVER, A MAYOR SHALL NOT ISSUE A PERFORMANCE
23 CONTRACT FOR A NEIGHBORHOOD PUBLIC SCHOOL TO OPERATE OUTSIDE THE
24 BOUNDARIES OF THE CITY, AND A NEIGHBORHOOD PUBLIC SCHOOL SPONSORED
25 BY A MAYOR SHALL NOT OPERATE OUTSIDE THE BOUNDARIES OF THAT CITY.

26 (5) IF A PERSON OR ENTITY DESCRIBED IN SUBSECTION (2) DESIRES
27 TO ORGANIZE AND OPERATE 1 OR MORE NEIGHBORHOOD PUBLIC SCHOOLS UNDER

1 THIS PART, THE ENTITY SHALL APPLY FOR THE PERFORMANCE CONTRACT TO
2 THE STATE BOARD OR THE GOVERNING BOARD OF A STATE PUBLIC
3 UNIVERSITY, AND THE STATE BOARD OR STATE PUBLIC UNIVERSITY MAY
4 GRANT THE PERFORMANCE CONTRACT AS PROVIDED IN SECTION 535. HOWEVER,
5 A STATE PUBLIC UNIVERSITY MAY NOT GRANT A PERFORMANCE CONTRACT TO
6 ITSELF.

7 (6) THE APPLICATION FOR A PERFORMANCE CONTRACT SHALL INCLUDE
8 AT LEAST ALL OF THE FOLLOWING:

9 (A) IDENTIFICATION OF THE PERSON OR ENTITY APPLYING FOR THE
10 PERFORMANCE CONTRACT.

11 (B) IF THE APPLICATION IS FOR A CONVERSION NEIGHBORHOOD PUBLIC
12 SCHOOL, A STATEMENT TO THAT EFFECT.

13 (C) IF THE APPLICATION IS FOR A TYPE OF NEIGHBORHOOD PUBLIC
14 SCHOOL DESCRIBED IN SUBSECTION (1), A STATEMENT TO THAT EFFECT AND
15 IDENTIFYING THE TYPE OF NEIGHBORHOOD PUBLIC SCHOOL THAT WILL BE
16 OPERATED.

17 (D) A LIST OF THE PROPOSED MEMBERS OF THE GOVERNING BOARD OF
18 THE NEIGHBORHOOD PUBLIC SCHOOL OR A DESCRIPTION OF THE
19 QUALIFICATIONS AND METHOD FOR APPOINTMENT OR ELECTION OF MEMBERS TO
20 THE GOVERNING BOARD.

21 (E) THE GOVERNANCE STRUCTURE OF THE NEIGHBORHOOD PUBLIC
22 SCHOOL.

23 (F) A COPY OF THE PERFORMANCE GOALS FOR THE NEIGHBORHOOD
24 PUBLIC SCHOOL AND THE CURRICULUM TO BE OFFERED AND METHODS OF PUPIL
25 ASSESSMENT TO BE USED BY THE NEIGHBORHOOD PUBLIC SCHOOL. THE
26 PERFORMANCE GOALS SHOULD BE ALIGNED TO THE TYPE OF SCHOOL THAT THE
27 APPLICANT IS PROPOSING TO ESTABLISH.

1 (G) THE ADMISSION POLICY AND CRITERIA TO BE MAINTAINED BY THE
2 NEIGHBORHOOD PUBLIC SCHOOL. THE ADMISSION POLICY AND CRITERIA SHALL
3 COMPLY WITH SECTION 539.

4 (H) EXCEPT FOR AN APPLICATION FOR A CYBER SCHOOL, THE SCHOOL
5 CALENDAR AND SCHOOL DAY SCHEDULE.

6 (I) THE AGE OR GRADE RANGE OF PUPILS TO BE ENROLLED.

7 (J) DESCRIPTIONS OF STAFF RESPONSIBILITIES.

8 (K) A DESCRIPTION OF HOW THE NEIGHBORHOOD PUBLIC SCHOOL WILL
9 SUPPLEMENT THE EDUCATIONAL PROGRAMS CURRENTLY AVAILABLE TO PUPILS
10 IN THE AREA IN WHICH THE NEIGHBORHOOD PUBLIC SCHOOL WOULD BE
11 LOCATED, AND INFORMATION DEMONSTRATING THAT SUFFICIENT DEMAND IN
12 THAT AREA EXISTS FOR THE TYPE OF EDUCATIONAL PROGRAMS THAT WOULD BE
13 OFFERED BY THE NEIGHBORHOOD PUBLIC SCHOOL.

14 (L) A DESCRIPTION OF HOW THE NEIGHBORHOOD PUBLIC SCHOOL WILL
15 MEET THE REQUIREMENTS OF SECTIONS 1204A, 1277, 1278, AND 1280,
16 COMMONLY REFERRED TO AS "PUBLIC ACT 25 OF 1990", AND OF SECTIONS
17 1230, 1230A, 1230B, 1230C, 1230D, 1230E, 1233, 1233B, AND 1246.

18 (M) IF THE APPLICATION IS FOR A CONVERSION NEIGHBORHOOD PUBLIC
19 SCHOOL, EVIDENCE SATISFACTORY TO THE SPONSORING BODY THAT THE
20 REQUIREMENTS OF SECTION 537 ARE MET.

21 SEC. 535. (1) SUBJECT TO SECTION 533, A SPONSORING BODY MAY
22 GRANT A PERFORMANCE CONTRACT TO A PERSON OR ENTITY DESCRIBED IN
23 SECTION 533(2) TO ORGANIZE AND OPERATE A NEIGHBORHOOD PUBLIC SCHOOL
24 IN THIS STATE IF THE SPONSORING BODY DETERMINES THAT THE PERSON OR
25 ENTITY MEETS AND THAT THE PROPOSED NEIGHBORHOOD PUBLIC SCHOOL
26 DEMONSTRATES THE ABILITY TO MEET THE REQUIREMENTS OF THIS PART AND
27 THAT THE ISSUANCE OF THE PERFORMANCE CONTRACT WILL FURTHER THE

1 EDUCATIONAL GOALS OF THIS STATE. A SPONSORING BODY IS NOT REQUIRED
2 TO ISSUE A PERFORMANCE CONTRACT TO ANY PERSON OR ENTITY. EXCEPT AS
3 OTHERWISE PROVIDED IN THIS SUBSECTION, PERFORMANCE CONTRACTS SHALL
4 BE ISSUED ON A COMPETITIVE BASIS TAKING INTO CONSIDERATION THE
5 RESOURCES AVAILABLE FOR THE PROPOSED NEIGHBORHOOD PUBLIC SCHOOL,
6 THE POPULATION TO BE SERVED BY THE PROPOSED NEIGHBORHOOD PUBLIC
7 SCHOOL, AND THE EDUCATIONAL GOALS TO BE ACHIEVED BY THE PROPOSED
8 NEIGHBORHOOD PUBLIC SCHOOL. A SPONSORING BODY MAY GIVE PRIORITY TO
9 A PERSON OR ENTITY THAT PROPOSES TO ORGANIZE AND OPERATE A CYBER
10 SCHOOL OR THAT PROPOSES TO ORGANIZE AND OPERATE A NEIGHBORHOOD
11 PUBLIC SCHOOL THAT MEETS 1 OR MORE OF THE FOLLOWING:

12 (A) THE NEIGHBORHOOD PUBLIC SCHOOL WOULD BE LOCATED WITHIN THE
13 BOUNDARIES OF, OR BE INTENDED TO SERVE CHILDREN WHO RESIDE IN, A
14 SCHOOL DISTRICT THAT HAS NOT MADE ADEQUATE YEARLY PROGRESS UNDER
15 THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, FOR 2 OR
16 MORE CONSECUTIVE YEARS, AS DETERMINED BY THE DEPARTMENT.

17 (B) THE NEIGHBORHOOD PUBLIC SCHOOL WOULD BE LOCATED WITHIN THE
18 BOUNDARIES OF, OR BE INTENDED TO SERVE CHILDREN WHO RESIDE IN, A
19 SCHOOL DISTRICT IN WHICH AT LEAST 40% OF ITS PUPILS IN MEMBERSHIP
20 ARE AT-RISK PUPILS, AS DEFINED IN SECTION 31A OF THE STATE SCHOOL
21 AID ACT OF 1979, MCL 388.1631A, AND DETERMINED BY THE DEPARTMENT.

22 (2) A PERFORMANCE CONTRACT GRANTED TO A PERSON OR ENTITY TO
23 ORGANIZE AND OPERATE A NEIGHBORHOOD PUBLIC SCHOOL IS A CONTRACT
24 ISSUED TO THE NEIGHBORHOOD PUBLIC SCHOOL BY THE SPONSORING BODY AND
25 SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING:

26 (A) A COMMITMENT BY THE NEIGHBORHOOD PUBLIC SCHOOL TO COMPLY
27 WITH THIS PART AND APPLICABLE LAW.

1 (B) THE EDUCATIONAL OUTCOMES THE NEIGHBORHOOD PUBLIC SCHOOL IS
2 TO ACHIEVE. THESE EDUCATIONAL OUTCOMES SHALL BE STATED IN CLEAR AND
3 MEASURABLE TERMS, AND SHALL BE CONSISTENT WITH THE STATE BOARD
4 RECOMMENDED MODEL CORE ACADEMIC CURRICULUM STANDARDS UNDER SECTION
5 1278 AND THE SUBJECT AREA CONTENT EXPECTATIONS FOR THE MICHIGAN
6 MERIT STANDARD UNDER SECTIONS 1278A AND 1278B.

7 (C) THE STANDARDS TO WHICH THE NEIGHBORHOOD PUBLIC SCHOOL WILL
8 BE HELD ACCOUNTABLE. TO THE EXTENT APPLICABLE, THE PUPIL
9 PERFORMANCE OF A NEIGHBORHOOD PUBLIC SCHOOL SHALL BE ASSESSED USING
10 A MICHIGAN EDUCATION ASSESSMENT PROGRAM (MEAP) TEST OR THE MICHIGAN
11 MERIT EXAMINATION DEVELOPED UNDER SECTION 1279G, AND ANY OTHER
12 ASSESSMENTS DEVELOPED OR SELECTED BY THE SPONSORING BODY DESIGNED
13 TO MEASURE ACADEMIC PROGRESS TOWARD THE NEIGHBORHOOD PUBLIC
14 SCHOOL'S EDUCATIONAL OUTCOMES. AS DETERMINED BY THE SPONSORING
15 BODY, STANDARDS SHALL ALSO INCLUDE ATTENDANCE AND GRADUATION RATES,
16 MEASUREMENTS OF COLLEGE OR CAREER PREPAREDNESS, AND OTHER STANDARDS
17 AS APPROPRIATE FOR THE GRADE LEVELS OFFERED BY THE NEIGHBORHOOD
18 PUBLIC SCHOOL.

19 (D) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE
20 NEIGHBORHOOD PUBLIC SCHOOL'S COMPLIANCE WITH THIS PART AND ITS
21 PERFORMANCE IN MEETING ITS TARGETED EDUCATIONAL OUTCOMES.

22 (E) A DESCRIPTION OF THE PROCESS FOR AMENDING THE PERFORMANCE
23 CONTRACT DURING THE TERM OF THE CONTRACT.

24 (F) SPECIFIC OPERATING REQUIREMENTS FOR THE NEIGHBORHOOD
25 PUBLIC SCHOOL, WHICH SHALL INCLUDE AT LEAST ALL OF THE MATTERS
26 SPECIFIED IN SECTION 533(6)(C) TO (M).

27 (G) IF THE PERFORMANCE CONTRACT IS FOR A CONVERSION

1 NEIGHBORHOOD PUBLIC SCHOOL, IDENTIFICATION OF THE EXISTING SCHOOL
2 FACILITIES TO BE OCCUPIED IN WHOLE OR PART BY THE CONVERSION
3 NEIGHBORHOOD PUBLIC SCHOOL.

4 (H) PROCEDURES FOR REVOKING OR TERMINATING THE PERFORMANCE
5 CONTRACT AND GROUNDS FOR REVOKING OR TERMINATING THE PERFORMANCE
6 CONTRACT, INCLUDING AT LEAST THE GROUNDS LISTED IN SECTION 547.

7 (I) PROCEDURES FOR THE DISSOLUTION OF THE NEIGHBORHOOD PUBLIC
8 SCHOOL AND THE DISPOSITION OF THE NEIGHBORHOOD PUBLIC SCHOOL'S
9 PROPERTY, AS PROVIDED UNDER SECTION 547.

10 (3) A PERFORMANCE CONTRACT ISSUED UNDER THIS SECTION MAY BE
11 RENEWED BY THE SPONSORING BODY FOR A LENGTH OF TIME DETERMINED BY
12 THE SPONSORING BODY IF THE SPONSORING BODY DETERMINES THAT THE
13 NEIGHBORHOOD PUBLIC SCHOOL HAS ACHIEVED OR IS MAKING PROGRESS
14 TOWARD ACHIEVING THE EDUCATIONAL OUTCOMES REQUIRED IN THE
15 PERFORMANCE CONTRACT AND HAS COMPLIED WITH THE OTHER REQUIREMENTS
16 SPECIFIED IN THIS PART AND IN THE PERFORMANCE CONTRACT.

17 SEC. 537. (1) A SPONSORING BODY MAY ISSUE A PERFORMANCE
18 CONTRACT TO ESTABLISH A CONVERSION NEIGHBORHOOD PUBLIC SCHOOL IF
19 ALL OF THE FOLLOWING ARE MET:

20 (A) AN APPLICATION FOR PRELIMINARY APPROVAL IS SUBMITTED TO
21 THE SPONSORING BODY BY 1 OR MORE CERTIFICATED TEACHERS EMPLOYED BY
22 THE SCHOOL DISTRICT AT THE SCHOOL TO BE CONVERTED, OR BY A MAJORITY
23 OF PARENTS OR LEGAL GUARDIANS OF THE PUPILS ENROLLED IN THE SCHOOL
24 TO BE CONVERTED. AN APPLICATION FOR PRELIMINARY APPROVAL SHALL
25 CONTAIN INFORMATION PRESCRIBED BY THE SPONSORING BODY AS NECESSARY
26 TO SATISFY THE SPONSORING BODY THAT IT IS LIKELY TO APPROVE A
27 PERFORMANCE CONTRACT APPLICATION.

1 (B) THE SPONSORING BODY ISSUES PRELIMINARY APPROVAL FOR THE
2 CONVERSION NEIGHBORHOOD PUBLIC SCHOOL BASED ON THE INFORMATION IN
3 THE APPLICATION FOR PRELIMINARY APPROVAL. A SPONSORING BODY SHALL
4 ACT ON AN APPLICATION FOR PRELIMINARY APPROVAL AND NOTIFY THE
5 APPLICANT IN WRITING OF THE DECISION WITHIN 60 DAYS AFTER RECEIVING
6 A COMPLETE APPLICATION.

7 (C) THE APPLICANT INCLUDES WITH THE PERFORMANCE CONTRACT
8 APPLICATION EVIDENCE SATISFACTORY TO THE SPONSORING BODY THAT ALL
9 OF THE FOLLOWING ARE MET:

10 (i) THE PERFORMANCE CONTRACT APPLICATION IS SUPPORTED BY THE
11 AFFIRMATIVE VOTE OF AT LEAST A MAJORITY OF THE CERTIFICATED
12 TEACHERS EMPLOYED AT THE SCHOOL TO BE CONVERTED WHO ARE PRESENT AND
13 VOTE ON THE QUESTION. THE EVIDENCE MUST INCLUDE DOCUMENTATION THAT
14 ALL TEACHERS WHO WERE ELIGIBLE TO PARTICIPATE IN THE VOTE RECEIVED
15 ADEQUATE NOTICE OF THE VOTE AND THAT THE BALLOT USED IN THE VOTE
16 CLEARLY STATED THAT IF THE SCHOOL BECOMES A CONVERSION NEIGHBORHOOD
17 PUBLIC SCHOOL, THEN THE TEACHERS WOULD NO LONGER BE EMPLOYEES OF
18 THE SCHOOL DISTRICT AND THE SCHOOL AND ITS TEACHERS WOULD NO LONGER
19 BE SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT WITH THE SCHOOL
20 DISTRICT. THE VOTE REQUIRED UNDER THIS SUBPARAGRAPH SHALL BE HELD
21 WITHIN 60 DAYS BEFORE THE DATE THE PERFORMANCE CONTRACT APPLICATION
22 IS SUBMITTED.

23 (ii) THE PERFORMANCE CONTRACT APPLICATION IS SUPPORTED BY THE
24 AFFIRMATIVE VOTE OF AT LEAST A MAJORITY OF THE PARENTS OR LEGAL
25 GUARDIANS OF THE PUPILS ENROLLED IN THE SCHOOL TO BE CONVERTED WHO
26 ARE PRESENT AND VOTE ON THE QUESTION AT A PUBLIC MEETING ON THE
27 ISSUE OF CONVERTING ALL OR PART OF THE SCHOOL TO A CONVERSION

1 NEIGHBORHOOD PUBLIC SCHOOL. THE MEETING AT WHICH THE VOTE IS TAKEN
2 SHALL BE HELD WITHIN 60 DAYS BEFORE THE DATE THE PERFORMANCE
3 CONTRACT APPLICATION IS SUBMITTED. PUBLIC NOTICE SHALL BE GIVEN FOR
4 THE MEETING IN THE SAME MANNER AS NOTICE OF A MEETING OF A SCHOOL
5 BOARD UNDER SECTION 1201.

6 (iii) THAT THE APPLICANTS HAVE FORMED A NEIGHBORHOOD PUBLIC
7 SCHOOL CORPORATION THAT MEETS THE REQUIREMENTS OF SECTION 533(3).

