

SENATE BILL No. 1358

November 8, 2012, Introduced by Senator PAVLOV and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 3, 4, 5, 6, 1260, and 1280c (MCL 380.3, 380.4,
380.5, 380.6, 380.1260, and 380.1280c), section 3 as amended by
2007 PA 45, sections 4 and 5 as amended by 2011 PA 232, section 6
as amended by 2009 PA 205, section 1260 as amended by 1995 PA 289,
and section 1280c as amended by 2011 PA 8, and by adding sections
1260a, 1701b, and 1701c and part 7c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "ACHIEVEMENT AUTHORITY" MEANS THAT TERM AS DEFINED
2 IN SECTION 771.

3 (2) "ACHIEVEMENT SCHOOL" MEANS A PUBLIC SCHOOL OPERATED,
4 MANAGED, AUTHORIZED, ESTABLISHED, OR OVERSEEN BY THE ACHIEVEMENT

1 AUTHORITY, INCLUDING, BUT NOT LIMITED TO, A PUBLIC SCHOOL UNDER THE
2 CONTROL OF THE ACHIEVEMENT AUTHORITY UNDER SECTION 1280C.

3 (3) ~~(1)~~—"Area" as used in the phrase "area vocational-
4 technical education program" or "area career and technical
5 education program" means the geographical territory, within the
6 boundaries of a K to 12 school district, an intermediate school
7 district, or a community college district, that is designated by
8 the department as the service area for the operation of an area
9 vocational-technical education program.

10 (4) ~~(2)~~—"Area vocational-technical education program", "area
11 career and technical education program", or "career and technical
12 education program" means a program of organized, systematic
13 instruction designed to prepare the following persons for useful
14 employment in recognized occupations:

15 (a) Persons participating in career and technical education
16 readiness activities that lead to enrollment in a career and
17 technical education program in high school.

18 (b) Persons enrolled in high school in a school district,
19 intermediate school district, public school academy, or nonpublic
20 school.

21 (c) Persons who have completed or left high school and who are
22 available for full-time study in preparation for entering the labor
23 market.

24 (d) Persons who have entered the labor market and who need
25 training or retraining to achieve stability or advancement in
26 employment.

27 (5) ~~(3)~~—"Board" or "school board" means the governing body of

1 a local school district unless clearly otherwise stated.

2 (6) ~~(4)~~—"Boarding school" means a place accepting for board,
3 care, and instruction 5 or more children under 16 years of age.

4 **HOWEVER, BOARDING SCHOOL DOES NOT INCLUDE A RESIDENTIAL PUBLIC**
5 **SCHOOL ESTABLISHED UNDER PART 6F.**

6 (7) ~~(5)~~—"Constituent district" means a local school district
7 the territory of which is entirely within and is an integral part
8 of an intermediate school district.

9 Sec. 4. (1) **"EDUCATION ACHIEVEMENT SYSTEM" MEANS THE**
10 **ACHIEVEMENT AUTHORITY AND ALL ACHIEVEMENT SCHOOLS.**

11 (2) ~~(1)~~—"Educational media center" means a program operated by
12 an intermediate school district and approved by the ~~state board~~
13 **DEPARTMENT** that provides services to local school districts or
14 constituent districts under section 671.

15 (3) ~~(2)~~—"Intermediate school board" means the board of an
16 intermediate school district.

17 (4) ~~(3)~~—"Intermediate school district" means a corporate body
18 established under part 7.

19 (5) ~~(4)~~—"Intermediate school district election" means an
20 election called by an intermediate school board and held on the
21 date of the regular school elections of constituent districts or on
22 a date determined by the intermediate school board under section
23 642c of the Michigan election law, MCL 168.642c.

24 (6) ~~(5)~~—"Intermediate school elector" means a person who is a
25 school elector of a constituent district and who is registered in
26 the city or township in which the person resides.

27 (7) ~~(6)~~—"Intermediate superintendent" means the superintendent

1 of an intermediate school district.

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

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

12 (3) "Michigan election law" means the Michigan election law,
13 1954 PA 116, MCL 168.1 to 168.992.

14 (4) "Nonpublic school" means a private, denominational, or
15 parochial school.

16 (5) "Objectives" means measurable pupil academic skills and
17 knowledge.

18 (6) "Public school" means a public elementary or secondary
19 educational entity or agency that is established under this act,
20 has as its primary mission the teaching and learning of academic
21 and vocational-technical skills and knowledge, and is operated by a
22 school district, local act school district, special act school
23 district, intermediate school district, school of excellence,
24 public school academy corporation, strict discipline academy
25 corporation, urban high school academy corporation, or by the
26 department or state board. Public school also includes a laboratory
27 school or other elementary or secondary school that is controlled

1 and operated by a state public university described in section 4,
2 5, or 6 of article VIII of the state constitution of 1963. **PUBLIC**
3 **SCHOOL ALSO INCLUDES AN ACHIEVEMENT SCHOOL.**

4 (7) "Public school academy" means a public school academy
5 established under part 6a and, except as used in part 6a, also
6 includes an urban high school academy established under part 6c, a
7 school of excellence established under part 6e, and a strict
8 discipline academy established under sections 1311b to 1311m.

9 (8) "Pupil membership count day" of a school district, **PUBLIC**
10 **SCHOOL ACADEMY, OR THE EDUCATION ACHIEVEMENT SYSTEM** means that term
11 as defined in section 6 of the state school aid act of 1979, MCL
12 388.1606.

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

19 (10) "Reorganized intermediate school district" means an
20 intermediate school district formed by consolidation or annexation
21 of 2 or more intermediate school districts under sections 701 and
22 702.

23 (11) "Rule" means a rule promulgated under the administrative
24 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

25 Sec. 6. (1) "School district" or "local school district" means
26 a general powers school district organized under this act,
27 regardless of previous classification, or a school district of the

1 first class.

2 (2) "School district filing official" means the school
3 district election coordinator as defined in section 4 of the
4 Michigan election law, MCL 168.4, or an authorized agent of the
5 school district election coordinator.

6 (3) "School elector" means a person qualified as an elector
7 under section 492 of the Michigan election law, MCL 168.492, and
8 resident of the school district or intermediate school district on
9 or before the thirtieth day before the next ensuing regular or
10 special school election.

11 (4) "School month" means a 4-week period of 5 days each unless
12 otherwise specified in the teacher's contract.

13 (5) "School of excellence" means a school of excellence
14 established under part 6e.

15 (6) "Special education building and equipment" means a
16 structure or portion of a structure or personal property accepted,
17 leased, purchased, or otherwise acquired, prepared, or used for
18 special education programs and services.

19 (7) "Special education personnel" means persons engaged in and
20 having professional responsibility for students with a disability
21 in special education programs and services including, but not
22 limited to, teachers, aides, school social workers, diagnostic
23 personnel, physical therapists, occupational therapists,
24 audiologists, teachers of speech and language, instructional media-
25 curriculum specialists, mobility specialists, teacher consultants,
26 supervisors, and directors.

27 (8) "Special education programs and services" means

1 educational and training services designed for students with a
2 disability and operated by local school districts, local act school
3 districts, intermediate school districts, the Michigan schools for
4 the deaf and blind, the department of community health, the
5 department of human services, or a combination of these, and
6 ancillary professional services for students with a disability
7 rendered by agencies approved by the state board. The programs
8 shall include vocational training, but need not include academic
9 programs of college or university level.

10 (9) "Special school election" or "special election" means a
11 school district election to fill a vacancy on the school board or
12 submit a ballot question to the school electors that is held on a
13 regular election date established under section 641 of the Michigan
14 election law, MCL 168.641.

15 (10) "State approved nonpublic school" means a nonpublic
16 school that complies with 1921 PA 302, MCL 388.551 to 388.558.

17 (11) "State board" means the state board of education unless
18 clearly otherwise stated.

19 (12) "Student with a disability" means that term as defined in
20 R 340.1702 of the Michigan administrative code.

21 (13) "Department" means the department of education created
22 and operating under sections 300 to 305 of the executive
23 organization act of 1965, 1965 PA 380, MCL 16.400 to 16.405.

24 (14) "State school aid" means allotments from the general
25 appropriating act for the purpose of aiding in the support of the
26 public schools of the state.

27 (15) "The state school aid act of 1979" means the state school

aid act of 1979, 1979 PA 94, MCL 388.1601 to ~~388.1772~~-388.1896.

(16) "UNIVERSITY SCHOOL" MEANS AN INSTRUCTIONAL PROGRAM OPERATED BY A STATE PUBLIC UNIVERSITY AND FUNDED UNDER SECTION 23 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1623, OR A LABORATORY SCHOOL OR TEACHER TRAINING SCHOOL MAINTAINED BY A STATE PUBLIC UNIVERSITY UNDER SECTION 9 OF 1963 (2ND EX SESS) PA 48, MCL 390.559.

PART 7C

EDUCATION ACHIEVEMENT AUTHORITY

SEC. 771. (1) TO PROVIDE PUPILS WITH MORE OPPORTUNITIES FOR A PUBLIC EDUCATION, AS PROVIDED UNDER SECTION 2 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, THE ACHIEVEMENT AUTHORITY IS CONFIRMED AS PART OF THIS STATE'S SYSTEM OF PUBLIC SCHOOLS, AS PROVIDED UNDER THIS PART, FOR THE FOLLOWING PURPOSES:

(A) TO PROVIDE INNOVATIVE, FLEXIBLE, TRANSPARENT, SAFE, EFFICIENT, AND EFFECTIVE PUBLIC EDUCATIONAL SERVICES THROUGHOUT THE STATE.

(B) TO DESIGN QUALITY PUBLIC ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

(C) TO IMPROVE PUBLIC LEARNING ENVIRONMENTS AND PUPIL ACHIEVEMENT FOR ALL PUPILS, INCLUDING, BUT NOT LIMITED TO, EDUCATIONALLY DISADVANTAGED PUPILS.

(D) TO PREPARE PUBLIC SCHOOL PUPILS TO COMPETE GLOBALLY IN A KNOWLEDGE-BASED ECONOMY.

(E) TO DEVELOP A SYSTEM OF HIGHER EXPECTATIONS FOR PUBLIC SCHOOLS, PUPILS, AND EDUCATORS.

(F) TO EXPAND FLEXIBILITY AND ADAPTABILITY FOR PUPIL LEARNING

1 MODELS AND STYLES.

2 (G) TO STIMULATE INNOVATIVE PUBLIC SCHOOL TEACHING METHODS.

3 (H) TO CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS
4 WITHIN A PUBLIC SCHOOL STRUCTURE AND EDUCATIONAL PROGRAMS
5 INNOVATIVELY DESIGNED AND MANAGED BY TEACHERS DIRECTLY ENGAGED IN
6 THE PROVISION OF EDUCATIONAL SERVICES.

7 (I) TO PROVIDE PARENTS AND PUPILS WITH GREATER PUBLIC
8 EDUCATIONAL CHOICES BOTH WITHIN AND OUTSIDE EXISTING SCHOOL
9 DISTRICTS, INCLUDING, BUT NOT LIMITED TO, THE ABILITY TO SELECT
10 GLOBALLY-COMPETITIVE PUBLIC SCHOOLS.

11 (J) TO FACILITATE THE EXTENSION OF TECHNOLOGY AND ONLINE
12 LEARNING.

13 (K) TO ENCOURAGE PUBLIC AND PRIVATE COMMITMENT TO THE
14 INNOVATIVE, FLEXIBLE, TRANSPARENT, SAFE, EFFICIENT, AND EFFECTIVE
15 PROVISION OF PUBLIC EDUCATIONAL SERVICES THROUGHOUT THE STATE BY
16 FOSTERING PUBLIC-PRIVATE PARTNERSHIPS.

17 (L) TO RENOVATE, REPURPOSE, AND CONSTRUCT PUBLIC EDUCATIONAL
18 BUILDINGS OR BUILDINGS USED FOR PUBLIC EDUCATIONAL SERVICES.

19 (M) TO REMODEL PUBLIC EDUCATIONAL BUILDINGS OR BUILDINGS USED
20 FOR PUBLIC EDUCATIONAL SERVICES, INCLUDING ENERGY CONSERVATION,
21 SAFETY, AND SECURITY IMPROVEMENTS.

22 (N) TO ACQUIRE, IMPROVE, AND DEVELOP SITES, INCLUDING ATHLETIC
23 AND RECREATIONAL FACILITIES.

24 (O) TO FURNISH, REFURNISH, EQUIP, AND REEQUIP PUBLIC
25 EDUCATIONAL FACILITIES OR FACILITIES USED FOR PUBLIC EDUCATIONAL
26 PURPOSES.

27 (P) TO ACQUIRE, INSTALL, AND UPGRADE TECHNOLOGY ACCESS AND

1 EQUIPMENT IN PUBLIC EDUCATIONAL FACILITIES AND FACILITIES USED FOR
2 PUBLIC EDUCATIONAL SERVICES, AND TO CONNECT THOSE FACILITIES
3 TECHNOLOGICALLY.

4 (Q) TO PROVIDE FOR THE SAFETY AND SECURITY OF FACILITIES,
5 PERSONNEL, AND PUPILS.

6 (R) TO EXPAND THE NUMBER AND TYPES OF PUBLIC ENTITIES
7 PERMITTED TO OPERATE, MANAGE, AUTHORIZE, ESTABLISH, AND OVERSEE
8 PUBLIC SCHOOLS.

9 (S) TO PROVIDE NEW FORMS OF PUBLIC SCHOOL GOVERNANCE.

10 (T) ALL OTHER PURPOSES NECESSARY OR INCIDENTAL TO THE PURPOSES
11 DESCRIBED IN THIS SECTION.

