

# HOUSE BILL NO. 4911

May 25, 2021, Introduced by Rep. Paquette and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1284b (MCL 380.1284b), as amended by 2006 PA  
235, and by adding sections 1173 and 1173a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1173. (1) A board of a school district may apply to the  
2 superintendent of public instruction for permission to operate the  
3 school district or a school of the school district as a public  
4 innovative district or public innovative school. An application

1 under this subsection must be submitted by not later than March 1  
2 of the school year immediately preceding the school year in which  
3 the board seeks to begin operating the school district or school as  
4 a public innovative district or public innovative school and must  
5 include at least all of the following:

6 (a) A statement of commitment from the board outlining the  
7 school district's vision for competency-based education,  
8 personalized learning, and "any time, any place, any way, any pace"  
9 learning or any other innovative approaches to learning in the  
10 school district or school.

11 (b) A description of the instructional program to be  
12 implemented in the school district or school.

13 (c) A description of the interest and support for partnerships  
14 between the school district or school, parents, legal guardians,  
15 and the community.

16 (d) A description of the expected benefits of the innovative  
17 practices for pupils.

18 (e) An explanation of how pupil performance in achieving  
19 specified outcomes will be measured, evaluated, and reported using  
20 multiple measures to inform pupil progress.

21 (f) A copy of the resolution to seek permission to operate as  
22 a public innovative district or public innovative school passed by  
23 the board.

24 (2) If the board of a school district submits an application  
25 under subsection (1), the board shall send written notice to the  
26 parent or legal guardian of each pupil enrolled in the school  
27 district to notify the pupil's parent or legal guardian that the  
28 application has been submitted. If the board of a school district  
29 receives a notice of approval under subsection (4) or (6), the

1 board of a school district shall send written notice of the  
2 approval to the parent or legal guardian of each pupil enrolled in  
3 the school district.

4 (3) Not later than 60 days after receiving an application for  
5 permission to operate the school district or a school of the school  
6 district as a public innovative district or public innovative  
7 school under subsection (1), the superintendent of public  
8 instruction shall approve or deny the application. The  
9 superintendent of public instruction shall approve an application  
10 that is in compliance with this section or deny an application that  
11 is not in compliance with this section.

12 (4) Not later than 10 days after the superintendent of public  
13 instruction has approved or denied an application under subsection  
14 (3), the superintendent of public instruction shall provide notice  
15 of the approval or denial of permission to operate the school  
16 district or a school of the school district as a public innovative  
17 district or public innovative school to the board of the school  
18 district that submitted the application and the education  
19 accountability policy commission, in a form and manner prescribed  
20 by the superintendent of public instruction.

21 (5) If the superintendent of public instruction denies an  
22 application for permission to operate the school district or a  
23 school of the school district as a public innovative district or  
24 public innovative school under subsection (3), the education  
25 accountability policy commission shall hold a hearing on the  
26 application not later than 30 days after the superintendent of  
27 public instruction provides notice of the denial under subsection  
28 (4). The education accountability policy commission shall provide  
29 representatives of the board of the school district that submitted

1 the application an opportunity to present information refuting the  
2 basis for the denial. Not later than 30 days before the hearing,  
3 the education accountability policy commission shall provide notice  
4 of the hearing to the board of the school district that submitted  
5 the application.

6 (6) Not later than 60 days after the hearing under subsection  
7 (5), the superintendent of public instruction shall approve the  
8 application for permission to operate the school district or a  
9 school of the school district as a public innovative district or  
10 public innovative school, deny the application, or issue an  
11 approval of the application that is contingent on compliance with  
12 certain conditions. The superintendent of public instruction shall  
13 provide notice of his or her decision under this subsection to the  
14 board of the school district that submitted the application,  
15 including any conditions on which an approval is contingent and the  
16 deadline by which the conditions must be met, as applicable. If the  
17 board of the school district fails to meet the conditions by the  
18 deadline, the superintendent of public instruction shall deny the  
19 application.

