

SENATE BILL NO. 1135

September 22, 2020, Introduced by Senator NESBITT and referred to the Committee on Education and Career Readiness.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1311g (MCL 380.1311g), as amended by 2018 PA
42.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1311g. (1) A strict discipline academy may be located in
2 all or part of an existing public school building. Except for a
3 strict discipline academy that includes pupils who are the
4 responsibility of a county juvenile agency, a strict discipline

academy shall not operate at a site other than the single site requested for the configuration of grades that will use the site, as specified in the application required under section 1311d and in the contract.

(2) A strict discipline academy shall not charge tuition. Except as otherwise provided in ~~subsection~~**subsections (6) and (7)**, a strict discipline academy shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, or any other basis that would be illegal if used by a school district. However, a strict discipline academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district.

(3) A strict discipline academy ~~shall~~**must** be established under sections 1311b to 1311m specifically for enrolling 1 or more of the following types of pupils:

(a) Pupils placed in the strict discipline academy by a court or by the department of health and human services or a county juvenile agency under the direction of a court.

(b) Pupils who have been expelled under section 1311(2).

(c) Pupils who have been expelled under section 1311a or another provision of this act.

(d) Other pupils who have been expelled from school, or pupils who have been suspended from school for a suspension that is for a period in excess of 10 school days, and who are referred to the strict discipline academy by that pupil's school or placed in the strict discipline academy by the pupil's parent or legal guardian.

(4) In addition to the types of pupils specified in subsection

1 (3), a strict discipline academy shall ~~be open for~~ **allow** enrollment
2 of a special education pupil who does not meet the requirements of
3 subsection (3) if the special education pupil's individualized
4 education program team recommends that the special education pupil
5 be placed in the strict discipline academy. As used in this
6 subsection, "individualized education program team" means that term
7 as defined in section 614 of the individuals with disabilities
8 education act, 20 USC 1414.

9 (5) In addition to the types of pupils specified in
10 subsections (3) and (4), a strict discipline academy may enroll a
11 pupil who is placed in a high-security or medium-security juvenile
12 facility, mental health facility, or child caring institution that
13 is operated by a private agency or a pupil who became a resident of
14 this state as an unaccompanied or resettled minor under the care of
15 the department of health and human services and who is less than 22
16 years of age as of September 1 of the current school year.

17 (6) In addition to the types of pupils specified in
18 subsections (3), (4), and (5), a strict discipline academy may
19 allow enrollment of a pupil to whom all of the following apply:

20 (a) Before being suspended or expelled under this act, the
21 pupil has been identified by the chief administrator of the pupil's
22 school as requiring intense individual intervention designed for a
23 pupil with highly accelerated or severe and persistently
24 challenging academic or nonacademic needs, including, but not
25 limited to, tier 3 support based on a multitiered system of
26 supports.

27 (b) It has not been determined that the pupil is eligible for
28 special education and services related to special education and,
29 before the behavior that precipitated the referral as described

1 under subdivision (c) occurred, the pupil's school had no basis of
2 knowledge indicating that the pupil is a child with a disability as
3 prescribed under the individuals with disabilities education act,
4 20 USC 1400 to 1482.

5 (c) The pupil is referred to the strict discipline academy by
6 his or her school. All of the following apply to a referral under
7 this subdivision:

8 (i) If a request is made for an evaluation of a pupil designed
9 to determine if the pupil is eligible for special education
10 programs and services during the time period in which the pupil is
11 subjected to a referral under this subdivision, the pupil's school
12 must conduct the evaluation in an expedited manner.

13 (ii) Until an evaluation described under subparagraph (i) is
14 completed, if applicable, the pupil must remain in an educational
15 placement determined by the school authorities of the pupil's
16 school, which may include suspension or expulsion without
17 educational services.