12 (2) AS USED IN THIS PART:

13 (A) "ACHIEVEMENT AUTHORITY" MEANS THE EDUCATION ACHIEVEMENT
14 AUTHORITY, THE PUBLIC BODY CORPORATE AND SPECIAL AUTHORITY
15 INITIALLY CREATED UNDER SECTION 5 OF ARTICLE III AND SECTION 28 OF
16 ARTICLE VII OF THE STATE CONSTITUTION OF 1963 AND THE URBAN
17 COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO
18 124.512, BY AN INTERLOCAL AGREEMENT EFFECTIVE AUGUST 11, 2011,
19 BETWEEN THE SCHOOL DISTRICT OF THE CITY OF DETROIT AND THE BOARD OF
20 REGENTS OF EASTERN MICHIGAN UNIVERSITY, A STATE PUBLIC UNIVERSITY.

21 (B) "AUTHORITY BOARD" MEANS THE AUTHORITY BOARD DESCRIBED IN
22 SECTION 773.

23 (C) "CHANCELLOR" MEANS THE CHANCELLOR OF THE ACHIEVEMENT
24 AUTHORITY DESCRIBED IN SECTION 774.

25 (D) "EXECUTIVE COMMITTEE" MEANS THE EXECUTIVE COMMITTEE OF THE
26 AUTHORITY BOARD DESCRIBED IN SECTION 773.

27 (E) "THE INTERLOCAL AGREEMENT" MEANS THE INTERLOCAL AGREEMENT

1 EFFECTIVE AUGUST 11, 2011, BETWEEN THE SCHOOL DISTRICT OF THE CITY
2 OF DETROIT AND THE BOARD OF REGENTS OF EASTERN MICHIGAN UNIVERSITY,
3 A STATE PUBLIC UNIVERSITY INITIALLY CREATING THE ACHIEVEMENT
4 AUTHORITY.

5 SEC. 772. (1) THE ACHIEVEMENT AUTHORITY IS CONFIRMED UNDER
6 THIS PART TO POSSESS THE POWERS, DUTIES, RIGHTS, OBLIGATIONS,
7 FUNCTIONS, AND RESPONSIBILITIES VESTED IN THE ACHIEVEMENT AUTHORITY
8 UNDER ALL OF THE FOLLOWING:

9 (A) THE INTERLOCAL AGREEMENT.

10 (B) ANY TRANSFER CONTRACT UNDER 1967 (EX SESS) PA 8, MCL
11 124.531 TO 124.536, BETWEEN THE ACHIEVEMENT AUTHORITY AND A SCHOOL
12 DISTRICT, INCLUDING, BUT NOT LIMITED TO, THE STATE REFORM DISTRICT
13 UNDER SECTION 1280C.

14 (C) THE STATE SCHOOL AID ACT OF 1979, OR ANY SUCCESSOR LAW
15 THAT PROVIDES STATE FUNDING FOR THE PUBLIC SCHOOLS OF THIS STATE.

16 (D) THIS ACT OR ANY OTHER LAW OF THIS STATE.

17 (2) SUBJECT TO THE LEADERSHIP AND GENERAL SUPERVISION OF THE
18 STATE BOARD OVER ALL PUBLIC EDUCATION, A SCHOOL OPERATED, MANAGED,
19 AUTHORIZED, ESTABLISHED, OR OVERSEEN BY THE ACHIEVEMENT AUTHORITY
20 IS A PUBLIC SCHOOL UNDER SECTION 2 OF ARTICLE VIII OF THE STATE
21 CONSTITUTION OF 1963 AND THE ACHIEVEMENT AUTHORITY IS A SCHOOL
22 DISTRICT FOR THE PURPOSES OF SECTION 11 OF ARTICLE IX OF THE STATE
23 CONSTITUTION OF 1963.

24 (3) THE ACHIEVEMENT AUTHORITY IS A PUBLIC BODY CORPORATE, IS A
25 SPECIAL AUTHORITY, AND IS A GOVERNMENTAL AGENCY. THE EXERCISE BY
26 THE ACHIEVEMENT AUTHORITY OF POWERS, DUTIES, RIGHTS, OBLIGATIONS,
27 FUNCTIONS, AND RESPONSIBILITIES VESTED IN THE ACHIEVEMENT AUTHORITY

1 UNDER THE INTERLOCAL AGREEMENT, UNDER 1967 (EX SESS) PA 8, MCL
2 124.531 TO 124.536, UNDER ANY TRANSFER CONTRACT UNDER THAT ACT TO
3 WHICH THE ACHIEVEMENT AUTHORITY IS A PARTY, AND UNDER THIS PART
4 CONSTITUTES THE PERFORMANCE OF ESSENTIAL PUBLIC PURPOSES AND
5 GOVERNMENTAL FUNCTIONS OF THIS STATE.

6 (4) THE ACHIEVEMENT AUTHORITY SHALL ONLY ENGAGE IN TAX-EXEMPT
7 GOVERNMENTAL FUNCTIONS CARRIED OUT AS A POLITICAL SUBDIVISION OF
8 THIS STATE UNDER SECTION 115 OF THE INTERNAL REVENUE CODE, 26 USC
9 115. THE ACTIVITIES OF THE ACHIEVEMENT AUTHORITY ARE ESSENTIAL
10 GOVERNMENTAL FUNCTIONS CARRIED OUT BY A POLITICAL SUBDIVISION OF
11 THIS STATE AND ARE EXEMPT FROM TAXATION BY THIS STATE OR A LOCAL
12 UNIT OF GOVERNMENT.

13 (5) TO THE EXTENT THAT ANY PROVISIONS OF THIS PART ARE
14 INCONSISTENT WITH THE PROVISIONS OF THE INTERLOCAL AGREEMENT OR
15 WITH A TRANSFER CONTRACT DESCRIBED IN SUBSECTION (1)(B), THE
16 PROVISIONS OF THIS PART ARE CONTROLLING.

17 (6) NOTWITHSTANDING THE WITHDRAWAL OF A SCHOOL DISTRICT OR A
18 STATE PUBLIC UNIVERSITY UNDER THE INTERLOCAL AGREEMENT, THE
19 ACHIEVEMENT AUTHORITY SHALL CONTINUE TO EXIST, OPERATE, AND POSSESS
20 THE POWERS, DUTIES, RIGHTS, OBLIGATIONS, FUNCTIONS, AND
21 RESPONSIBILITIES VESTED IN THE ACHIEVEMENT AUTHORITY UNDER THE
22 INTERLOCAL AGREEMENT AND THIS ACT.

23 SEC. 773. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
24 THE ACHIEVEMENT AUTHORITY SHALL HAVE AN AUTHORITY BOARD AS SET
25 FORTH IN THE INTERLOCAL AGREEMENT. IF A VACANCY ARISES ON THE
26 AUTHORITY BOARD FOR A POSITION HELD BY AN AUTHORITY BOARD MEMBER
27 APPOINTED BY A STATE PUBLIC UNIVERSITY UNDER THE INTERLOCAL

1 AGREEMENT AND AT THE TIME THE VACANCY ARISES THE STATE PUBLIC
2 UNIVERSITY HAS WITHDRAWN OR IS OTHERWISE NOT A PARTY TO THE
3 INTERLOCAL AGREEMENT, THE MEMBER OF THE AUTHORITY BOARD WHO WOULD
4 OTHERWISE BE APPOINTED BY THE STATE PUBLIC UNIVERSITY UNDER THE
5 INTERLOCAL AGREEMENT INSTEAD SHALL BE APPOINTED BY THE GOVERNOR. IF
6 A VACANCY ARISES ON THE AUTHORITY BOARD FOR A POSITION HELD BY A
7 MEMBER APPOINTED BY A SCHOOL DISTRICT UNDER THE INTERLOCAL
8 AGREEMENT AND AT THE TIME THE VACANCY ARISES THE SCHOOL DISTRICT
9 HAS WITHDRAWN OR IS OTHERWISE NOT A PARTY TO THE INTERLOCAL
10 AGREEMENT, THE MEMBER OF THE AUTHORITY BOARD WHO WOULD OTHERWISE BE
11 APPOINTED BY THE SCHOOL DISTRICT UNDER THE INTERLOCAL AGREEMENT
12 INSTEAD SHALL BE APPOINTED BY THE GOVERNOR.

13 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
14 ACHIEVEMENT AUTHORITY SHALL HAVE AN EXECUTIVE COMMITTEE OF THE
15 AUTHORITY BOARD AS SET FORTH IN THE INTERLOCAL AGREEMENT. IF A
16 VACANCY ARISES ON THE EXECUTIVE COMMITTEE FOR A POSITION HELD BY AN
17 EXECUTIVE COMMITTEE MEMBER APPOINTED BY A STATE PUBLIC UNIVERSITY
18 UNDER THE INTERLOCAL AGREEMENT AND AT THE TIME THE VACANCY ARISES
19 THE STATE PUBLIC UNIVERSITY HAS WITHDRAWN OR IS OTHERWISE NOT A
20 PARTY TO THE INTERLOCAL AGREEMENT, THE MEMBER OF THE EXECUTIVE
21 COMMITTEE WHO WOULD OTHERWISE BE APPOINTED BY THE STATE PUBLIC
22 UNIVERSITY UNDER THE INTERLOCAL AGREEMENT INSTEAD SHALL BE
23 APPOINTED BY THE GOVERNOR. IF A VACANCY ARISES ON THE EXECUTIVE
24 COMMITTEE FOR A POSITION HELD BY A MEMBER APPOINTED BY A SCHOOL
25 DISTRICT UNDER THE INTERLOCAL AGREEMENT AND AT THE TIME THE VACANCY
26 ARISES THE SCHOOL DISTRICT HAS WITHDRAWN OR IS OTHERWISE NOT A
27 PARTY TO THE INTERLOCAL AGREEMENT, THE MEMBER OF THE EXECUTIVE

1 COMMITTEE WHO WOULD OTHERWISE BE APPOINTED BY THE SCHOOL DISTRICT
2 UNDER THE INTERLOCAL AGREEMENT INSTEAD SHALL BE APPOINTED BY THE
3 GOVERNOR.

4 (3) BEGINNING JANUARY 1, 2014, THE ACHIEVEMENT AUTHORITY SHALL
5 BE GOVERNED BY AN AUTHORITY BOARD APPOINTED AS FOLLOWS:

6 (A) FIVE MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND
7 CONSENT OF THE SENATE.

8 (B) ONE MEMBER APPOINTED BY THE GOVERNOR FROM AMONG A LIST OF
9 3 NOMINEES SUBMITTED BY THE SENATE MAJORITY LEADER.

10 (C) ONE MEMBER APPOINTED BY THE GOVERNOR FROM AMONG A LIST OF
11 3 NOMINEES SUBMITTED BY THE SPEAKER OF THE HOUSE OF
12 REPRESENTATIVES.

13 (4) THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE AUTHORITY
14 BOARD APPOINTED UNDER SUBSECTION (3) IN TIME FOR THOSE MEMBERS TO
15 TAKE OFFICE ON JANUARY 1, 2014. MEMBERS OF THE AUTHORITY BOARD
16 SHALL SERVE FOR TERMS OF 4 YEARS OR UNTIL A SUCCESSOR IS APPOINTED,
17 WHICHEVER IS LATER, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED BY
18 THE GOVERNOR UNDER SUBSECTION (3) (A), 1 SHALL SERVE FOR 1 YEAR, 2
19 SHALL SERVE FOR 2 YEARS, AND 2 SHALL SERVE FOR 3 YEARS. IF A
20 VACANCY OCCURS ON THE AUTHORITY BOARD AMONG THE MEMBERS APPOINTED
21 UNDER SUBSECTION (3), THE GOVERNOR SHALL MAKE AN APPOINTMENT FOR
22 THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

23 (5) EFFECTIVE JANUARY 1, 2014, THE AUTHORITY BOARD APPOINTED
24 UNDER SUBSECTION (3) HAS ALL OF THE POWERS AND DUTIES UNDER THIS
25 ACT PREVIOUSLY VESTED IN THE AUTHORITY BOARD APPOINTED UNDER
26 SUBSECTION (1) AND THE EXECUTIVE COMMITTEE APPOINTED UNDER
27 SUBSECTION (2).

1 (6) EXCEPT AS PROVIDED IN SUBSECTION (5), THE EXECUTIVE
2 COMMITTEE SHALL ADOPT ETHICS POLICIES GOVERNING THE CONDUCT OF
3 MEMBERS OF THE AUTHORITY BOARD, MEMBERS OF THE EXECUTIVE COMMITTEE,
4 AND THE OFFICERS AND EMPLOYEES OF THE ACHIEVEMENT AUTHORITY. THE
5 POLICIES SHALL BE NO LESS STRINGENT THAN THOSE PROVIDED FOR PUBLIC
6 OFFICERS AND EMPLOYEES UNDER 1973 PA 196, MCL 15.341 TO 15.348. A
7 MEMBER OF THE AUTHORITY BOARD, A MEMBER OF THE EXECUTIVE COMMITTEE,
8 OR AN OFFICER OR EMPLOYEE OF THE ACHIEVEMENT AUTHORITY IS
9 CONSIDERED TO BE A PUBLIC SERVANT UNDER 1968 PA 317, MCL 15.321 TO
10 15.330, AND IS SUBJECT TO ANY OTHER APPLICABLE LAWS WITH RESPECT TO
11 CONFLICTS OF INTEREST. EXCEPT AS PROVIDED IN SUBSECTION (5), THE
12 EXECUTIVE COMMITTEE SHALL ESTABLISH POLICIES AND PROCEDURES
13 REQUIRING DISCLOSURE OF FAMILIAL OR BUSINESS RELATIONSHIPS THAT MAY
14 GIVE RISE TO A CONFLICT OF INTEREST.