20 (7) If the superintendent of public instruction approves an  
21 application under subsection (3) or (6), the board of the school  
22 district that submitted the application shall begin operating the  
23 school district as a public innovative district or school as a  
24 public innovative school beginning with the school year immediately  
25 following the school year in which the application was approved.

26 (8) An approval to operate as a public innovative district or  
27 public innovative school granted under this section is valid for 3  
28 school years, beginning with the school year immediately following  
29 the school year in which an application was approved, and may be

1 renewed every 3 years. Not later than 90 days before the expiration  
2 of an approval to operate as a public innovative district or public  
3 innovative school, the board of a school district may submit a  
4 renewal application to the superintendent of public instruction for  
5 permission to continue operating the school district or school as a  
6 public innovative district or public innovative school for an  
7 additional 3 school years. A renewal application submitted under  
8 this subsection must include at least all of the following:

9 (a) Evidence that the pupils enrolled in the school district  
10 or school met the standards on the applicable state assessments, or  
11 an alternative assessment adopted under subsection (15), during the  
12 current period of operation as a public innovative district or  
13 public innovative school.

14 (b) Evidence that the school district or school has  
15 demonstrated improvement in its course completion rate during the  
16 current period of operation as a public innovative district or  
17 public innovative school.

18 (c) Evidence of progress made by the school district or school  
19 in achieving the goals, outcomes, and competencies described in the  
20 application in subsection (1).

21 (9) Not later than 60 days after receiving a renewal  
22 application under subsection (8), the superintendent of public  
23 instruction shall approve a renewal application if the  
24 superintendent of public instruction finds that the evidence  
25 provided in the application described in subsection (8) is  
26 sufficient or deny a renewal application if the superintendent of  
27 public instruction finds that the evidence provided in the  
28 application described in subsection (8) is insufficient. Not later  
29 than 10 days after the superintendent of public instruction has

1 approved or denied a renewal application, the superintendent of  
2 public instruction shall provide notice of the approval or denial  
3 of permission to continue operating the school district or school  
4 as a public innovative district or public innovative school to the  
5 board of the school district that submitted the renewal application  
6 and the education accountability policy commission, in a form and  
7 manner prescribed by the superintendent of public instruction.

8 (10) If the superintendent of public instruction denies a  
9 renewal application under subsection (9), the education  
10 accountability policy commission shall hold a hearing on the  
11 renewal application not later than 30 days after the superintendent  
12 of public instruction provides notice of the denial under  
13 subsection (9). The education accountability policy commission  
14 shall provide representatives of the board of the school district  
15 that submitted the renewal application an opportunity to present  
16 information refuting the basis for the denial. Not later than 30  
17 days before the hearing, the education accountability policy  
18 commission shall provide notice of the hearing to the board of the  
19 school district that submitted the renewal application.

20 (11) Not later than 60 days after the hearing under subsection  
21 (10), the superintendent of public instruction shall approve the  
22 renewal application for permission to continue operating the school  
23 district or school as a public innovative district or public  
24 innovative school, deny the renewal application, or issue an  
25 approval of the renewal application that is contingent on  
26 compliance with certain conditions. The superintendent of public  
27 instruction shall provide notice of his or her decision under this  
28 subsection to the board of the school district that submitted the  
29 renewal application, including any conditions on which an approval

1 is contingent and the deadline by which the conditions must be met,  
2 as applicable. If the board of the school district fails to meet  
3 the conditions by the deadline, the superintendent of public  
4 instruction shall deny the renewal application.

5 (12) The board of a school district that operates the school  
6 district as a public innovative district under this section or  
7 operates a school of the school district as a public innovative  
8 school under this section shall develop or adopt, and implement, an  
9 instructional program that includes, but is not limited to, all of  
10 the following for the school district or school:

11 (a) Procedures for diagnosing pupil learning needs.

12 (b) Methods and strategies for teaching that incorporate  
13 learner needs.

