

SENATE BILL No. 981

November 10, 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 449 and 507 (MCL 380.449 and 380.507), section
449 as amended by 2004 PA 303 and section 507 as amended by 1995 PA
289, and by adding sections 11c, 1280c, and 1280d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

4 Sec. 507. (1) The authorizing body for a public school academy
5 is the fiscal agent for the public school academy. A state school
6 aid payment for a public school academy shall be paid to the
7 authorizing body that is the fiscal agent for that public school
8 academy, which shall then forward the payment to the public school
9 academy. An authorizing body has the responsibility to oversee a
10 public school academy's compliance with the contract and all
11 applicable law. A contract issued under this part may be revoked by
12 the authorizing body that issued the contract if the authorizing
13 body determines that 1 or more of the following has occurred:

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

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

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

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

22 (2) IF AN AUTHORIZING BODY RECEIVES NOTICE FROM THE
23 SUPERINTENDENT OF PUBLIC INSTRUCTION THAT A PUBLIC SCHOOL ACADEMY
24 THAT IT AUTHORIZED HAS BEEN DESIGNATED BY THE SUPERINTENDENT OF
25 PUBLIC INSTRUCTION AS A TURNAROUND SCHOOL UNDER SECTION 1280C, THE
26 AUTHORIZING BODY MAY REVOKE THE PUBLIC SCHOOL ACADEMY'S CONTRACT
27 AND THE PUBLIC SCHOOL ACADEMY MAY BE CLOSED.

1 (3) ~~(2)~~—The decision of an authorizing body to revoke a
2 contract under this section is solely within the discretion of the
3 authorizing body, is final, and is not subject to review by a court
4 or any state agency.

5 (4) An authorizing body that revokes a contract under this
6 section is not liable for that action to the public school academy,
7 public school academy corporation, a pupil of the public school
8 academy, the parent or guardian of a pupil of the public school
9 academy, or any other person.

10 SEC. 1280C. (1) BEGINNING AFTER THE 2010-2011 SCHOOL YEAR, IF
11 THE DEPARTMENT DETERMINES THAT A PUBLIC SCHOOL HAS BEEN
12 UNACCREDITED FOR 4 CONSECUTIVE YEARS OR HAS FAILED TO ACHIEVE THE
13 FEDERAL PUPIL PERFORMANCE STANDARD FOR ALL PUPILS FOR ACADEMIC
14 PERFORMANCE FOR 4 OR MORE CONSECUTIVE YEARS AND THAT THE PERCENTAGE
15 OF ALL PUPILS ENROLLED IN THE PUBLIC SCHOOL WHO SCORED AT LEAST
16 "PROFICIENT" ON THE MOST RECENT MICHIGAN EDUCATION ASSESSMENT
17 PROGRAM ASSESSMENTS OR MICHIGAN MERIT EXAMINATION, AS APPLICABLE,
18 FOR WHICH RESULTS ARE AVAILABLE WAS LESS THAN THE DESIGNATED
19 PERCENTAGE, AS DEFINED IN SUBSECTION (16), IN BOTH MATHEMATICS AND
20 ENGLISH LANGUAGE ARTS, THEN THE SUPERINTENDENT OF PUBLIC
21 INSTRUCTION SHALL ISSUE AN ORDER DESIGNATING THE PUBLIC SCHOOL AS A
22 TURNAROUND SCHOOL AND SHALL TAKE MEASURES UNDER SUBSECTION (3) WITH
23 RESPECT TO THE PUBLIC SCHOOL AND ITS SCHOOL DISTRICT, AS
24 APPLICABLE. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ISSUE
25 THE ORDER DESIGNATING A PUBLIC SCHOOL AS A TURNAROUND SCHOOL WITHIN
26 15 DAYS AFTER HE OR SHE DETERMINES THAT THE PUBLIC SCHOOL MEETS THE
27 CRITERIA UNDER THIS SUBSECTION.

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

5 (A) THE REVIEW TEAM SHALL CONSIST OF AT LEAST A TEACHER WHO IS
6 NOT EMPLOYED AT THE TURNAROUND SCHOOL, A SUPPORT STAFF MEMBER WHO
7 IS NOT EMPLOYED AT THE TURNAROUND SCHOOL, A PARENT WHO DOES NOT
8 HAVE A CHILD ENROLLED IN THE TURNAROUND SCHOOL, A SCHOOL
9 ADMINISTRATOR WHO IS NOT EMPLOYED AT THE TURNAROUND SCHOOL, A
10 SCHOOL BOARD MEMBER, A MEMBER OF THE LOCAL COMMUNITY, AND ANOTHER
11 DESIGNEE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION. A MEMBER OF
12 THE REVIEW TEAM SERVES AT THE PLEASURE OF THE SUPERINTENDENT OF
13 PUBLIC INSTRUCTION AND MAY BE REMOVED AND REPLACED BY THE
14 SUPERINTENDENT OF PUBLIC INSTRUCTION.

15 (B) THE REVIEW TEAM'S EVALUATION SHALL FOCUS ON ISSUES AT BOTH
16 THE SCHOOL DISTRICT LEVEL AND SCHOOL BUILDING LEVEL AND SHALL
17 COVER, AT A MINIMUM, PUPIL PERFORMANCE ON STATE ASSESSMENTS,
18 STANDARDS AND EXPECTATIONS, CURRICULUM, INSTRUCTION, TIME ON TASK,
19 LEARNING ENVIRONMENT, PREVALENCE OF TRANSIENT PUPILS, PARENTAL
20 INVOLVEMENT, COMMUNITY INVOLVEMENT, STAFF DEVELOPMENT, PLANNING AND
21 ASSESSMENT, AND GOVERNANCE AND LEADERSHIP.

22 (C) WITHIN 30 DAYS AFTER BEING APPOINTED, THE REVIEW TEAM
23 SHALL SUBMIT A REPORT TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION
24 BASED ON ITS EVALUATION THAT IDENTIFIES THE REASONS FOR THE
25 TURNAROUND SCHOOL'S FAILURES AND CONTAINS RECOMMENDATIONS ON THE
26 MEASURES THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE
27 CHIEF EDUCATIONAL OFFICER APPOINTED UNDER SUBSECTION (3) SHOULD

1 TAKE UNDER THIS SECTION WITH REGARD TO THE TURNAROUND SCHOOL. IN
2 ITS EVALUATION REPORT, THE REVIEW TEAM SHALL IDENTIFY WHETHER THE
3 REASONS FOR THE FAILURES EXIST AT THE SCHOOL BUILDING LEVEL AND
4 REQUIRE NEW LEADERSHIP FOR THE SCHOOL ITSELF OR EXIST AT THE SCHOOL
5 DISTRICT LEVEL AND REQUIRE NEW LEADERSHIP FOR THE SCHOOL DISTRICT
6 THAT OPERATES THE SCHOOL.