15 (7) A MEMBER OF THE AUTHORITY BOARD OR THE EXECUTIVE COMMITTEE
16 IS UNDER A FIDUCIARY DUTY TO CONDUCT BUSINESS IN THE BEST INTERESTS
17 OF THE ACHIEVEMENT AUTHORITY, INCLUDING THE SAFEKEEPING AND USE OF
18 ALL ACHIEVEMENT AUTHORITY MONEY AND ASSETS FOR THE BENEFIT OF THE
19 ACHIEVEMENT AUTHORITY. A MEMBER OF THE AUTHORITY BOARD OR THE
20 EXECUTIVE COMMITTEE SHALL DISCHARGE HIS OR HER DUTIES IN GOOD
21 FAITH, WITH THE CARE AN ORDINARILY PRUDENT INDIVIDUAL IN A LIKE
22 POSITION WOULD EXERCISE UNDER SIMILAR CIRCUMSTANCES.

23 (8) A MEMBER OF THE AUTHORITY BOARD OR THE EXECUTIVE COMMITTEE
24 SHALL NOT RECEIVE COMPENSATION FOR THE PERFORMANCE OF HIS OR HER
25 DUTIES. SUBJECT TO SUBSECTION (6), A MEMBER OF THE AUTHORITY BOARD
26 OR THE EXECUTIVE COMMITTEE MAY ENGAGE IN PRIVATE OR PUBLIC
27 EMPLOYMENT, OR IN ANY PROFESSION OR BUSINESS. A MEMBER OF THE

1 AUTHORITY BOARD OR THE EXECUTIVE COMMITTEE MAY BE REIMBURSED BY THE
2 ACHIEVEMENT AUTHORITY FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN
3 THE DISCHARGE OF HIS OR HER OFFICIAL DUTIES.

4 (9) BEFORE BEGINNING THE DUTIES OF HIS OR HER OFFICE, A MEMBER
5 OF THE AUTHORITY BOARD, A MEMBER OF THE EXECUTIVE COMMITTEE, OR THE
6 CHANCELLOR SHALL TAKE AND SUBSCRIBE TO THE CONSTITUTIONAL OATH OF
7 OFFICE UNDER SECTION 1 OF ARTICLE XI OF THE STATE CONSTITUTION OF
8 1963. THE OATH OF OFFICE SHALL BE FILED WITH THE SECRETARY OF
9 STATE.

10 (10) THE GOVERNOR MAY REMOVE FROM OFFICE A MEMBER OF THE
11 AUTHORITY BOARD, A MEMBER OF THE EXECUTIVE COMMITTEE, OR THE
12 CHANCELLOR FOR GROSS NEGLECT OF DUTY OR FOR CORRUPT CONDUCT IN
13 OFFICE, OR FOR ANY OTHER MISFEASANCE OR MALFEASANCE IN OFFICE, AND
14 SHALL REPORT THE REASONS FOR THE REMOVAL TO THE LEGISLATURE.

15 SEC. 774. (1) THE CHIEF EXECUTIVE OF THE ACHIEVEMENT AUTHORITY
16 IS THE CHANCELLOR. SUBJECT TO SUBSECTION (3), THE CHANCELLOR SHALL
17 BE APPOINTED AS PROVIDED IN THE INTERLOCAL AGREEMENT. IF A VACANCY
18 ARISES IN THE OFFICE OF CHANCELLOR AND AT THE TIME THE VACANCY
19 ARISES THERE IS NO STATE PUBLIC UNIVERSITY OR SCHOOL DISTRICT THAT
20 IS A PARTY TO THE INTERLOCAL AGREEMENT, A CHANCELLOR SHALL BE
21 APPOINTED BY THE EXECUTIVE COMMITTEE.

22 (2) SUBJECT TO SUBSECTION (3), THE CHANCELLOR SHALL ADMINISTER
23 ALL PROGRAMS, FUNDS, PERSONNEL, FACILITIES, CONTRACTS, AND ALL
24 OTHER ADMINISTRATIVE AND ACADEMIC FUNCTIONS OF THE ACHIEVEMENT
25 AUTHORITY, SUBJECT TO OVERSIGHT BY THE EXECUTIVE COMMITTEE AS
26 PROVIDED IN THE INTERLOCAL AGREEMENT. THE CHANCELLOR SHALL CONTINUE
27 TO PERFORM THE DUTIES DESCRIBED IN THIS SUBSECTION EVEN IF THERE IS

1 NO STATE PUBLIC UNIVERSITY OR SCHOOL DISTRICT THAT IS A PARTY TO
2 THE INTERLOCAL AGREEMENT.

3 (3) EFFECTIVE JANUARY 1, 2014, THE CHANCELLOR SHALL BE
4 APPOINTED BY THE AUTHORITY BOARD AND SHALL FULFILL THE FUNCTIONS
5 AND DUTIES UNDER SUBSECTION (2) UNDER THE OVERSIGHT OF THE
6 AUTHORITY BOARD.

7 SEC. 775. (1) THE POWERS OF THE ACHIEVEMENT AUTHORITY SHALL
8 INCLUDE ALL OF THE FOLLOWING:

9 (A) THE SHARED POWERS, PRIVILEGES, OR AUTHORITY THAT THE
10 PARTIES TO THE INTERLOCAL AGREEMENT SHARE IN COMMON, TO THE FULLEST
11 EXTENT PERMITTED BY THE URBAN COOPERATION ACT OF 1967, 1967 (EX
12 SESS) PA 7, MCL 124.501 TO 124.512. THE ACHIEVEMENT AUTHORITY
13 RETAINS ALL OF THESE POWERS, PRIVILEGES, AND AUTHORITY EVEN IF A
14 STATE PUBLIC UNIVERSITY OR SCHOOL DISTRICT WITHDRAWS FROM OR IS
15 OTHERWISE NOT A PARTY TO THE INTERLOCAL AGREEMENT.

16 (B) SPECIFIC POWERS OF THE ACHIEVEMENT AUTHORITY SET FORTH IN
17 THE INTERLOCAL AGREEMENT. THE ACHIEVEMENT AUTHORITY RETAINS ALL OF
18 THESE POWERS EVEN IF A STATE PUBLIC UNIVERSITY OR SCHOOL DISTRICT
19 WITHDRAWS FROM OR IS OTHERWISE NOT A PARTY TO THE INTERLOCAL
20 AGREEMENT.

21 (C) POWERS, FUNCTIONS, OR RESPONSIBILITIES TRANSFERRED TO THE
22 AUTHORITY UNDER 1967 (EX SESS) PA 8, MCL 124.531 TO 124.536. THE
23 ACHIEVEMENT AUTHORITY RETAINS ALL OF THESE POWERS, FUNCTIONS, AND
24 RESPONSIBILITIES EVEN IF A STATE PUBLIC UNIVERSITY OR SCHOOL
25 DISTRICT WITHDRAWS FROM OR IS OTHERWISE NOT A PARTY TO THE
26 INTERLOCAL AGREEMENT.

27 (D) ANY POWERS, DUTIES, RIGHTS, OBLIGATIONS, FUNCTIONS, AND

1 RESPONSIBILITIES VESTED IN THE ACHIEVEMENT AUTHORITY UNDER THIS ACT
2 OR OTHER LAWS OF THIS STATE.

3 (E) THE AUTHORIZATION TO DO ALL OTHER THINGS NECESSARY OR
4 CONVENIENT TO ACHIEVE THE OBJECTIVES AND PURPOSES OF THE
5 ACHIEVEMENT AUTHORITY UNDER THIS ACT OR OTHER LAWS THAT RELATE TO
6 THE OBJECTIVES AND PURPOSES OF THE ACHIEVEMENT AUTHORITY. THE
7 ENUMERATION OF A POWER, DUTY, RIGHT, OBLIGATION, FUNCTION, OR
8 RESPONSIBILITY OF THE ACHIEVEMENT AUTHORITY IN THIS PART SHALL NOT
9 BE CONSTRUED AS A LIMITATION UPON THE ACHIEVEMENT AUTHORITY. THIS
10 PART SHALL BE CONSTRUED LIBERALLY TO FULLY EFFECTUATE THE
11 LEGISLATIVE INTENT AND THE PURPOSES OF THIS PART AS COMPLETE AND
12 INDEPENDENT AUTHORITY FOR THE PERFORMANCE OF EACH AND EVERY ACT AND
13 THING AUTHORIZED IN THIS PART AND ALL POWERS, DUTIES, RIGHTS,
14 OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES VESTED IN THE
15 AUTHORITY UNDER THIS PART SHALL BE BROADLY INTERPRETED TO
16 EFFECTUATE THE INTENT AND PURPOSES.

17 (2) IN ADDITION TO THE POWERS SET FORTH IN SUBSECTION (1), THE
18 ACHIEVEMENT AUTHORITY MAY ENTER INTO AGREEMENTS OR COOPERATIVE
19 ARRANGEMENTS WITH OTHER ENTITIES, PUBLIC OR PRIVATE, OR JOIN
20 ORGANIZATIONS AS PART OF PERFORMING THE FUNCTIONS OF THE
21 ACHIEVEMENT AUTHORITY.

22 (3) THE ACHIEVEMENT AUTHORITY MAY ACQUIRE PROPERTY, OR RIGHTS
23 OR INTERESTS IN PROPERTY, BY GIFT, DEVISE, TRANSFER, EXCHANGE,
24 CONDEMNATION, LEASE, PURCHASE, OR OTHERWISE FROM A PERSON OR ENTITY
25 ON TERMS AND CONDITIONS AND IN A MANNER THE ACHIEVEMENT AUTHORITY
26 CONSIDERS PROPER. PROPERTY ACQUIRED BY THE ACHIEVEMENT AUTHORITY BY
27 PURCHASE MAY BE BY PURCHASE CONTRACT, LEASE PURCHASE AGREEMENT,

1 INSTALLMENT SALES CONTRACT, LAND CONTRACT, OR OTHERWISE. THE
2 ACHIEVEMENT AUTHORITY MAY ACQUIRE PROPERTY OR RIGHTS OR INTERESTS
3 IN PROPERTY FOR ANY PURPOSE AS THE ACHIEVEMENT AUTHORITY DETERMINES
4 IS NECESSARY TO ACHIEVE THE PURPOSES OF THE ACHIEVEMENT AUTHORITY.
5 THE ACHIEVEMENT AUTHORITY MAY HOLD AND OWN IN ITS NAME ANY PROPERTY
6 ACQUIRED BY THE ACHIEVEMENT AUTHORITY OR CONVEYED TO THE
7 ACHIEVEMENT AUTHORITY BY A PERSON OR ENTITY. ALL DEEDS, MORTGAGES,
8 CONTRACTS, LEASES, PURCHASES, OR OTHER AGREEMENTS REGARDING
9 PROPERTY OF THE ACHIEVEMENT AUTHORITY SHALL BE APPROVED BY THE
10 EXECUTIVE COMMITTEE AND EXECUTED IN THE NAME OF THE ACHIEVEMENT
11 AUTHORITY. FOR PURPOSES OF CONDEMNATION, THE ACHIEVEMENT AUTHORITY
12 MAY PROCEED UNDER THE UNIFORM CONDEMNATION PROCEDURES ACT, 1980 PA
13 87, MCL 213.51 TO 213.75, EXCLUDING SECTIONS 6 TO 9 OF THAT ACT,
14 MCL 213.56 TO 213.59, OR OTHER APPLICABLE LAW, BUT ONLY WITH THE
15 EXPRESS PERMISSION OF THE EXECUTIVE COMMITTEE IN EACH INSTANCE OF
16 CONDEMNATION AND ONLY AFTER JUST COMPENSATION HAS BEEN DETERMINED
17 AND PAID.

18 (4) THE ACHIEVEMENT AUTHORITY MAY, WITHOUT THE APPROVAL OF A
19 LOCAL UNIT OF GOVERNMENT IN WHICH PROPERTY HELD BY THE ACHIEVEMENT
20 AUTHORITY IS LOCATED, CONTROL, HOLD, MANAGE, MAINTAIN, OPERATE,
21 REPAIR, LEASE AS LESSOR, SECURE, PREVENT THE WASTE OR DETERIORATION
22 OF, DEMOLISH, AND TAKE ALL OTHER ACTIONS NECESSARY TO PRESERVE THE
23 VALUE OF, THE PROPERTY IN WHICH THE ACHIEVEMENT AUTHORITY HAS A
24 RIGHT OR INTEREST. THE ACHIEVEMENT AUTHORITY MAY TAKE OR PERFORM
25 ALL OF THE FOLLOWING WITH RESPECT TO PROPERTY OWNED OR UNDER THE
26 CONTROL OF THE ACHIEVEMENT AUTHORITY:

27 (A) GRANT OR ACQUIRE A LICENSE, EASEMENT, OR OPTION WITH

1 RESPECT TO PROPERTY AS THE ACHIEVEMENT AUTHORITY DETERMINES IS
2 NECESSARY TO ACHIEVE THE PURPOSES OF THE ACHIEVEMENT AUTHORITY.

3 (B) FIX, CHARGE, AND COLLECT RENTS, FEES, AND CHARGES FOR USE
4 OF PROPERTY OR FOR SERVICES PROVIDED BY THE ACHIEVEMENT AUTHORITY.

5 (C) TAKE ANY ACTION, PROVIDE ANY NOTICE, OR INSTITUTE ANY
6 PROCEEDING REQUIRED TO CLEAR OR QUIET TITLE TO PROPERTY TO
7 ESTABLISH OWNERSHIP BY, AND VEST TITLE TO PROPERTY IN, THE
8 ACHIEVEMENT AUTHORITY. THIS SUBDIVISION DOES NOT APPLY TO PROPERTY
9 OWNED BY A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY.