14 (c) Resource-based learning opportunities.

15 (d) Techniques for evaluating pupil outcomes.

16 (e) The provision of remedial instruction, as needed.

17 (13) The board of a school district operating the school  
18 district as a public innovative district under this section or  
19 operating a school of the school district as a public innovative  
20 school under this section may offer extended learning opportunities  
21 that meet at least all of the following:

22 (a) Include activities designed to provide credit or  
23 supplement regular academic courses.

24 (b) Include activities designed to promote the educational  
25 goals and objectives of the pupil and the school in which the pupil  
26 is enrolled.

27 (c) Incorporate pupils in selecting, organizing, and  
28 implementing extended learning activities.

29 (d) Provide opportunities for pupils to acquire knowledge and

1 skill development comparable to knowledge and skill development in  
2 courses offered at the school.

3 (e) Are available to all pupils.

4 (f) Include activities that supplement and enrich regular  
5 academic courses.

6 (g) Include activities that provide opportunities for social  
7 development.

8 (h) Include activities that encourage participation in the  
9 arts, athletics, and other cooperative groups.

10 (i) Include activities that encourage service to the school  
11 and the community.

12 (14) If the board of a school district operating the school  
13 district as a public innovative district under this section or  
14 operating a school of the school district as a public innovative  
15 school under this section offers extended learning opportunities  
16 under subsection (13), the board shall adopt a policy on extended  
17 learning opportunities for the school district or school that meets  
18 at least all of the following:

19 (a) Provides for the administration and supervision of the  
20 extended learning opportunities.

21 (b) Utilizes certified educators to oversee an individual  
22 pupil's extended learning opportunity.

23 (c) Requires that each extended learning proposal meet  
24 rigorous standards and be approved by the school before  
25 implementation. Each extended learning proposal must address the  
26 following 4 elements of rigor in extended learning opportunities:

27 (i) Research.

28 (ii) Reflection.

29 (iii) Product.



1 (iv) Presentation.

2 (d) Specifies that credits can be granted for extended  
3 learning activities, including, but not limited to, independent  
4 study, private instruction, team sports, performing groups,  
5 internships, community service, and work study.

6 (e) Requires that any credit granted to a pupil is based on a  
7 pupil's demonstration of competencies, as approved by certificated  
8 educators.

9 (15) The board of a school district operating the school  
10 district as a public innovative district under this section or  
11 operating a school of the school district as a public innovative  
12 school under this section may do all of the following:

13 (a) Adopt and implement an alternative assessment of pupil  
14 progress that meets the requirements of the every student succeeds  
15 act, Public Law 114-95.

16 (b) Operate a year-round program.

17 (c) Utilize community experts in the educational process.

18 (d) Design courses based on the interests of individual  
19 pupils.

20 (16) The board of a school district operating the school  
21 district as a public innovative district under this section or  
22 operating a school of the school district as a public innovative  
23 school under this section shall do at least both of the following:

24 (a) Measure and track pupil competencies, rather than  
25 instructional hours, as the basis for awarding credit.

26 (b) Assign a mentor to each pupil.

27 (17) It is the intent of the legislature to appropriate  
28 funding for a statewide auditor to perform audits for each school  
29 district operating as a public innovative district and each school

1 operating as a public innovative school. The education  
2 accountability policy commission shall select the auditor and shall  
3 ensure that the auditor has a background in both accounting and  
4 education. The auditor shall replace the services provided by the  
5 auditor of the intermediate school district of which the school  
6 district is constituent. The board of a school district operating  
7 the school district as a public innovative district or operating a  
8 school of the school district as a public innovative school that is  
9 subject to an audit performed by the statewide auditor described in  
10 this subsection shall provide any information to the statewide  
11 auditor that the statewide auditor determines is necessary for the  
12 purposes of performing audits described in this subsection.

13 (18) The superintendent of public instruction and the  
14 department's innovation council shall provide technical advice and  
15 assistance to the board of a school district completing an  
16 application under subsection (1).