7 (D) THE REVIEW TEAM SHALL REEVALUATE THE TURNAROUND SCHOOL AT
8 LEAST ANNUALLY TO MONITOR THE PROGRESS BEING MADE IN IMPLEMENTING
9 THE RECOMMENDATIONS CONTAINED IN THE REVIEW TEAM'S EVALUATION
10 REPORT.

11 (E) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A
12 PUBLIC SCHOOL ACADEMY SHALL COOPERATE FULLY WITH A REVIEW TEAM
13 APPOINTED UNDER THIS SUBSECTION.

14 (3) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION ISSUES AN
15 ORDER DESIGNATING A SCHOOL AS A TURNAROUND SCHOOL UNDER SUBSECTION
16 (1), THEN ALL OF THE FOLLOWING APPLY:

17 (A) IF THE TURNAROUND SCHOOL IS A PUBLIC SCHOOL ACADEMY, THE
18 SUPERINTENDENT OF PUBLIC INSTRUCTION IMMEDIATELY SHALL NOTIFY THE
19 PUBLIC SCHOOL ACADEMY'S AUTHORIZING BODY THAT THE SCHOOL HAS BEEN
20 DESIGNATED AS A TURNAROUND SCHOOL. THE PUBLIC SCHOOL ACADEMY'S
21 AUTHORIZING BODY MAY REVOKE THE PUBLIC SCHOOL ACADEMY'S CONTRACT,
22 AND THE PUBLIC SCHOOL ACADEMY MAY BE CLOSED.

23 (B) EXCEPT FOR A PUBLIC SCHOOL ACADEMY THAT IS CLOSED UNDER
24 SUBDIVISION (A), WITHIN 60 DAYS AFTER RECEIVING THE EVALUATION
25 REPORT FROM THE REVIEW TEAM UNDER SUBSECTION (2), THE
26 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ISSUE AN ORDER
27 APPOINTING A CHIEF EDUCATIONAL OFFICER FOR THE TURNAROUND SCHOOL.

1 HOWEVER, IF THE TURNAROUND SCHOOL IS OPERATED BY A SCHOOL DISTRICT
2 AND THE EVALUATION REPORT FROM THE REVIEW TEAM UNDER SUBSECTION (2)
3 HAS RECOMMENDED NEW LEADERSHIP AT THE SCHOOL DISTRICT LEVEL, THE
4 SUPERINTENDENT OF PUBLIC INSTRUCTION MAY INSTEAD ISSUE AN ORDER
5 APPOINTING A CHIEF EDUCATIONAL OFFICER FOR THAT ENTIRE SCHOOL
6 DISTRICT, EXCEPT THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION
7 SHALL NOT ISSUE AN ORDER APPOINTING A CHIEF EDUCATIONAL OFFICER FOR
8 AN ENTIRE SCHOOL DISTRICT IF THE ONLY TURNAROUND SCHOOL OPERATED BY
9 THAT SCHOOL DISTRICT IS AN ALTERNATIVE EDUCATION PROGRAM, AS
10 DETERMINED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. THE CHIEF
11 EDUCATIONAL OFFICER SHALL TAKE CONTROL OF EITHER THE TURNAROUND
12 SCHOOL OR THE SCHOOL DISTRICT, AS DETERMINED BY THE SUPERINTENDENT
13 OF PUBLIC INSTRUCTION, AND OPERATE IT AS PROVIDED UNDER THIS
14 SECTION.

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

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

21 (i) THE CHIEF EDUCATIONAL OFFICER SHALL BE CHOSEN SOLELY ON THE
22 BASIS OF HIS OR HER COMPETENCE AND EXPERIENCE EITHER IN EDUCATIONAL
23 REFORM AND REDESIGN AND IMPROVING PUPIL ACHIEVEMENT OR IN BUSINESS
24 AND FISCAL MATTERS. IF THE CHIEF EDUCATIONAL OFFICER IS CHOSEN
25 BASED ON HIS OR HER EXPERIENCE AND COMPETENCE IN BUSINESS AND
26 FISCAL MATTERS, THE CHIEF EDUCATIONAL OFFICER, WITH THE APPROVAL OF
27 THE SUPERINTENDENT OF PUBLIC INSTRUCTION, SHALL HIRE AN EXPERT IN

1 EDUCATIONAL REFORM AND REDESIGN WITH A PROVEN RECORD OF IMPROVING
2 PUPIL ACHIEVEMENT TO ASSIST THE CHIEF EDUCATIONAL OFFICER IN
3 OPERATING THE TURNAROUND SCHOOL OR THE SCHOOL DISTRICT.

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

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

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

12 (v) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENTER INTO
13 A CONTRACT WITH THE CHIEF EDUCATIONAL OFFICER APPOINTING THE CHIEF
14 EDUCATIONAL OFFICER FOR A TERM OF AT LEAST 1 BUT NOT MORE THAN 3
15 YEARS, AS DETERMINED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.
16 SUBJECT TO SUBDIVISION (M), THE SUPERINTENDENT OF PUBLIC
17 INSTRUCTION MAY RENEW THE APPOINTMENT FOR 1 OR MORE SUBSEQUENT
18 TERMS OF NOT MORE THAN 3 YEARS, AS DETERMINED BY THE SUPERINTENDENT
19 OF PUBLIC INSTRUCTION.