10 (D) REMEDIATE ENVIRONMENTAL CONTAMINATION.

11 (5) ON TERMS AND CONDITIONS, AND IN A MANNER AND FOR AN AMOUNT
12 OF MONETARY OR OTHER CONSIDERATION THE ACHIEVEMENT AUTHORITY
13 CONSIDERS PROPER, FAIR, AND VALUABLE, THE ACHIEVEMENT AUTHORITY MAY
14 CONVEY, SELL, TRANSFER, EXCHANGE, LEASE AS LESSOR, OR OTHERWISE
15 DISPOSE OF PROPERTY OR RIGHTS OR INTERESTS IN PROPERTY OWNED BY THE
16 ACHIEVEMENT AUTHORITY TO ANY PERSON OR ENTITY. THE TRANSFER AND USE
17 OF PROPERTY UNDER THIS SECTION SHALL BE CONSIDERED A NECESSARY
18 PUBLIC PURPOSE AND FOR THE BENEFIT OF THE PUBLIC.

19 (6) PROPERTY OF THE ACHIEVEMENT AUTHORITY IS PUBLIC PROPERTY
20 DEVOTED TO AN ESSENTIAL PUBLIC AND GOVERNMENTAL FUNCTION AND
21 PURPOSE. PROPERTY OF THE ACHIEVEMENT AUTHORITY IS EXEMPT FROM ALL
22 TAXATION. INSTRUMENTS OF CONVEYANCE TO OR FROM THE ACHIEVEMENT
23 AUTHORITY ARE EXEMPT FROM ALL TAXATION, INCLUDING, BUT NOT LIMITED
24 TO, TAXES IMPOSED BY 1966 PA 134, MCL 207.501 TO 207.513. A
25 DOCUMENT, INCLUDING, BUT NOT LIMITED TO, A DEED, EVIDENCING THE
26 TRANSFER OF 1 OR MORE PARCELS OF PROPERTY TO THE ACHIEVEMENT
27 AUTHORITY BY THIS STATE, A SCHOOL DISTRICT, OR OTHER POLITICAL

1 SUBDIVISION OF THIS STATE MAY BE RECORDED WITH THE REGISTER OF
2 DEEDS OFFICE IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED WITHOUT
3 THE PAYMENT OF A FEE. THE ACHIEVEMENT AUTHORITY MAY NOT LEVY AD
4 VALOREM PROPERTY TAXES OR ANOTHER TAX FOR ANY PURPOSE. HOWEVER, THE
5 OPERATION, MANAGEMENT, AUTHORIZATION, ESTABLISHMENT, OR OVERSIGHT
6 OF 1 OR MORE SCHOOLS BY THE ACHIEVEMENT AUTHORITY WITHIN A SCHOOL
7 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT DOES NOT AFFECT THE
8 ABILITY OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO
9 LEVY AD VALOREM PROPERTY TAXES OR ANOTHER TAX.

10 (7) THE ACHIEVEMENT AUTHORITY MAY ESTABLISH ON ITS BEHALF 1 OR
11 MORE NONPROFIT CORPORATIONS WITH THE PURPOSE OF ASSISTING THE
12 ACHIEVEMENT AUTHORITY IN THE FURTHERANCE OF ITS PUBLIC PURPOSES.

13 (8) THE ACHIEVEMENT AUTHORITY MAY RECEIVE, DISBURSE, AND
14 PLEDGE MONEY FOR LAWFUL PURPOSES.

15 (9) THE ACHIEVEMENT AUTHORITY MAY INCUR TEMPORARY DEBT IN
16 ACCORDANCE WITH SECTION 1225.

17 (10) THE ACHIEVEMENT AUTHORITY MAY BORROW MONEY AND ISSUE
18 BONDS IN ACCORDANCE WITH SECTION 1351A AND IN ACCORDANCE WITH PART
19 VI OF THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2601
20 TO 141.2613, EXCEPT THAT THE BORROWING OF THE MONEY AND ISSUANCE OF
21 BONDS BY THE ACHIEVEMENT AUTHORITY IS NOT SUBJECT TO SECTION
22 1351(2) TO (4) OR SECTION 1351A(4). BONDS ISSUED UNDER THIS
23 SUBSECTION ARE SUBJECT TO THE REVISED MUNICIPAL FINANCE ACT, 2001
24 PA 34, MCL 141.2101 TO 141.2821.

25 (11) BONDS ISSUED UNDER THIS SECTION SHALL BE FULL FAITH AND
26 CREDIT OBLIGATIONS OF THE ACHIEVEMENT AUTHORITY PLEDGING THE
27 GENERAL FUNDS OF THE ACHIEVEMENT AUTHORITY OR ANY OTHER MONEY

1 AVAILABLE FOR THIS PURPOSE. AN AGREEMENT, MORTGAGE, LOAN, OR OTHER
2 INSTRUMENT OF INDEBTEDNESS ENTERED INTO BY THE ACHIEVEMENT
3 AUTHORITY DOES NOT CONSTITUTE AN OBLIGATION, EITHER GENERAL,
4 SPECIAL, OR MORAL, OF THIS STATE OR OF A PARTY TO THE INTERLOCAL
5 AGREEMENT. THE FULL FAITH AND CREDIT OR THE TAXING POWER OF THIS
6 STATE OR ANY AGENCY OF THIS STATE, OR THE FULL FAITH AND CREDIT OF
7 A PARTY TO THE INTERLOCAL AGREEMENT, MAY NOT BE PLEDGED FOR THE
8 PAYMENT OF ANY ACHIEVEMENT AUTHORITY BOND, NOTE, AGREEMENT,
9 MORTGAGE, LOAN, OR OTHER INSTRUMENT OF INDEBTEDNESS.

10 (12) THIS PART DOES NOT IMPOSE ANY LIABILITY ON THIS STATE OR
11 ON A PARTY TO THE INTERLOCAL AGREEMENT FOR ANY DEBT INCURRED BY THE
12 ACHIEVEMENT AUTHORITY.

13 (13) THE ACHIEVEMENT AUTHORITY OR AN ACHIEVEMENT SCHOOL MAY DO
14 ALL OF THE FOLLOWING:

15 (A) EDUCATE PUPILS. IN ADDITION TO EDUCATING PUPILS IN GRADES
16 K-12, THIS FUNCTION MAY INCLUDE OPERATION OF PRESCHOOL, LIFELONG
17 EDUCATION, ADULT EDUCATION, COMMUNITY EDUCATION, TRAINING,
18 ENRICHMENT, AND RECREATION PROGRAMS FOR OTHER PERSONS.

19 (B) PROVIDE FOR THE SAFETY AND WELFARE OF PUPILS WHILE AT
20 SCHOOL OR A SCHOOL-SPONSORED ACTIVITY OR WHILE EN ROUTE TO OR FROM
21 SCHOOL OR A SCHOOL-SPONSORED ACTIVITY.

22 (C) EMPLOY OR CONTRACT WITH PERSONNEL AS NECESSARY FOR THE
23 PURPOSES OF THIS PART, PRESCRIBE THEIR DUTIES, AND FIX THEIR
24 COMPENSATION, INCLUDING, BUT NOT LIMITED TO, HIRING, CONTRACTING
25 FOR, SCHEDULING, SUPERVISING, OR TERMINATING EMPLOYEES, INDEPENDENT
26 CONTRACTORS, AND OTHERS TO CARRY OUT THE POWERS OF THE ACHIEVEMENT
27 AUTHORITY, AND INDEMNIFYING EMPLOYEES OR INDEPENDENT CONTRACTORS.

1 (D) IMPLEMENT AND MAINTAIN A METHOD OF COMPENSATION FOR ITS
2 EMPLOYEES OR INDEPENDENT CONTRACTORS THAT IS CONSISTENT WITH THE
3 PURPOSES OF THIS PART, INCLUDING, BUT NOT LIMITED TO, A METHOD OF
4 COMPENSATION BASED ON PERFORMANCE, ACCOMPLISHMENTS, AND ASSIGNMENT
5 IN A SUBJECT AREA OR SCHOOL THAT IS DIFFICULT TO FIND EMPLOYEES TO
6 STAFF.

7 (E) USE AS A CLASSROOM TEACHER IN ANY GRADE AN ADJUNCT
8 INSTRUCTOR AUTHORIZED UNDER SECTION 1233C, A FACULTY MEMBER
9 EMPLOYED BY A STATE PUBLIC UNIVERSITY WHO HAS EXPERIENCE IN
10 TEACHING THE SUBJECT MATTER THAT HE OR SHE IS TEACHING AT THE
11 ACHIEVEMENT SCHOOL, OR A FACULTY MEMBER EMPLOYED BY A COMMUNITY
12 COLLEGE WHO HAS AT LEAST 5 YEARS OF EXPERIENCE IN TEACHING THE
13 SUBJECT MATTER THAT HE OR SHE IS TEACHING AT THE ACHIEVEMENT
14 SCHOOL.

15 (F) USE A NONCERTIFICATED TEACHER IN ANY OTHER SITUATION IN
16 WHICH A SCHOOL DISTRICT OR OTHER PUBLIC SCHOOL IS AUTHORIZED UNDER
17 THIS ACT TO USE A NONCERTIFICATED TEACHER.

18 (G) DEVELOP AND IMPLEMENT NEW TEACHING TECHNIQUES OR METHODS
19 OR SIGNIFICANT REVISIONS TO KNOWN TEACHING TECHNIQUES OR METHODS.

20 (H) USE ANY INSTRUCTIONAL TECHNIQUE OR DELIVERY METHOD THAT
21 MAY BE USED BY A SCHOOL DISTRICT OR OTHER PUBLIC SCHOOL UNDER THIS
22 ACT.

23 (14) EXCEPT AS OTHERWISE PROVIDED BY LAW, AN ACHIEVEMENT
24 SCHOOL SHALL USE CERTIFICATED TEACHERS ACCORDING TO SUPERINTENDENT
25 OF PUBLIC INSTRUCTION RULE.

26 SEC. 776. (1) THE ACHIEVEMENT AUTHORITY SHALL DEVELOP,
27 MAINTAIN, AND MAKE PUBLICLY AVAILABLE A SINGLE, SEARCHABLE

1 FINANCIAL DATA WEBSITE ON THE INTERNET CONSISTENT WITH THE
2 REQUIREMENTS OF THE INTERLOCAL AGREEMENT. THE WEBSITE SHALL CONTAIN
3 ONLY INFORMATION THAT IS A PUBLIC RECORD OR THAT IS NOT
4 CONFIDENTIAL OR OTHERWISE PROTECTED FROM PUBLIC DISCLOSURE UNDER
5 STATE OR FEDERAL LAW. THE AUTHORITY SHALL, TO THE EXTENT
6 PRACTICABLE, UPDATE THE FINANCIAL DATA CONTAINED ON THE WEBSITE AT
7 LEAST MONTHLY AND PROVIDE THE DATA IN A STRUCTURED FORMAT THAT MAY
8 BE DOWNLOADED. THE WEBSITE SHALL INCLUDE A METHOD BY WHICH A USER
9 OF THE WEBSITE MAY PROVIDE FEEDBACK CONCERNING THE ORGANIZATION OR
10 UTILITY OF THE WEBSITE. THE ACHIEVEMENT AUTHORITY SHALL ARCHIVE THE
11 FINANCIAL DATA ON THE WEBSITE, WHICH SHALL REMAIN ACCESSIBLE AND
12 SEARCHABLE ON THE WEBSITE FOR AT LEAST 5 YEARS. THE WEBSITE SHALL
13 ALLOW THE PUBLIC TO SEARCH FINANCIAL DATA INCLUDED ON THE WEBSITE
14 AT NO COST AND SHALL AGGREGATE ALL OF THE FOLLOWING INFORMATION:

15 (A) THE AMOUNT AND SOURCE OF MONEY RECEIVED BY THE ACHIEVEMENT
16 AUTHORITY.

17 (B) THE MONEY EXPENDED BY THE ACHIEVEMENT AUTHORITY, INCLUDING
18 ALL OF THE FOLLOWING FOR EACH EXPENDITURE:

19 (i) THE NAME AND PRINCIPAL LOCATION OR ADDRESS OF THE
20 INDIVIDUAL OR ENTITY RECEIVING MONEY, EXCEPT THAT INFORMATION
21 CONCERNING A PAYMENT TO AN EMPLOYEE OF THE ACHIEVEMENT AUTHORITY
22 SHALL IDENTIFY THE INDIVIDUAL EMPLOYEE BY POSITION AND BUSINESS
23 ADDRESS ONLY.

24 (ii) THE AMOUNT OF MONEY EXPENDED.

25 (iii) THE FUNDING SOURCE OF THE MONEY.

26 (iv) THE NAME OF THE BUDGET PROGRAM OR ACTIVITY RECEIVING THE
27 MONEY.

1 (v) A DESCRIPTION OF THE PLANNED USE OF THE MONEY.

2 (2) SUBJECT ONLY TO THE REQUIREMENTS OF STATE AND FEDERAL LAW,
3 THE ACHIEVEMENT AUTHORITY SHALL SEEK TO PROVIDE MAXIMUM PUBLIC
4 ACCESS, THROUGH ITS WEBSITE, TO INFORMATION CONCERNING THE PROGRAMS
5 AND PLANS OF THE ACHIEVEMENT AUTHORITY.

