

HOUSE BILL No. 5616

December 1, 2009, Introduced by Reps. Jackson and Johnson and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 5 and 6 (MCL 380.5 and 380.6), section 5 as
amended by 2005 PA 61 and section 6 as amended by 2008 PA 1, and by
adding part 6e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6 (2) "Membership" means the number of full-time equivalent
7 pupils in a public school as determined by the number of pupils
8 registered for attendance plus pupils received by transfer and
9 minus pupils lost as defined by rules promulgated by the state

1 board.

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

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

6 (5) "Objectives" means measurable pupil academic skills and
7 knowledge.

8 (6) "Public school" means a public elementary or secondary
9 educational entity or agency that is established under this act,
10 has as its primary mission the teaching and learning of academic
11 and vocational-technical skills and knowledge, and is operated by a
12 school district, local act school district, special act school
13 district, intermediate school district, **SCHOOL OF EXCELLENCE**,
14 public school academy corporation, strict discipline academy
15 corporation, urban high school academy corporation, or by the
16 department or state board. Public school also includes a laboratory
17 school or other elementary or secondary school that is controlled
18 and operated by a state public university described in section 4,
19 5, or 6 of article VIII of the state constitution of 1963.

20 (7) "Public school academy" means a public school academy
21 established under part 6a and, except as used in part 6a, also
22 includes an urban high school academy established under part 6c, **A**
23 **SCHOOL OF EXCELLENCE ESTABLISHED UNDER PART 6E**, and a strict
24 discipline academy established under sections 1311b to 1311l.

25 (8) "Pupil membership count day" of a school district means
26 that term as defined in section 6 of the state school aid act of
27 1979, MCL 388.1606.

1 (9) "Regular school election" or "regular election" means the
2 election held in a school district, local act school district, or
3 intermediate school district to elect a school board member in the
4 regular course of the terms of that office and held on the school
5 district's regular election date as determined under section 642 or
6 642a of the Michigan election law, MCL 168.642 and 168.642a.

7 (10) "Reorganized intermediate school district" means an
8 intermediate school district formed by consolidation or annexation
9 of 2 or more intermediate school districts under sections 701 and
10 702.

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

13 Sec. 6. (1) "School district" or "local school district" means
14 a general powers school district organized under this act,
15 regardless of previous classification, or a school district of the
16 first class.

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

21 (3) "School elector" means a person qualified as an elector
22 under section 492 of the Michigan election law, MCL 168.492, and
23 resident of the school district or intermediate school district on
24 or before the thirtieth day before the next ensuing regular or
25 special school election.

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

1 (5) "SCHOOL OF EXCELLENCE" MEANS A SCHOOL OF EXCELLENCE
2 ESTABLISHED UNDER PART 6E.

3 (6) ~~(5)~~—"Special education building and equipment" means a
4 structure or portion of a structure or personal property accepted,
5 leased, purchased, or otherwise acquired, prepared, or used for
6 special education programs and services.

7 (7) ~~(6)~~—"Special education personnel" means persons engaged in
8 and having professional responsibility for students with a
9 disability in special education programs and services including,
10 but not limited to, teachers, aides, school social workers,
11 diagnostic personnel, physical therapists, occupational therapists,
12 audiologists, teachers of speech and language, instructional media-
13 curriculum specialists, mobility specialists, teacher consultants,
14 supervisors, and directors.

15 (8) ~~(7)~~—"Special education programs and services" means
16 educational and training services designed for students with a
17 disability and operated by local school districts, local act school
18 districts, intermediate school districts, the Michigan schools for
19 the deaf and blind, the department of community health, the
20 department of human services, or a combination of these, and
21 ancillary professional services for students with a disability
22 rendered by agencies approved by the state board. The programs
23 shall include vocational training, but need not include academic
24 programs of college or university level.

25 (9) ~~(8)~~—"Special school election" or "special election" means
26 a school district election to fill a vacancy on the school board or
27 submit a ballot question to the school electors that is held on a

1 regular election date established under section 641 of the Michigan
2 election law, MCL 168.641.