20 (B) WITH RESPECT TO THAT TURNAROUND SCHOOL OR THE SCHOOL
21 DISTRICT, THE CHIEF EDUCATIONAL OFFICER HAS ALL OF THE POWERS AND
22 DUTIES DESCRIBED IN THIS SECTION. ALL PROVISIONS OF THIS ACT THAT
23 WOULD OTHERWISE APPLY TO THE SCHOOL BOARD OR BOARD OF DIRECTORS
24 THAT PREVIOUSLY OPERATED THE TURNAROUND SCHOOL OR THE SCHOOL
25 DISTRICT APPLY TO THE CHIEF EDUCATIONAL OFFICER WITH RESPECT TO
26 THAT SCHOOL OR SCHOOL DISTRICT, EXCEPT THOSE RELATING TO TAXATION
27 OR BORROWING. SUBJECT TO THIS SECTION, THE CHIEF EDUCATIONAL

1 OFFICER MAY EXERCISE ALL THE POWERS AND DUTIES OTHERWISE VESTED BY
2 LAW IN THE SCHOOL BOARD OR BOARD OF DIRECTORS THAT PREVIOUSLY
3 OPERATED THE TURNAROUND SCHOOL OR THE SCHOOL DISTRICT AND IN ITS
4 OFFICERS, EXCEPT THOSE RELATING TO TAXATION OR BORROWING, AND MAY
5 EXERCISE ALL ADDITIONAL POWERS AND DUTIES PROVIDED UNDER THIS
6 SECTION. SUBJECT TO THIS SECTION, THE CHIEF EDUCATIONAL OFFICER
7 ACCEDES TO ALL THE RIGHTS, DUTIES, AND OBLIGATIONS OF THE SCHOOL
8 BOARD OR BOARD OF DIRECTORS WITH RESPECT TO THE TURNAROUND SCHOOL
9 OR THE SCHOOL DISTRICT. OTHER THAN TAXATION AND BORROWING, THE
10 SCHOOL BOARD'S OR BOARD OF DIRECTORS' ROLE WITH RESPECT TO THE
11 TURNAROUND SCHOOL OR THE SCHOOL DISTRICT IS LIMITED TO ACTING AS AN
12 ADVISORY BOARD TO THE CHIEF EDUCATIONAL OFFICER. THE CHIEF
13 EDUCATIONAL OFFICER'S POWERS, RIGHTS, DUTIES, AND OBLIGATIONS
14 INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

15 (i) AUTHORITY OVER THE EXPENDITURE OF FUNDS AS FOLLOWS:

16 (A) IF THE CHIEF EDUCATIONAL OFFICER IS OPERATING JUST THE
17 TURNAROUND SCHOOL, AUTHORITY OVER EXPENDITURE OF ALL FUNDS
18 ATTRIBUTABLE TO PUPILS AT THE TURNAROUND SCHOOL, INCLUDING THAT
19 PORTION OF PROCEEDS FROM BONDED INDEBTEDNESS AND OTHER FUNDS
20 DEDICATED TO CAPITAL PROJECTS THAT WOULD OTHERWISE BE APPORTIONED
21 TO THAT SCHOOL BY THE SCHOOL BOARD OR BOARD OF DIRECTORS THAT
22 PREVIOUSLY OPERATED THE SCHOOL ACCORDING TO THE TERMS OF THE BOND
23 ISSUE OR FINANCING DOCUMENTS. THE SCHOOL BOARD OR BOARD OF
24 DIRECTORS SHALL ENSURE THAT ALL FUNDS ATTRIBUTABLE TO PUPILS WHO
25 ARE ENROLLED AT THAT SCHOOL ARE MADE AVAILABLE TO THE CHIEF
26 EDUCATIONAL OFFICER TO BE EXPENDED FOR OPERATING THE TURNAROUND
27 SCHOOL.

1 (B) IF THE CHIEF EDUCATIONAL OFFICER IS OPERATING THE ENTIRE
2 SCHOOL DISTRICT, AUTHORITY OVER EXPENDITURE OF ALL FUNDS OF THE
3 SCHOOL DISTRICT, INCLUDING PROCEEDS FROM BONDED INDEBTEDNESS AND
4 OTHER FUNDS DEDICATED TO CAPITAL PROJECTS.

5 (ii) SUBJECT TO THIS SECTION, RIGHTS AND OBLIGATIONS UNDER
6 COLLECTIVE BARGAINING AGREEMENTS AND EMPLOYMENT CONTRACTS ENTERED
7 INTO BY THE SCHOOL BOARD OR BOARD OF DIRECTORS FOR EMPLOYEES AT THE
8 TURNAROUND SCHOOL OR FOR EMPLOYEES OF THE SCHOOL DISTRICT, AS
9 APPLICABLE.

10 (iii) RIGHTS TO PROSECUTE AND DEFEND LITIGATION.

11 (iv) RIGHTS AND OBLIGATIONS UNDER STATUTE, RULE, AND COMMON
12 LAW.

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

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

26 (C) THE CHIEF EDUCATIONAL OFFICER SHALL TAKE CONTROL OF THE
27 CONTINUED DAY-TO-DAY OPERATION OF THE TURNAROUND SCHOOL OR THE

1 SCHOOL DISTRICT, AS APPLICABLE. THE CHIEF EDUCATIONAL OFFICER MAY
2 MODIFY SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY POLICIES AND
3 RENEGOTIATE APPLICABLE COLLECTIVE BARGAINING AGREEMENTS TO PROVIDE
4 FOR ANY MEASURES THAT THE CHIEF EDUCATIONAL OFFICER DETERMINES TO
5 BE NECESSARY TO ACHIEVE THE EDUCATIONAL GOALS ESTABLISHED BY THE
6 CHIEF EDUCATIONAL OFFICER. IF THE CHIEF EDUCATIONAL OFFICER
7 REQUESTS RENEGOTIATION ON 1 OR MORE COLLECTIVE BARGAINING
8 PROVISIONS AND THE PARTIES ARE UNABLE TO REACH AGREEMENT ON 1 OR
9 MORE OF THOSE PROVISIONS WITHIN 60 DAYS, THE CHIEF EDUCATIONAL
10 OFFICER MAY DECLARE AN IMPASSE ON EACH PROVISION FOR WHICH
11 AGREEMENT WAS NOT REACHED AND IMPLEMENT HIS OR HER LAST BEST OFFER
12 FOR EACH OF THOSE PROVISIONS. THE POLICIES THAT MAY BE MODIFIED OR
13 COLLECTIVE BARGAINING AGREEMENT PROVISIONS THAT MAY BE RENEGOTIATED
14 UNDER THIS SUBSECTION INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE
15 FOLLOWING:

16 (i) THAT ANY CONTRACTUAL OR OTHER SENIORITY SYSTEM THAT WOULD
17 OTHERWISE BE APPLICABLE SHALL NOT APPLY AT THE TURNAROUND SCHOOL OR
18 IN THE SCHOOL DISTRICT, AS APPLICABLE. THIS SUBPARAGRAPH DOES NOT
19 ALLOW UNILATERAL CHANGES IN PAY SCALES OR BENEFITS.