6 SEC. 777. THE ACHIEVEMENT AUTHORITY MAY ISSUE OR RELEASE AN
7 OPINION, REPORT, DATA, OR RESEARCH MATERIALS REGARDING THE
8 ACADEMIC, FINANCIAL, AND COMPLIANCE PERFORMANCE OF A VENDOR,
9 CONTRACTOR, OR EDUCATIONAL SERVICE PROVIDER PROVIDING EDUCATIONAL
10 SERVICES IN A PUBLIC SCHOOL WITHIN THE EDUCATION ACHIEVEMENT
11 SYSTEM. IN TAKING AN ACTION DESCRIBED IN THIS SECTION, THE
12 ACHIEVEMENT AUTHORITY HAS GOVERNMENTAL IMMUNITY AS PROVIDED IN
13 SECTION 7 OF 1964 PA 170, MCL 691.1407.

14 SEC. 778. (1) THE ACHIEVEMENT AUTHORITY, AN ACHIEVEMENT
15 SCHOOL, THE CHANCELLOR, A MEMBER OF THE AUTHORITY BOARD, A MEMBER
16 OF THE EXECUTIVE COMMITTEE, AND EMPLOYEES, OFFICERS, AND VOLUNTEERS
17 OF THE ACHIEVEMENT AUTHORITY OR OF AN ACHIEVEMENT SCHOOL HAVE
18 GOVERNMENTAL IMMUNITY AS PROVIDED IN SECTION 7 OF 1964 PA 170, MCL
19 691.1407. THE ACHIEVEMENT AUTHORITY, AN ACHIEVEMENT SCHOOL, THE
20 CHANCELLOR, A MEMBER OF THE AUTHORITY BOARD, A MEMBER OF THE
21 EXECUTIVE COMMITTEE, AND EMPLOYEES, OFFICERS, AND VOLUNTEERS OF THE
22 ACHIEVEMENT AUTHORITY OR OF AN ACHIEVEMENT SCHOOL ARE IMMUNE FROM
23 CIVIL LIABILITY, BOTH PERSONALLY AND PROFESSIONALLY, FOR AN ACT OR
24 OMISSION UNDER THIS PART IF THE PERSON OR ENTITY ACTED OR HAD A
25 REASONABLE BELIEF TO BE ACTING WITHIN THE PERSON'S OR ENTITY'S
26 SCOPE OF AUTHORITY.

27 (2) THE PARTIES TO THE INTERLOCAL AGREEMENT AND EACH OF THEIR

1 GOVERNING BOARD MEMBERS, OFFICERS, AUTHORIZED REPRESENTATIVES, AND
2 EMPLOYEES HAVE GOVERNMENTAL IMMUNITY AS PROVIDED IN SECTION 7 OF
3 1964 PA 170, MCL 691.1407, AND ARE IMMUNE FROM LIABILITY, BOTH
4 PERSONALLY AND PROFESSIONALLY, FOR ANY ACTS OR OMISSIONS INVOLVED
5 IN CREATING THE ACHIEVEMENT AUTHORITY, ENTERING INTO THE INTERLOCAL
6 AGREEMENT, OR IMPLEMENTING THE INTERLOCAL AGREEMENT.

7 (3) THE ACHIEVEMENT AUTHORITY IS AUTHORIZED TO INDEMNIFY AND
8 PAY THE COSTS AND LIABILITIES OF THE PARTIES TO THE INTERLOCAL
9 AGREEMENT ARISING FROM OR IN ANY WAY CONNECTED WITH THE INTERLOCAL
10 AGREEMENT, AS PROVIDED IN THE INTERLOCAL AGREEMENT.

11 SEC. 779. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, THE
12 ACHIEVEMENT AUTHORITY SHALL COMPLY, AND SHALL ENSURE THAT AN
13 ACHIEVEMENT SCHOOL COMPLIES, AS IF THE ACHIEVEMENT AUTHORITY WERE A
14 LOCAL SCHOOL DISTRICT AND THE ACHIEVEMENT SCHOOL WERE A SCHOOL
15 OPERATED BY A LOCAL SCHOOL DISTRICT, WITH SECTIONS 1134, 1135,
16 1137, 1137A, 1138, 1139, 1146, 1153, 1230 TO 1230H, 1263(3), 1267,
17 1274, 1278 TO 1278B, 1285A, 1306, 1309 TO 1311A, 1312, 1317, 1535A,
18 AND 1539B.

19 (2) IF THE ACHIEVEMENT AUTHORITY PROVIDES MEDICAL, OPTICAL, OR
20 DENTAL BENEFITS TO EMPLOYEES OF THE ACHIEVEMENT AUTHORITY AND THEIR
21 DEPENDENTS, THE ACHIEVEMENT AUTHORITY SHALL PROVIDE THOSE BENEFITS
22 IN ACCORDANCE WITH THE PUBLIC EMPLOYEE HEALTH BENEFIT ACT, 2007 PA
23 106, MCL 124.71 TO 124.85, AND THE PUBLICLY FUNDED HEALTH INSURANCE
24 CONTRIBUTION ACT, 2011 PA 152, MCL 15.561 TO 15.569, AND SHALL
25 COMPLY WITH THOSE ACTS.

26 SEC. 780. (1) THE ACHIEVEMENT AUTHORITY MAY ENTER INTO AN
27 AGREEMENT WITH A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY TO

1 PROVIDE SERVICES TO THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY OR
2 TO PUPILS OF THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY, OR FOR
3 THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY TO PROVIDE SERVICES TO
4 THE ACHIEVEMENT AUTHORITY OR PUPILS OF AN ACHIEVEMENT SCHOOL. THE
5 SERVICES MAY BE PROVIDED ON A COOPERATIVE BASIS. THE ACHIEVEMENT
6 AUTHORITY MAY CHARGE THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY,
7 OR A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAY CHARGE THE
8 ACHIEVEMENT AUTHORITY, FOR SERVICES DESCRIBED IN THIS SUBSECTION.

9 (2) THE ACHIEVEMENT AUTHORITY MAY CONTRACT WITH A QUALIFIED
10 PROVIDER FOR ENERGY CONSERVATION IMPROVEMENTS TO PUBLIC SCHOOL
11 FACILITIES IN THE SAME MANNER AS A SCHOOL DISTRICT UNDER SECTION
12 1274A.

13 (3) THE ACHIEVEMENT AUTHORITY MAY GRANT HIGH SCHOOL CREDIT IN
14 A FOREIGN LANGUAGE OR AMERICAN SIGN LANGUAGE TO A PUPIL ENROLLED IN
15 HIGH SCHOOL WHO HAS DEMONSTRATED PROFICIENCY IN THE FOREIGN
16 LANGUAGE OR AMERICAN SIGN LANGUAGE OUTSIDE OF A PUBLIC OR NONPUBLIC
17 HIGH SCHOOL CURRICULUM. PROFICIENCY MAY BE DEMONSTRATED BY A
18 COMPETENCY TEST OR OTHER CRITERIA ESTABLISHED BY THE ACHIEVEMENT
19 AUTHORITY.

20 Sec. 1260. (1) THE POLICY OF THIS STATE IS TO PROVIDE FOR THE
21 OPTIMUM USE OF BUILDINGS AND OTHER ASSETS THAT ARE PAID FOR WITH
22 PUBLIC FUNDS AND ARE INTENDED TO BE USED FOR SCHOOL PURPOSES.

23 (2) ~~(1) Unless approved by the state board,~~ SUPERINTENDENT OF
24 PUBLIC INSTRUCTION, a school board or intermediate school board
25 shall not impose any deed restriction prohibiting, or otherwise
26 prohibit, property sold or transferred by the school board or
27 intermediate school board from being used for any lawful public

1 education purpose. Any deed restriction or other prohibition in
2 effect as of the effective date of this subsection is void.

3 (3) ~~(2)~~—If a school board or intermediate school board offers
4 property of the school board or intermediate school board for lease
5 or rent, the school board or intermediate school board shall not
6 refuse to lease or rent the property to a person solely because the
7 person intends to use the property for an educational purpose, if
8 the intent of the person is to use the property for a lawful
9 educational purpose.

10 (4) IN ORDER TO CONTINUE THE OPERATION OF SCHOOL BUILDINGS AS
11 PUBLIC SCHOOLS, IF A SCHOOL DISTRICT HAS AN EMERGENCY FINANCIAL
12 MANAGER UNDER THE LOCAL GOVERNMENT FISCAL RESPONSIBILITY ACT, 1990
13 PA 72, MCL 141.1201 TO 141.1291, OR AN EMERGENCY MANAGER UNDER THE
14 LOCAL GOVERNMENT AND SCHOOL DISTRICT FISCAL RESPONSIBILITY ACT,
15 2011 PA 4, MCL 141.1501 TO 141.1531, OR A SUCCESSOR LAW TO 2011 PA
16 4, THE EMERGENCY FINANCIAL MANAGER OR EMERGENCY MANAGER SHALL DO
17 ALL THE FOLLOWING:

18 (A) PROMPTLY INVENTORY ALL BUILDINGS BEING USED OR PREVIOUSLY
19 USED AS A SCHOOL BY THE SCHOOL DISTRICT.

20 (B) FOR EACH OF THOSE BUILDINGS, PROMPTLY MAKE 1 OF THE
21 FOLLOWING DETERMINATIONS WITH RESPECT TO THE BUILDING:

22 (i) THE BUILDING WILL BE USED FOR SCHOOL PURPOSES BY THE SCHOOL
23 DISTRICT.

24 (ii) THE BUILDING CAN BE REDEPLOYED FOR USE AS A SCHOOL
25 BUILDING BY 1 OR MORE ELIGIBLE PUBLIC SCHOOLS OR CAN BE USED AS A
26 SCHOOL BUILDING AND IS AVAILABLE FOR PURCHASE OR LEASE BY A
27 NONPUBLIC SCHOOL.

1 (iii) THE BUILDING IS UNSUITABLE FOR USE AS A SCHOOL BUILDING.

2 (C) IF THE EMERGENCY FINANCIAL MANAGER OR EMERGENCY MANAGER
3 HAS DETERMINED THAT 1 OR MORE OF THE SCHOOL BUILDINGS OF THE SCHOOL
4 DISTRICT MAY BE REDEPLOYED AS PROVIDED UNDER SUBDIVISION (B) (ii) ,
5 ADVISE THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE CHANCELLOR OF
6 THE ACHIEVEMENT AUTHORITY, AND ANY OTHER PERSON WHO HAS REQUESTED
7 TO RECEIVE THE NOTICE, THAT 1 OR MORE SCHOOL BUILDINGS IN THE
8 SCHOOL DISTRICT ARE AVAILABLE FOR REDEPLOYMENT UNDER THIS SECTION
9 FOR CONTINUING USE AS A SCHOOL BUILDING.

10 (5) THE TITLE TO A SCHOOL BUILDING REDEPLOYED UNDER THIS
11 SECTION SHALL REMAIN WITH THE SCHOOL DISTRICT, BUT THE MANAGEMENT,
12 MAINTENANCE, AND OPERATION OF THE BUILDING AS A SCHOOL SHALL BE
13 PERFORMED BY THE ELIGIBLE PUBLIC SCHOOL TO WHICH THE SCHOOL
14 BUILDING IS REDEPLOYED. AN ACTION UNDER THIS SECTION SHALL NOT
15 AFFECT A SECURITY INTEREST IN THE SCHOOL BUILDING OF A CREDITOR OR
16 BONDHOLDER OF THE SCHOOL DISTRICT.

17 (6) IN ORDER TO FACILITATE OPTIMUM USE OF ASSETS OF SCHOOL
18 DISTRICTS DESCRIBED IN SUBSECTION (4) , AN EMERGENCY FINANCIAL
19 MANAGER OR EMERGENCY MANAGER SHALL APPLY HOTELING CONCEPTS TO THE
20 EXTENT APPROPRIATE.

21 (7) AS USED IN THIS SECTION:

22 (A) "ELIGIBLE PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL ACADEMY,
23 THE AUTHORIZING BODY FOR A PUBLIC SCHOOL ACADEMY, THE ACHIEVEMENT
24 AUTHORITY, AN ACHIEVEMENT SCHOOL, OR A UNIVERSITY SCHOOL.

25 (B) "HOTELING" MEANS MAKING A SCHOOL BUILDING AVAILABLE FOR
26 USE BY MULTIPLE EDUCATIONAL AND COMMUNITY INSTITUTIONS, INCLUDING,
27 BUT NOT LIMITED TO, USE OF A SINGLE BUILDING AND ALL AVAILABLE

1 CLASSROOMS, LABORATORIES, COMPUTER AND DISTANCE LEARNING
2 TECHNOLOGY, AUDITORIA, OR GYMNASIUMS, BY 1 OR MORE ELIGIBLE PUBLIC
3 SCHOOLS OR NONPUBLIC SCHOOLS.

4 (C) "REDEPLOY" MEANS THE PROCESS BY WHICH A SCHOOL BUILDING
5 OWNED BY A SCHOOL DISTRICT IS MADE AVAILABLE FOR USE BY AN ELIGIBLE
6 PUBLIC SCHOOL USING THE PROCESS DESCRIBED IN SECTION 1260A.

7 SEC. 1260A. (1) EACH SCHOOL DISTRICT SHALL INFORM THE
8 DEPARTMENT WHENEVER A SCHOOL BUILDING THAT WAS PREVIOUSLY USED FOR
9 CLASSROOM INSTRUCTION IS CLOSED, UNUSED, OR UNOCCUPIED.

10 ADDITIONALLY, AT LEAST ANNUALLY, EACH SCHOOL DISTRICT SHALL PROVIDE
11 A LIST OF CLOSED, UNUSED, OR UNOCCUPIED BUILDINGS TO THE DEPARTMENT
12 BY THE DATE SET BY THE DEPARTMENT. THE DEPARTMENT SHALL MAINTAIN A
13 LIST OF CLOSED, UNUSED, OR UNOCCUPIED SCHOOL BUILDINGS AND MAKE THE
14 LIST AVAILABLE ON THE DEPARTMENT'S WEBSITE. THE DEPARTMENT SHALL
15 UPDATE THE LIST EACH YEAR BEFORE AUGUST 31.