8 (2) IF A PUBLIC SCHOOL OPERATED BY A SCHOOL DISTRICT IS
9 CONVERTED TO A CONVERSION NEIGHBORHOOD PUBLIC SCHOOL UNDER THIS
10 SECTION, THE SCHOOL DISTRICT IS NOT THE EMPLOYER OF EMPLOYEES
11 REGULARLY WORKING AT THAT SCHOOL AND THE SCHOOL AND THOSE EMPLOYEES
12 ARE NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT WITH THE
13 SCHOOL DISTRICT.

14 (3) IF THE PERFORMANCE CONTRACT FOR A CONVERSION NEIGHBORHOOD
15 PUBLIC SCHOOL IDENTIFIES EXISTING SCHOOL FACILITIES TO BE OCCUPIED
16 BY THE CONVERSION NEIGHBORHOOD PUBLIC SCHOOL, THE SCHOOL DISTRICT
17 IN WHICH THE CONVERSION NEIGHBORHOOD PUBLIC SCHOOL IS TO BE LOCATED
18 SHALL ALLOW THE NEIGHBORHOOD PUBLIC SCHOOL TO CONVERT THOSE SCHOOL
19 FACILITIES TO THE USE OF THE NEIGHBORHOOD PUBLIC SCHOOL, AS
20 SPECIFIED IN THE PERFORMANCE CONTRACT. THE SCHOOL DISTRICT SHALL
21 NOT CHARGE THE CONVERSION NEIGHBORHOOD PUBLIC SCHOOL RENT FOR THE
22 FACILITIES. HOWEVER, A CONVERSION NEIGHBORHOOD PUBLIC SCHOOL SHALL
23 ASSUME THE FINANCIAL LIABILITY FOR ALL UTILITIES, MAINTENANCE,
24 SECURITY, IMPROVEMENTS, AND OTHER COSTS NECESSARY TO MAINTAIN THE
25 FACILITIES IN AT LEAST THE SAME CONDITION IN WHICH THE NEIGHBORHOOD
26 PUBLIC SCHOOL ORIGINALLY ACQUIRED THE FACILITIES.

27 (4) A CONVERSION NEIGHBORHOOD PUBLIC SCHOOL AND A SCHOOL

1 DISTRICT MAY ENTER INTO A CONTRACT OR COOPERATIVE ARRANGEMENT
2 CONCERNING GENERAL LIABILITY INSURANCE FOR THE CONVERSION
3 NEIGHBORHOOD PUBLIC SCHOOL.

4 SEC. 538. (1) A SPONSORING BODY MAY ISSUE A PERFORMANCE
5 CONTRACT TO ESTABLISH A NEIGHBORHOOD PUBLIC SCHOOL THAT IS A CYBER
6 SCHOOL. A CYBER SCHOOL SHALL PROVIDE FULL-TIME INSTRUCTION TO
7 PUPILS THROUGH ONLINE LEARNING OR OTHERWISE ON A COMPUTER OR OTHER
8 TECHNOLOGY, AND THIS INSTRUCTION AND LEARNING MAY OCCUR REMOTE FROM
9 A SCHOOL FACILITY.

10 (2) A PERFORMANCE CONTRACT FOR A NEIGHBORHOOD PUBLIC SCHOOL
11 THAT IS A CYBER SCHOOL SHALL INCLUDE ALL OF THE PROVISIONS REQUIRED
12 UNDER SECTION 535 AND ALL OF THE FOLLOWING:

13 (A) A REQUIREMENT THAT A TEACHER WHO HOLDS APPROPRIATE
14 CERTIFICATION ACCORDING TO STATE BOARD RULE WILL BE RESPONSIBLE FOR
15 ALL OF THE FOLLOWING FOR EACH COURSE IN WHICH A PUPIL IS ENROLLED:

16 (i) IMPROVING LEARNING BY PLANNED INSTRUCTION.

17 (ii) DIAGNOSING THE PUPIL'S LEARNING NEEDS.

18 (iii) ASSESSING LEARNING, ASSIGNING GRADES, AND DETERMINING
19 ADVANCEMENT.

20 (iv) REPORTING OUTCOMES TO ADMINISTRATORS AND PARENTS OR LEGAL
21 GUARDIANS.

22 (B) A REQUIREMENT THAT THE CYBER SCHOOL WILL MAKE EDUCATIONAL
23 SERVICES AVAILABLE TO PUPILS FOR A MINIMUM OF AT LEAST 1,098 HOURS
24 DURING A SCHOOL YEAR AND WILL ENSURE THAT EACH PUPIL PARTICIPATES
25 IN THE EDUCATIONAL PROGRAM FOR AT LEAST 1,098 HOURS DURING A SCHOOL
26 YEAR.

27 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR ANY

1 RULE, IF A NEIGHBORHOOD PUBLIC SCHOOL THAT IS A CYBER SCHOOL IS IN
2 COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION (2) (A) REGARDING A
3 CERTIFICATED TEACHER, ANY OTHER ADULT ASSISTING WITH THE OVERSIGHT
4 OF A PUPIL DURING THE PUPIL'S PARTICIPATION IN THE CYBER SCHOOL'S
5 EDUCATION PROGRAM IS NOT REQUIRED TO BE A CERTIFICATED TEACHER OR
6 AN EMPLOYEE OF THE SPONSORING BODY.

7 (4) NOTWITHSTANDING ANY RULE TO THE CONTRARY, A CYBER SCHOOL
8 IS NOT REQUIRED TO COMPLY WITH ANY RULE THAT WOULD REQUIRE A
9 PUPIL'S PHYSICAL PRESENCE OR ATTENDANCE IN A CLASSROOM OR THAT IS
10 OTHERWISE INCONSISTENT WITH A PUPIL'S PARTICIPATION IN AN ONLINE,
11 REMOTE EDUCATION PROGRAM, INCLUDING, BUT NOT LIMITED TO, R 340.10
12 AND R 340.11 OF THE MICHIGAN ADMINISTRATIVE CODE. FURTHER, THE
13 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL WAIVE ANY OTHER
14 PROVISION OF THIS ACT, OF THE STATE SCHOOL AID ACT OF 1979, OR OF
15 THE MICHIGAN ADMINISTRATIVE CODE THAT WOULD OTHERWISE INTERFERE
16 WITH THE OPERATION OR FUNDING OF A CYBER SCHOOL AS DESCRIBED IN
17 THIS SECTION.

18 (5) AT THE END OF A CYBER SCHOOL'S SECOND FULL SCHOOL YEAR OF
19 OPERATIONS, THE SPONSORING BODY OF A NEIGHBORHOOD PUBLIC SCHOOL
20 THAT IS A CYBER SCHOOL SHALL SUBMIT TO THE SUPERINTENDENT OF PUBLIC
21 INSTRUCTION AND THE LEGISLATURE, IN THE FORM AND MANNER PRESCRIBED
22 BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION, A REPORT DETAILING THE
23 OPERATION OF THE CYBER SCHOOL, PROVIDING STATISTICS ON PUPIL
24 PARTICIPATION AND ACADEMIC PERFORMANCE, AND MAKING RECOMMENDATIONS
25 FOR ANY FURTHER STATUTORY OR RULE CHANGES RELATED TO CYBER SCHOOLS
26 AND ONLINE LEARNING IN THIS STATE.

27 SEC. 539. (1) A NEIGHBORHOOD PUBLIC SCHOOL SHALL NOT CHARGE

1 TUITION AND SHALL NOT DISCRIMINATE IN ITS PUPIL ADMISSIONS POLICIES
2 OR PRACTICES ON THE BASIS OF INTELLECTUAL OR ATHLETIC ABILITY,
3 MEASURES OF ACHIEVEMENT OR APTITUDE, STATUS AS A PERSON WITH A
4 DISABILITY, OR ANY OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A
5 SCHOOL DISTRICT. HOWEVER, A NEIGHBORHOOD PUBLIC SCHOOL MAY LIMIT
6 ADMISSIONS TO PUPILS WHO ARE WITHIN A PARTICULAR RANGE OF AGE OR
7 GRADE OR ON ANY OTHER BASIS NOT SPECIFICALLY PROHIBITED UNDER THIS
8 PART THAT WOULD BE LEGAL IF USED BY A SCHOOL DISTRICT.

9 (2) A NEIGHBORHOOD PUBLIC SCHOOL SHALL NOT ENROLL A PUPIL WHO
10 IS NOT A RESIDENT OF THIS STATE. SUBJECT TO SUBSECTIONS (3) TO (9),
11 ENROLLMENT IN THE NEIGHBORHOOD PUBLIC SCHOOL SHALL BE OPEN TO ALL
12 PUPILS WHO RESIDE IN THIS STATE AND MEET THE ADMISSION POLICY.
13 SUBJECT TO SUBSECTIONS (3) TO (9), IF THERE ARE MORE APPLICATIONS
14 TO ENROLL IN THE NEIGHBORHOOD PUBLIC SCHOOL THAN THERE ARE SPACES
15 AVAILABLE, PUPILS SHALL BE SELECTED TO ATTEND USING A RANDOM
16 SELECTION PROCESS. A NEIGHBORHOOD PUBLIC SCHOOL SHALL ALLOW ANY
17 PUPIL WHO WAS ENROLLED IN THE NEIGHBORHOOD PUBLIC SCHOOL IN THE
18 IMMEDIATELY PRECEDING SCHOOL YEAR TO ENROLL IN THE NEIGHBORHOOD
19 PUBLIC SCHOOL IN THE APPROPRIATE GRADE UNLESS THE APPROPRIATE GRADE
20 IS NOT OFFERED AT THAT NEIGHBORHOOD PUBLIC SCHOOL.

21 (3) IF A NEIGHBORHOOD PUBLIC SCHOOL IS A CONVERSION
22 NEIGHBORHOOD PUBLIC SCHOOL, THE NEIGHBORHOOD PUBLIC SCHOOL SHALL
23 GIVE ENROLLMENT PRIORITY TO PUPILS WHO RESIDE IN THE SCHOOL
24 DISTRICT IN WHICH THE CONVERSION NEIGHBORHOOD PUBLIC SCHOOL IS
25 LOCATED.

26 (4) IF A NEIGHBORHOOD PUBLIC SCHOOL IS A CYBER SCHOOL AND ITS
27 SPONSORING BODY IS A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL

1 DISTRICT, THE NEIGHBORHOOD PUBLIC SCHOOL SHALL GIVE ENROLLMENT
2 PRIORITY TO PUPILS WHO RESIDE IN THE SCHOOL DISTRICT OR
3 INTERMEDIATE SCHOOL DISTRICT THAT IS THE SPONSORING BODY.

4 (5) IF THE SPONSORING BODY FOR A NEIGHBORHOOD PUBLIC SCHOOL IS
5 A MAYOR AS PROVIDED UNDER SECTION 533(4)(F), THE NEIGHBORHOOD
6 PUBLIC SCHOOL SHALL GIVE ENROLLMENT PRIORITY TO PUPILS WHO RESIDE
7 IN THE CITY IN WHICH THE NEIGHBORHOOD PUBLIC SCHOOL IS LOCATED.

8 (6) A NEIGHBORHOOD PUBLIC SCHOOL MAY GIVE ENROLLMENT PRIORITY
9 TO ANY OF THE FOLLOWING:

10 (A) A SIBLING OF A PUPIL ENROLLED IN THE NEIGHBORHOOD PUBLIC
11 SCHOOL

12 (B) THE CHILD OF A PERSON WHO WORKS AT THE NEIGHBORHOOD PUBLIC
13 SCHOOL OR IS A MEMBER OF THE NEIGHBORHOOD PUBLIC SCHOOL'S GOVERNING
14 BOARD.

15 (7) AS SPECIFIED IN ITS CONTRACT, A NEIGHBORHOOD PUBLIC SCHOOL
16 MAY INCLUDE ANY OF THE FOLLOWING:

17 (A) KINDERGARTEN AND EARLY CHILDHOOD EDUCATION.

18 (B) ANY GRADE UP TO GRADE 12.

19 (C) ADULT EDUCATION AS DESCRIBED IN SECTION 533(1)(A).

20 (8) A NEIGHBORHOOD PUBLIC SCHOOL OR PUBLIC SCHOOL ACADEMY MAY
21 ENTER INTO AN AGREEMENT WITH ANY OTHER PUBLIC SCHOOL TO ALLOW A
22 PUPIL WHO HAS COMPLETED THE LAST GRADE OFFERED BY THE NEIGHBORHOOD
23 PUBLIC SCHOOL OR PUBLIC SCHOOL ACADEMY TO TRANSFER INTO THE OTHER
24 PUBLIC SCHOOL OR TO ALLOW A PUPIL WHO HAS COMPLETED THE LAST GRADE
25 OFFERED BY THE OTHER PUBLIC SCHOOL TO TRANSFER INTO THE
26 NEIGHBORHOOD PUBLIC SCHOOL OR PUBLIC SCHOOL ACADEMY WITHOUT HAVING
27 TO GO THROUGH THE RANDOM SELECTION PROCESS.

1 (9) IF A NEIGHBORHOOD PUBLIC SCHOOL IS OPERATED BY A SCHOOL
2 DISTRICT THAT IS SUBJECT TO A COURT DESEGREGATION ORDER, PUPIL
3 SELECTION OF THE NEIGHBORHOOD PUBLIC SCHOOL IS SUBJECT TO THAT
4 COURT ORDER.

5 SEC. 540. (1) A NEIGHBORHOOD PUBLIC SCHOOL IS EXEMPT FROM ALL
6 TAXATION ON ITS EARNINGS AND PROPERTY. INSTRUMENTS OF CONVEYANCE TO
7 OR FROM A NEIGHBORHOOD PUBLIC SCHOOL ARE EXEMPT FROM ALL TAXATION
8 INCLUDING TAXATION IMPOSED BY 1966 PA 134, MCL 207.501 TO 207.513.
9 A NEIGHBORHOOD PUBLIC SCHOOL MAY NOT LEVY AD VALOREM PROPERTY TAXES
10 OR ANOTHER TAX FOR ANY PURPOSE.

11 (2) A NEIGHBORHOOD PUBLIC SCHOOL MAY ACQUIRE BY PURCHASE,
12 GIFT, DEVISE, LEASE, SUBLEASE, INSTALLMENT PURCHASE AGREEMENT, LAND
13 CONTRACT, OPTION, OR BY ANY OTHER MEANS, HOLD, AND OWN IN ITS OWN
14 NAME BUILDINGS AND OTHER PROPERTY FOR SCHOOL PURPOSES, AND
15 INTERESTS THEREIN, AND OTHER REAL AND PERSONAL PROPERTY, INCLUDING,
16 BUT NOT LIMITED TO, INTERESTS IN PROPERTY SUBJECT TO MORTGAGES,
17 SECURITY INTERESTS, OR OTHER LIENS, NECESSARY OR CONVENIENT TO
18 FULFILL ITS PURPOSES.

19 (3) IF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OWNS
20 A SCHOOL BUILDING OR OTHER SCHOOL FACILITY AND CEASES TO USE THE
21 SCHOOL BUILDING OR OTHER FACILITY FOR SCHOOL PURPOSES, THE SCHOOL
22 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT SHALL NOTIFY THE
23 DEPARTMENT OF MANAGEMENT AND BUDGET OF THIS FACT WITHIN 30 DAYS
24 AFTER CEASING TO USE THE SCHOOL BUILDING OR FACILITY. THE
25 DEPARTMENT OF MANAGEMENT AND BUDGET SHALL MAINTAIN A LISTING OF
26 THESE SCHOOL BUILDINGS AND FACILITIES AND SHALL POST THE LISTING ON
27 ITS WEBSITE AND UPDATE THE LISTING AT LEAST WEEKLY. A SCHOOL

1 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT SHALL NOT DISPOSE OF THE
2 SCHOOL BUILDING OR FACILITY IN ANY WAY FOR AT LEAST 60 DAYS AFTER
3 NOTIFYING THE DEPARTMENT OF MANAGEMENT AND BUDGET. IF A
4 NEIGHBORHOOD PUBLIC SCHOOL OR PERSON OR ENTITY THAT IS APPLYING TO
5 FORM A NEIGHBORHOOD PUBLIC SCHOOL NOTIFIES THAT SCHOOL DISTRICT OR
6 INTERMEDIATE SCHOOL DISTRICT AND THE DEPARTMENT OF MANAGEMENT AND
7 BUDGET DURING THIS 60-DAY PERIOD THAT THE NEIGHBORHOOD PUBLIC
8 SCHOOL IS OFFERING TO PURCHASE OR LEASE THE SCHOOL BUILDING OR
9 FACILITY, THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT SHALL
10 ACCEPT THE OFFER AND SHALL SELL OR LEASE THE SCHOOL BUILDING OR
11 FACILITY, AS THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
12 DETERMINES, TO THE NEIGHBORHOOD PUBLIC SCHOOL AT FAIR MARKET VALUE.
13 IF MORE THAN 1 NEIGHBORHOOD PUBLIC SCHOOL OR PERSON OR ENTITY THAT
14 IS APPLYING TO FORM A NEIGHBORHOOD PUBLIC SCHOOL PROVIDES NOTICE TO
15 THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT UNDER THIS
16 SUBSECTION, THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
17 SHALL TAKE INTO CONSIDERATION BOTH THE AMOUNT OF EACH OFFER AND THE
18 ANTICIPATED BENEFITS TO THE COMMUNITY IN DETERMINING WHICH OFFER TO
19 ACCEPT.