20 (ii) THAT ANY CONTRACTUAL OR OTHER WORK RULES THE CHIEF
21 EDUCATIONAL OFFICER DETERMINES TO BE IMPEDIMENTS TO ACHIEVING
22 SATISFACTORY PUPIL PERFORMANCE SHALL NOT APPLY AT THE TURNAROUND
23 SCHOOL OR IN THE SCHOOL DISTRICT, AS APPLICABLE. THIS SUBPARAGRAPH
24 DOES NOT ALLOW UNILATERAL CHANGES IN PAY SCALES OR BENEFITS.

25 (iii) THAT THE CHIEF EDUCATIONAL OFFICER SHALL DIRECT THE
26 EXPENDITURE OF ALL FUNDS ATTRIBUTABLE TO PUPILS AT THE TURNAROUND
27 SCHOOL OR ALL FUNDS OF THE SCHOOL DISTRICT, AS APPLICABLE, AND THE

1 CHIEF EDUCATIONAL OFFICER SHALL HAVE FULL AUTONOMY AND CONTROL OVER
2 CURRICULUM AND DISCRETIONARY SPENDING AT THE TURNAROUND SCHOOL OR
3 FOR THE SCHOOL DISTRICT, AS APPLICABLE.

4 (D) IF THE CHIEF EDUCATIONAL OFFICER IS OPERATING JUST THE
5 TURNAROUND SCHOOL, THEN, FOR THE PURPOSES OF COLLECTIVE BARGAINING
6 UNDER 1947 PA 336, MCL 423.201 TO 423.217, THE CHIEF EDUCATIONAL
7 OFFICER IS A JOINT EMPLOYER OF THE EMPLOYEES AT THE TURNAROUND
8 SCHOOL ALONG WITH THE BOARD OF THE SCHOOL DISTRICT, OR BOARD OF
9 DIRECTORS OF THE PUBLIC SCHOOL ACADEMY, THAT PREVIOUSLY OPERATED
10 THE TURNAROUND SCHOOL.

11 (E) EXCEPT AS OTHERWISE PROVIDED BY LAW, AN INDIVIDUAL MAY BE
12 EMPLOYED TO TEACH AT THE TURNAROUND SCHOOL OR IN THE SCHOOL
13 DISTRICT ONLY IF HE OR SHE HOLDS A VALID MICHIGAN TEACHING
14 CERTIFICATE.

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

17 (i) THE EDUCATIONAL GOALS THE TURNAROUND SCHOOL OR THE SCHOOL
18 DISTRICT IS TO ACHIEVE AND THE METHODS BY WHICH IT WILL BE HELD
19 ACCOUNTABLE. TO THE EXTENT APPLICABLE, THE PUPIL PERFORMANCE OF A
20 TURNAROUND SCHOOL OR SCHOOL DISTRICT SHALL BE ASSESSED USING AT
21 LEAST A MICHIGAN EDUCATION ASSESSMENT PROGRAM (MEAP) TEST OR THE
22 MICHIGAN MERIT EXAMINATION, AS APPLICABLE. AT A MINIMUM, THE
23 EDUCATIONAL GOALS SHALL INCLUDE THAT AT LEAST 80% OF THE SCHOOL'S
24 OR SCHOOL DISTRICT'S PUPILS GRADUATE FROM HIGH SCHOOL OR ARE
25 DETERMINED BY THE DEPARTMENT TO BE ON TRACK TO GRADUATE FROM HIGH
26 SCHOOL, THE SCHOOL OR SCHOOL DISTRICT HAS AT LEAST 80% AVERAGE
27 ATTENDANCE, AND, IF THE SCHOOL IS A HIGH SCHOOL OR FOR A SCHOOL

1 DISTRICT THAT OPERATES A HIGH SCHOOL, ITS PUPILS HAVE AN AVERAGE
2 SCORE OF AT LEAST 18 ON THE COLLEGE ENTRANCE EXAMINATION COMPONENT
3 OF THE MICHIGAN MERIT EXAMINATION.

4 (ii) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE
5 TURNAROUND SCHOOL'S OR SCHOOL DISTRICT'S COMPLIANCE WITH APPLICABLE
6 LAW AND ITS PERFORMANCE IN MEETING ITS TARGETED EDUCATIONAL
7 OBJECTIVES.

8 (G) FOR A TURNAROUND SCHOOL, THE FOLLOWING POWERS CONCERNING
9 EMPLOYEES:

10 (i) THE CHIEF EDUCATIONAL OFFICER MAY REMOVE A STAFF MEMBER
11 FROM A JOB ASSIGNMENT AT THE TURNAROUND SCHOOL IN ACCORDANCE WITH
12 ANY APPLICABLE COLLECTIVE BARGAINING AGREEMENT THAT APPLIES TO THAT
13 SCHOOL, AFTER ANY MODIFICATION OF THE COLLECTIVE BARGAINING
14 AGREEMENT UNDER THIS SECTION, AND DIRECT THAT HE OR SHE BE ASSIGNED
15 ELSEWHERE. HOWEVER, THIS SUBPARAGRAPH APPLIES ONLY TO ASSIGNMENT AT
16 THAT SCHOOL AND DOES NOT ALLOW A STAFF MEMBER TO BE TERMINATED FROM
17 HIS OR HER EMPLOYMENT WITH THE SCHOOL DISTRICT OR PUBLIC SCHOOL
18 ACADEMY THAT PREVIOUSLY OPERATED THE SCHOOL.

19 (ii) THE CHIEF EDUCATIONAL OFFICER OR OTHER SCHOOL LEADER
20 DESIGNATED BY THE CHIEF EDUCATIONAL OFFICER MAY HIRE AND ASSIGN
21 EMPLOYEES TO WORK AT THE TURNAROUND SCHOOL.

22 (H) FOR A SCHOOL DISTRICT BEING OPERATED BY A CHIEF
23 EDUCATIONAL OFFICER UNDER THIS SECTION, THE FOLLOWING POWERS
24 CONCERNING EMPLOYEES:

25 (i) THE CHIEF EDUCATIONAL OFFICER MAY REMOVE A STAFF MEMBER
26 FROM A JOB ASSIGNMENT IN THE SCHOOL DISTRICT IN ACCORDANCE WITH ANY
27 APPLICABLE COLLECTIVE BARGAINING AGREEMENT, AFTER ANY MODIFICATION

1 OF THE COLLECTIVE BARGAINING AGREEMENT UNDER THIS SECTION, AND
2 DIRECT THAT HE OR SHE BE ASSIGNED ELSEWHERE IN THE SCHOOL DISTRICT.