16 (2) THE BOARD OF A SCHOOL DISTRICT THAT OWNS A SCHOOL BUILDING
17 THAT IS PLACED ON THE DEPARTMENT'S LIST UNDER SUBSECTION (1) SHALL
18 MAINTAIN THE SCHOOL BUILDING IN A CONDITION THAT IS SUITABLE FOR
19 USE AS A SCHOOL BUILDING.

20 (3) IF THE BOARD OF THE SCHOOL DISTRICT THAT OWNS A SCHOOL
21 BUILDING THAT IS PLACED ON THE DEPARTMENT'S LIST UNDER SUBSECTION
22 (1) INDICATES THE SCHOOL BUILDING MAY BE RECLAIMED FOR CLASSROOM
23 INSTRUCTION DURING THE 2-YEAR PERIOD AFTER THE SCHOOL BUILDING
24 APPEARS FOR THE FIRST TIME ON THE DEPARTMENT'S LIST UNDER
25 SUBSECTION (1), THEN THE DEPARTMENT SHALL DESIGNATE THAT SCHOOL
26 BUILDING AS "UNAVAILABLE" UNTIL 2 YEARS AFTER THE SCHOOL BUILDING
27 FIRST APPEARS ON THE LIST. IF A SCHOOL DISTRICT RECLAIMS A SCHOOL

1 BUILDING IDENTIFIED AS UNAVAILABLE, THE SCHOOL DISTRICT SHALL REUSE
2 THE SCHOOL BUILDING FOR CLASSROOM INSTRUCTION WITHIN 1 YEAR AFTER
3 THE SCHOOL BUILDING IS RECLAIMED. IF A RECLAIMED SCHOOL BUILDING
4 REMAINS UNUSED FOR CLASSROOM INSTRUCTION AFTER THE EXPIRATION OF 1
5 YEAR AFTER BEING RECLAIMED, THE SCHOOL DISTRICT SHALL PLACE THE
6 SCHOOL BUILDING ON THE DEPARTMENT'S LIST UNDER SUBSECTION (1) AND
7 MAY NOT AGAIN RECLAIM THE SCHOOL BUILDING UNLESS THE SCHOOL
8 BUILDING IS NOT BEING USED FOR CLASSROOM INSTRUCTION BY AN ELIGIBLE
9 SCHOOL AND THE SCHOOL DISTRICT DEMONSTRATES TO THE SATISFACTION OF
10 THE SUPERINTENDENT OF PUBLIC INSTRUCTION THAT IT HAS A LEGITIMATE
11 NEED TO RECLAIM THE SCHOOL BUILDING BASED ON ENROLLMENT GROWTH IN
12 THE SCHOOL DISTRICT.

13 (4) IF AN ELIGIBLE PUBLIC SCHOOL INTENDS TO USE A SCHOOL
14 BUILDING ON THE LIST CREATED UNDER SUBSECTION (1), THE ELIGIBLE
15 PUBLIC SCHOOL SHALL SEND A LETTER OF INTENT TO THE SUPERINTENDENT
16 OF PUBLIC INSTRUCTION. THE SUPERINTENDENT OF PUBLIC INSTRUCTION
17 SHALL NOTIFY THE SCHOOL DISTRICT THAT OWNS THE SCHOOL BUILDING OF
18 THE LETTER OF INTENT. SUBJECT TO SUBSECTION (7), WITHIN 63 DAYS
19 AFTER RECEIPT OF THE LETTER OF INTENT, THE SCHOOL DISTRICT THAT
20 OWNS THE SCHOOL BUILDING SHALL LEASE THE SCHOOL BUILDING TO THE
21 ELIGIBLE PUBLIC SCHOOL UNDER SUBSECTION (5) OR SELL THE SCHOOL
22 BUILDING TO THE ELIGIBLE PUBLIC SCHOOL UNDER SUBSECTION (6).

23 (5) IF THE SCHOOL DISTRICT THAT OWNS A SCHOOL BUILDING THAT IS
24 ON THE LIST UNDER SUBSECTION (1) RECEIVES A LETTER OF INTENT UNDER
25 SUBSECTION (4), THE SCHOOL DISTRICT SHALL LEASE THE SCHOOL BUILDING
26 TO THE ELIGIBLE PUBLIC SCHOOL FOR FAIR MARKET VALUE FOR AS LONG AS
27 THE SCHOOL BUILDING IS USED FOR CLASSROOM INSTRUCTION BY THE

1 ELIGIBLE PUBLIC SCHOOL ACADEMY OR FOR ANOTHER TERM AT THE OPTION OF
2 THE ELIGIBLE PUBLIC SCHOOL. THE ELIGIBLE PUBLIC SCHOOL SHALL BEGIN
3 TO USE THE SCHOOL BUILDING FOR CLASSROOM INSTRUCTION NOT LATER THAN
4 2 YEARS AFTER LEASING THE SCHOOL BUILDING. IF THE SCHOOL BUILDING
5 IS NOT USED FOR CLASSROOM INSTRUCTION WITHIN 2 YEARS AFTER IT IS
6 LEASED, THE SCHOOL BUILDING SHALL BE PLACED ON THE DEPARTMENT'S
7 LIST UNDER SUBSECTION (1). IF DURING THE TERM OF THE LEASE THE
8 ELIGIBLE SCHOOL LEASING THE SCHOOL BUILDING CLOSES OR CEASES USING
9 THE SCHOOL BUILDING FOR CLASSROOM INSTRUCTION, THE SCHOOL BUILDING
10 SHALL BE PLACED ON THE DEPARTMENT'S LIST UNDER SUBSECTION (1).

11 (6) IF THE SCHOOL DISTRICT THAT OWNS A SCHOOL BUILDING THAT IS
12 ON THE LIST UNDER SUBSECTION (1) AND RECEIVES A NOTICE OF INTENT
13 UNDER SUBSECTION (4) DETERMINES TO SELL THE SCHOOL BUILDING TO THE
14 ELIGIBLE PUBLIC SCHOOL, THE SCHOOL DISTRICT SHALL SELL THE SCHOOL
15 BUILDING TO THE ELIGIBLE PUBLIC SCHOOL FOR FAIR MARKET VALUE. THE
16 ELIGIBLE PUBLIC SCHOOL SHALL BEGIN TO USE THE SCHOOL BUILDING FOR
17 CLASSROOM INSTRUCTION NOT LATER THAN 2 YEARS AFTER ACQUIRING THE
18 SCHOOL BUILDING. IF THE SCHOOL BUILDING IS NOT USED FOR CLASSROOM
19 INSTRUCTION WITHIN 2 YEARS AFTER IT IS ACQUIRED, THIS STATE MAY
20 EXERCISE A RIGHT OF REVERSION FOR THE SCHOOL BUILDING, TERMINATING
21 THE ELIGIBLE PUBLIC SCHOOL'S ESTATE IN THE SCHOOL BUILDING, AND THE
22 SCHOOL BUILDING THEN SHALL BE PLACED ON THE DEPARTMENT'S LIST UNDER
23 SUBSECTION (1). IF AFTER ACQUIRING A SCHOOL BUILDING UNDER THIS
24 SUBSECTION THE ELIGIBLE PUBLIC SCHOOL THAT ACQUIRED THE SCHOOL
25 BUILDING CLOSES OR CEASES USING THE SCHOOL BUILDING FOR CLASSROOM
26 INSTRUCTION, THIS STATE MAY EXERCISE A RIGHT OF REVERSION FOR THE
27 SCHOOL BUILDING, TERMINATING THE ELIGIBLE PUBLIC SCHOOL'S ESTATE IN

1 THE SCHOOL BUILDING, AND THE SCHOOL BUILDING THEN SHALL BE PLACED
2 ON THE DEPARTMENT'S LIST UNDER SUBSECTION (1). IF THE ELIGIBLE
3 PUBLIC SCHOOL DISPUTES THIS STATE'S EXERCISE OF ITS RIGHT OF
4 REVERSION AND FAILS TO PROMPTLY DELIVER POSSESSION OF THE SCHOOL
5 BUILDING TO THIS STATE, THE ATTORNEY GENERAL, ON BEHALF OF THIS
6 STATE, MAY BRING AN ACTION TO QUIET TITLE TO, AND REGAIN POSSESSION
7 OF, THE SCHOOL BUILDING.

8 (7) A SCHOOL DISTRICT SHALL NOT LEASE OR SELL A SCHOOL
9 BUILDING UNDER THIS SECTION IF THE LEASE OR SALE WOULD
10 UNCONSTITUTIONALLY IMPAIR A BOND, NOTE, SECURITY, OR UNCONTESTED
11 LEGAL OBLIGATION OF THE SCHOOL DISTRICT.

12 (8) DURING THE TERM OF A LEASE UNDER SUBSECTION (5), THE
13 ELIGIBLE PUBLIC SCHOOL LEASING THE SCHOOL BUILDING IS RESPONSIBLE
14 FOR THE DIRECT EXPENSES RELATED TO THE SCHOOL BUILDING LEASED,
15 INCLUDING UTILITIES, INSURANCE, MAINTENANCE, REPAIRS, AND
16 REMODELING. THE SCHOOL DISTRICT THAT OWNS THE SCHOOL BUILDING IS
17 RESPONSIBLE FOR ANY DEBT INCURRED FOR OR LIENS THAT ATTACHED TO THE
18 SCHOOL BUILDING BEFORE THE ELIGIBLE PUBLIC SCHOOL LEASED THE SCHOOL
19 BUILDING.

20 (9) IF A SCHOOL BUILDING APPEARS ON THE DEPARTMENT'S LIST
21 UNDER SUBSECTION (1) FOR AT LEAST 48 MONTHS, THE SCHOOL DISTRICT
22 THAT OWNS THE SCHOOL BUILDING MAY SELL OR OTHERWISE DISPOSE OF THE
23 SCHOOL BUILDING IN ANY MANNER THE SCHOOL BOARD CONSIDERS
24 APPROPRIATE.

25 (10) A SCHOOL BUILDING ACQUIRED AND OCCUPIED BY AN ELIGIBLE
26 PUBLIC SCHOOL PURSUANT TO THIS SECTION SHALL BE CONSIDERED TO HAVE
27 BEEN IN CONTINUOUS USE AS A PUBLIC SCHOOL.

(11) AS USED IN THIS SECTION, "ELIGIBLE PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL ACADEMY, THE AUTHORIZING BODY FOR A PUBLIC SCHOOL ACADEMY, THE ACHIEVEMENT AUTHORITY, OR A UNIVERSITY SCHOOL.

Sec. 1280c. (1) ~~Beginning in 2010, not~~ NOT later than September 1 of each year, the superintendent of public instruction shall publish a list identifying the public schools in this state that the department has determined to be among the lowest achieving 5% of all public schools in this state, as defined **BY THE UNITED STATES DEPARTMENT OF EDUCATION** for the purposes of the ~~A~~ federal incentive grant program created under sections 14005 and 14006 of title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5, **OR AS DEFINED UNDER AN ALTERNATIVE DEFINITION APPROVED BY THE UNITED STATES SECRETARY OF EDUCATION.**

(2) Except as otherwise provided in subsection ~~(16)~~, **(19)**, the superintendent of public instruction shall issue an order placing each public school that is included on the list under subsection (1) under the supervision of the state school ~~reform/redesign~~ **REDESIGN** officer described in subsection ~~(9)~~ **(12)**. Within 90 days after a public school is placed under the supervision of the state school ~~reform/redesign~~ **REDESIGN** officer under this section, the school board or board of directors operating the public school shall submit a redesign plan to the state school ~~reform/redesign~~ **REDESIGN** officer. For a public school operated by a school board, the redesign plan shall be developed with input from the local teacher bargaining unit and the local superintendent. **THE REDESIGN PLAN SHALL DIRECTLY ADDRESS THE REASONS THE PUBLIC SCHOOL IS AMONG THE LOWEST ACHIEVING SCHOOLS BY INCORPORATING MEASURES TO IMPROVE**

1 PUPIL PERFORMANCE IN THOSE SUBJECT AREAS IN WHICH THE PUPILS ARE
 2 FAILING TO ADEQUATELY ACHIEVE. The redesign plan shall require
 3 implementation of 1 of the 4-school intervention models that are
 4 provided for the lowest achieving schools under the federal
 5 incentive grant program created under sections 14005 and 14006 of
 6 title XIV of the American recovery and reinvestment act of 2009,
 7 Public Law 111-5, known as the "race to the top" grant program, A
 8 SCHOOL INTERVENTION MODEL UNDER THE FEDERAL INCENTIVE GRANT PROGRAM
 9 CREATED UNDER 20 USC 6303(G), OR ANOTHER INTERVENTION MODEL THAT IS
 10 APPROVED UNDER FEDERAL LAW. These models ~~are~~ INCLUDE the turnaround
 11 model, restart model, school closure, ~~and~~ transformation model, AND
 12 OTHER INTERVENTION MODELS THAT ARE APPROVED UNDER FEDERAL LAW. The
 13 redesign plan shall include an executed addendum to each applicable
 14 collective bargaining agreement in effect for the public school
 15 that meets the requirements of subsection ~~(8)~~ (11).