20 (4) AN AGREEMENT, MORTGAGE, LOAN, OR OTHER INSTRUMENT OF
21 INDEBTEDNESS ENTERED INTO BY A NEIGHBORHOOD PUBLIC SCHOOL AND A
22 THIRD PARTY DOES NOT CONSTITUTE AN OBLIGATION, EITHER GENERAL,
23 SPECIAL, OR MORAL, OF THIS STATE OR A SPONSORING BODY. THE FULL
24 FAITH AND CREDIT OR THE TAXING POWER OF THIS STATE OR ANY AGENCY OF
25 THIS STATE, OR THE FULL FAITH AND CREDIT OF A SPONSORING BODY, MAY
26 NOT BE PLEDGED FOR THE PAYMENT OF ANY NEIGHBORHOOD PUBLIC SCHOOL
27 BOND, NOTE, AGREEMENT, MORTGAGE, LOAN, OR OTHER INSTRUMENT OF

1 INDEBTEDNESS.

2 SEC. 541. (1) A NEIGHBORHOOD PUBLIC SCHOOL IS GOVERNED BY THIS
3 PART AND IS NOT SUBJECT TO THE OTHER PROVISIONS OF THIS ACT EXCEPT
4 AS PROVIDED IN THIS PART OR SPECIFICALLY IN ANOTHER PROVISION OF
5 THIS ACT.

6 (2) A NEIGHBORHOOD PUBLIC SCHOOL IS SUBJECT TO ALL OF THE
7 FOLLOWING TO THE SAME EXTENT AS IF IT WERE A SCHOOL DISTRICT AND
8 SHALL COMPLY WITH ALL OF THE FOLLOWING TO THE SAME EXTENT AS IF IT
9 WERE A SCHOOL DISTRICT:

10 (A) THE REQUIREMENTS OF SECTIONS 1204A, 1277, 1278, AND 1280,
11 COMMONLY REFERRED TO AS "PUBLIC ACT 25 OF 1990".

12 (B) THE REQUIREMENTS OF SECTIONS 1230 TO 1230E, 1233, 1233B,
13 AND 1246.

14 (C) THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
15 15.246, AND THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
16 15.275.

17 (D) THE HEALTH AND SAFETY LAWS THAT ARE GENERALLY APPLICABLE
18 TO ALL PUBLIC SCHOOL BUILDINGS.

19 (3) IF A NEIGHBORHOOD PUBLIC SCHOOL IS ORGANIZED OR OPERATED
20 BY THE BOARD OF A SCHOOL DISTRICT OR THE INTERMEDIATE SCHOOL BOARD
21 OF AN INTERMEDIATE SCHOOL DISTRICT, THE SCHOOL DISTRICT OR
22 INTERMEDIATE SCHOOL DISTRICT IS NOT THE EMPLOYER OF ANY EMPLOYEES
23 ASSIGNED TO REGULARLY WORK AT THE NEIGHBORHOOD PUBLIC SCHOOL AND
24 THOSE EMPLOYEES ARE NOT SUBJECT TO ANY COLLECTIVE BARGAINING
25 AGREEMENT THAT APPLIES TO EMPLOYEES OF THE SCHOOL DISTRICT OR
26 INTERMEDIATE SCHOOL DISTRICT.

27 (4) A NEIGHBORHOOD PUBLIC SCHOOL SHALL NOT ISSUE HIGH SCHOOL

1 DIPLOMAS UNLESS THE NEIGHBORHOOD PUBLIC SCHOOL COMPLIES WITH
2 SECTIONS 1278A AND 1278B TO THE SAME EXTENT AS IF IT WERE A SCHOOL
3 DISTRICT.

4 (5) A NEIGHBORHOOD PUBLIC SCHOOL SHALL MEET GENERALLY ACCEPTED
5 ACCOUNTING PRINCIPLES.

6 (6) THE GOVERNING BOARD OF A NEIGHBORHOOD PUBLIC SCHOOL SHALL
7 INSURE PROPERTY OF THE NEIGHBORHOOD PUBLIC SCHOOL. THE INSURANCE
8 MAY BE OBTAINED FROM MUTUAL, STOCK, OR OTHER RESPONSIBLE INSURANCE
9 COMPANIES LICENSED TO DO BUSINESS IN THIS STATE.

10 (7) A NEIGHBORHOOD PUBLIC SCHOOL SHALL NOT PROVIDE RELIGIOUS
11 INSTRUCTION.

12 (8) A NEIGHBORHOOD PUBLIC SCHOOL SHALL PERFORM THE SAME
13 FUNCTIONS AND DUTIES UNDER ARTICLE 3 AS A LOCAL SCHOOL DISTRICT FOR
14 THE PURPOSES OF ENSURING THAT A PERSON WITH A DISABILITY ENROLLED
15 IN THE NEIGHBORHOOD PUBLIC SCHOOL IS PROVIDED WITH SPECIAL
16 EDUCATION PROGRAMS AND SERVICES UNDER ARTICLE 3.

17 (9) A NEIGHBORHOOD PUBLIC SCHOOL AND ITS INCORPORATORS, BOARD
18 MEMBERS, OFFICERS, EMPLOYEES, AND VOLUNTEERS HAVE GOVERNMENTAL
19 IMMUNITY AS PROVIDED IN SECTION 7 OF 1964 PA 170, MCL 691.1407. A
20 SPONSORING BODY AND ITS BOARD MEMBERS, OFFICERS, AND EMPLOYEES ARE
21 IMMUNE FROM CIVIL LIABILITY, BOTH PERSONALLY AND PROFESSIONALLY,
22 FOR AN ACT OR OMISSION IN ISSUING A PERFORMANCE CONTRACT TO A
23 NEIGHBORHOOD PUBLIC SCHOOL IF THE SPONSORING BODY OR THE PERSON
24 ACTED OR REASONABLY BELIEVED THAT HE OR SHE ACTED WITHIN THE
25 SPONSORING BODY'S OR THE PERSON'S SCOPE OF AUTHORITY.

26 SEC. 543. (1) A NEIGHBORHOOD PUBLIC SCHOOL, WITH THE APPROVAL
27 OF ITS SPONSORING BODY, MAY EMPLOY OR CONTRACT WITH PERSONNEL, OR

1 ENTER INTO A CONTRACT WITH ANOTHER PARTY TO FURNISH TEACHERS OR
2 OTHER PERSONNEL, AS NECESSARY FOR THE OPERATION OF THE SCHOOL,
3 PRESCRIBE THEIR DUTIES, AND FIX THEIR COMPENSATION. A NEIGHBORHOOD
4 PUBLIC SCHOOL MAY IMPLEMENT AND MAINTAIN A METHOD OF COMPENSATION
5 FOR ITS EMPLOYEES THAT IS BASED ON JOB PERFORMANCE, JOB
6 ACCOMPLISHMENTS, AND JOB ASSIGNMENT IN A SUBJECT AREA OR SCHOOL
7 THAT IS DIFFICULT TO FIND EMPLOYEES TO STAFF.

8 (2) TO THE EXTENT REQUIRED UNDER THE NO CHILD LEFT BEHIND ACT
9 OF 2001, PUBLIC LAW 107-110, AND EXCEPT AS OTHERWISE PROVIDED UNDER
10 SECTION 538 FOR A CYBER SCHOOL, A NEIGHBORHOOD PUBLIC SCHOOL SHALL
11 USE A CERTIFICATED TEACHER TO PERFORM A FUNCTION FOR WHICH A SCHOOL
12 DISTRICT IS REQUIRED UNDER STATE LAW TO USE A CERTIFICATED TEACHER.

13 (3) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ESTABLISH
14 ALTERNATIVE ROUTES TO CERTIFICATION OR OTHER APPROVAL THAT ALLOW
15 TEACHERS TO OBTAIN CERTIFICATION OR OTHER APPROVAL TO TEACH IN
16 NEIGHBORHOOD PUBLIC SCHOOLS BY DEMONSTRATING PROFICIENCY IN THE
17 GRADES AND SUBJECTS THAT THEY WILL TEACH. THE SUPERINTENDENT OF
18 PUBLIC INSTRUCTION SHALL ESTABLISH THESE ALTERNATIVE ROUTES IN
19 COOPERATION WITH NATIONAL ORGANIZATIONS WHOSE PURPOSE IS TO MATCH
20 EXEMPLARY RECENT COLLEGE GRADUATES AND PROFESSIONALS WITH DIVERSE
21 ACADEMIC BACKGROUNDS WITH TEACHING POSITIONS IN URBAN AND RURAL
22 SCHOOLS.

23 (4) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (5), UPON
24 WRITTEN REQUEST BY THE EMPLOYEE, THE BOARD OF A SCHOOL DISTRICT OR
25 INTERMEDIATE SCHOOL DISTRICT SHALL GRANT A LEAVE OF ABSENCE TO AN
26 EMPLOYEE OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO
27 TEACH IN A NEIGHBORHOOD PUBLIC SCHOOL. A SCHOOL DISTRICT OR

1 INTERMEDIATE SCHOOL DISTRICT SHALL NOT ENTER INTO A COLLECTIVE
2 BARGAINING AGREEMENT UNLESS THE COLLECTIVE BARGAINING AGREEMENT
3 ALLOWS A LEAVE OF ABSENCE TO AN EMPLOYEE OF THE SCHOOL DISTRICT OR
4 INTERMEDIATE SCHOOL DISTRICT TO TEACH IN A NEIGHBORHOOD PUBLIC
5 SCHOOL.

6 (5) IF A COLLECTIVE BARGAINING AGREEMENT THAT WOULD NOT ALLOW
7 A LEAVE OF ABSENCE UNDER SUBSECTION (4) IS IN EFFECT FOR EMPLOYEES
8 OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT AS OF THE
9 EFFECTIVE DATE OF THIS SECTION, THEN SUBSECTION (4) DOES NOT APPLY
10 TO THAT SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT UNTIL AFTER
11 THE EXPIRATION OF THAT COLLECTIVE BARGAINING AGREEMENT.

12 SEC. 544. IN ADDITION TO OTHER POWERS SET FORTH IN THIS PART,
13 A NEIGHBORHOOD PUBLIC SCHOOL MAY TAKE ACTION TO CARRY OUT THE
14 PURPOSES FOR WHICH IT WAS INCORPORATED UNDER THIS PART, INCLUDING,
15 BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

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

17 (B) SUBJECT TO SECTION 540(4), TO ACQUIRE, HOLD, AND OWN IN
18 ITS OWN NAME REAL AND PERSONAL PROPERTY, OR INTERESTS IN REAL OR
19 PERSONAL PROPERTY, FOR EDUCATIONAL PURPOSES BY PURCHASE, GIFT,
20 GRANT, DEVISE, BEQUEST, LEASE, SUBLEASE, INSTALLMENT PURCHASE
21 AGREEMENT, LAND CONTRACT, OPTION, OR CONDEMNATION, AND SUBJECT TO
22 MORTGAGES, SECURITY INTERESTS, OR OTHER LIENS; AND TO SELL OR
23 CONVEY THE PROPERTY AS THE INTERESTS OF THE NEIGHBORHOOD PUBLIC
24 SCHOOL REQUIRE.

25 (C) TO RECEIVE, DISBURSE, AND PLEDGE FUNDS FOR LAWFUL
26 PURPOSES.

27 (D) TO ENTER INTO BINDING LEGAL AGREEMENTS WITH PERSONS OR

1 ENTITIES AS NECESSARY FOR THE OPERATION, MANAGEMENT, FINANCING, AND
2 MAINTENANCE OF THE NEIGHBORHOOD PUBLIC SCHOOL.

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

4 (F) TO SOLICIT AND ACCEPT ANY GRANTS OR GIFTS THAT WOULD
5 ENHANCE THE NEIGHBORHOOD PUBLIC SCHOOL'S EDUCATIONAL PURPOSES AND
6 TO ESTABLISH OR PERMIT TO BE ESTABLISHED ON ITS BEHALF 1 OR MORE
7 NONPROFIT CORPORATIONS THE PURPOSE OF WHICH IS TO ASSIST THE
8 NEIGHBORHOOD PUBLIC SCHOOL IN THE FURTHERANCE OF ITS PUBLIC
9 PURPOSES.

10 (G) TO BORROW MONEY AND ISSUE BONDS IN ACCORDANCE WITH SECTION
11 1351A AND IN ACCORDANCE WITH PART VI OF THE REVISED MUNICIPAL
12 FINANCE ACT, 2001 PA 34, MCL 141.2601 TO 141.2613, EXCEPT THAT THE
13 BORROWING OF MONEY AND ISSUANCE OF BONDS BY A NEIGHBORHOOD PUBLIC
14 SCHOOL IS NOT SUBJECT TO SECTION 1351A(4) OR SECTION 1351(2) TO
15 (4). BONDS ISSUED UNDER THIS SECTION SHALL BE FULL FAITH AND CREDIT
16 OBLIGATIONS OF THE NEIGHBORHOOD PUBLIC SCHOOL, PLEDGING THE GENERAL
17 FUNDS OR ANY OTHER MONEY AVAILABLE FOR SUCH A PURPOSE. BONDS ISSUED
18 UNDER THIS SECTION ARE SUBJECT TO THE REVISED MUNICIPAL FINANCE
19 ACT, 2001 PA 34, MCL 141.2101 TO 141.2821.

20 SEC. 545. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2),
21 THE SPONSORING BODY FOR A NEIGHBORHOOD PUBLIC SCHOOL IS THE FISCAL
22 AGENT FOR THE NEIGHBORHOOD PUBLIC SCHOOL. A STATE SCHOOL AID
23 PAYMENT FOR A NEIGHBORHOOD PUBLIC SCHOOL SHALL BE PAID TO THE
24 SPONSORING BODY THAT IS THE FISCAL AGENT FOR THE NEIGHBORHOOD
25 PUBLIC SCHOOL, WHICH SHALL THEN FORWARD THE PAYMENT TO THE
26 NEIGHBORHOOD PUBLIC SCHOOL.

27 (2) IF THE SPONSORING BODY FOR A NEIGHBORHOOD PUBLIC SCHOOL IS

1 A MAYOR AS PROVIDED UNDER SECTION 533(4)(F), ALL OF THE FOLLOWING
2 APPLY:

3 (A) THE SPONSORING BODY SHALL CONTRACT WITH A STATE PUBLIC
4 UNIVERSITY TO ACT AS THE FISCAL AGENT FOR THE NEIGHBORHOOD PUBLIC
5 SCHOOL AND TO ASSIST THE SPONSORING BODY IN AN ADVISORY CAPACITY IN
6 CARRYING OUT ITS OVERSIGHT RESPONSIBILITIES UNDER SUBSECTION (3).

7 (B) A STATE SCHOOL AID PAYMENT FOR THE NEIGHBORHOOD PUBLIC
8 SCHOOL SHALL BE PAID TO THAT STATE PUBLIC UNIVERSITY THAT IS THE
9 FISCAL AGENT FOR THE NEIGHBORHOOD PUBLIC SCHOOL, WHICH SHALL THEN
10 FORWARD THE PAYMENT TO THE NEIGHBORHOOD PUBLIC SCHOOL.

11 (C) THE STATE PUBLIC UNIVERSITY MAY CHARGE A FEE TO THE
12 SPONSORING BODY FOR THE SERVICES DESCRIBED IN SUBDIVISION (A). THE
13 AMOUNT OF THAT FEE SHALL NOT EXCEED 30% OF THE FEE THAT IS CHARGED
14 TO THE NEIGHBORHOOD PUBLIC SCHOOL BY THE SPONSORING BODY UNDER
15 SUBSECTION (3).

16 (3) A SPONSORING BODY HAS THE RESPONSIBILITY TO OVERSEE A
17 NEIGHBORHOOD PUBLIC SCHOOL'S COMPLIANCE WITH THE PERFORMANCE
18 CONTRACT AND ALL APPLICABLE LAW. A SPONSORING BODY SHALL NOT CHARGE
19 A FEE FOR PROVIDING OVERSIGHT OF A CONTRACT FOR A NEIGHBORHOOD
20 PUBLIC SCHOOL IN AN AMOUNT THAT EXCEEDS A COMBINED TOTAL OF 3% OF
21 THE TOTAL STATE SCHOOL AID RECEIVED BY THE NEIGHBORHOOD PUBLIC
22 SCHOOL IN THE YEAR IN WHICH THE FEES OR EXPENSES ARE CHARGED.

23 (4) A SPONSORING BODY MAY USE A FEE CHARGED UNDER SUBSECTION
24 (3) FOR CONSIDERING APPLICATIONS AND ISSUING OR ADMINISTERING
25 PERFORMANCE CONTRACTS; COMPLIANCE MONITORING AND OVERSIGHT OF
26 NEIGHBORHOOD PUBLIC SCHOOLS; TRAINING FOR NEIGHBORHOOD PUBLIC
27 SCHOOL APPLICANTS, ADMINISTRATORS, AND GOVERNING BOARDS; TECHNICAL

1 ASSISTANCE TO AND ON BEHALF OF NEIGHBORHOOD PUBLIC SCHOOLS;
2 ACADEMIC SUPPORT TO NEIGHBORHOOD PUBLIC SCHOOLS OR TO PUPILS OF
3 NEIGHBORHOOD PUBLIC SCHOOLS; EVALUATION OF NEIGHBORHOOD PUBLIC
4 SCHOOL PERFORMANCE; TRAINING OF TEACHERS IN NEIGHBORHOOD PUBLIC
5 SCHOOLS; OTHER PURPOSES TO ASSIST NEIGHBORHOOD PUBLIC SCHOOLS IN
6 ACHIEVING IMPROVED ACADEMIC PERFORMANCE; PROVIDING INFORMATION
7 ABOUT NEIGHBORHOOD PUBLIC SCHOOLS TO THE PUBLIC AND THE
8 LEGISLATURE; ASSISTING NEIGHBORHOOD PUBLIC SCHOOLS IN FULFILLING
9 THE REQUIREMENTS OF THIS ACT; AND REASONABLE ADMINISTRATIVE COSTS
10 ASSOCIATED WITH CARRYING OUT ITS DUTIES AS DESCRIBED IN THIS PART.