3 (ii) THE CHIEF EDUCATIONAL OFFICER OR OTHER SCHOOL LEADER
4 DESIGNATED BY THE CHIEF EDUCATIONAL OFFICER MAY HIRE AND ASSIGN
5 EMPLOYEES TO WORK IN THE SCHOOL DISTRICT.

6 (I) THE SCHOOL BOARD OR BOARD OF DIRECTORS SHALL ENSURE THAT
7 ALL OF ITS SCHOOL OFFICIALS AND EMPLOYEES COOPERATE WITH THE CHIEF
8 EDUCATIONAL OFFICER AND WITH ANY EDUCATIONAL MANAGEMENT ENTITY
9 MANAGING THE TURNAROUND SCHOOL OR THE SCHOOL DISTRICT, AS
10 APPLICABLE.

11 (J) FOR PURPOSES OF CALCULATING STATE SCHOOL AID UNDER THE
12 STATE SCHOOL AID ACT OF 1979, A TURNAROUND SCHOOL IS CONSIDERED
13 PART OF THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY THAT OPERATED
14 THE SCHOOL BEFORE IT WAS DESIGNATED AS A TURNAROUND SCHOOL.

15 (K) THE CHIEF EDUCATIONAL OFFICER SHALL ADOPT AND IMPLEMENT
16 FOR THE TURNAROUND SCHOOL OR THE SCHOOL DISTRICT, AS APPLICABLE, A
17 PARENT INVOLVEMENT PLAN DESIGNED TO ENCOURAGE PARENTAL
18 PARTICIPATION. THIS PARENT INVOLVEMENT PLAN MAY BE, BUT IS NOT
19 REQUIRED TO BE, BASED ON THE PARENT INVOLVEMENT PLAN PREVIOUSLY
20 IMPLEMENTED IN THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY UNDER
21 SECTION 1294. THE CHIEF EDUCATIONAL OFFICER SHALL PROVIDE A COPY OF
22 THE PARENT INVOLVEMENT PLAN TO THE PARENT OR LEGAL GUARDIAN OF EACH
23 PUPIL ENROLLED IN THE SCHOOL OR SCHOOL DISTRICT, AS APPLICABLE, AND
24 TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION. THE CHIEF EDUCATIONAL
25 OFFICER MAY PROVIDE THE COPY OF THE POLICY BY INCLUDING THE POLICY
26 IN THE STUDENT HANDBOOK OR A SIMILAR PUBLICATION THAT IS
27 DISTRIBUTED TO ALL PUPILS AND PARENTS.

1 (l) THE CHIEF EDUCATIONAL OFFICER SHALL ESTABLISH A SCHOOL
2 ADVISORY COUNCIL FOR THE TURNAROUND SCHOOL OR THE SCHOOL DISTRICT,
3 AS APPLICABLE, CONSISTING OF PARENTS AND COMMUNITY LEADERS AND
4 SHALL MEET WITH THE SCHOOL ADVISORY COUNCIL PERIODICALLY TO RECEIVE
5 THEIR INPUT. THE CHIEF EDUCATIONAL OFFICER MAY ALSO INCLUDE ON THE
6 ADVISORY COUNCIL 1 OR MORE PUPILS; REPRESENTATIVES OF LOCAL
7 COMMUNITY ORGANIZATIONS THAT OFFER HEALTH, SOCIAL, OR EDUCATIONAL
8 SERVICES; OR REPRESENTATIVES OF LOCAL WORKFORCE DEVELOPMENT BOARDS
9 OR POSTSECONDARY INSTITUTIONS THAT SERVE THE LOCAL COMMUNITY.

10 (m) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES
11 THAT THE TURNAROUND SCHOOL OR THE SCHOOL DISTRICT, AS APPLICABLE,
12 HAS NOT MET AT LEAST ALL OF THE FOLLOWING AFTER 3 FULL SCHOOL YEARS
13 OF BEING OPERATED BY A PARTICULAR CHIEF EDUCATIONAL OFFICER, THE
14 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL APPOINT A NEW CHIEF
15 EDUCATIONAL OFFICER FOR THE SCHOOL OR SCHOOL DISTRICT AS PROVIDED
16 UNDER THIS SECTION:

17 (i) AT LEAST 1 OF THE FOLLOWING:

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

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

1 (ii) ALL OF THE FOLLOWING EDUCATIONAL GOALS:

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

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

6 (C) IF THE SCHOOL IS A HIGH SCHOOL OR FOR A SCHOOL DISTRICT,
7 ITS PUPILS HAVE AN AVERAGE SCORE OF AT LEAST 18 ON THE COLLEGE
8 ENTRANCE EXAMINATION COMPONENT OF THE MICHIGAN MERIT EXAMINATION.

9 (iii) THE REVIEW TEAM APPOINTED UNDER SUBSECTION (2) DETERMINES
10 IN ITS ANNUAL REEVALUATIONS THAT THE CHIEF EDUCATIONAL OFFICER IS
11 MAKING SATISFACTORY PROGRESS IN IMPLEMENTING THE RECOMMENDATIONS IN
12 THE REVIEW TEAM'S INITIAL EVALUATION REPORT.

13 (5) THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY DETERMINE AND
14 CERTIFY THAT THE CONDITIONS FOR REVOKING THE DESIGNATION OF A
15 SCHOOL AS A TURNAROUND SCHOOL HAVE BEEN MET AFTER RECEIVING A
16 RECOMMENDATION FROM THE CHIEF EDUCATIONAL OFFICER. THE CHIEF
17 EDUCATIONAL OFFICER MAY CONDITION HIS OR HER RECOMMENDATION TO THE
18 SUPERINTENDENT OF PUBLIC INSTRUCTION UPON THE SCHOOL BOARD'S
19 ADOPTION OF A RESOLUTION THAT WILL ENSURE THAT THE GOALS AND
20 METHODS OF THE CHIEF EDUCATIONAL OFFICER, AS REPORTED TO THE
21 SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER SUBSECTION (4) (F), WILL
22 BE CONTINUED AT THE SCHOOL OR IN THE SCHOOL DISTRICT, AS
23 APPLICABLE.