17 (19) If the parent or legal guardian of a pupil receives a  
18 notice under subsection (2) indicating that the board of the school  
19 district received a notice of approval under subsection (4) or (6)  
20 for permission to operate a school of the school district as a  
21 public innovative school and the pupil is currently enrolled in the  
22 school for which the board received permission to operate as a  
23 public innovative school or the pupil is designated to attend that  
24 school, the pupil's parent or legal guardian may, before the  
25 beginning of the school year, elect to enroll the pupil in another  
26 school of the school district that offers an appropriate grade  
27 level. If the board of a school district receives the notice of  
28 approval under subsection (4) or (6) for permission to operate a  
29 school of the school district as a public innovative school, the

1 board shall ensure that the schools of the school district that are  
2 not operated as public innovative schools enroll pupils seeking to  
3 enroll under this subsection.

4 (20) As used in this section:

5 (a) "Education accountability policy commission" means the  
6 education accountability policy commission created under section  
7 1173a.

8 (b) "Extended learning opportunity" means a learning program  
9 that occurs outside of a school setting.

10 (c) "Innovative practices" means approaches to learning that  
11 are pupil-centered, learning-based, and not bound by measures of  
12 time or place.

13 Sec. 1173a. (1) The education accountability policy commission  
14 is created within the department. The commission consists of the  
15 following 13 members:

16 (a) Three members appointed by the governor who represent  
17 business sectors that are important to this state's economy and  
18 rely on a college- or career-ready workforce, nonprofit  
19 organizations and associations that promote college and career  
20 education, K to 12 and postsecondary institutions involved in  
21 college and career education, or other sectors as determined  
22 appropriate by the governor.

23 (b) One member appointed by the senate majority leader, in  
24 consultation with the chairperson of the senate standing committee  
25 on education.

26 (c) One member appointed by the speaker of the house of  
27 representatives, in consultation with the chairperson of the house  
28 standing committee on education.

29 (d) The superintendent of public instruction, or his or her

1 designee.

2 (e) One member appointed by the superintendent of public  
3 instruction from among nominees submitted by statewide  
4 organizations representing public school academies.

5 (f) One member appointed by the superintendent of public  
6 instruction from among nominees submitted by statewide  
7 organizations representing school administrators working in school  
8 districts.

9 (g) A currently serving school board member appointed by the  
10 superintendent of public instruction from among nominees submitted  
11 by statewide organizations representing school boards.

12 (h) One member appointed by the governor from among nominees  
13 submitted by statewide organizations representing urban school  
14 districts.

15 (i) One member appointed by the governor from among nominees  
16 submitted by statewide organizations representing rural school  
17 districts.

18 (j) One member appointed by the governor from among nominees  
19 submitted by statewide organizations representing the parents or  
20 legal guardians of pupils.

21 (k) One member appointed by the governor from among nominees  
22 submitted by statewide organizations representing teachers.

23 (2) Initial education accountability policy commission members  
24 must be appointed under subsection (1) by not later than July 1,  
25 2021.

26 (3) The members of the education accountability policy  
27 commission shall elect a chairperson of the commission and other  
28 officers the commission determines appropriate.

29 (4) Members of the education accountability policy commission

1 shall be appointed for 4-year terms.

2 (5) A vacancy on the education accountability policy  
3 commission must be filled in the same manner as the original  
4 appointment. A member appointed to fill a vacancy caused by a  
5 resignation or death is appointed for the balance of the unexpired  
6 term.

7 (6) The governor may remove a member of the education  
8 accountability policy commission for incompetence, dereliction of  
9 duty, malfeasance, misfeasance, or nonfeasance in office, or any  
10 other good cause.

11 (7) Members of the education accountability policy commission  
12 serve without compensation. However, members of the commission may  
13 be reimbursed for their actual and necessary expenses incurred in  
14 the performance of their official duties as members of the  
15 commission.