11 SEC. 547. (1) A PERFORMANCE CONTRACT ISSUED UNDER THIS PART
12 MAY BE REVOKED BY THE SPONSORING BODY THAT ISSUED THE PERFORMANCE
13 CONTRACT IF THE SPONSORING BODY THAT ISSUED THE PERFORMANCE
14 CONTRACT DETERMINES THAT 1 OR MORE OF THE FOLLOWING HAVE OCCURRED:

15 (A) FAILURE OF THE NEIGHBORHOOD PUBLIC SCHOOL TO ABIDE BY AND
16 SUBSTANTIALLY MEET THE EDUCATIONAL GOALS AND OUTCOMES SET FORTH IN
17 THE PERFORMANCE CONTRACT.

18 (B) FAILURE OF THE NEIGHBORHOOD PUBLIC SCHOOL TO MAINTAIN
19 APPLICABLE HEALTH AND SAFETY STANDARDS.

20 (C) FAILURE OF THE NEIGHBORHOOD PUBLIC SCHOOL TO MEET
21 GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

22 (D) THE EXISTENCE OF 1 OR MORE OTHER GROUNDS FOR REVOCATION AS
23 SPECIFIED IN THE PERFORMANCE CONTRACT.

24 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), IF A NEIGHBORHOOD
25 PUBLIC SCHOOL'S PERFORMANCE CONTRACT HAS BEEN REVOKED, TERMINATED,
26 OR NOT REISSUED BY A SPONSORING BODY, PROPERTY OWNED BY THE
27 NEIGHBORHOOD PUBLIC SCHOOL THAT WAS ACQUIRED SUBSTANTIALLY WITH

1 STATE SCHOOL AID FUNDS SHALL BE TRANSFERRED TO THE STATE BY THE
2 NEIGHBORHOOD PUBLIC SCHOOL CORPORATION. THE STATE TREASURER, OR HIS
3 OR HER DESIGNEE, IS AUTHORIZED TO ACCEPT AND DISPOSE OF PROPERTY
4 TRANSFERRED TO THE STATE UNDER THIS SUBSECTION. THE STATE TREASURER
5 SHALL DEPOSIT IN THE STATE SCHOOL AID FUND ANY MONEY INCLUDED IN
6 THAT PROPERTY AND THE NET PROCEEDS FROM THE SALE OF THE PROPERTY OR
7 INTERESTS IN PROPERTY, AFTER PAYMENT BY THE STATE TREASURER OF ANY
8 DEBT OF THE NEIGHBORHOOD PUBLIC SCHOOL THAT IS SECURED BY THE
9 PROPERTY OR INTEREST IN PROPERTY.

10 (3) IF A NEIGHBORHOOD PUBLIC SCHOOL IS A CONVERSION
11 NEIGHBORHOOD PUBLIC SCHOOL AND THE NEIGHBORHOOD PUBLIC SCHOOL'S
12 PERFORMANCE CONTRACT HAS BEEN REVOKED, TERMINATED, OR NOT REISSUED
13 BY A SPONSORING BODY, FACILITIES UNDER THE CONTROL OF THE
14 NEIGHBORHOOD PUBLIC SCHOOL UNDER SECTION 537(3) SHALL REVERT TO THE
15 SCHOOL DISTRICT THAT HAD ORIGINALLY OWNED THE FACILITIES.

16 (4) A SPONSORING BODY MAY REQUIRE A NEIGHBORHOOD PUBLIC SCHOOL
17 TO PURCHASE A SURETY BOND OR INSURANCE, OR TO HOLD FUNDS IN ESCROW,
18 IN AN AMOUNT DETERMINED BY THE SPONSORING BODY TO ENSURE THAT
19 SUFFICIENT FUNDS EXIST TO PROVIDE FOR THE DISSOLUTION OF A
20 NEIGHBORHOOD PUBLIC SCHOOL UNDER THIS SECTION.

21 Sec. 1204a. (1) In addition to the requirements specified in
22 section 1280 for accreditation under that section, if the board of
23 a school district OR GOVERNING BOARD OF A NEIGHBORHOOD PUBLIC
24 SCHOOL wants all of its schools to be accredited under section
25 1280, the board OR GOVERNING BOARD shall prepare and submit to the
26 state board not later than September 1 each year, and shall provide
27 that each school in the school district OR THE NEIGHBORHOOD PUBLIC

1 SCHOOL distributes to the public at an open meeting not later than
2 October 15 each year, an annual educational report. The annual
3 educational report shall include, but is not limited to, all of the
4 following information for each public school in the school district
5 **OR THE NEIGHBORHOOD PUBLIC SCHOOL:**

6 (a) The accreditation status of each school within the school
7 district **OR THE NEIGHBORHOOD PUBLIC SCHOOL**, the process by which
8 pupils are assigned to particular schools, and a description of
9 each specialized school.

10 (b) The status of the 3- to 5-year school improvement plan as
11 described in section 1277 for each school within the school
12 district **OR THE NEIGHBORHOOD PUBLIC SCHOOL.**

13 (c) A copy of the core academic curriculum and a description
14 of its implementation, including how pupils are ensured enrollment
15 in those courses or subjects necessary for them to receive adequate
16 instruction in all of the core academic curriculum, and the
17 variances and explanation for the variances from the model core
18 academic curriculum developed by the state board pursuant to
19 section 1278(2).

20 (d) A report for each school of aggregate student achievement
21 based upon the results of any locally-administered student
22 competency tests, statewide assessment tests, or nationally normed
23 achievement tests that were given to pupils attending school in the
24 school district **OR THE NEIGHBORHOOD PUBLIC SCHOOL.**

25 (e) For the year in which the report is filed and the previous
26 school year, the district pupil retention report as defined in
27 section 6 of the state school aid act of 1979, ~~being section~~

1 ~~388.1606 of the Michigan Compiled Laws~~ **MCL 388.1606.**

2 (f) The number and percentage of parents, legal guardians, or
3 persons in loco parentis with pupils enrolled in the school
4 district **OR NEIGHBORHOOD PUBLIC SCHOOL** who participate in parent-
5 teacher conferences for pupils at the elementary, middle, and
6 secondary school level, as appropriate.

7 (g) ~~Beginning in the 1996-97 school year, if~~ **IF** the school is
8 a high school, all of the following:

9 (i) The number and percentage of pupils enrolled in the school
10 who enrolled during the immediately preceding school year in 1 or
11 more postsecondary courses under the postsecondary enrollment
12 options act, ~~or under section 21b of the state school aid act of~~
13 ~~1979, being section 388.1621b of the Michigan Compiled Laws~~ **1996 PA**
14 **160, MCL 388.511 TO 388.524, OR UNDER THE CAREER AND TECHNICAL**
15 **PREPARATION ACT, 2000 PA 258, MCL 388.1901 TO 388.1913.**

16 (ii) The number of college level equivalent courses offered to
17 pupils enrolled in the school, in the school district, and in
18 consortia or cooperative programs available to pupils of the school
19 district **OR NEIGHBORHOOD PUBLIC SCHOOL.**

20 (iii) The number and percentage of pupils enrolled in the school
21 who were enrolled in at least 1 college level equivalent course
22 during the immediately preceding school year, disaggregated by
23 grade level.

24 (iv) The number and percentage of pupils described in
25 subparagraph (iii) who took a college level equivalent credit
26 examination.

27 (v) The number and percentage of pupils described in

1 subparagraph (iv) who achieved a score on a college level equivalent
2 credit examination that is at or above the level recommended by the
3 testing service for college credit.

4 (h) A comparison with the immediately preceding school year of
5 the information required by subdivisions (a) through (g).

6 (2) At least annually, the department shall prepare and submit
7 to the legislature a report of the information described in
8 subsection (1)(g), aggregated for statewide and intermediate school
9 district totals, using the information submitted by school
10 districts **AND NEIGHBORHOOD PUBLIC SCHOOLS**.

11 (3) The state board shall prepare and make available to school
12 districts **AND NEIGHBORHOOD PUBLIC SCHOOLS** suggestions for
13 accumulating the information listed in subsection (1) and a model
14 annual educational report for school districts **AND NEIGHBORHOOD
15 PUBLIC SCHOOLS** to consider in the implementation of this section.

16 (4) As used in this section, "college level equivalent course"
17 and "college level equivalent credit examination" mean those terms
18 as defined in part ~~14a~~-20A.

19 Sec. 1230. (1) Except as otherwise provided in this section,
20 upon an offer of initial employment being made by the board of a
21 school district or intermediate school district or the governing
22 body of a public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
23 nonpublic school to an individual for any full-time or part-time
24 employment or when school officials learn that an individual is
25 being assigned to regularly and continuously work under contract in
26 any of its schools, the district, public school academy,
27 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school shall request from

1 the criminal records division of the department of state police a
2 criminal history check on the individual and, before employing the
3 individual as a regular employee or allowing the individual to
4 regularly and continuously work under contract in any of its
5 schools, shall have received from the department of state police
6 the report described in subsection (8).

7 (2) If the board of a school district or intermediate school
8 district or the governing body of a public school academy,
9 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school determines it
10 necessary to hire an individual or to allow an individual to
11 regularly and continuously work under contract for a particular
12 school year during that school year or within 30 days before the
13 beginning of that school year, the board or governing body may
14 employ the individual as a conditional employee or conditionally
15 allow the individual to regularly and continuously work under
16 contract under this subsection without first receiving the report
17 described in subsection (8) if all of the following apply:

18 (a) The board or governing body requests the criminal history
19 check required under subsection (1) before conditionally employing
20 the individual or conditionally allowing the individual to
21 regularly and continuously work under contract in any of its
22 schools.

23 (b) The individual signs a statement identifying all crimes
24 for which he or she has been convicted, if any, and agreeing that,
25 if the report described in subsection (8) is not the same as the
26 individual's statement, his or her employment contract is voidable
27 at the option of the board or governing body. The department shall

1 develop and distribute to districts and nonpublic schools a model
2 form for the statement required under this subdivision. The
3 department shall make the model form available to public school
4 academies **AND NEIGHBORHOOD PUBLIC SCHOOLS**. A district, public
5 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school
6 shall use the model form for the purposes of this subsection.

7 (3) If an individual is employed as a conditional employee
8 under subsection (2) and the report described in subsection (8) is
9 not the same as the individual's statement under subsection (2),
10 the board or governing body may void the individual's employment
11 contract. If an employment contract is voided under this
12 subsection, the individual's employment is terminated, a collective
13 bargaining agreement that would otherwise apply to the individual's
14 employment does not apply to the termination, and the district,
15 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
16 school or the board or governing body is not liable for the
17 termination.

18 (4) For an applicant for a position as a substitute teacher or
19 substitute bus driver, or for an individual who regularly and
20 continuously works under contract in more than 1 school district,
21 intermediate school district, public school academy, **NEIGHBORHOOD**
22 **PUBLIC SCHOOL**, or nonpublic school, if the applicant or individual
23 agrees in writing to allow a district, public school academy,
24 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school to share the
25 results of the criminal history check with another district, public
26 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school,
27 then instead of requesting a criminal history check under

1 subsection (1), a school district, intermediate school district,
2 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
3 school may use a report received by another district, public school
4 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school or
5 maintained by the department to confirm that the applicant or
6 individual does not have any criminal history. If that confirmation
7 is not available, subsection (1) applies to the applicant or
8 individual.

9 (5) If an applicant is being considered for employment by more
10 than 1 school district, intermediate school district, public school
11 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school and if the
12 applicant agrees in writing to allow a district, public school
13 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school to share
14 the report described in subsection (8) with another district,
15 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
16 school, a district, public school academy, **NEIGHBORHOOD PUBLIC**
17 **SCHOOL**, or nonpublic school may satisfy the requirements of
18 subsection (1) by obtaining a copy of the report described in
19 subsection (8) from another district, public school academy,
20 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school.

21 (6) An applicant for employment shall give written consent at
22 the time of application for the criminal records division of the
23 department of state police to conduct the criminal history check
24 required under this section.

25 (7) A school district, intermediate school district, public
26 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school
27 shall make a request to the criminal records division of the

1 department of state police for a criminal history check required
2 under this section on a form and in a manner prescribed by the
3 criminal records division of the department of state police.

4 (8) Within 30 days after receiving a proper request by a
5 school district, intermediate school district, public school
6 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school for a
7 criminal history check on an individual under this section, the
8 criminal records division of the department of state police shall
9 conduct the criminal history check and, after conducting the
10 criminal history check and within that time period, provide a
11 report of the results of the criminal history check to the
12 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
13 nonpublic school. The report shall contain any criminal history
14 record information on the individual maintained by the criminal
15 records division of the department of state police. A school
16 district, intermediate school district, public school academy,
17 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school that receives a
18 report from the department of state police under this subsection
19 shall retain that report in the individual's employment records.

20 (9) If the report received by a school district, intermediate
21 school district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**,
22 or nonpublic school under subsection (8), or a report received
23 under section 1230a, 1230d(7), 1535a(15), or 1539b(15), discloses
24 that an individual has been convicted of a listed offense, then the
25 school district, intermediate school district, public school
26 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school shall take
27 steps to verify that information using public records and, if the

1 information is verified, shall not employ the individual in any
2 capacity, as provided under section 1230c, and shall not allow the
3 individual to regularly and continuously work under contract in any
4 of its schools. If the report received by a school district,
5 intermediate school district, public school academy, **NEIGHBORHOOD**
6 **PUBLIC SCHOOL**, or nonpublic school under subsection (8), or a
7 report received under section 1230a, 1230d(7), 1535a(15), or
8 1539b(15), discloses that an individual has been convicted of a
9 felony other than a listed offense, then the school district,
10 intermediate school district, public school academy, **NEIGHBORHOOD**
11 **PUBLIC SCHOOL**, or nonpublic school shall take steps to verify that
12 information using public records and, if the information is
13 verified using public records, shall not employ the individual in
14 any capacity or allow the individual to regularly and continuously
15 work under contract in any of its schools unless the superintendent
16 or chief administrator and the governing board or governing body,
17 if any, of the school district, intermediate school district,
18 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
19 school each specifically approves the employment or work assignment
20 in writing. If a school district, intermediate school district,
21 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
22 school receives results described in this subsection, within 60
23 days after receiving those results the school district,
24 intermediate school district, public school academy, **NEIGHBORHOOD**
25 **PUBLIC SCHOOL**, or nonpublic school shall submit to the department
26 in the form and manner prescribed by the department a report
27 detailing the information and any action taken as a result by the

1 school district, intermediate school district, public school
2 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school. The
3 department shall maintain a copy of this report for at least 6
4 years.

5 (10) Criminal history record information received from the
6 criminal records division of the department of state police under
7 subsection (8) shall be used by a school district, intermediate
8 school district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**,
9 or nonpublic school only for the purpose of evaluating an
10 individual's qualifications for employment or assignment in the
11 position for which he or she has applied or been assigned and for
12 the purposes of subsections (3), (4), (5), and (12). A member of
13 the board of a district or of the governing body of a public school
14 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school or an
15 employee of a district, public school academy, **NEIGHBORHOOD PUBLIC**
16 **SCHOOL**, or nonpublic school shall not disclose the report or its
17 contents received under this section, except a misdemeanor
18 conviction involving sexual or physical abuse or any felony
19 conviction, to any person who is not directly involved in
20 evaluating the applicant's qualifications for employment or
21 assignment. However, for the purposes of subsections (4) and (5), a
22 person described in this subsection may confirm to an employee of
23 another district, public school academy, **NEIGHBORHOOD PUBLIC**
24 **SCHOOL**, or nonpublic school that a report under subsection (8) has
25 revealed that an individual does not have any criminal history or
26 may disclose that no report under subsection (8) has been received
27 concerning the individual, and for the purposes of subsections (4),

1 (5), and (12), a person described in this subsection may provide a
2 copy of the report under subsection (8) concerning the individual
3 to an appropriate representative of another district, public school
4 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school. For an
5 individual who is regularly and continuously working under
6 contract, if the individual agrees in writing, a district, public
7 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school may
8 provide a copy of the results received under this section
9 concerning the individual to an appropriate representative of the
10 individual's employer. A representative of the individual's
11 employer who receives a copy of a report, or receives results of a
12 report from another source as authorized by this subsection, shall
13 not disclose the report or its contents or the results of the
14 report to any person outside of the employer's business or to any
15 of the employer's personnel who are not directly involved in
16 evaluating the individual's qualifications for employment or
17 assignment. A person who violates this subsection is guilty of a
18 misdemeanor punishable by a fine of not more than \$10,000.00, but
19 is not subject to the penalties under section 1804. As used in this
20 subsection, "misdemeanor conviction involving sexual or physical
21 abuse" includes, but is not limited to, a misdemeanor conviction
22 for a listed offense; a misdemeanor conviction for violation of
23 section 617a of the Michigan vehicle code, 1949 PA 300, MCL
24 257.617a; a misdemeanor conviction for violation of section 701 of
25 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701;
26 a misdemeanor conviction for violation of section 81, 81a, 81c,
27 90c, 136b, 141a, 145, 145d, 145n, 233, 335a, or 411h of the

1 Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.81c,
2 750.90c, 750.136b, 750.141a, 750.145, 750.145d, 750.145n, 750.233,
3 750.335a, and 750.411h; a misdemeanor conviction of section 6 of
4 1979 PA 53, MCL 752.796; or a misdemeanor conviction for violation
5 of a substantially similar law of another state, of a political
6 subdivision of this state or another state, or of the United
7 States.