24 (6) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DO 1 OF THE
25 FOLLOWING:

26 (A) CREATE A HIGH-PERFORMING SCHOOL REVIEW TEAM THAT EVALUATES
27 PUBLIC SCHOOL ACADEMIES IN THIS STATE AND SIMILAR PUBLIC SCHOOLS IN

1 OTHER STATES TO IDENTIFY PERSONS OR ENTITIES THAT OPERATE HIGH-
2 PERFORMING PUBLIC SCHOOLS. THE HIGH-PERFORMING SCHOOL REVIEW TEAM
3 SHALL CONSIST OF AT LEAST TEACHERS, SCHOOL ADMINISTRATORS, AND
4 OTHER EDUCATIONAL EXPERTS. IN IDENTIFYING HIGH-PERFORMING PUBLIC
5 SCHOOLS, THE HIGH-PERFORMING SCHOOL REVIEW TEAM SHALL TAKE INTO
6 ACCOUNT THE PAST ACADEMIC PERFORMANCE OF PUPILS AT THE SCHOOL, PAST
7 GRADE OFFERINGS AT THE SCHOOL, AND THE DEMOGRAPHICS OF PUPILS AT
8 THE SCHOOL.

9 (B) CONTRACT WITH AN ENTITY TO PERFORM THE FUNCTIONS UNDER
10 SUBDIVISION (A).

11 (7) SUBJECT TO SECTION 1280D, A CHIEF EDUCATIONAL OFFICER MAY
12 CONTRACT WITH AN EDUCATIONAL MANAGEMENT ENTITY FOR THE MANAGEMENT
13 OF THE TURNAROUND SCHOOL OR THE SCHOOL DISTRICT THAT THE CHIEF
14 EDUCATIONAL OFFICER OPERATES, AT THE DISCRETION OF THE CHIEF
15 EDUCATIONAL OFFICER. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL
16 USE THE EVALUATIONS OF THE HIGH-PERFORMING SCHOOL REVIEW TEAM OR
17 THE CONTRACTING ENTITY UNDER SUBSECTION (6) TO SOLICIT PROPOSALS
18 FROM EDUCATIONAL MANAGEMENT ENTITIES TO MANAGE TURNAROUND SCHOOLS
19 OR SCHOOL DISTRICTS. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL
20 SHARE THESE PROPOSALS WITH THE CHIEF EDUCATIONAL OFFICERS APPOINTED
21 BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER THIS SECTION.

22 (8) UNLESS THE LEGISLATURE PROVIDES SPECIAL FUNDING, A CHIEF
23 EDUCATIONAL OFFICER APPOINTED UNDER THIS SECTION SHALL RECEIVE
24 COMPENSATION AS ESTABLISHED BY THE SUPERINTENDENT OF PUBLIC
25 INSTRUCTION, AND REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES,
26 FROM THE SCHOOL DISTRICT THAT PREVIOUSLY OPERATED THE TURNAROUND
27 SCHOOL, AS APPROVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. IN

1 ADDITION TO STAFF OTHERWISE AUTHORIZED BY LAW, WITH THE APPROVAL OF
2 THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE CHIEF EDUCATIONAL
3 OFFICER MAY APPOINT ADDITIONAL STAFF AND SECURE PROFESSIONAL
4 ASSISTANCE CONSIDERED NECESSARY TO IMPLEMENT THIS SECTION. IF THE
5 CHIEF EDUCATIONAL OFFICER WAS CHOSEN BASED ON HIS OR HER EXPERIENCE
6 AND COMPETENCE IN BUSINESS AND FISCAL MATTERS, THE CHIEF
7 EDUCATIONAL OFFICER, WITH THE APPROVAL OF THE SUPERINTENDENT OF
8 PUBLIC INSTRUCTION, SHALL HIRE AN EXPERT IN EDUCATIONAL REFORM AND
9 REDESIGN WITH A PROVEN RECORD OF IMPROVING PUPIL ACHIEVEMENT TO
10 ASSIST THE CHIEF EDUCATIONAL OFFICER IN OPERATING THE TURNAROUND
11 SCHOOL OR THE SCHOOL DISTRICT.

12 (9) AT LEAST ANNUALLY, THE DEPARTMENT SHALL PUBLISH A WATCH
13 LIST OF PUBLIC SCHOOLS THAT ARE IN DANGER OF MEETING THE CRITERIA
14 UNDER SUBSECTION (1). IF A PUBLIC SCHOOL IS INCLUDED ON THE LIST,
15 THE DEPARTMENT SHALL NOTIFY THE SCHOOL BOARD OR BOARD OF DIRECTORS
16 THAT OPERATES THE PUBLIC SCHOOL AND THE COLLECTIVE BARGAINING
17 REPRESENTATIVES OF ALL COLLECTIVE BARGAINING UNITS WITH MEMBERS WHO
18 WORK AT THE SCHOOL OR WHO ARE EMPLOYED BY THAT SCHOOL BOARD OR
19 BOARD OF DIRECTORS. THE SCHOOL BOARD OR BOARD OF DIRECTORS SHALL
20 NOTIFY EMPLOYEES AND PARENT ORGANIZATIONS OF THE SCHOOL DISTRICT
21 THAT THE SCHOOL HAS BEEN PLACED ON THIS WATCH LIST AND SHALL
22 PUBLISH A NOTICE TO THIS EFFECT ON ITS WEBSITE. THE DEPARTMENT
23 SHALL INCLUDE A PUBLIC SCHOOL ON THIS WATCH LIST IF THE DEPARTMENT
24 DETERMINES THAT A PUBLIC SCHOOL HAS FAILED TO ACHIEVE THE FEDERAL
25 PUPIL PERFORMANCE STANDARD FOR 3 OR MORE CONSECUTIVE YEARS AND THAT
26 THE PERCENTAGE OF ALL PUPILS ENROLLED IN THE PUBLIC SCHOOL WHO
27 SCORED AT LEAST "PROFICIENT" ON THE MOST RECENT MICHIGAN EDUCATION

1 ASSESSMENT PROGRAM ASSESSMENTS OR MICHIGAN MERIT EXAMINATION, AS
2 APPLICABLE, FOR WHICH RESULTS ARE AVAILABLE WAS LESS THAN 45% IN
3 BOTH MATHEMATICS AND ENGLISH LANGUAGE ARTS, AND MAY INCLUDE OTHER
4 PUBLIC SCHOOLS IF THE DEPARTMENT DETERMINES THAT THERE ARE OTHER
5 REASONS WHY THEY ARE IN DANGER OF MEETING THE CRITERIA UNDER
6 SUBSECTION (1).