16 (3) Within 30 days after receipt of a redesign plan for a
 17 public school under subsection (2), the state school
 18 ~~reform/redesign~~ REDESIGN officer shall issue an order approving,
 19 disapproving, or making changes to the redesign plan. If the order
 20 makes changes to the redesign plan, the school board or board of
 21 directors has 30 days after the order to change the redesign plan
 22 to incorporate those changes into the redesign plan and resubmit it
 23 to the state school ~~reform/redesign~~ REDESIGN officer for approval
 24 or disapproval.

25 (4) The state school ~~reform/redesign~~ REDESIGN officer shall
 26 not disapprove a redesign plan that includes all of the elements
 27 required under federal law for the school intervention model

1 included in the redesign plan. A school board or board of directors
2 may appeal disapproval of a redesign plan on this basis to the
3 superintendent of public instruction. The decision of the
4 superintendent of public instruction on the appeal is **A final**

5 **ADMINISTRATIVE DETERMINATION.**

6 (5) If the state school ~~reform/redesign~~**REDESIGN** officer
7 approves a redesign plan under this section, the school board or
8 board of directors shall implement the redesign plan for the public
9 school beginning with the beginning of the next school year that
10 begins after the approval. The school board or board of directors
11 shall regularly submit monitoring reports to the state school
12 ~~reform/redesign~~**REDESIGN** officer on the implementation and results
13 of the plan in the form and manner, and according to a schedule, as
14 determined by the state school ~~reform/redesign~~**REDESIGN** officer.

15 **BEGINNING IN 2012, NOT LATER THAN OCTOBER 1 OF EACH YEAR, IF A**
16 **PUBLIC SCHOOL HAS BEEN ON THE LIST UNDER SUBSECTION (1) FOR 3**
17 **CONSECUTIVE YEARS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL**
18 **NOTIFY THE STATE SCHOOL REDESIGN OFFICER.**

19 (6) The state ~~school reform/redesign school~~**REFORM** district is
20 created. The state ~~school reform/redesign school~~**REFORM** district is
21 a school district for the purposes of section 11 of article IX of
22 the state constitution of 1963, ~~and for receiving state school aid~~
23 **under the state school aid act of 1979, AND FOR FUNCTIONING AS A**
24 **POLITICAL SUBDIVISION THAT IS A PARTY TO A CONTRACT TRANSFERRING**
25 **THE POWERS, DUTIES, RIGHTS, OBLIGATIONS, FUNCTIONS, AND**
26 **RESPONSIBILITIES OF THE STATE REFORM DISTRICT TO A SPECIAL**
27 **AUTHORITY UNDER 1967 (EX SESS) PA 8, MCL 124.531 TO 124.536, and is**

1 subject to the leadership and general supervision of the state
 2 board over all public education under section 3 of article VIII of
 3 the state constitution of 1963. The state ~~school reform/redesign~~
 4 ~~school~~ REFORM district is a body corporate and is a governmental
 5 agency. ~~Except as otherwise provided in subsection (7), if THE~~
 6 POWERS, DUTIES, RIGHTS, OBLIGATIONS, FUNCTIONS, AND
 7 RESPONSIBILITIES OF THE STATE REFORM DISTRICT ARE TRANSFERRED TO
 8 AND VESTED IN AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY.
 9 THE ACHIEVEMENT AUTHORITY MAY PERFORM THE FUNCTIONS OF THE
 10 DEPARTMENT AS THE STATE EDUCATION AGENCY FOR A SCHOOL PLACED WITHIN
 11 THE STATE REFORM DISTRICT AND UNDER THE CONTROL OF THE ACHIEVEMENT
 12 AUTHORITY UNDER THIS SECTION TO THE FULL EXTENT PERMITTED UNDER
 13 FEDERAL LAW. THE ACHIEVEMENT AUTHORITY IS ENTITLED TO RECEIVE
 14 FEDERAL FUNDS OTHERWISE PAYABLE TO THE DEPARTMENT FOR THE
 15 PERFORMANCE OF THE FUNCTIONS TO THE FULL EXTENT PERMITTED UNDER
 16 FEDERAL LAW.

17 (7) IF ANY OF THE FOLLOWING OCCUR, the state school
 18 ~~reform/redesign~~ REDESIGN officer ~~does not approve~~ SHALL ISSUE AN
 19 ORDER PLACING THE PUBLIC SCHOOL IN THE STATE REFORM DISTRICT AND
 20 UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY:

21 (A) THE STATE SCHOOL REDESIGN OFFICER RECEIVES NOTICE UNDER
 22 SUBSECTION (5) FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION THAT A
 23 PUBLIC SCHOOL HAS BEEN ON THE LIST REQUIRED UNDER SUBSECTION (1)
 24 FOR 3 CONSECUTIVE YEARS.

25 (B) THE STATE SCHOOL REDESIGN OFFICER DISAPPROVES the redesign
 26 plan ~~, or if the~~ SUBMITTED UNDER SUBSECTION (2).

27 (C) THE state school ~~reform/redesign~~ REDESIGN officer

1 determines that the redesign plan is not achieving satisfactory
2 results. 7

3 (8) IF the state school ~~reform/redesign~~ **REDESIGN** officer shall
4 ~~issue~~ **ISSUES** an order **UNDER SUBSECTION (7)** placing the public
5 school in the state ~~school reform/redesign~~ **SCHOOL REFORM** district
6 **AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY**, ~~imposing for~~
7 ~~the public school implementation of~~ **THE CHANCELLOR SHALL IMPOSE** 1
8 of the 4-school intervention models described in subsection (2)
9 beginning with the beginning of the next school year. 7, ~~and~~
10 ~~imposing an addendum to each applicable collective bargaining~~
11 ~~agreement in effect for the public school as necessary to implement~~
12 ~~the school intervention model and that meets the requirements of~~
13 ~~subsection (8).~~ **SUBJECT TO SUBSECTION (15), IF AT ANY TIME AFTER A**
14 **PUBLIC SCHOOL IS PLACED IN THE STATE REFORM DISTRICT AND UNDER THE**
15 **CONTROL OF THE ACHIEVEMENT AUTHORITY THE CHANCELLOR DETERMINES THAT**
16 **A REDESIGN PLAN PREVIOUSLY ADOPTED FOR A PUBLIC SCHOOL UNDER THIS**
17 **SECTION IS NOT ACHIEVING SATISFACTORY RESULTS, THE CHANCELLOR MAY**
18 **ADOPT FOR THE PUBLIC SCHOOL AN ALTERNATIVE SCHOOL INTERVENTION**
19 **MODEL DESCRIBED IN SUBSECTION (2) OR AN ALTERNATIVE SCHOOL**
20 **INTERVENTION MODEL NOT PROHIBITED BY FEDERAL LAW THAT THE**
21 **CHANCELLOR DETERMINES HAS A GREATER LIKELIHOOD OF IMPROVING**
22 **EDUCATIONAL OUTCOMES FOR THE PUBLIC SCHOOL.**

23 (9) All of the following apply to the state ~~school~~
24 ~~reform/redesign~~ **SCHOOL REFORM** district **UNDER THE CONTROL OF THE**
25 **ACHIEVEMENT AUTHORITY:**

26 (a) The state ~~school reform/redesign~~ **SCHOOL REFORM** district
27 shall consist of schools that are placed in the state ~~school~~

~~reform/redesign school~~ **REFORM** district **AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY UNDER THIS SECTION.**

(b) The ~~state school reform/redesign officer~~ **CHANCELLOR** shall act as the superintendent of the state ~~school reform/redesign school~~ **REFORM** district. With respect to schools placed in the state ~~school reform/redesign school~~ **REFORM** district **AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY**, the ~~state school reform/redesign officer~~ **CHANCELLOR** has all of the powers, ~~and~~ duties, **RIGHTS, OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES** described in this section; **EXCEPT AS OTHERWISE PROVIDED IN THIS ACT**, all of the provisions of this act that **ARE NOT INCONSISTENT WITH PART 7C AND** would otherwise apply to the school board **OR OTHER SCHOOL OFFICERS** that previously operated a **PUBLIC** school placed in the state ~~school reform/redesign school~~ **REFORM** district **AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY** apply to the ~~state school reform/redesign officer~~ **CHANCELLOR** with respect to that **PUBLIC** school, except those relating to taxation or borrowing; except as otherwise provided in this section, the ~~state school reform/redesign officer~~ **CHANCELLOR** may exercise all the powers and duties otherwise vested by law in the school board **OR OTHER SCHOOL OFFICERS** that previously operated a **PUBLIC** school placed in the state ~~school reform/redesign school~~ **REFORM** district, ~~and in its officers~~, except those relating to taxation or borrowing, and may exercise all additional powers, ~~and~~ duties, **RIGHTS, OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES** provided under this ~~section~~, **LAW**, and, except as otherwise provided in this ~~section~~, **ACT**, the ~~state school reform/redesign officer~~ **CHANCELLOR** accedes to all the **POWERS**, rights, duties, **FUNCTIONS,**

1 **RESPONSIBILITIES**, and obligations of the school board **AND OTHER**
 2 **LOCAL SCHOOL OFFICERS** with respect to that **PUBLIC** school **THAT ARE**
 3 **NOT INCONSISTENT WITH PART 7C**. These powers, rights, duties,
 4 **FUNCTIONS, RESPONSIBILITIES**, and obligations include, but are not
 5 limited to, all of the following:

6 (i) Authority over the expenditure of all funds attributable to
 7 pupils at that school, including that portion of proceeds from
 8 bonded indebtedness and other funds dedicated to capital projects
 9 that would otherwise be apportioned to that school by the school
 10 board **OR OTHER SCHOOL OFFICERS** that previously operated the school
 11 according to the terms of the bond issue or financing documents.

12 (ii) Subject to subsection ~~(8)~~, **(11)**, rights and obligations
 13 under collective bargaining agreements and employment contracts
 14 entered into by the school board **OR OTHER SCHOOL OFFICERS** for
 15 employees at the school.

16 (iii) Rights to prosecute and defend litigation.

17 (iv) Rights and obligations under ~~statute, rule, and common~~
 18 law.

19 (v) Authority to delegate any of the ~~state school~~
 20 ~~reform/redesign officer's~~ **CHANCELLOR'S** powers, and duties, **RIGHTS,**
 21 **OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES** to 1 or more
 22 designees, with proper supervision by the ~~state school~~
 23 ~~reform/redesign officer.~~ **CHANCELLOR.**

24 (vi) ~~Power~~ **SUBJECT TO SUBSECTION (14), POWER** to terminate **OR**
 25 **MODIFY** any contract or portion of a contract entered into by the
 26 school board **OR OTHER SCHOOL OFFICER THAT PREVIOUSLY OPERATED THAT**
 27 **PUBLIC SCHOOL** that applies to that **PUBLIC** school. However, this

1 subsection does not allow any termination or diminishment of
2 obligations to pay debt service on legally authorized bonds. ~~and~~
3 ~~does not allow a collective bargaining agreement to be affected~~
4 ~~except as provided under subsection (8).~~ A contract terminated by
5 the ~~state school reform/redesign officer~~ **CHANCELLOR** under this
6 subsection is void.

7 (10) ~~(7)~~ If the ~~state school reform/redesign officer~~
8 **CHANCELLOR** determines that better educational results are likely to
9 be achieved by appointing a chief executive officer to take control
10 of multiple public schools **THAT HAVE BEEN PLACED IN THE STATE**
11 **REFORM DISTRICT AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY,**
12 the ~~state school reform/redesign officer~~ may make a recommendation
13 ~~to the superintendent of public instruction for appointment of~~
14 **CHANCELLOR MAY APPOINT** a chief executive officer to take control
15 over those multiple schools. If the ~~superintendent of public~~
16 ~~instruction~~ **CHANCELLOR** appoints a chief executive officer to take
17 control of multiple public schools under this subsection, the chief
18 executive officer shall impose for those public schools
19 implementation of 1 of the ~~4~~ school intervention models described
20 in subsection (2). ~~and impose an addendum to each applicable~~
21 ~~collective bargaining agreement in effect for those public schools~~
22 ~~as necessary to implement the school intervention model and that~~
23 ~~meets the requirements of subsection (8).~~ **SUBJECT TO SUBSECTION**
24 **(15), IF AT ANY TIME AFTER A PUBLIC SCHOOL IS PLACED UNDER THE**
25 **CONTROL OF A CHIEF EXECUTIVE OFFICER UNDER THIS SUBSECTION THE**
26 **CHIEF EXECUTIVE OFFICER DETERMINES THAT AN INTERVENTION MODEL**
27 **PREVIOUSLY ADOPTED FOR A PUBLIC SCHOOL UNDER THIS SUBSECTION IS NOT**

1 ACHIEVING SATISFACTORY RESULTS, THE CHIEF EXECUTIVE OFFICER MAY
 2 ADOPT FOR THE PUBLIC SCHOOL AN ALTERNATIVE SCHOOL INTERVENTION
 3 MODEL DESCRIBED IN SUBSECTION (2) OR AN ALTERNATIVE SCHOOL
 4 INTERVENTION MODEL NOT PROHIBITED BY FEDERAL LAW THAT THE
 5 CHANCELLOR DETERMINES HAS A GREATER LIKELIHOOD OF IMPROVING
 6 EDUCATIONAL OUTCOMES FOR THE PUBLIC SCHOOL. With respect to those ~~A~~
 7 public schools ~~SCHOOL~~ PLACED UNDER THE CONTROL OF A CHIEF EXECUTIVE
 8 OFFICER UNDER THIS SUBSECTION, the chief executive officer has all
 9 of the same powers, ~~and~~ duties, RIGHTS, OBLIGATIONS, FUNCTIONS, AND
 10 RESPONSIBILITIES that the ~~state school reform/redesign officer~~
 11 CHANCELLOR has for public schools placed in the state ~~school~~
 12 ~~reform/redesign school~~ REFORM district AND UNDER THE CONTROL OF THE
 13 ACHIEVEMENT AUTHORITY under subsection ~~(6)~~ (7), SUBJECT TO
 14 SUPERVISION BY THE CHANCELLOR. The chief executive officer shall
 15 regularly submit monitoring reports to the ~~state school~~
 16 ~~reform/redesign officer~~ CHANCELLOR on the implementation and
 17 results of the intervention model in the form and manner, and
 18 according to a schedule, as determined by the ~~state school~~
 19 ~~reform/redesign officer~~. CHANCELLOR. The chief executive officer
 20 shall exercise any other powers or duties over the public ~~schools~~
 21 SCHOOL as may be directed by the ~~superintendent of public~~
 22 ~~instruction~~. CHANCELLOR.