8 (11) Subject to subsection (12), if the criminal history check
9 required under this section has been completed for a particular
10 individual and the results reported to a school district,
11 intermediate school district, public school academy, **NEIGHBORHOOD**
12 **PUBLIC SCHOOL**, or nonpublic school as provided under this section,
13 then another criminal history check is not required under this
14 section for that individual as long as the individual remains
15 employed with no separation from service by any school district,
16 intermediate school district, public school academy, **NEIGHBORHOOD**
17 **PUBLIC SCHOOL**, or nonpublic school in this state or remains
18 regularly and continuously working under contract with no
19 separation from service for the same employer in any school
20 district, intermediate school district, public school academy,
21 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school in this state. For
22 the purposes of this subsection, an employee is not considered to
23 have a separation from service in any of the following
24 circumstances:

25 (a) The employee is laid off or placed on a leave of absence
26 by his or her employer and returns to active employment with the
27 same employer within 1 year after being laid off or placed on the

1 leave of absence.

2 (b) The employee transfers to another school district,
3 intermediate school district, public school academy, **NEIGHBORHOOD**
4 **PUBLIC SCHOOL**, or nonpublic school and remains continuously
5 employed by any school district, intermediate school district,
6 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
7 school in this state.

8 (12) If an individual described in subsection (11) is an
9 applicant for employment in a different school district,
10 intermediate school district, public school academy, **NEIGHBORHOOD**
11 **PUBLIC SCHOOL**, or nonpublic school than the one that originally
12 received the results of the criminal history check or that
13 currently is in possession of the results of the criminal history
14 check, or is being assigned to regularly and continuously work
15 under contract in a different school district, intermediate school
16 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
17 nonpublic school than the one that originally received the results
18 of the criminal history check or that currently is in possession of
19 the results of the criminal history check, then all of the
20 following apply:

21 (a) If the results of the individual's criminal history check
22 have not already been forwarded to the new school district,
23 intermediate school district, public school academy, **NEIGHBORHOOD**
24 **PUBLIC SCHOOL**, or nonpublic school, the new school district,
25 intermediate school district, public school academy, **NEIGHBORHOOD**
26 **PUBLIC SCHOOL**, or nonpublic school shall request the school
27 district, intermediate school district, public school academy,

1 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school that has the
2 results to forward them to the new school district, intermediate
3 school district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**,
4 or nonpublic school. Upon receipt of such a request, a school
5 district, intermediate school district, public school academy,
6 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school that has the
7 results shall forward them to the requesting school district,
8 intermediate school district, public school academy, **NEIGHBORHOOD**
9 **PUBLIC SCHOOL**, or nonpublic school.

10 (b) If the results of the individual's criminal history check
11 are not received by the new school district, intermediate school
12 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
13 nonpublic school under this subsection or otherwise, then this
14 section applies to the individual to the same extent as if he or
15 she has had a separation from service.

16 (c) If the results of the individual's criminal history check
17 are received by the new school district, intermediate school
18 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
19 nonpublic school under this subsection or otherwise, then that
20 school district, intermediate school district, public school
21 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school shall
22 perform a criminal history check on that individual using the
23 department of state police's internet criminal history access tool
24 (ICHAT), ensuring that this criminal history check is based on the
25 personal identifying information, including at least the
26 individual's name, sex, and date of birth, that was associated with
27 the results received from the previous school district,

1 intermediate school district, public school academy, **NEIGHBORHOOD**
2 **PUBLIC SCHOOL**, or nonpublic school.

3 (d) If the search of the department of state police's ICHAT
4 under subdivision (c) reveals that the individual has been
5 convicted of a listed offense, then the school district,
6 intermediate school district, public school academy, **NEIGHBORHOOD**
7 **PUBLIC SCHOOL**, or nonpublic school shall take steps to verify that
8 information using public records and, if the information is
9 verified using public records, shall not employ the individual in
10 any capacity, as provided under section 1230c, and shall not allow
11 the individual to regularly and continuously work under contract in
12 any of its schools. If a search of the department of state police's
13 ICHAT under subdivision (c) reveals that the individual has been
14 convicted of a felony other than a listed offense, then the school
15 district, intermediate school district, public school academy,
16 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school shall take steps to
17 verify that information using public records and, if the
18 information is verified using public records, shall not employ the
19 individual in any capacity or allow the individual to regularly and
20 continuously work under contract in any of its schools unless the
21 superintendent or chief administrator and the board or governing
22 body, if any, of the school district, intermediate school district,
23 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
24 school each specifically approves the employment or work assignment
25 in writing.

26 (13) Subsection (1) does not apply to an individual who is
27 being employed by or assigned to regularly and continuously work

1 under contract in a school of a school district, intermediate
2 school district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**,
3 or nonpublic school if the individual is not more than 19 years of
4 age and is enrolled as a general education pupil of a school
5 district, intermediate school district, public school academy,
6 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school or is not more than
7 26 years of age and is enrolled in special education programs or
8 services in a school district, intermediate school district, public
9 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school.
10 However, before employing the individual or assigning the
11 individual to regularly and continuously work under contract in a
12 school, the school district, intermediate school district, public
13 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school
14 shall perform a criminal history check on that person using the
15 department of state police's internet criminal history access tool
16 (ICHAT). If a search of the department of state police's ICHAT
17 reveals that the individual has been convicted of a listed offense,
18 then the school district, intermediate school district, public
19 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school
20 shall take steps to verify that information using public records
21 and, if the information is verified using public records, shall not
22 employ the individual in any capacity, as provided under section
23 1230c, and shall not allow the individual to regularly and
24 continuously work under contract in any of its schools. If a search
25 of the department of state police's ICHAT reveals that the
26 individual has been convicted of a felony other than a listed
27 offense, then the school district, intermediate school district,

1 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
2 school shall take steps to verify that information using public
3 records and, if the information is verified using public records,
4 shall not employ the individual in any capacity or allow the
5 individual to regularly and continuously work under contract in any
6 of its schools unless the superintendent or chief administrator and
7 the board or governing body, if any, of the school district,
8 intermediate school district, public school academy, **NEIGHBORHOOD**
9 **PUBLIC SCHOOL**, or nonpublic school each specifically approves the
10 employment or work assignment in writing.

11 (14) For the purposes of subsections (9) and (13), the
12 department shall make available to school districts, intermediate
13 school districts, public school academies, **NEIGHBORHOOD PUBLIC**
14 **SCHOOLS**, and nonpublic schools information on how to verify a
15 conviction using public records.

16 (15) As used in this section:

17 (a) "At school" means in a classroom, elsewhere on school
18 property, or on a school bus or other school-related vehicle.

19 (b) "Criminal history record information" means that term as
20 defined in section 1a of 1925 PA 289, MCL 28.241a.

21 (c) "Felony" means that term as defined in section 1 of
22 chapter I of the code of criminal procedure, 1927 PA 175, MCL
23 761.1.

24 (d) "Listed offense" means that term as defined in section 2
25 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

26 (e) "Regularly and continuously work under contract" means any
27 of the following:

1 (i) To work at school on a more than intermittent or sporadic
2 basis as an owner or employee of an entity that has a contract with
3 a school district, intermediate school district, public school
4 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school to provide
5 food, custodial, transportation, counseling, or administrative
6 services, or to provide instructional services to pupils or related
7 and auxiliary services to special education pupils.

8 (ii) To work at school on a more than intermittent or sporadic
9 basis as an individual under a contract with a school district,
10 intermediate school district, public school academy, **NEIGHBORHOOD**
11 **PUBLIC SCHOOL**, or nonpublic school to provide food, custodial,
12 transportation, counseling, or administrative services, or to
13 provide instructional services to pupils or related and auxiliary
14 services to special education pupils.

15 (f) "School property" means that term as defined in section 33
16 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

17 Sec. 1230a. (1) In addition to the criminal history check
18 required under section 1230, the board of a school district or
19 intermediate school district or the governing body of a public
20 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school
21 shall request the department of state police to conduct a criminal
22 records check through the federal bureau of investigation on an
23 applicant for, or an individual who is hired for, any full-time or
24 part-time employment or who is assigned to regularly and
25 continuously work under contract in any of its schools. Except as
26 otherwise provided in this section, a board or governing body shall
27 not employ an individual or allow an individual to regularly and

1 continuously work under contract in any of its schools until after
2 the board or governing body receives the results of the criminal
3 records check. A board or governing body requesting a criminal
4 records check under this section shall require the individual to
5 submit his or her fingerprints to the department of state police
6 for that purpose. The department of state police may charge a fee
7 for conducting the criminal records check. Subject to section
8 1230g, a board or governing body shall require an individual to
9 submit his or her fingerprints for the purposes of this section
10 only at the time the individual initially applies for employment
11 with the board or governing body or is initially employed by the
12 board or governing body or is initially assigned to regularly and
13 continuously work under contract in any of its schools.

14 (2) If the board of a school district or intermediate school
15 district or the governing body of a public school academy,
16 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school determines it
17 necessary to hire an individual or to allow an individual to
18 regularly and continuously work under contract for a particular
19 school year during that school year or within 30 days before the
20 beginning of that school year, the board or governing body may
21 employ the individual as a conditional employee or conditionally
22 allow the individual to regularly and continuously work under
23 contract under this subsection without first receiving the results
24 of the criminal records check under subsection (1) if all of the
25 following apply:

26 (a) The board or governing body requests the criminal records
27 check under subsection (1) before conditionally employing the

1 individual or conditionally allowing the individual to regularly
2 and continuously work under contract in any of its schools.

3 (b) The individual signs a statement identifying all crimes
4 for which he or she has been convicted, if any, and agreeing that,
5 if the results of the criminal records check under subsection (1)
6 reveal information that is inconsistent with the individual's
7 statement, his or her employment contract is voidable at the option
8 of the board or governing body. The department shall develop and
9 distribute to districts and nonpublic schools a model form for the
10 statement required under this subdivision. The department shall
11 make the model form available to public school academies **AND**
12 **NEIGHBORHOOD PUBLIC SCHOOLS**. A district, public school academy,
13 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school shall use the model
14 form for the purposes of this subsection.

15 (3) If an individual is employed as a conditional employee
16 under subsection (2) and the results of the criminal records check
17 under subsection (1) reveal information that is inconsistent with
18 the individual's statement under subsection (2), the board or
19 governing body may void the individual's employment contract. If an
20 employment contract is voided under this subsection, the
21 individual's employment is terminated, a collective bargaining
22 agreement that would otherwise apply to the individual's employment
23 does not apply to the termination, and the district, public school
24 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school or the
25 board or governing body is not liable for the termination.

26 (4) For an applicant for a position as a substitute teacher or
27 substitute bus driver, or for an individual who regularly and

1 continuously works under contract in more than 1 school district,
2 intermediate school district, public school academy, **NEIGHBORHOOD**
3 **PUBLIC SCHOOL**, or nonpublic school, if the applicant or individual
4 agrees in writing to allow a district, public school academy,
5 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school to share the
6 results of the criminal records check with another district, public
7 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school,
8 then instead of requesting a criminal records check under
9 subsection (1), a school district, intermediate school district,
10 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
11 school may use results received by another district, public school
12 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school or
13 maintained by the department to confirm that the applicant or
14 individual does not have any criminal history. If that confirmation
15 is not available, subsection (1) applies to the applicant or
16 individual.

17 (5) If an applicant is being considered for employment by more
18 than 1 school district, intermediate school district, public school
19 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school and if the
20 applicant agrees in writing to allow a district, public school
21 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school to share
22 the results of the criminal records check with another district,
23 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
24 school, then a district, public school academy, **NEIGHBORHOOD PUBLIC**
25 **SCHOOL**, or nonpublic school may satisfy the requirements of
26 subsection (1) by obtaining a copy of the results of the criminal
27 records check from another district, public school academy,

1 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school.

2 (6) An applicant for employment shall give written consent at
3 the time of application for the criminal records division of the
4 department of state police to conduct the criminal records check
5 required under this section.

6 (7) A school district, intermediate school district, public
7 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school
8 shall make a request to the department of state police for a
9 criminal records check under this section on a form and in a manner
10 prescribed by the department of state police.

11 (8) The results of a criminal records check under this section
12 shall be used by a school district, intermediate school district,
13 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
14 school only for the purpose of evaluating an individual's
15 qualifications for employment or assignment in the position for
16 which he or she has applied or been assigned and for the purposes
17 of subsections (3), (4), (5), and (12). A member of the board of a
18 district or of the governing body of a public school academy,
19 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school or an employee of a
20 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
21 nonpublic school shall not disclose those results received under
22 this section, except a misdemeanor conviction involving sexual or
23 physical abuse or any felony conviction, to any person who is not
24 directly involved in evaluating the individual's qualifications for
25 employment or assignment. However, for the purposes of subsections
26 (4), (5), and (12) a person described in this subsection may
27 provide a copy of the results received under this section

1 concerning the individual to an appropriate representative of
2 another district, public school academy, **NEIGHBORHOOD PUBLIC**
3 **SCHOOL**, or nonpublic school. For an individual who is regularly and
4 continuously working under contract, if the individual agrees in
5 writing, a district, public school academy, **NEIGHBORHOOD PUBLIC**
6 **SCHOOL**, or nonpublic school may provide a copy of the results
7 received under this section concerning the individual to an
8 appropriate representative of the individual's employer. A
9 representative of the individual's employer who receives a copy of
10 the results, or receives the results from another source as
11 authorized by this subsection, shall not disclose the results to
12 any person outside of the employer's business or to any of the
13 employer's personnel who are not directly involved in evaluating
14 the individual's qualifications for employment or assignment. A
15 person who violates this subsection is guilty of a misdemeanor
16 punishable by a fine of not more than \$10,000.00, but is not
17 subject to the penalties under section 1804. As used in this
18 subsection, "misdemeanor conviction involving sexual or physical
19 abuse" includes, but is not limited to, a misdemeanor conviction
20 for a listed offense; a misdemeanor conviction for violation of
21 section 617a of the Michigan vehicle code, 1949 PA 300, MCL
22 257.617a; a misdemeanor conviction for violation of section 701 of
23 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701;
24 a misdemeanor conviction for violation of section 81, 81a, 81c,
25 90c, 136b, 141a, 145, 145d, 145n, 233, 335a, or 411h of the
26 Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.81c,
27 750.90c, 750.136b, 750.141a, 750.145, 750.145d, 750.145n, 750.233,

1 750.335a, and 750.411h; a misdemeanor conviction of section 6 of
2 1979 PA 53, MCL 752.796; or a misdemeanor conviction for violation
3 of a substantially similar law of another state, of a political
4 subdivision of this state or another state, or of the United
5 States.

6 (9) Within 30 days after receiving a proper request by a
7 school district, intermediate school district, public school
8 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school for a
9 criminal records check on an individual under this section, the
10 criminal records division of the department of state police shall
11 initiate the criminal records check through the federal bureau of
12 investigation. After conducting the criminal records check required
13 under this section for a school district, intermediate school
14 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
15 nonpublic school, the criminal records division of the department
16 of state police shall provide the results of the criminal records
17 check to the district, public school academy, **NEIGHBORHOOD PUBLIC**
18 **SCHOOL**, or nonpublic school. A school district, intermediate school
19 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
20 nonpublic school that receives results from the department of state
21 police under this subsection shall retain those results in the
22 individual's employment records.

23 (10) If the results received by a school district,
24 intermediate school district, public school academy, **NEIGHBORHOOD**
25 **PUBLIC SCHOOL**, or nonpublic school under subsection (9), or a
26 report received under section 1230, 1230d(7), 1535a(15), or
27 1539b(15), disclose that an individual has been convicted of a

1 listed offense, then the school district, intermediate school
2 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
3 nonpublic school shall take steps to verify that information using
4 public records and, if the information is verified, shall not
5 employ the individual in any capacity, as provided under section
6 1230c, and shall not allow the individual to regularly and
7 continuously work under contract in any of its schools. If the
8 results received by a school district, intermediate school
9 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
10 nonpublic school under subsection (9), or a report received under
11 section 1230, 1230d(7), 1535a(15), or 1539b(15), disclose that an
12 individual has been convicted of a felony other than a listed
13 offense, then the school district, intermediate school district,
14 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
15 school shall take steps to verify that information using public
16 records and, if the information is verified using public records,
17 shall not employ the individual in any capacity or allow the
18 individual to regularly and continuously work under contract in any
19 of its schools unless the superintendent or chief administrator and
20 the governing board or governing body, if any, of the school
21 district, intermediate school district, public school academy,
22 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school each specifically
23 approves the employment or work assignment in writing. If a school
24 district, intermediate school district, public school academy,
25 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school receives results
26 described in this subsection, within 60 days after receiving those
27 results the school district, intermediate school district, public

1 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school
2 shall submit to the department in the form and manner prescribed by
3 the department a report detailing the information and any action
4 taken as a result by the school district, intermediate school
5 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
6 nonpublic school. The department shall maintain a copy of this
7 report for at least 6 years.

8 (11) Subject to subsection (12), if the criminal records check
9 required under this section has been completed for a particular
10 individual and the results reported to a school district,
11 intermediate school district, public school academy, **NEIGHBORHOOD**
12 **PUBLIC SCHOOL**, or nonpublic school as provided under this section,
13 then another criminal records check is not required under this
14 section for that individual as long as the individual remains
15 employed with no separation from service by any school district,
16 intermediate school district, public school academy, **NEIGHBORHOOD**
17 **PUBLIC SCHOOL**, or nonpublic school in this state or remains
18 regularly and continuously working under contract with no
19 separation from service for the same employer in any school
20 district, intermediate school district, public school academy,
21 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school in this state. For
22 the purposes of this subsection, an employee is not considered to
23 have a separation from service in any of the following
24 circumstances:

25 (a) The employee is laid off or placed on a leave of absence
26 by his or her employer and returns to active employment with the
27 same employer within 1 year after being laid off or placed on the

1 leave of absence.