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

19 (11) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES
20 THAT THE RESOURCES AVAILABLE TO THE DEPARTMENT ARE INSUFFICIENT TO
21 ADDRESS ALL OF THE PUBLIC SCHOOLS IN THIS STATE THAT MEET THE
22 CRITERIA UNDER SUBSECTION (1), THE SUPERINTENDENT OF PUBLIC
23 INSTRUCTION SHALL PRIORITIZE HIS OR HER EFFORTS BY ADDRESSING THE
24 30 LOWEST-PERFORMING PUBLIC SCHOOLS DURING THE 2011-2012 SCHOOL
25 YEAR AND 30 ADDITIONAL PUBLIC SCHOOLS EACH SUBSEQUENT SCHOOL YEAR
26 UNTIL ALL OF THE PUBLIC SCHOOLS THAT COMPRISE THE LOWEST-PERFORMING
27 5% OF ALL PUBLIC SCHOOLS IN THIS STATE HAVE BEEN ADDRESSED.

1 (12) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DOES NOT
2 ISSUE AN ORDER APPOINTING A CHIEF EDUCATIONAL OFFICER FOR A PUBLIC
3 SCHOOL THAT HE OR SHE HAS DETERMINED TO MEET THE CRITERIA UNDER
4 SUBSECTION (1), OR FOR ITS SCHOOL DISTRICT, BECAUSE OF INSUFFICIENT
5 RESOURCES AS DESCRIBED IN SUBSECTION (11), THE SCHOOL BOARD THAT
6 OPERATES THE PUBLIC SCHOOL MAY APPLY TO THE SUPERINTENDENT OF
7 PUBLIC INSTRUCTION FOR AN ORDER GRANTING PERMISSION FOR THE SCHOOL
8 BOARD TO MODIFY SCHOOL DISTRICT OR SCHOOL POLICIES AND RENEGOTIATE
9 APPLICABLE COLLECTIVE BARGAINING AGREEMENTS TO PROVIDE FOR ANY
10 MEASURES THAT IT DETERMINES TO BE NECESSARY TO ACHIEVE THE
11 NECESSARY IMPROVEMENT AT THE SCHOOL. UPON ISSUANCE OF THIS ORDER BY
12 THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE SCHOOL BOARD MAY
13 MODIFY SCHOOL DISTRICT OR SCHOOL POLICIES AND RENEGOTIATE
14 APPLICABLE COLLECTIVE BARGAINING AGREEMENTS AS PROVIDED IN THE
15 ORDER. IF THE SCHOOL BOARD REQUESTS RENEGOTIATION ON 1 OR MORE
16 COLLECTIVE BARGAINING PROVISIONS AND THE PARTIES ARE UNABLE TO
17 REACH AGREEMENT ON 1 OR MORE OF THOSE PROVISIONS WITHIN 60 DAYS,
18 THE SCHOOL BOARD MAY DECLARE AN IMPASSE ON EACH PROVISION FOR WHICH
19 AGREEMENT WAS NOT REACHED AND IMPLEMENT ITS LAST BEST OFFER FOR
20 EACH OF THOSE PROVISIONS. THE POLICIES THAT MAY BE MODIFIED OR
21 COLLECTIVE BARGAINING AGREEMENT PROVISIONS THAT MAY BE RENEGOTIATED
22 UNDER THIS SUBSECTION INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE
23 FOLLOWING:

24 (A) THAT ANY CONTRACTUAL OR OTHER SENIORITY SYSTEM THAT WOULD
25 OTHERWISE BE APPLICABLE SHALL NOT APPLY AT THE SCHOOL. THIS
26 SUBPARAGRAPH DOES NOT ALLOW UNILATERAL CHANGES IN PAY SCALES OR
27 BENEFITS.

1 (B) THAT ANY CONTRACTUAL OR OTHER WORK RULES IT DETERMINES TO
2 BE IMPEDIMENTS TO ACHIEVING SATISFACTORY PUPIL PERFORMANCE SHALL
3 NOT APPLY AT THE SCHOOL. THIS SUBPARAGRAPH DOES NOT ALLOW
4 UNILATERAL CHANGES IN PAY SCALES OR BENEFITS.

5 (C) THE SCHOOL BOARD MAY REMOVE A STAFF MEMBER FROM A JOB
6 ASSIGNMENT AT THE SCHOOL IN ACCORDANCE WITH ANY APPLICABLE
7 COLLECTIVE BARGAINING AGREEMENT THAT APPLIES TO THAT SCHOOL, AFTER
8 ANY MODIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT UNDER THIS
9 SUBSECTION, AND DIRECT THAT HE OR SHE BE ASSIGNED ELSEWHERE.
10 HOWEVER, THIS SUBPARAGRAPH APPLIES ONLY TO ASSIGNMENT AT THAT
11 SCHOOL AND DOES NOT ALLOW A STAFF MEMBER TO BE TERMINATED FROM HIS
12 OR HER EMPLOYMENT WITH THE SCHOOL DISTRICT THAT PREVIOUSLY OPERATED
13 THE SCHOOL.

14 (13) AT LEAST QUARTERLY, THE SUPERINTENDENT OF PUBLIC
15 INSTRUCTION SHALL SUBMIT A REPORT TO THE STANDING COMMITTEES OF THE
16 SENATE AND HOUSE OF REPRESENTATIVES HAVING JURISDICTION OVER
17 EDUCATION LEGISLATION ON THE PROGRESS BEING MADE IN IMPROVING PUPIL
18 PROFICIENCY DUE TO THE MEASURES UNDER THIS SECTION.

19 (14) THIS STATE, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND
20 A CHIEF EDUCATIONAL OFFICER APPOINTED UNDER THIS SECTION ARE NOT
21 LIABLE FOR ANY OBLIGATION OF OR CLAIM AGAINST A PUBLIC SCHOOL OR
22 SCHOOL DISTRICT RESULTING FROM ACTIONS TAKEN IN ACCORDANCE WITH
23 THIS SECTION.

24 (15) THIS SECTION DOES NOT APPLY TO A CENTER PROGRAM, AS
25 DEFINED IN SECTION 6 OF THE STATE SCHOOL AID ACT OF 1979, 1979 PA
26 94, MCL 388.1606.