23 ~~—— (8) An addendum to a collective bargaining agreement under~~
 24 ~~this section shall provide for any of the following that are~~
 25 ~~necessary for the applicable school intervention model to be~~
 26 ~~implemented at each affected public school.~~

27 ~~—— (a) That any contractual or other seniority system that would~~

~~otherwise be applicable shall not apply at the public school. This subdivision does not allow unilateral changes in pay scales or benefits.~~

~~———— (b) That any contractual or other work rules that are impediments to implementing the redesign plan shall not apply at the public school. This subdivision does not allow unilateral changes in pay scales or benefits.~~

(11) ~~(c) That~~ **FOR A PUBLIC SCHOOL OPERATING UNDER A REDESIGN PLAN APPROVED BY THE STATE SCHOOL REDESIGN OFFICER,** the state school ~~reform/redesign~~ **REDESIGN** officer shall direct the expenditure of all funds attributable to pupils at the public school and the principal or other school leader designated by the state school ~~reform/redesign~~ **REDESIGN** officer shall have full autonomy and control over curriculum and discretionary spending at the public school. **FOR A PUBLIC SCHOOL OPERATING UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY UNDER SUBSECTIONS (7) TO (9), THE CHANCELLOR SHALL DIRECT THE EXPENDITURE OF ALL FUNDS ATTRIBUTABLE TO PUPILS AT THE PUBLIC SCHOOL AND SHALL HAVE FULL AUTONOMY AND CONTROL OVER CURRICULUM AND DISCRETIONARY SPENDING AT THE PUBLIC SCHOOL. FOR A PUBLIC SCHOOL OPERATING UNDER SUBSECTION (10), THE CHIEF EXECUTIVE OFFICER SHALL DIRECT THE EXPENDITURE OF ALL FUNDS ATTRIBUTABLE TO PUPILS AT THE PUBLIC SCHOOL AND SHALL HAVE FULL AUTONOMY AND CONTROL OVER CURRICULUM AND DISCRETIONARY SPENDING AT THE PUBLIC SCHOOL.**

(12) ~~(9) The superintendent of public instruction~~ **GOVERNOR** shall ~~hire~~ **APPOINT** a state school ~~reform/redesign~~ **REDESIGN** officer to carry out the functions **OF THE STATE REDESIGN OFFICER** under this

section and as otherwise prescribed by law. The state school ~~reform/redesign~~**REDESIGN** officer shall be chosen solely on the basis of his or her competence and experience in educational reform and redesign. The state school ~~reform/redesign~~**REDESIGN** officer is exempt from civil service. The state school ~~reform/redesign~~**REDESIGN** officer is responsible directly to the superintendent of public instruction to ensure that the purposes of this section are carried out, and accordingly the position of state school ~~reform/redesign~~**REDESIGN** officer should be a position within the department that is exempt from the classified state civil service. The department shall request that the civil service commission establish the position of state school ~~reform/redesign~~**REDESIGN** officer as a position that is exempt from the classified state civil service.

(13) ~~(10)~~ If the ~~state school reform/redesign officer~~**CHANCELLOR** imposes the restart model for a public school in the state ~~school reform/redesign school~~**REFORM** district **AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY**, or a chief executive officer under subsection ~~(7)~~**(10)** imposes the restart model for ~~multiple A~~ public ~~schools~~**SCHOOL** under that subsection, all of the following apply:

(a) The ~~state school reform/redesign officer~~**CHANCELLOR** or chief executive officer shall enter into an agreement with an educational management organization to manage and operate the public school or schools. The ~~state school reform/redesign officer~~**CHANCELLOR** or chief executive officer shall provide sufficient oversight to ensure that the public school or schools will be

operated according to all of the requirements for a restart model.

(b) There shall be considered to be no collective bargaining agreement in effect that applies to employees working at the public school or schools under this model at the time of imposition of the model.

(14) ~~(11)~~ If the ~~state school reform/redesign officer~~ CHANCELLOR imposes the turnaround model for a public school in the state ~~school reform/redesign school~~ REFORM district AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY, or a chief executive officer under subsection ~~(7)~~ (10) imposes the turnaround model for multiple A public schools SCHOOL under that subsection, ~~all of the following apply:~~

—— (a) ~~A~~ A collective bargaining agreement that applies to employees working at the public school or schools under this model at the time of imposition of the model, and any successor collective bargaining agreement, continues to apply with respect to pay scales and benefits.

—— (b) ~~Subject to any addendum to the collective bargaining agreement that applies to the public school or schools, an employee who is working at the public school or schools and who was previously employed in the same school district that previously operated that school shall continue to retain and accrue seniority rights in that school district according to the collective bargaining agreement that applies to employees of that school district.~~

—— (12) ~~If more than 9 public schools operated by a school district are on the list under subsection (1), the transformation~~

1 ~~model may not be implemented for more than 50% of these schools.~~

2 (15) IF UNDER SUBSECTION (8) THE CHANCELLOR IMPOSES AN
3 ALTERNATIVE SCHOOL INTERVENTION MODEL NOT PROHIBITED BY FEDERAL LAW
4 THAT THE CHANCELLOR DETERMINES HAS A GREATER LIKELIHOOD OF
5 IMPROVING EDUCATIONAL OUTCOMES FOR A PUBLIC SCHOOL UNDER THAT
6 SUBSECTION, OR IF UNDER SUBSECTION (10) A CHIEF EXECUTIVE OFFICER
7 IMPOSES AN ALTERNATIVE SCHOOL INTERVENTION MODEL NOT PROHIBITED BY
8 FEDERAL LAW THAT THE CHANCELLOR DETERMINES HAS A GREATER LIKELIHOOD
9 OF IMPROVING EDUCATIONAL OUTCOMES FOR A PUBLIC SCHOOL UNDER THAT
10 SUBSECTION, ALL OF THE FOLLOWING APPLY:

11 (A) THE CHANCELLOR OR CHIEF EXECUTIVE OFFICER SHALL DETERMINE
12 THE MOST EFFECTIVE MECHANISM FOR THE MANAGEMENT AND OPERATION OF
13 THE PUBLIC SCHOOL OR SCHOOLS AND THE PROVISION OF EDUCATIONAL
14 SERVICES IN A MANNER THAT COMPLIES WITH PART 7C.

15 (B) A COLLECTIVE BARGAINING AGREEMENT APPLICABLE TO EMPLOYEES
16 WORKING AT THE PUBLIC SCHOOL BEFORE THE IMPOSITION OF THE
17 ALTERNATIVE SCHOOL INTERVENTION MODEL SHALL NOT APPLY TO PERSONNEL
18 AT THE PUBLIC SCHOOL AFTER THE IMPOSITION OF THE ALTERNATIVE SCHOOL
19 INTERVENTION MODEL.

20 (C) AN EMPLOYEE WORKING AT THE PUBLIC SCHOOL AFTER THE
21 IMPOSITION OF THE ALTERNATIVE SCHOOL INTERVENTION MODEL WHO WAS
22 PREVIOUSLY EMPLOYED BY THE SCHOOL DISTRICT OTHER THAN THE STATE
23 REFORM DISTRICT THAT PREVIOUSLY OPERATED THE PUBLIC SCHOOL SHALL
24 NOT ACCRUE SENIORITY RIGHTS IN THE SCHOOL DISTRICT OR ACCRUE
25 CREDITABLE SERVICE UNDER THE PUBLIC SCHOOL EMPLOYEES RETIREMENT ACT
26 OF 1979, 1980 PA 300, MCL 38.1301 TO 38.1437, WHILE WORKING AT THE
27 PUBLIC SCHOOL AFTER THE IMPOSITION OF THE ALTERNATIVE SCHOOL

1 INTERVENTION MODEL, AND ANY COMPENSATION OR REMUNERATION PAID FOR
2 WORK AT THE PUBLIC SCHOOL AFTER THE IMPOSITION OF THE ALTERNATIVE
3 SCHOOL INTERVENTION MODEL SHALL NOT CONSTITUTE COMPENSATION OR
4 REMUNERATION PAID FOR SERVICES PERFORMED AS A PUBLIC SCHOOL
5 EMPLOYEE UNDER THE PUBLIC SCHOOL EMPLOYEES RETIREMENT ACT OF 1979,
6 1980 PA 300, MCL 38.1301 TO 38.1437.

7 (16) ~~(13) If the state school reform/redesign officer~~
8 **CHANCELLOR** determines that a public school that ~~is subject to the~~
9 ~~measures under subsection (6) or (7)~~ **HAS BEEN PLACED IN THE STATE**
10 **REFORM DISTRICT AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY**
11 **UNDER SUBSECTIONS (7) TO (9), OR THAT IS UNDER THE CONTROL OF A**
12 **CHIEF EXECUTIVE OFFICER UNDER SUBSECTION (10),** has made significant
13 improvement in pupil achievement and should be released from the
14 measures that have been imposed under ~~subsection (6) or (7)~~, **THIS**
15 **SECTION,** the ~~state school reform/redesign officer~~ **CHANCELLOR** may
16 recommend this to the superintendent of public instruction. If the
17 superintendent of public instruction agrees with the determination
18 and recommendation, the superintendent of public instruction may
19 release the public school from the measures that have been imposed
20 under ~~subsection (6) or (7)~~. **THIS SECTION AND THE PUBLIC SCHOOL**
21 **SHALL NO LONGER BE WITHIN THE STATE REFORM DISTRICT OR SUBJECT TO**
22 **THE CONTROL OF THE STATE SCHOOL REDESIGN OFFICER OR THE CHANCELLOR.**

23 (17) ~~(14) At least annually, the state school reform/redesign~~
24 **REDESIGN officer AND THE CHANCELLOR** shall submit a report to **THE**
25 **GOVERNOR, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND the**
26 standing committees of the senate and house of representatives
27 having jurisdiction over education legislation on the progress

1 being made in improving pupil proficiency due to the measures under
2 this section.

3 **(18)** ~~(15)~~—As soon as practicable after the federal department
4 of education has adopted the final work rules and formula for
5 identifying the lowest achieving 5% of all public schools in this
6 state for the purposes of the federal incentive grant program
7 created under sections 14005 and 14006 of title XIV of the American
8 recovery and reinvestment act of 2009, Public Law 111-5, known as
9 the "race to the top" grant program, **AND UNDER 20 USC 6303(G)**, the
10 department shall post all of the following on its website:

11 (a) The federal work rules and formula.

12 (b) A list of the public schools in this state that have been
13 identified for these purposes as being among the lowest achieving
14 5% of all public schools in this state. The department shall update
15 this list ~~as it considers appropriate.~~ **EACH YEAR WHEN THE NEW LIST**
16 **FOR THAT YEAR IS PUBLISHED UNDER SUBSECTION (1).**

17 **(19)** ~~(16)~~—If a **PUBLIC** school that is included on the list
18 under subsection (1) is operated by a school district in which an
19 emergency manager is in place under the local government and school
20 district fiscal accountability act, **1990 PA 72, MCL 141.1201 TO**
21 **141.1291**, then the superintendent of public instruction shall not
22 issue an order placing the school under the supervision of the
23 state ~~school reform/redesign~~ **REDESIGN** officer.

24 **(20) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A**
25 **PUBLIC SCHOOL ACADEMY SHALL NOT TAKE ANY ACTION THAT IS**
26 **INCONSISTENT WITH OR INTERFERES WITH THE POWERS AND DUTIES UNDER**
27 **THIS ACT OF THE EDUCATION ACHIEVEMENT AUTHORITY, THE STATE REFORM**

1 DISTRICT, THE STATE REDESIGN OFFICER, THE CHANCELLOR, OR A CHIEF
2 EXECUTIVE OFFICER UNDER THIS SECTION.

3 (21) AS USED IN THIS SECTION:

4 (A) "ACHIEVEMENT AUTHORITY" MEANS THE EDUCATION ACHIEVEMENT
5 AUTHORITY DESCRIBED IN PART 7C.

6 (B) "CHANCELLOR" MEANS THE CHANCELLOR OF THE ACHIEVEMENT
7 AUTHORITY.

8 SEC. 1701B. FOR THE PURPOSES OF ENSURING THAT A STUDENT WITH A
9 DISABILITY ENROLLED IN AN ACHIEVEMENT SCHOOL IS PROVIDED WITH
10 SPECIAL EDUCATION PROGRAMS AND SERVICES, THE ACHIEVEMENT AUTHORITY
11 IS CONSIDERED TO BE A LOCAL SCHOOL DISTRICT UNDER THIS ARTICLE.

12 SEC. 1701C. FOR THE PURPOSES OF ENSURING THAT A STUDENT WITH A
13 DISABILITY ENROLLED IN A UNIVERSITY SCHOOL IS PROVIDED WITH SPECIAL
14 EDUCATION PROGRAMS AND SERVICES, THE UNIVERSITY SCHOOL IS
15 CONSIDERED TO BE A LOCAL SCHOOL DISTRICT UNDER THIS ARTICLE.