3 (10) ~~(9)~~—"State approved nonpublic school" means a nonpublic
4 school that complies with 1921 PA 302, MCL 388.551 to 388.558.

5 (11) ~~(10)~~—"State board" means the state board of education
6 unless clearly otherwise stated.

7 (12) ~~(11)~~—"Student with a disability" means that term as
8 defined in R 340.1702 of the Michigan administrative code.

9 (13) ~~(12)~~—"Department" means the department of education
10 created and operating under sections 300 to 305 of the executive
11 organization act of 1965, 1965 PA 380, MCL 16.400 to 16.405.

12 (14) ~~(13)~~—"State school aid" means allotments from the general
13 appropriating act for the purpose of aiding in the support of the
14 public schools of the state.

15 (15) ~~(14)~~ "The state school aid act of 1979" means the state
16 school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

17 PART 6E

18 SCHOOLS OF EXCELLENCE

19 SEC. 551. (1) A SCHOOL OF EXCELLENCE IS A PUBLIC SCHOOL UNDER
20 SECTION 2 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, IS A
21 SCHOOL DISTRICT FOR THE PURPOSES OF SECTION 11 OF ARTICLE IX OF THE
22 STATE CONSTITUTION OF 1963 AND FOR THE PURPOSES OF SECTION 1225 AND
23 SECTION 1351A, AND IS SUBJECT TO THE LEADERSHIP AND GENERAL
24 SUPERVISION OF THE STATE BOARD OVER ALL PUBLIC EDUCATION UNDER
25 SECTION 3 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963. A
26 SCHOOL OF EXCELLENCE IS A BODY CORPORATE AND IS A GOVERNMENTAL
27 AGENCY. THE POWERS GRANTED TO A SCHOOL OF EXCELLENCE 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 ISSUES
5 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 SUPERINTENDENT OF PUBLIC
13 INSTRUCTION UNDER SECTION 1531.

14 (C) "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE ORGANIZED
15 UNDER THE COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1 TO
16 389.195, OR A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE THAT IS
17 RECOGNIZED UNDER THE TRIBALLY CONTROLLED COMMUNITY COLLEGE
18 ASSISTANCE ACT OF 1978, PUBLIC LAW 95-471, AND IS DETERMINED BY THE
19 DEPARTMENT TO MEET THE REQUIREMENTS FOR ACCREDITATION BY A
20 RECOGNIZED REGIONAL ACCREDITING BODY.

21 (D) "CONTRACT" MEANS THE EXECUTIVE ACT TAKEN BY AN AUTHORIZING
22 BODY THAT EVIDENCES THE AUTHORIZATION OF A SCHOOL OF EXCELLENCE AND
23 THAT ESTABLISHES, SUBJECT TO THE CONSTITUTIONAL POWERS OF THE STATE
24 BOARD AND APPLICABLE LAW, THE WRITTEN INSTRUMENT EXECUTED BY AN
25 AUTHORIZING BODY CONFERRING CERTAIN RIGHTS, FRANCHISES, PRIVILEGES,
26 AND OBLIGATIONS ON A SCHOOL OF EXCELLENCE, AS PROVIDED BY THIS
27 PART, AND CONFIRMING THE STATUS OF A SCHOOL OF EXCELLENCE AS A

1 PUBLIC SCHOOL IN THIS STATE.

2 (E) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS
3 CORPORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION,
4 CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

5 (F) "STATE PUBLIC UNIVERSITY" MEANS A STATE UNIVERSITY
6 DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE
7 CONSTITUTION OF 1963.