2 (b) The employee transfers to another school district,
3 intermediate school district, public school academy, **NEIGHBORHOOD**
4 **PUBLIC SCHOOL**, or nonpublic school and remains continuously
5 employed by any school district, intermediate school district,
6 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
7 school in this state.

8 (12) If an individual described in subsection (11) is an
9 applicant for employment in a different school district,
10 intermediate school district, public school academy, **NEIGHBORHOOD**
11 **PUBLIC SCHOOL**, or nonpublic school than the one that originally
12 received the results of the criminal records check or that
13 currently is in possession of the results of the criminal records
14 check, or is being assigned to regularly and continuously work
15 under contract in a different school district, intermediate school
16 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
17 nonpublic school than the one that originally received the results
18 of the criminal records check or that currently is in possession of
19 the results of the criminal records check, then all of the
20 following apply:

21 (a) If the results of the individual's criminal records check
22 have not already been forwarded to the new school district,
23 intermediate school district, public school academy, **NEIGHBORHOOD**
24 **PUBLIC SCHOOL**, or nonpublic school, the new school district,
25 intermediate school district, public school academy, **NEIGHBORHOOD**
26 **PUBLIC SCHOOL**, or nonpublic school shall request the school
27 district, intermediate school district, public school academy,

1 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school that has the
2 results to forward them to the new school district, intermediate
3 school district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**,
4 or nonpublic school. Upon receipt of such a request, a school
5 district, intermediate school district, public school academy,
6 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school that has the
7 results shall forward them to the requesting school district,
8 intermediate school district, public school academy, **NEIGHBORHOOD**
9 **PUBLIC SCHOOL**, or nonpublic school.

10 (b) If the results of the individual's criminal records check
11 are not received by the new school district, intermediate school
12 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
13 nonpublic school under this subsection or otherwise, then this
14 section applies to the individual to the same extent as if he or
15 she has had a separation from service.

16 (13) Subsection (1) does not apply to an individual who is
17 being employed by or assigned to regularly and continuously work
18 under contract in a school of a school district, intermediate
19 school district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**,
20 or nonpublic school if the individual is not more than 19 years of
21 age and is enrolled as a general education pupil of a school
22 district, intermediate school district, public school academy,
23 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school or is not more than
24 26 years of age and is enrolled in special education programs or
25 services in a school district, intermediate school district, public
26 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school.
27 However, before employing the individual or assigning the

1 individual to regularly and continuously work under contract in a
2 school, the school district, intermediate school district, public
3 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school
4 shall perform a criminal history check on that person using the
5 department of state police's internet criminal history access tool
6 (ICHAT). If a search of the department of state police's ICHAT
7 reveals that the individual has been convicted of a listed offense,
8 then the school district, intermediate school district, public
9 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school
10 shall take steps to verify that information using public records
11 and, if the information is verified using public records, shall not
12 employ the individual in any capacity, as provided under section
13 1230c, and shall not allow the individual to regularly and
14 continuously work under contract in any of its schools. If a search
15 of the department of state police's ICHAT reveals that the
16 individual has been convicted of a felony other than a listed
17 offense, then the school district, intermediate school district,
18 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
19 school shall take steps to verify that information using public
20 records and, if the information is verified using public records,
21 shall not employ the individual in any capacity or allow the
22 individual to regularly and continuously work under contract in any
23 of its schools unless the superintendent or chief administrator and
24 the board or governing body of the school district, intermediate
25 school district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**,
26 or nonpublic school each specifically approves the employment or
27 work assignment in writing.

1 (14) For the purposes of subsections (10) and (13), the
2 department shall make available to school districts, intermediate
3 school districts, public school academies, **NEIGHBORHOOD PUBLIC**
4 **SCHOOLS**, and nonpublic schools information on how to verify a
5 conviction using public records.

6 (15) As used in this section:

7 (a) "At school" means in a classroom, elsewhere on school
8 property, or on a school bus or other school-related vehicle.

9 (b) "Felony" means that term as defined in section 1 of
10 chapter I of the code of criminal procedure, 1927 PA 175, MCL
11 761.1.

12 (c) "Listed offense" means that term as defined in section 2
13 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

14 (d) "Regularly and continuously work under contract" means any
15 of the following:

16 (i) To work at school on a more than intermittent or sporadic
17 basis as an owner or employee of an entity that has a contract with
18 a school district, intermediate school district, public school
19 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school to provide
20 food, custodial, transportation, counseling, or administrative
21 services, or to provide instructional services to pupils or related
22 and auxiliary services to special education pupils.

23 (ii) To work at school on a more than intermittent or sporadic
24 basis as an individual under a contract with a school district,
25 intermediate school district, public school academy, **NEIGHBORHOOD**
26 **PUBLIC SCHOOL**, or nonpublic school to provide food, custodial,
27 transportation, counseling, or administrative services, or to

1 provide instructional services to pupils or related and auxiliary
2 services to special education pupils.

3 (e) "School property" means that term as defined in section 33
4 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

5 Sec. 1230b. (1) Before hiring an applicant for employment, a
6 school district, ~~local act school district~~, public school academy,
7 intermediate school district, **NEIGHBORHOOD PUBLIC SCHOOL**, or
8 nonpublic school shall request the applicant for employment to sign
9 a statement that does both of the following:

10 (a) Authorizes the applicant's current or former employer or
11 employers to disclose to the school district, ~~local act school~~
12 ~~district~~, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**,
13 intermediate school district, or nonpublic school any
14 unprofessional conduct by the applicant and to make available to
15 the school district, ~~local act school district~~, public school
16 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, intermediate school district,
17 or nonpublic school copies of all documents in the employee's
18 personnel record maintained by the current or former employer
19 relating to that unprofessional conduct.

20 (b) Releases the current or former employer, and employees
21 acting on behalf of the current or former employer, from any
22 liability for providing information described in subdivision (a),
23 as provided in subsection (3), and waives any written notice
24 required under section 6 of the Bullard-Plawecki employee right to
25 know act, ~~Act No. 397 of the Public Acts of 1978, being section~~
26 ~~423.506 of the Michigan Compiled Laws 1978 PA 397, MCL 423.506.~~

27 (2) Before hiring an applicant for employment, a school

1 district, ~~local act school district~~, public school academy,
2 **NEIGHBORHOOD PUBLIC SCHOOL**, intermediate school district, or
3 nonpublic school shall request at least the applicant's current
4 employer or, if the applicant is not currently employed, the
5 applicant's immediately previous employer to provide the
6 information described in subsection (1)(a), if any. The request
7 shall include a copy of the statement signed by the applicant under
8 subsection (1).

9 (3) Not later than 20 business days after receiving a request
10 under subsection (2), an employer shall provide the information
11 requested and make available to the requesting school district,
12 ~~local act school district~~, public school academy, **NEIGHBORHOOD**
13 **PUBLIC SCHOOL**, intermediate school district, or nonpublic school
14 copies of all documents in the employee's personnel record relating
15 to the unprofessional conduct. An employer, or an employee acting
16 on behalf of the employer, that discloses information under this
17 section in good faith is immune from civil liability for the
18 disclosure. An employer, or an employee acting on behalf of the
19 employer, is presumed to be acting in good faith at the time of a
20 disclosure under this section unless a preponderance of the
21 evidence establishes 1 or more of the following:

22 (a) That the employer, or employee, knew the information
23 disclosed was false or misleading.

24 (b) That the employer, or employee, disclosed the information
25 with a reckless disregard for the truth.

26 (c) That the disclosure was specifically prohibited by a state
27 or federal statute.

1 (4) The board or governing body of a school district, ~~local~~
2 ~~act school district,~~ public school academy, **NEIGHBORHOOD PUBLIC**
3 **SCHOOL**, intermediate school district, or nonpublic school shall not
4 hire an applicant who does not sign the statement described in
5 subsection (1).

6 (5) Information received under this section shall be used by a
7 school district, ~~local act school district,~~ public school academy,
8 **NEIGHBORHOOD PUBLIC SCHOOL**, intermediate school district, or
9 nonpublic school only for the purpose of evaluating an applicant's
10 qualifications for employment in the position for which he or she
11 has applied. Except as otherwise provided by law, a board member or
12 employee of a school district, ~~local act school district,~~ public
13 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, intermediate school
14 district, or nonpublic school shall not disclose the information to
15 any person, other than the applicant, who is not directly involved
16 in the process of evaluating the applicant's qualifications for
17 employment. A person who violates this subsection is guilty of a
18 misdemeanor punishable by a fine of not more than \$10,000.00, but
19 is not subject to the penalties under section 1804.

20 (6) The board or an official of a school district, ~~local act~~
21 ~~school district,~~ public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**,
22 intermediate school district, or nonpublic school shall not enter
23 into a collective bargaining agreement, individual employment
24 contract, resignation agreement, severance agreement, or any other
25 contract or agreement that has the effect of suppressing
26 information about unprofessional conduct of an employee or former
27 employee or of expunging information about that unprofessional

1 conduct from personnel records. Any provision of a contract or
2 agreement that is contrary to this subsection is void and
3 unenforceable. This subsection does not restrict the expungement
4 from a personnel file of information about alleged unprofessional
5 conduct that has not been substantiated.

6 (7) This section does not prevent a school district, ~~local act~~
7 ~~school district~~, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**,
8 intermediate school district, or nonpublic school from requesting
9 or requiring an applicant for employment to provide information
10 other than that described in this section.

11 (8) As used in this section:

12 (a) "Personnel record" means that term as defined in section 1
13 of ~~Act No. 397 of the Public Acts of 1978, being section 423.501 of~~
14 ~~the Michigan Compiled Laws~~ **THE BULLARD-PLAWECKI EMPLOYEE RIGHT TO**
15 **KNOW ACT, 1978 PA 397, MCL 423.501.**

16 (b) "Unprofessional conduct" means 1 or more acts of
17 misconduct; 1 or more acts of immorality, moral turpitude, or
18 inappropriate behavior involving a minor; or commission of a crime
19 involving a minor. A criminal conviction is not an essential
20 element of determining whether or not a particular act constitutes
21 unprofessional conduct.

22 Sec. 1230c. (1) If a school official of a school district,
23 intermediate school district, public school academy, **NEIGHBORHOOD**
24 **PUBLIC SCHOOL**, or nonpublic school has notice from an authoritative
25 source that an individual has been convicted of a listed offense,
26 the board of the school district or intermediate school district,
27 board of directors of the public school academy, **GOVERNING BOARD OF**

1 **THE NEIGHBORHOOD PUBLIC SCHOOL**, or governing board of the nonpublic
2 school shall take steps to verify that information using public
3 records and, if the information is verified using public records,
4 shall not employ that individual in any capacity or allow that
5 person to regularly and continuously work under contract in any of
6 its schools. If a school district, intermediate school district,
7 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
8 school receives notice described in this subsection, within 60 days
9 after receiving that notice the school district, intermediate
10 school district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**,
11 or nonpublic school shall submit to the department in the form and
12 manner prescribed by the department a report detailing the
13 information received and any action taken as a result by the school
14 district, intermediate school district, public school academy,
15 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school. The department
16 shall maintain a copy of this report for at least 6 years.

17 (2) As used in this section:

18 (a) "At school" means in a classroom, elsewhere on school
19 property, or on a school bus or other school-related vehicle.

20 (b) "Listed offense" means that term as defined in section 2
21 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

22 (c) "Regularly and continuously work under contract" means any
23 of the following:

24 (i) To work at school on a more than intermittent or sporadic
25 basis as an owner or employee of an entity that has a contract with
26 a school district, intermediate school district, public school
27 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school to provide

1 food, custodial, transportation, counseling, or administrative
2 services, or to provide instructional services to pupils or related
3 and auxiliary services to special education pupils.

4 (ii) To work at school on a more than intermittent or sporadic
5 basis as an individual under a contract with a school district,
6 intermediate school district, public school academy, **NEIGHBORHOOD**
7 **PUBLIC SCHOOL**, or nonpublic school to provide food, custodial,
8 transportation, counseling, or administrative services, or to
9 provide instructional services to pupils or related and auxiliary
10 services to special education pupils.

11 (d) "School property" means that term as defined in section 33
12 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

13 Sec. 1230d. (1) If a person who is employed in any capacity by
14 a school district, intermediate school district, public school
15 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school; who has
16 applied for a position with a school district, intermediate school
17 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
18 nonpublic school and has had an initial criminal history check
19 under section 1230 or criminal records check under section 1230a;
20 or who is regularly and continuously working under contract in a
21 school district, intermediate school district, public school
22 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school, is
23 charged with a crime listed in section 1535a(1) or 1539b(1) or a
24 violation of a substantially similar law of another state, a
25 political subdivision of this state or another state, or of the
26 United States, the person shall report to the department and to the
27 school district, intermediate school district, public school

1 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school that he or
2 she has been charged with the crime. All of the following apply to
3 this reporting requirement:

4 (a) The person shall make the report on a form prescribed by
5 the department.

6 (b) The person shall submit the report to the department and
7 to the superintendent of the school district or intermediate school
8 district or chief administrator of the public school academy,
9 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school.

10 (c) The person shall submit the report within 3 business days
11 after being arraigned for the crime.

12 (2) If a person who is employed in any capacity by or is
13 regularly and continuously working under contract in a school
14 district, intermediate school district, public school academy,
15 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school enters a plea of
16 guilt or no contest to or is the subject of a finding of guilt by a
17 judge or jury of any crime after having been initially charged with
18 a crime described in section 1535a(1) or 1539b(1), then the person
19 immediately shall disclose to the court, on a form prescribed by
20 the state court administrative office, that he or she is employed
21 by or regularly and continuously working under contract in a school
22 district, intermediate school district, public school academy,
23 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school. The person shall
24 immediately provide a copy of the form to the prosecuting attorney
25 in charge of the case, to the superintendent of public instruction,
26 and to the superintendent or chief administrator of the school
27 district, intermediate school district, public school academy,

1 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school.

2 (3) A person who violates subsection (1) or (2) is guilty of a
3 crime, as follows:

4 (a) If the person violates either subsection (1) or (2) and
5 the crime involved in the violation is a misdemeanor that is a
6 listed offense or is a felony, the person is guilty of a felony
7 punishable by imprisonment for not more than 2 years or a fine of
8 not more than \$2,000.00, or both.

9 (b) If the person violates either subsection (1) or (2) and
10 the crime involved in the violation is a misdemeanor that is not a
11 listed offense, the person is guilty of a misdemeanor punishable by
12 imprisonment for not more than 1 year or a fine of not more than
13 \$1,000.00, or both.

14 (4) A person who violates subsection (1) or (2) may be
15 discharged from his or her employment or have his or her contract
16 terminated. If the board of a school district or intermediate
17 school district, ~~or~~ board of directors of a public school academy,
18 **OR GOVERNING BOARD OF A NEIGHBORHOOD PUBLIC SCHOOL** finds, after
19 providing notice and the opportunity for a hearing, that a person
20 employed by the school district, intermediate school district, ~~or~~
21 public school academy, **OR NEIGHBORHOOD PUBLIC SCHOOL** has violated
22 subsection (1) or (2), the board, ~~or~~ board of directors, **OR**
23 **GOVERNING BOARD** may discharge the person from his or her
24 employment. However, if a collective bargaining agreement that
25 applies to the affected person is in effect as of January 1, 2006,
26 and if that collective bargaining agreement is not in compliance
27 with this subsection, then this subsection does not apply to that

1 school district, intermediate school district, or public school
2 academy until after the expiration of that collective bargaining
3 agreement.

4 (5) If a person submits a report that he or she has been
5 charged with a crime, as required under subsection (1), and the
6 person is subsequently not convicted of any crime after the
7 completion of judicial proceedings resulting from that charge, then
8 the person may request the department and the school district,
9 intermediate school district, public school academy, **NEIGHBORHOOD**
10 **PUBLIC SCHOOL**, or nonpublic school to delete the report from its
11 records concerning the person. Upon receipt of the request from the
12 person and of documentation verifying that the person was not
13 convicted of any crime after the completion of judicial proceedings
14 resulting from that charge, the department or a school district,
15 intermediate school district, public school academy, **NEIGHBORHOOD**
16 **PUBLIC SCHOOL**, or nonpublic school shall delete the report from its
17 records concerning the person.

18 (6) If the prosecuting attorney in charge of a case receives a
19 form as provided under subsection (2), the prosecuting attorney
20 shall notify the superintendent of public instruction and the
21 superintendent or chief administrator of any school district,
22 intermediate school district, public school academy, **NEIGHBORHOOD**
23 **PUBLIC SCHOOL**, or nonpublic school in which the person is employed
24 by forwarding a copy of the form to each of them not later than 7
25 days after receiving the form. If the court receives a form as
26 provided under subsection (2), the court shall notify the
27 superintendent of public instruction and the superintendent or

1 chief administrator of any school district, intermediate school
2 district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or
3 nonpublic school in which the person is employed by forwarding to
4 each of them a copy of the form and information regarding the
5 sentence imposed on the person not later than 7 days after the date
6 of sentencing, even if the court is maintaining the file as a
7 nonpublic record.