27 (16) AS USED IN THIS SECTION:

1 (A) "ACHIEVED THE FEDERAL PUPIL PERFORMANCE STANDARD" MEANS
2 THAT THE DEPARTMENT HAS DETERMINED THAT THE SCHOOL HAS ACHIEVED
3 ADEQUATE YEARLY PROGRESS UNDER THE NO CHILD LEFT BEHIND ACT OF
4 2001, PUBLIC LAW 107-110, OR HAS MET A SUCCESSOR FEDERAL STANDARD
5 THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION HAS IDENTIFIED AS
6 BEING A STANDARD ESTABLISHED BY THE FEDERAL GOVERNMENT THAT IS
7 BASED ON PUPIL PERFORMANCE AND IS REQUIRED TO BE MET IN ORDER TO
8 RECEIVE FULL FEDERAL FUNDING.

9 (B) "DESIGNATED PERCENTAGE" MEANS 30% FOR 2010-2011, 33% FOR
10 2011-2012, 36% FOR 2012-2013, 39% FOR 2013-2014, 42% FOR 2014-2015,
11 AND 45% FOR 2015-2016 AND THEREAFTER.

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

20 SEC. 1280D. (1) IF A CHIEF EDUCATIONAL OFFICER OPERATING A
21 TURNAROUND SCHOOL OR A SCHOOL DISTRICT UNDER SECTION 1280C ENTERS
22 INTO A CONTRACT WITH AN EDUCATIONAL MANAGEMENT ENTITY FOR THE
23 MANAGEMENT OF THE TURNAROUND SCHOOL OR THE SCHOOL DISTRICT, THE
24 CHIEF EDUCATIONAL OFFICER SHALL ENSURE ALL OF THE FOLLOWING:

25 (A) THAT THE CHIEF EDUCATIONAL OFFICER HAS CONDUCTED
26 SUFFICIENT DUE DILIGENCE TO CONCLUDE THAT THE EDUCATIONAL
27 MANAGEMENT ENTITY HAS SUFFICIENT EDUCATIONAL EXPERTISE AND

1 MANAGEMENT EXPERIENCE TO PROVIDE THE AGREED SERVICES.

2 (B) THAT THE CHIEF EDUCATIONAL OFFICER WILL OBTAIN INDEPENDENT
3 LEGAL COUNSEL IN ALL NEGOTIATIONS WITH THE EDUCATIONAL MANAGEMENT
4 ENTITY.

5 (C) THAT, PURSUANT TO THE CONTRACT BETWEEN THE CHIEF
6 EDUCATIONAL OFFICER AND THE EDUCATIONAL MANAGEMENT ENTITY, THE
7 EDUCATIONAL MANAGEMENT ENTITY WILL PROVIDE TO THE CHIEF EDUCATIONAL
8 OFFICER ALL FINANCIAL AND OTHER INFORMATION REQUIRED TO COMPLY WITH
9 THE REQUIREMENTS CONCERNING REPORTING UNDER SECTION 1280C.

10 (2) IF A CHIEF EDUCATIONAL OFFICER OPERATING A TURNAROUND
11 SCHOOL OR A SCHOOL DISTRICT UNDER SECTION 1280C ENTERS INTO A
12 CONTRACT WITH AN EDUCATIONAL MANAGEMENT ENTITY FOR THE MANAGEMENT
13 OF THE TURNAROUND SCHOOL OR THE SCHOOL DISTRICT, THE CONTRACT
14 BETWEEN THE CHIEF EDUCATIONAL OFFICER AND THE EDUCATIONAL
15 MANAGEMENT ENTITY SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING
16 PROVISIONS:

17 (A) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT ENTITY TO
18 PROVIDE TO THE CHIEF EDUCATIONAL OFFICER INFORMATION REGARDING ANY
19 TEACHERS, ADMINISTRATORS, AND SUPPORT STAFF EMPLOYED BY THE
20 EDUCATIONAL MANAGEMENT ENTITY AND ASSIGNED TO WORK AT THE
21 TURNAROUND SCHOOL OR IN THE SCHOOL DISTRICT, INCLUDING AT LEAST ALL
22 OF THE FOLLOWING PERSONAL INFORMATION:

23 (i) NAME.

24 (ii) EDUCATION, INCLUDING HIGHEST DEGREE ATTAINED.

25 (iii) SALARY.

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

1 (v) DESCRIPTION OF RELEVANT EXPERIENCE.

2 (vi) EMPLOYMENT RECORD.

3 (B) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT ENTITY TO
4 PROVIDE TO THE CHIEF EDUCATIONAL OFFICER INFORMATION REGARDING THE
5 BUSINESS OPERATIONS OF THE TURNAROUND SCHOOL OR THE SCHOOL
6 DISTRICT, INCLUDING AT LEAST ALL OF THE FOLLOWING:

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

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

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

21 (C) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT ENTITY TO
22 MAKE INFORMATION AVAILABLE TO THE CHIEF EDUCATIONAL OFFICER
23 CONCERNING THE OPERATION AND MANAGEMENT OF THE TURNAROUND SCHOOL OR
24 THE SCHOOL DISTRICT, INCLUDING AT LEAST ALL OF THE INFORMATION
25 NECESSARY TO COMPLY WITH THE REQUIREMENTS CONCERNING REPORTING
26 UNDER SECTION 1280C.

27 (3) THIS SECTION DOES NOT APPLY TO A CONTRACT TO FURNISH

1 SUBSTITUTE TEACHERS ENTERED INTO UNDER SECTION 1236A.

2 (4) AS USED IN THIS SECTION:

3 (A) "EDUCATIONAL MANAGEMENT ENTITY" MEANS AN ENTITY THAT
4 ENTERS INTO AN AGREEMENT WITH THE CHIEF EDUCATIONAL OFFICER
5 OPERATING A TURNAROUND SCHOOL OR A SCHOOL DISTRICT UNDER SECTION
6 1280C TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE,
7 MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO THE TURNAROUND
8 SCHOOL OR THE SCHOOL DISTRICT.

9 (B) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS
10 CORPORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION,
11 CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

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

15 (a) Senate Bill No. 925.

16 (b) Senate Bill No. 926.

17 (c) Senate Bill No. 965.

18 (d) Senate Bill No. 982.

19

20 (e) Senate Bill No. 983.

21