16 (8) The education accountability policy commission may  
17 establish subcommittees that may consist of individuals who are not  
18 members of the commission, including, but not limited to, experts  
19 in matters of interest to the commission.

20 (9) A majority of the members of the education accountability  
21 policy commission constitute a quorum for conducting business. A  
22 vote of a majority of the members of the commission present and  
23 serving is required for the official action of the commission.

24 Sec. 1284b. (1) Until subsection (2) applies to the school  
25 district, public school academy, or intermediate school district,  
26 the board of a school district or intermediate school district or  
27 board of directors of a public school academy shall ensure that the  
28 district's or public school academy's schools are not in session on  
29 the Friday before Labor ~~day~~-Day.

1           (2) Except as otherwise provided in this section **and except**  
2 **for the board of a school district operating the school district as**  
3 **a public innovative district or, with respect to that school only,**  
4 **operating a school of the school district as a public innovative**  
5 **school under section 1173,** the board of a school district or  
6 intermediate school district or board of directors of a public  
7 school academy shall ensure that the district's or public school  
8 academy's school year does not begin before Labor ~~day~~.**Day.**

9           (3) If a collective bargaining agreement that provides a  
10 complete school calendar is in effect for employees of a school  
11 district, public school academy, or intermediate school district as  
12 of ~~the effective date of the amendatory act that added subsection~~  
13 ~~(2),~~ **September 29, 2005,** and if that school calendar is not in  
14 compliance with subsection (2), then subsection (2) does not apply  
15 to that school district, public school academy, or intermediate  
16 school district until after the expiration of that collective  
17 bargaining agreement.

18           (4) If a school district, intermediate school district, or  
19 public school academy is operating a year-round school or program  
20 as of September 29, 2005 or is operating as of that date a school  
21 that is an international baccalaureate academy that provides 1,160  
22 hours of pupil instruction per school year, then subsection (2)  
23 does not apply to that school or program. If a school district,  
24 intermediate school district, or public school academy begins  
25 operating a year-round school or program after September 29, 2005,  
26 the school district, intermediate school district, or public school  
27 academy may apply to the superintendent of public instruction for a  
28 waiver from the requirements of subsection (2). Upon application,  
29 if the superintendent of public instruction determines that a

1 school or program is a bona fide year-round school or program  
2 established for educational reasons, the superintendent of public  
3 instruction shall grant the waiver. The superintendent of public  
4 instruction shall establish standards for determining a bona fide  
5 year-round school or program for the purposes of this subsection.

6 (5) If an intermediate school district contracts with a  
7 constituent district or public school academy to provide programs  
8 or services for pupils of the constituent district or public school  
9 academy; operates a program or service within a building owned by a  
10 constituent district or a public school academy located within the  
11 intermediate school district's boundaries; or otherwise provides  
12 instructional programs or services for pupils of a constituent  
13 district or public school academy, and if the school district's or  
14 public school academy's school year begins before Labor ~~day~~**Day**  
15 under subsection (3) or (4), then the intermediate school district  
16 may provide programs or services according to the school district's  
17 or public school academy's calendar.

18 (6) This section does not apply to a public school that  
19 operates all of grades 6 to 12 at a single site, that aligns its  
20 high school curriculum with advanced placement courses as the  
21 capstone of the curriculum, and that ends its second academic  
22 semester concurrently with the end of the advanced placement  
23 examination period.

24 (7) This section does not prohibit a school district,  
25 intermediate school district, or public school academy from  
26 offering or requiring professional development for its personnel  
27 that is conducted before Labor ~~day~~**Day**.

28 (8) As used in this section, "Labor ~~day~~**Day**" means the first  
29 Monday in September.

1           Enacting section 1. This amendatory act takes effect 90 days  
2 after the date it is enacted into law.

3           Enacting section 2. This amendatory act does not take effect  
4 unless Senate Bill No.\_\_\_\_ or House Bill No. 4910 (request no.  
5 01945'21) of the 101st Legislature is enacted into law.