

HOUSE BILL No. 5179

October 10, 2001, Introduced by Reps. Phillips, McConico, Lemmons, Daniels, Kolb, Pumford, Godchaux, Rivet, Bogardus, Minore, Kilpatrick, Woronchak, Bob Brown, Jamnick, Hale, Adamini, Rison, Clark, Rich Brown, Gielegem, Quarles, Hansen, Stewart, Murphy, Neumann and Thomas and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 501 and 1311b (MCL 380.501 and 380.1311b),
section 501 as amended by 1995 PA 289 and section 1311b as added
by 1999 PA 23.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 501. (1) A public school academy is a public school
2 under section 2 of article VIII of the state constitution of
3 1963, is a school district for the purposes of section 11 of
4 article IX of the state constitution of 1963 and for the purposes
5 of section 1225, and is subject to the leadership and general
6 supervision of the state board over all public education under
7 section 3 of article VIII of the state constitution of 1963. A
8 public school academy is a body corporate and is a governmental
9 agency. The powers granted to a public school academy under this

1 part constitute the performance of essential public purposes and
2 governmental functions of this state.

3 (2) As used in this part:

4 (a) "Authorizing body" means any of the following that
5 issues a contract as provided in this part:

6 (i) The board of a school district that operates grades K to
7 12.

8 (ii) An intermediate school board.

9 (iii) The board of a community college.

10 (iv) The governing board of a state public university.

11 (b) "Certificated teacher" means an individual who holds a
12 valid teaching certificate issued by the state board under
13 section 1531.

14 (c) "Community college" means a community college organized
15 under the community college act of 1966, ~~Act No. 331 of the~~
16 ~~Public Acts of 1966, being sections 389.1 to 389.195 of the~~
17 ~~Michigan Compiled Laws, or a federal tribally controlled commu-~~
18 ~~nity college that is recognized under the tribally controlled~~
19 ~~community college assistance act of 1978, Public Law 95-471, 92~~
20 ~~Stat. 1325, and is determined by the department to meet the~~
21 ~~requirements for accreditation by a recognized regional accredit-~~
22 ~~ing body~~ 1966 PA 331, MCL 389.1 TO 389.195.

23 (d) "Contract" means the executive act taken by an authoriz-
24 ing body that evidences the authorization of a public school
25 academy and that establishes, subject to the constitutional
26 powers of the state board and applicable law, the written
27 instrument executed by an authorizing body conferring certain

1 rights, franchises, privileges, and obligations on a public
2 school academy, as provided by this part, and confirming the
3 status of a public school academy as a public school in this
4 state.

5 (e) "Entity" means a partnership, nonprofit or business cor-
6 poration, labor organization, or any other association, corpora-
7 tion, trust, or other legal entity.

8 (f) "State public university" means a university described
9 in section 4, 5, or 6 of article VIII of the state constitution
10 of 1963.

11 Sec. 1311b. (1) A strict discipline academy is a public
12 school under section 2 of article VIII of the state constitution
13 of 1963, is a school district for the purposes of section 11 of
14 article IX of the state constitution of 1963 and for the purposes
15 of section 1225, and is subject to the leadership and general
16 supervision of the state board over all public education under
17 section 3 of article VIII of the state constitution of 1963. A
18 strict discipline academy is a body corporate and is a governmen-
19 tal agency. The powers granted to a strict discipline academy
20 under sections 1311b to 1311l constitute the performance of
21 essential public purposes and governmental functions of this
22 state.

23 (2) As used in sections 1311b to 1311l:

24 (a) "Authorizing body" means any of the following that
25 issues a contract as provided in sections 1311b to 1311l:

26 (i) The board of a school district that operates grades K to
27 12.

(ii) An intermediate school board.

(iii) The board of a community college.

(iv) The governing board of a state public university.

(b) "Certificated teacher" means an individual who holds a valid teaching certificate issued by the state board under section 1531.

(c) "Community college" means a community college organized under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195. ~~—, or a federal tribally controlled community college that is recognized under the tribally controlled community college assistance act of 1978, Public Law 95-471, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.~~

(d) "Contract" means the executive act taken by an authorizing body that evidences the authorization of a strict discipline academy and that establishes, subject to the constitutional powers of the state board and applicable law, the written instrument executed by an authorizing body conferring certain rights, franchises, privileges, and obligations on a strict discipline academy, as provided by sections 1311b to 1311l, and confirming the status of a strict discipline academy as a public school in this state.

(e) "Entity" means a partnership, nonprofit or business corporation, labor organization, or any other association, corporation, trust, or other legal entity.

1 (f) "State public university" means a university described
2 in section 4, 5, or 6 of article VIII of the state constitution
3 of 1963.