18 (iii) If, following an evaluation described under subparagraph
19 (i), if applicable, and after taking into consideration information
20 provided by the pupil's parent or legal guardian, the pupil is
21 determined to be a child with a disability, the pupil's school
22 shall provide special education and services related to special
23 education in accordance with the individuals with disabilities
24 education act, 20 USC 1400 to 1482, which includes, but is not
25 limited to, compliance with the requirements under section
26 612(a)(1)(A) of the individuals with disabilities education act, 20
27 USC 1412(a)(1)(A), and compliance with the requirements under 34
28 CFR 300.530 to 300.536.

29 (7) ~~(6)~~ A strict discipline academy shall enroll only 1 or

1 more of the types of pupils described in subsections (3) to ~~(5)~~.
 2 **(6)**. A pupil who is enrolled in a strict discipline academy under
 3 subsections (3) to ~~(5)~~ **(6)** may, at the option of his or her parent
 4 or legal guardian, continue to remain enrolled in the strict
 5 discipline academy after he or she ceases to meet the requirements
 6 for enrollment under subsections (3) to ~~(5)~~ **(6)** as long as he or
 7 she meets the other applicable requirements for enrollment.

8 **(8)** ~~(7)~~—A strict discipline academy is not required to keep
 9 any group of pupils described in subsections (3) to ~~(5)~~ **(6)**
 10 physically separated from another group of those pupils, as might
 11 otherwise be required under section 1311, section 1311a, or another
 12 provision of this act.

13 **(9)** ~~(8)~~—Strict discipline academies are not intended to enroll
 14 or otherwise be used to educate individuals who are committed to a
 15 high-security or medium-security juvenile facility operated by the
 16 department of health and human services or another state department
 17 or agency. Further, if the department of corrections or another
 18 state department or agency other than the department of health and
 19 human services has custody of or jurisdiction over a child, that
 20 state department or agency has the financial responsibility for
 21 educating the child.

22 **(10)** ~~(9)~~—Except for a foreign exchange student who is not a
 23 United States citizen, a strict discipline academy shall not enroll
 24 a pupil who is not a resident of this state. Enrollment in the
 25 strict discipline academy may be open to all individuals who reside
 26 in this state who meet the admission policy under subsections (3)
 27 to ~~(5)~~ **(6)** and ~~shall~~ **must** be open to all pupils who reside within
 28 the geographic boundaries, if any, of the authorizing body as
 29 described in section 1311d who meet the admission policy under

1 subsections (3) to ~~(5)~~, **(6)**, except that admission to a strict
 2 discipline academy authorized by the board of a community college
 3 to operate, or operated by the board of a community college, on the
 4 grounds of a federal military installation, as described in section
 5 1311d, ~~shall~~**must** be open to all pupils who reside in the county in
 6 which the federal military installation is located who meet the
 7 admission policy under subsections (3) to ~~(5)~~. **(6)**. For a strict
 8 discipline academy authorized by a state public university,
 9 enrollment ~~shall~~**must** be open to all pupils who reside in this
 10 state who meet the admission policy under subsections (3) to ~~(5)~~.
 11 **(6)**. If there are more applications to enroll in the strict
 12 discipline academy than there are spaces available, pupils ~~shall~~
 13 **must** be selected to attend using a random selection process.
 14 However, a strict discipline academy may give enrollment priority
 15 to a sibling of a pupil enrolled in the strict discipline academy.
 16 A strict discipline academy shall allow any pupil who was enrolled
 17 in the strict discipline academy in the immediately preceding
 18 school year to enroll in the strict discipline academy in the
 19 appropriate grade unless the appropriate grade is not offered at
 20 that strict discipline academy.

21 **(11)** ~~(10)~~ A strict discipline academy may include any grade up
 22 to grade 12 or any configuration of those grades, including
 23 kindergarten and early childhood education, as specified in its
 24 contract. The authorizing body may approve amendment of a contract
 25 with respect to ages of pupils or grades offered.

26 **(12) The placement of a pupil in a strict discipline academy**
 27 **is subject to state and federal special education laws.**