8 (7) The department of information technology shall work with
9 the department and the department of state police to develop and
10 implement an automated program that does a comparison of the
11 department's list of registered educational personnel, and of any
12 other list maintained by the department of individuals employed or
13 regularly and continuously working under contract in a school, with
14 the conviction information received by the department of state
15 police. This comparison shall only include individuals who are
16 actually school employees at the time of the comparison or who are
17 regularly and continuously working under contract at the time of
18 the comparison. Unless otherwise prohibited by law, this comparison
19 shall include convictions contained in a nonpublic record. The
20 department and the department of state police shall perform this
21 comparison during January and June of each year until July 1, 2008.
22 The department of state police shall take all reasonable and
23 necessary measures using the available technology to ensure the
24 accuracy of this comparison before transmitting the information
25 under this subsection to the department. The department shall take
26 all reasonable and necessary measures using the available
27 technology to ensure the accuracy of this comparison before

1 notifying a school district, intermediate school district, public
2 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school of
3 a conviction. If a comparison discloses that a person on the
4 department's list of registered educational personnel has been
5 convicted of a crime, or if the department is otherwise notified by
6 the department of state police that such a person has been
7 convicted of a crime, the department shall notify the
8 superintendent or chief administrator and the board or governing
9 body of the school district, intermediate school district, public
10 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school in
11 which the person is employed of that conviction.

12 (8) If a school district, intermediate school district, public
13 school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school
14 receives a report under this section of a conviction, within 60
15 days after receiving the report the school district, intermediate
16 school district, public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**,
17 or nonpublic school shall submit to the department in the form and
18 manner prescribed by the department a report detailing the
19 information received and any action taken as a result by the school
20 district, intermediate school district, public school academy,
21 **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school. The department
22 shall maintain a copy of this report for at least 6 years.

23 (9) As used in this section:

24 (a) "At school" means in a classroom, elsewhere on school
25 property, or on a school bus or other school-related vehicle.

26 (b) "Felony" means that term as defined in section 1 of
27 chapter I of the code of criminal procedure, 1927 PA 175, MCL

1 761.1.

2 (c) "Listed offense" means that term as defined in section 2
3 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

4 (d) "Regularly and continuously work under contract" means any
5 of the following:

6 (i) To work at school on a more than intermittent or sporadic
7 basis as an owner or employee of an entity that has a contract with
8 a school district, intermediate school district, public school
9 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school to provide
10 food, custodial, transportation, counseling, or administrative
11 services, or to provide instructional services to pupils or related
12 and auxiliary services to special education pupils.

13 (ii) To work at school on a more than intermittent or sporadic
14 basis as an individual under a contract with a school district,
15 intermediate school district, public school academy, **NEIGHBORHOOD**
16 **PUBLIC SCHOOL**, or nonpublic school to provide food, custodial,
17 transportation, counseling, or administrative services, or to
18 provide instructional services to pupils or related and auxiliary
19 services to special education pupils.

20 (e) "School property" means that term as defined in section 33
21 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

22 Sec. 1230e. (1) ~~Not later than January 1, 2007, the~~ **THE**
23 department shall include in its list of registered educational
24 personnel all individuals who are employed by a school district,
25 intermediate school district, public school academy, **NEIGHBORHOOD**
26 **PUBLIC SCHOOL**, or nonpublic school and all individuals who are
27 assigned to regularly and continuously work under contract in a

1 school operated by a school district, intermediate school district,
2 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic
3 school.

4 (2) As used in this section:

5 (a) "At school" means in a classroom, elsewhere on school
6 property, or on a school bus or other school-related vehicle.

7 (b) "Regularly and continuously work under contract" means any
8 of the following:

9 (i) To work at school on a more than intermittent or sporadic
10 basis as an owner or employee of an entity that has a contract with
11 a school district, intermediate school district, public school
12 academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or nonpublic school to provide
13 food, custodial, transportation, counseling, or administrative
14 services, or to provide instructional services to pupils or related
15 and auxiliary services to special education pupils.

16 (ii) To work at school on a more than intermittent or sporadic
17 basis as an individual under a contract with a school district,
18 intermediate school district, public school academy, **NEIGHBORHOOD**
19 **PUBLIC SCHOOL**, or nonpublic school to provide food, custodial,
20 transportation, counseling, or administrative services, or to
21 provide instructional services to pupils or related and auxiliary
22 services to special education pupils.

23 (c) "School property" means that term as defined in section 33
24 of the sex offenders registration act, 1994 PA 295, MCL 28.733.

25 Sec. 1233. (1) Except as otherwise provided by law, the board
26 of a school district, ~~or~~ intermediate school board of an
27 intermediate school district, **OR GOVERNING BOARD OF A NEIGHBORHOOD**

1 **PUBLIC SCHOOL** shall not permit a teacher who does not hold a valid
2 teaching certificate to teach in a grade or department of the
3 school.

4 (2) The board of a school district, ~~or~~ intermediate school
5 board of an intermediate school district, **OR GOVERNING BOARD OF A**
6 **NEIGHBORHOOD PUBLIC SCHOOL** shall not allow an individual to serve
7 in a counseling role in the school district, ~~or~~ intermediate school
8 district, **OR NEIGHBORHOOD PUBLIC SCHOOL**, as the role is defined by
9 the superintendent of public instruction, unless the individual
10 meets 1 or more of the following and the board, ~~or~~ intermediate
11 school board, **OR GOVERNING BOARD** complies with subsection (7):

12 (a) The individual holds a valid teaching certificate with a
13 school counseling endorsement.

14 (b) The individual meets all of the following:

15 (i) Holds a master's degree awarded after completion of an
16 approved school counselor education program that includes at least
17 all of the following skills and content areas or their equivalent:

18 (A) Guidance services--philosophy, principles, and practices.

19 (B) Individual and group analysis--nature and range of human
20 characteristics and appraisal methods.

21 (C) Guidance information--vocational development theory,
22 educational and occupational information.

23 (D) Counseling theory and practice--individual and group
24 procedures, administration and coordination relationships,
25 professional relationships, and ethics.

26 (E) Supervised experiences--laboratory, practicum, or
27 internship.

1 (F) Evaluation--statistics and research methodology, follow-up
2 evaluation, and measurement methods.

3 (ii) Has successfully completed the department's guidance
4 counselor examination.

5 (iii) Has been recommended by an approved school counselor
6 education program to provide services as a school counselor.

7 (c) The individual meets both of the following:

8 (i) Has at least 5 years of successful experience serving in a
9 school counseling role in another state within the immediately
10 preceding 7-year period.

11 (ii) Has successfully completed the department's guidance
12 counselor examination.

13 (3) The intermediate superintendent shall notify the
14 superintendent of public instruction immediately of the names of
15 noncertificated teachers teaching in violation of subsection (1)
16 and the names of individuals serving in counseling roles in
17 violation of subsection (2), the employing district **OR SCHOOL**, and
18 the amount of time the noncertificated teachers or unqualified
19 individuals were employed.

20 (4) A vocational teacher preparation institution shall utilize
21 the employment experience of an annually authorized teacher for the
22 purpose of waiving student teaching as a requirement for vocational
23 certification if the annually authorized teacher is supervised by
24 the teacher preparation institution.

25 (5) All vocational education teachers certified after June 1,
26 1995 shall pass a competency test.

27 (6) The board of a school district, ~~or~~ **INTERMEDIATE SCHOOL**

1 **BOARD OF AN** intermediate school district, **OR GOVERNING BOARD OF A**
2 **NEIGHBORHOOD PUBLIC SCHOOL** may employ a person without a teaching
3 certificate as a substitute teacher if the person has at least 90
4 semester hours of college credit from a college or university.

5 (7) If the board of a school district, ~~or~~ intermediate school
6 board of an intermediate school district, **OR GOVERNING BOARD OF A**
7 **NEIGHBORHOOD PUBLIC SCHOOL** chooses to employ an individual who does
8 not hold a valid teaching certificate to serve in a counseling
9 role, as permitted under subsection (2), the school board, ~~or~~
10 intermediate school board, **OR GOVERNING BOARD** shall comply with
11 sections 1230 and 1230a with respect to that individual to the same
12 extent as required for employing a person with a teaching
13 certificate to serve as a teacher.

14 Sec. 1233b. (1) Except as provided in subsection (3), the
15 board of a ~~local~~ **SCHOOL DISTRICT** or intermediate school district **OR**
16 **GOVERNING BOARD OF A NEIGHBORHOOD PUBLIC SCHOOL** may engage a full-
17 time or part-time noncertificated, nonendorsed teacher to teach a
18 course in computer science, a foreign language, mathematics,
19 biology, chemistry, engineering, physics, robotics, or in another
20 subject area determined by the state board to be appropriate to be
21 included under this section and so designated by the state board,
22 or any combination of these subject areas, in grades 9 through 12.

23 (2) Subject to subsection (3), a noncertificated, nonendorsed
24 teacher is qualified to teach pursuant to this section if he or she
25 meets all of the following minimum requirements:

26 (a) Possesses an earned bachelor's degree from an accredited
27 postsecondary institution.

1 (b) Has a major or a graduate degree in the field of
2 specialization in which he or she will teach.

3 (c) If the teacher desires to teach for more than 1 year, has
4 passed both a basic skills examination and a subject area
5 examination, if a subject area examination exists, in the field of
6 specialization in which he or she will teach.

7 (d) Except in the case of persons engaged to teach a foreign
8 language, has, in the 5-year period immediately preceding the date
9 of hire, not less than 2 years of occupational experience in the
10 field of specialization in which he or she will teach.

11 (3) The requirements listed in subsection (2) for a teacher
12 engaged to teach pursuant to this section shall be in addition to
13 any other requirements established by the board of a ~~local~~-**SCHOOL**
14 **DISTRICT** or intermediate school district **OR GOVERNING BOARD OF A**
15 **NEIGHBORHOOD PUBLIC SCHOOL**, as applicable.

16 (4) Except as provided in subsection (5), the board of a ~~local~~
17 **SCHOOL DISTRICT** or intermediate school district **OR GOVERNING BOARD**
18 **OF A NEIGHBORHOOD PUBLIC SCHOOL** shall not engage a full-time or
19 part-time noncertificated, nonendorsed teacher to teach a course
20 described in subsection (1) if the district **OR NEIGHBORHOOD PUBLIC**
21 **SCHOOL** is able to engage a certificated, endorsed teacher.

22 (5) If the board of a ~~local~~-**SCHOOL DISTRICT** or intermediate
23 school district **OR GOVERNING BOARD OF A NEIGHBORHOOD PUBLIC SCHOOL**
24 is able to engage a certificated, endorsed teacher to teach a
25 course described in subsection (1), the ~~local~~-**SCHOOL DISTRICT** or
26 intermediate school board **OR NEIGHBORHOOD PUBLIC SCHOOL** may employ
27 or continue to employ a noncertificated, nonendorsed teacher to

1 teach the course if both of the following conditions are met:

2 (a) The noncertificated, nonendorsed teacher is annually and
3 continually enrolled and completing credit in an approved teacher
4 preparation program leading to a provisional teaching certificate.

5 (b) The noncertificated, nonendorsed teacher has a planned
6 program leading to teacher certification on file with the employing
7 school district, ~~or~~ intermediate school district, **OR NEIGHBORHOOD**
8 **PUBLIC SCHOOL**, his or her teacher preparation institution, and the
9 department. ~~of education.~~

10 (6) If the noncertificated, nonendorsed teacher completes 3
11 years of successful classroom teaching, as determined by regular
12 observation and review by school district **OR NEIGHBORHOOD PUBLIC**
13 **SCHOOL** and teacher preparation institution personnel, the
14 department ~~of education~~ and a teacher preparation institution shall
15 utilize the teaching experience of a noncertificated, nonendorsed
16 teacher for the purpose of waiving student teaching as a condition
17 for receiving a continued employment authorization in the school
18 district **OR NEIGHBORHOOD PUBLIC SCHOOL** and a provisional teaching
19 certificate.

20 Sec. 1246. (1) A school district, public school academy,
21 **NEIGHBORHOOD PUBLIC SCHOOL**, or intermediate school district shall
22 not continue to employ a person as a superintendent, principal,
23 assistant principal, or other person whose primary responsibility
24 is administering instructional programs or as a chief business
25 official unless the person has completed the continuing education
26 requirements prescribed by rule under subsection (2).

27 (2) The superintendent of public instruction shall promulgate

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

8 Sec. 1277. (1) Considering criteria established by the state
9 board, in addition to the requirements specified in section 1280
10 for accreditation under that section, if the board of a school
11 district **OR GOVERNING BOARD OF A NEIGHBORHOOD PUBLIC SCHOOL** wants
12 all of the schools of the school district **OR THE NEIGHBORHOOD**
13 **PUBLIC SCHOOL** to be accredited under section 1280, the board **OR**
14 **GOVERNING BOARD** shall adopt and implement and, not later than
15 September 1 each year, shall make available to the department a
16 copy of a 3- to 5-year school improvement plan and continuing
17 school improvement process for each school within the school
18 district **OR THE NEIGHBORHOOD PUBLIC SCHOOL**. The school improvement
19 plans shall include, but are not limited to, a mission statement,
20 goals based on student academic objectives for all students,
21 curriculum alignment corresponding with those goals, evaluation
22 processes, staff development, development and utilization of
23 community resources and volunteers, the role of adult and community
24 education, libraries and community colleges in the learning
25 community, and building level decision making. School board **OR**
26 **GOVERNING BOARD** members, school building administrators, teachers
27 and other school employees, pupils, parents of pupils attending

1 that school, and other residents of the school district shall be
2 invited and allowed to voluntarily participate in the development,
3 review, and evaluation of the district's **OR NEIGHBORHOOD PUBLIC**
4 **SCHOOL'S** school improvement plans. Upon request of the board of a
5 school district **OR GOVERNING BOARD OF A NEIGHBORHOOD PUBLIC SCHOOL,**
6 the department and the intermediate school district shall assist
7 the school district **OR NEIGHBORHOOD PUBLIC SCHOOL** in the
8 development and implementation of district school improvement
9 plans. Educational organizations may also provide assistance for
10 these purposes. School improvement plans described in this section
11 shall be updated annually by each school and by the board of the
12 school district **OR GOVERNING BOARD OF THE NEIGHBORHOOD PUBLIC**
13 **SCHOOL.**

14 (2) School improvement plans shall include at least all of the
15 following additional matters:

16 (a) Goals centered on student academic learning.

17 (b) Strategies to accomplish the goals.

18 (c) Evaluation of the plan.

19 (d) Development of alternative measures of assessment that
20 will provide authentic assessment of pupils' achievements, skills,
21 and competencies.

22 (e) Methods for effective use of technology as a way of
23 improving learning and delivery of services and for integration of
24 evolving technology in the curriculum.

25 (f) Ways to make available in as many fields as practicable
26 opportunities for structured on-the-job learning, such as
27 apprenticeships and internships, combined with classroom

1 instruction.

2 (3) Each intermediate school board shall adopt and implement
3 and, not later than September 1 each year, shall make available to
4 the department a copy of a 3- to 5-year intermediate school
5 district school improvement plan and continuing school improvement
6 process for the intermediate school district. Constituent and
7 intermediate school board members, school building administrators,
8 teachers and other school employees, pupils, parents of pupils, and
9 residents of the intermediate school district shall be invited and
10 allowed to voluntarily participate in the development, review, and
11 evaluation of the intermediate school district's school improvement
12 plan. Upon request of the intermediate school board, the department
13 shall assist the intermediate school district in the development
14 and implementation of an intermediate school district school
15 improvement plan. An intermediate school district school
16 improvement plan described in this section shall be updated
17 annually by the intermediate school board. An intermediate school
18 district school improvement plan shall include at least all of the
19 following:

20 (a) Methods to assist districts in improving pupils' academic
21 learning.

22 (b) Assurance that all pupils have reasonable access to all
23 programs offered by the intermediate school district, including,
24 but not limited to, transportation if necessary.

25 (c) A plan for professional development that supports academic
26 learning.

27 (d) Methods to assist school districts in integrating applied

1 academics and career and employability skills into all curricular
2 areas.

3 (e) Ways to make available in as many fields as practicable
4 opportunities for structured on-the-job learning, such as
5 apprenticeships and internships, combined with classroom
6 instruction.

7 (f) Collaborative efforts with supporting agencies that
8 enhance academic learning.

9 (g) Long-range cost containment measures, including additional
10 services that might be provided at reduced costs by the
11 intermediate school district or through cooperative programs, and
12 cost reduction programs such as interdistrict cooperation in
13 special education and other programs and services.

14 (h) To the extent that it would improve school effectiveness,
15 specific recommendations on consolidation or enhanced interdistrict
16 cooperation, or both, along with possible sources of revenue.

17 (i) Evaluation of the plan.

18 (4) The state board shall annually review a random sampling of
19 school improvement plans. Based on its review, the state board
20 shall annually submit a report on school improvement activities
21 planned and accomplished by each of the school districts,
22 **NEIGHBORHOOD PUBLIC SCHOOLS**, and intermediate school districts that
23 were part of the sampling to the senate and house committees that
24 have the responsibility for education legislation.

25 Sec. 1278. (1) In addition to the requirements for
26 accreditation under section 1280 specified in that section, if the
27 board of a school district wants all of the schools of the school

1 district to be accredited under section 1280 **OR THE GOVERNING BOARD**
2 **OF A NEIGHBORHOOD PUBLIC SCHOOL WANTS THE NEIGHBORHOOD PUBLIC**
3 **SCHOOL TO BE ACCREDITED UNDER SECTION 1280**, the board **OR GOVERNING**
4 **BOARD** shall provide to all pupils attending public school in the
5 district **OR ATTENDING THE NEIGHBORHOOD PUBLIC SCHOOL** a core
6 academic curriculum in compliance with subsection (3) in each of
7 the curricular areas specified in the state board recommended model
8 core academic curriculum content standards developed under
9 subsection (2). The state board model core academic curriculum
10 content standards shall encompass academic and cognitive
11 instruction only. For purposes of this section, the state board
12 model core academic curriculum content standards shall not include
13 attitudes, beliefs, or value systems that are not essential in the
14 legal, economic, and social structure of our society and to the
15 personal and social responsibility of citizens of our society.

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

1 standards, academic skills, and academic subject matters are built
2 into the instructional goals of all school districts **AND**
3 **NEIGHBORHOOD PUBLIC SCHOOLS** for all children. The state board also
4 shall ensure that the Michigan educational assessment program and
5 the Michigan merit examination are based on the state recommended
6 model core curriculum content standards, are testing only for
7 proficiency in basic and advanced academic skills and academic
8 subject matter, and are not used to measure pupils' values or
9 attitudes.

10 (3) The board of each school district **OR GOVERNING BOARD OF A**
11 **NEIGHBORHOOD PUBLIC SCHOOL**, considering academic curricular
12 objectives defined and recommended pursuant to subsection (2),
13 shall do both of the following:

14 (a) Establish a core academic curriculum for its pupils at the
15 elementary, middle, and secondary school levels. The core academic
16 curriculum shall define academic objectives to be achieved by all
17 pupils and shall be based upon the school district's **OR**
18 **NEIGHBORHOOD PUBLIC SCHOOL'S** educational mission, long-range pupil
19 goals, and pupil performance objectives. The core academic
20 curriculum may vary from the model core academic curriculum content
21 standards recommended by the state board pursuant to subsection
22 (2).

23 (b) After consulting with teachers and school building
24 administrators, determine the aligned instructional program for
25 delivering the core academic curriculum and identify the courses
26 and programs in which the core academic curriculum will be taught.

27 (4) The board **OR GOVERNING BOARD** may supplement the core

1 academic curriculum by providing instruction through additional
2 classes and programs.

3 (5) For all pupils, the subjects or courses, and the delivery
4 of those including special assistance, that constitute the
5 curriculum the pupils engage in shall assure the pupils have a
6 realistic opportunity to learn all subjects and courses required by
7 the district's **OR NEIGHBORHOOD PUBLIC SCHOOL'S** core academic
8 curriculum. A subject or course required by the core academic
9 curriculum pursuant to subsection (3) shall be provided to all
10 pupils in ~~the~~**A** school district by a ~~THE~~ school district, a
11 consortium of school districts, or a consortium of 1 or more school
12 districts and 1 or more intermediate school districts.

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

20 (7) The state board shall make available to all nonpublic
21 schools in this state, as a resource for their consideration, the
22 model core academic curriculum content standards developed for
23 public schools pursuant to subsection (2) for the purpose of
24 assisting the governing body of a nonpublic school in developing
25 its core academic curriculum.

26 (8) Excluding special education pupils, pupils having a
27 learning disability, and pupils with extenuating circumstances as

1 determined by school officials, a pupil who does not score
2 satisfactorily on the 4th or 7th grade Michigan educational
3 assessment program reading test shall be provided special
4 assistance reasonably expected to enable the pupil to bring his or
5 her reading skills to grade level within 12 months.

6 (9) Any course that would have been considered a nonessential
7 elective course under Snyder v Charlotte School Dist, 421 Mich 517
8 (1984), on April 13, 1990 shall continue to be offered to resident
9 pupils of nonpublic schools on a shared time basis.

10 Sec. 1280. (1) The board of a school district **OR GOVERNING**
11 **BOARD OF A NEIGHBORHOOD PUBLIC SCHOOL** that does not want to be
12 subject to the measures described in this section shall ensure that
13 each public school within the school district **OR THE NEIGHBORHOOD**
14 **PUBLIC SCHOOL** is accredited.

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

26 (3) The department shall develop and distribute to all public
27 schools proposed accreditation standards. Upon distribution of the

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

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

21 (5) The standards for accreditation or summary accreditation
22 under this section shall include as criteria pupil performance on
23 Michigan education assessment program (MEAP) tests and on the
24 Michigan merit examination under section 1279g, ~~and, until the~~
25 ~~Michigan merit examination has been fully implemented, the~~
26 ~~percentage of pupils achieving state endorsement under section~~
27 ~~1279,~~ but shall not be based solely on pupil performance on MEAP

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

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

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

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

5 (9) ~~Beginning with the 2002-2003 school year, if~~ **IF** at least
6 5% of a public school's answer sheets from the administration of
7 the Michigan educational assessment program (MEAP) tests are lost
8 by the department or by a state contractor and if the public school
9 can verify that the answer sheets were collected from pupils and
10 forwarded to the department or the contractor, the department shall
11 not assign an accreditation score or school report card grade to
12 the public school for that subject area for the corresponding year
13 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 **OR THE GOVERNING BOARD OF THE SCHOOL**. If
12 requests to the superintendent of public instruction for technical
13 assistance exceed the capacity, priority shall be given to
14 unaccredited schools.

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

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

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

26 (c) The school, with the approval of the superintendent of
27 public instruction, shall align itself with an existing research-

1 based school improvement model or establish an affiliation for
2 providing assistance to the school with a college or university
3 located in this state.

4 (d) The school shall be closed.

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

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

24 Sec. 1311. (1) Subject to subsection (2), the school board, or
25 the school district superintendent, a school building principal, or
26 another school district official if designated by the school board,
27 may authorize or order the suspension or expulsion from school of a

1 pupil guilty of gross misdemeanor or persistent disobedience if, in
2 the judgment of the school board or its designee, as applicable,
3 the interest of the school is served by the authorization or order.
4 If there is reasonable cause to believe that the pupil is a student
5 with a disability, and the school district has not evaluated the
6 pupil in accordance with rules of the superintendent of public
7 instruction to determine if the pupil is a student with a
8 disability, the pupil shall be evaluated immediately by the
9 intermediate school district of which the school district is
10 constituent in accordance with section 1711.

11 (2) ~~If~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (11), IF** a
12 pupil possesses in a weapon free school zone a weapon that
13 constitutes a dangerous weapon, commits arson in a school building
14 or on school grounds, or commits criminal sexual conduct in a
15 school building or on school grounds, the school board, or the
16 designee of the school board as described in subsection (1) on
17 behalf of the school board, shall expel the pupil from the school
18 district permanently, subject to possible reinstatement under
19 subsection (5). However, a school board is not required to expel a
20 pupil for possessing a weapon if the pupil establishes in a clear
21 and convincing manner at least 1 of the following:

22 (a) The object or instrument possessed by the pupil was not
23 possessed by the pupil for use as a weapon, or for direct or
24 indirect delivery to another person for use as a weapon.

25 (b) The weapon was not knowingly possessed by the pupil.

26 (c) The pupil did not know or have reason to know that the
27 object or instrument possessed by the pupil constituted a dangerous

1 weapon.

2 (d) The weapon was possessed by the pupil at the suggestion,
3 request, or direction of, or with the express permission of, school
4 or police authorities.

5 (3) If an individual is expelled pursuant to subsection (2),
6 the expelling school district shall enter on the individual's
7 permanent record that he or she has been expelled pursuant to
8 subsection (2). Except if a school district operates or
9 participates cooperatively in an alternative education program
10 appropriate for individuals expelled pursuant to subsection (2) and
11 in its discretion admits the individual to that program, and except
12 for a strict discipline academy established under sections 1311b to
13 1311l, an individual expelled pursuant to subsection (2) is expelled
14 from all public schools in this state and the officials of a school
15 district shall not allow the individual to enroll in the school
16 district unless the individual has been reinstated under subsection
17 (5). Except as otherwise provided by law, a program operated for
18 individuals expelled pursuant to subsection (2) shall ensure that
19 those individuals are physically separated at all times during the
20 school day from the general pupil population. If an individual
21 expelled from a school district pursuant to subsection (2) is not
22 placed in an alternative education program or strict discipline
23 academy, the school district may provide, or may arrange for the
24 intermediate school district to provide, appropriate instructional
25 services to the individual at home. The type of services provided
26 shall meet the requirements of section 6(4)(u) of the state school
27 aid act of 1979, MCL 388.1606, and the services may be contracted

1 for in the same manner as services for homebound pupils under
2 section 109 of the state school aid act of 1979, MCL 388.1709. This
3 subsection does not require a school district to expend more money
4 for providing services for a pupil expelled pursuant to subsection
5 (2) than the amount of the foundation allowance the school district
6 receives for the pupil as calculated under section 20 of the state
7 school aid act of 1979, MCL 388.1620.

8 (4) If a school board expels an individual pursuant to
9 subsection (2), the school board shall ensure that, within 3 days
10 after the expulsion, an official of the school district refers the
11 individual to the appropriate county department of social services
12 or county community mental health agency and notifies the
13 individual's parent or legal guardian or, if the individual is at
14 least age 18 or is an emancipated minor, notifies the individual of
15 the referral.

16 (5) The parent or legal guardian of an individual expelled
17 pursuant to subsection (2) or, if the individual is at least age 18
18 or is an emancipated minor, the individual may petition the
19 expelling school board for reinstatement of the individual to
20 public education in the school district. If the expelling school
21 board denies a petition for reinstatement, the parent or legal
22 guardian or, if the individual is at least age 18 or is an
23 emancipated minor, the individual may petition another school board
24 for reinstatement of the individual in that other school district.
25 All of the following apply to reinstatement under this subsection:

26 (a) For an individual who was enrolled in grade 5 or below at
27 the time of the expulsion and who has been expelled for possessing

1 a firearm or threatening another person with a dangerous weapon,
2 the parent or legal guardian or, if the individual is at least age
3 18 or is an emancipated minor, the individual may initiate a
4 petition for reinstatement at any time after the expiration of 60
5 school days after the date of expulsion. For an individual who was
6 enrolled in grade 5 or below at the time of the expulsion and who
7 has been expelled pursuant to subsection (2) for a reason other
8 than possessing a firearm or threatening another person with a
9 dangerous weapon, the parent or legal guardian or, if the
10 individual is at least age 18 or is an emancipated minor, the
11 individual may initiate a petition for reinstatement at any time.
12 For an individual who was in grade 6 or above at the time of
13 expulsion, the parent or legal guardian or, if the individual is at
14 least age 18 or is an emancipated minor, the individual may
15 initiate a petition for reinstatement at any time after the
16 expiration of 150 school days after the date of expulsion.

17 (b) An individual who was in grade 5 or below at the time of
18 the expulsion and who has been expelled for possessing a firearm or
19 threatening another person with a dangerous weapon shall not be
20 reinstated before the expiration of 90 school days after the date
21 of expulsion. An individual who was in grade 5 or below at the time
22 of the expulsion and who has been expelled pursuant to subsection
23 (2) for a reason other than possessing a firearm or threatening
24 another person with a dangerous weapon shall not be reinstated
25 before the expiration of 10 school days after the date of the
26 expulsion. An individual who was in grade 6 or above at the time of
27 the expulsion shall not be reinstated before the expiration of 180

1 school days after the date of expulsion.

2 (c) It is the responsibility of the parent or legal guardian
3 or, if the individual is at least age 18 or is an emancipated
4 minor, of the individual to prepare and submit the petition. A
5 school board is not required to provide any assistance in preparing
6 the petition. Upon request by a parent or legal guardian or, if the
7 individual is at least age 18 or is an emancipated minor, by the
8 individual, a school board shall make available a form for a
9 petition.

10 (d) Not later than 10 school days after receiving a petition
11 for reinstatement under this subsection, a school board shall
12 appoint a committee to review the petition and any supporting
13 information submitted by the parent or legal guardian or, if the
14 individual is at least age 18 or is an emancipated minor, by the
15 individual. The committee shall consist of 2 school board members,
16 1 school administrator, 1 teacher, and 1 parent of a pupil in the
17 school district. During this time the superintendent of the school
18 district may prepare and submit for consideration by the committee
19 information concerning the circumstances of the expulsion and any
20 factors mitigating for or against reinstatement.

21 (e) Not later than 10 school days after all members are
22 appointed, the committee described in subdivision (d) shall review
23 the petition and any supporting information and information
24 provided by the school district and shall submit a recommendation
25 to the school board on the issue of reinstatement. The
26 recommendation shall be for unconditional reinstatement, for
27 conditional reinstatement, or against reinstatement, and shall be

1 accompanied by an explanation of the reasons for the recommendation
2 and of any recommended conditions for reinstatement. The
3 recommendation shall be based on consideration of all of the
4 following factors:

5 (i) The extent to which reinstatement of the individual would
6 create a risk of harm to pupils or school personnel.

7 (ii) The extent to which reinstatement of the individual would
8 create a risk of school district liability or individual liability
9 for the school board or school district personnel.

10 (iii) The age and maturity of the individual.

11 (iv) The individual's school record before the incident that
12 caused the expulsion.

13 (v) The individual's attitude concerning the incident that
14 caused the expulsion.

15 (vi) The individual's behavior since the expulsion and the
16 prospects for remediation of the individual.

17 (vii) If the petition was filed by a parent or legal guardian,
18 the degree of cooperation and support that has been provided by the
19 parent or legal guardian and that can be expected if the individual
20 is reinstated, including, but not limited to, receptiveness toward
21 possible conditions placed on the reinstatement.

22 (f) Not later than the next regularly scheduled board meeting
23 after receiving the recommendation of the committee under
24 subdivision (e), a school board shall make a decision to
25 unconditionally reinstate the individual, conditionally reinstate
26 the individual, or deny reinstatement of the individual. The
27 decision of the school board is final.

1 (g) A school board may require an individual and, if the
2 petition was filed by a parent or legal guardian, his or her parent
3 or legal guardian to agree in writing to specific conditions before
4 reinstating the individual in a conditional reinstatement. The
5 conditions may include, but are not limited to, agreement to a
6 behavior contract, which may involve the individual, parent or
7 legal guardian, and an outside agency; participation in or
8 completion of an anger management program or other appropriate
9 counseling; periodic progress reviews; and specified immediate
10 consequences for failure to abide by a condition. A parent or legal
11 guardian or, if the individual is at least age 18 or is an
12 emancipated minor, the individual may include proposed conditions
13 in a petition for reinstatement submitted under this subsection.

14 (6) A school board or school administrator that complies with
15 subsection (2) is not liable for damages for expelling a pupil
16 pursuant to subsection (2), and the authorizing body of a public
17 school academy **OR SPONSORING BODY OF A NEIGHBORHOOD PUBLIC SCHOOL**
18 is not liable for damages for expulsion of a pupil by the public
19 school academy **OR NEIGHBORHOOD PUBLIC SCHOOL** pursuant to subsection
20 (2).

21 (7) The department shall develop and distribute to all school
22 districts a form for a petition for reinstatement to be used under
23 subsection (5).

24 (8) This section does not diminish any rights under federal
25 law of a pupil who has been determined to be eligible for special
26 education programs and services.

27 (9) If a pupil expelled from a public school district pursuant

1 to subsection (2) is enrolled by a public school district sponsored
2 alternative education program or a public school academy **OR**
3 **NEIGHBORHOOD PUBLIC SCHOOL** during the period of expulsion, the
4 public school academy, **NEIGHBORHOOD PUBLIC SCHOOL**, or alternative
5 education program shall immediately become eligible for the
6 prorated share of either the public school academy **OR NEIGHBORHOOD**
7 **PUBLIC SCHOOL PER PUPIL PAYMENT** or operating school district's
8 foundation allowance or the expelling school district's foundation
9 allowance, whichever is higher.

10 (10) If an individual is expelled pursuant to subsection (2),
11 it is the responsibility of that individual and of his or her
12 parent or legal guardian to locate a suitable alternative
13 educational program and to enroll the individual in such a program
14 during the expulsion. The office of safe schools in the department
15 shall compile information on and catalog existing alternative
16 education programs or schools and nonpublic schools that may be
17 open to enrollment of individuals expelled pursuant to subsection
18 (2) and pursuant to section 1311a, and shall periodically
19 distribute this information to school districts for distribution to
20 expelled individuals. A school board that establishes an
21 alternative education program or school described in this
22 subsection shall notify the office of safe schools about the
23 program or school and the types of pupils it serves. The office of
24 safe schools also shall work with and provide technical assistance
25 to school districts, authorizing bodies for public school
26 academies, and other interested parties in developing these types
27 of alternative education programs or schools in geographic areas

1 that are not being served.

2 (11) SUBSECTION (2) DOES NOT APPLY TO A NEIGHBORHOOD PUBLIC
3 SCHOOL THAT IS A CYBER SCHOOL.

4 (12) ~~(11)~~As used in this section:

5 (a) "Arson" means a felony violation of chapter X of the
6 Michigan penal code, 1931 PA 328, MCL 750.71 to 750.80.

7 (b) "Criminal sexual conduct" means a violation of section
8 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA
9 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

10 (c) "Dangerous weapon" means that term as defined in section
11 1313.

12 (d) "Firearm" means that term as defined in section 921 of
13 title 18 of the United States Code, 18 USC 921.

14 (e) "School board" means a school board, intermediate school
15 board, ~~or the~~ board of directors of a public school academy, **OR**
16 **GOVERNING BOARD OF A NEIGHBORHOOD PUBLIC SCHOOL.**

17 (f) "School district" means a school district, ~~a local act~~
18 ~~school district,~~ an intermediate school district, ~~or a~~ public
19 school academy, **OR A NEIGHBORHOOD PUBLIC SCHOOL.**

20 (g) "Weapon free school zone" means that term as defined in
21 section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

22 **SEC. 1701B. FOR THE PURPOSES OF ENSURING THAT A PUPIL WITH A**
23 **DISABILITY ENROLLED IN A NEIGHBORHOOD PUBLIC SCHOOL IS PROVIDED**
24 **WITH SPECIAL EDUCATION PROGRAMS AND SERVICES, THE NEIGHBORHOOD**
25 **PUBLIC SCHOOL IS CONSIDERED TO BE A LOCAL SCHOOL DISTRICT UNDER**
26 **THIS ARTICLE.**