8 SEC. 552. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2)
9 AND (3), AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT TO ORGANIZE
10 AND OPERATE A SCHOOL OF EXCELLENCE TO A PERSON OR ENTITY UNLESS THE
11 PERSON OR ENTITY HAS, FOR AT LEAST THE 3 SCHOOL YEARS IMMEDIATELY
12 PRECEDING THE DATE OF THE APPLICATION, OPERATED A PUBLIC SCHOOL
13 ACADEMY THAT HAS RECEIVED AN ACCREDITATION GRADE OF "A" ON THE
14 ANNUAL SCHOOL REPORT CARD ISSUED BY THE DEPARTMENT FOR EACH OF THE
15 3 YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION.

16 (2) FOR A PERSON OR ENTITY THAT DOES NOT MEET THE REQUIREMENTS
17 OF SUBSECTION (1) BUT HAS OPERATED A PUBLIC SCHOOL IN ANOTHER
18 STATE, AN AUTHORIZING BODY MAY ISSUE A CONTRACT TO ORGANIZE AND
19 OPERATE A SCHOOL OF EXCELLENCE TO THE PERSON OR ENTITY IF THE
20 PERSON OR ENTITY HAS OPERATED A PUBLIC SCHOOL IN ANOTHER STATE THAT
21 HAS BEEN GIVEN THE HIGHEST DESIGNATION UNDER THAT STATE'S
22 ACCOUNTABILITY SYSTEM FOR AT LEAST 3 CONSECUTIVE YEARS.

23 (3) FOR A PERSON OR ENTITY THAT DOES NOT MEET THE REQUIREMENTS
24 OF SUBSECTION (1) OR (2), AN AUTHORIZING BODY MAY ISSUE UP TO 5
25 CONTRACTS PER CALENDAR YEAR TO A PERSON OR ENTITY THAT DOES NOT
26 MEET THE REQUIREMENTS OF SUBSECTION (1) OR (2). HOWEVER, THE
27 COMBINED TOTAL OF CONTRACTS ISSUED BY ALL AUTHORIZING BODIES UNDER

1 THIS SUBSECTION SHALL NOT EXCEED A COMBINED TOTAL OF 25.

2 (4) A SCHOOL OF EXCELLENCE SHALL BE ORGANIZED AND ADMINISTERED
3 UNDER THE DIRECTION OF A BOARD OF DIRECTORS IN ACCORDANCE WITH THIS
4 PART AND WITH BYLAWS ADOPTED BY THE BOARD OF DIRECTORS. A SCHOOL OF
5 EXCELLENCE SHALL BE ORGANIZED UNDER THE NONPROFIT CORPORATION ACT,
6 1982 PA 162, MCL 450.2101 TO 450.3192, EXCEPT THAT A SCHOOL OF
7 EXCELLENCE IS NOT REQUIRED TO COMPLY WITH SECTIONS 170 TO 177 OF
8 1931 PA 327, MCL 450.170 TO 450.177. TO THE EXTENT DISQUALIFIED
9 UNDER THE STATE OR FEDERAL CONSTITUTION, A SCHOOL OF EXCELLENCE
10 SHALL NOT BE ORGANIZED BY A CHURCH OR OTHER RELIGIOUS ORGANIZATION
11 AND SHALL NOT HAVE ANY ORGANIZATIONAL OR CONTRACTUAL AFFILIATION
12 WITH OR CONSTITUTE A CHURCH OR OTHER RELIGIOUS ORGANIZATION.

13 (5) ANY OF THE FOLLOWING MAY ACT AS AN AUTHORIZING BODY TO
14 ISSUE A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE SCHOOLS OF
15 EXCELLENCE UNDER THIS PART:

16 (A) THE BOARD OF A SCHOOL DISTRICT THAT OPERATES GRADES K TO
17 12. HOWEVER, THE BOARD OF A SCHOOL DISTRICT SHALL NOT ISSUE A
18 CONTRACT FOR A SCHOOL OF EXCELLENCE TO OPERATE OUTSIDE THE SCHOOL
19 DISTRICT'S BOUNDARIES, AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE
20 BOARD OF A SCHOOL DISTRICT SHALL NOT OPERATE OUTSIDE THAT SCHOOL
21 DISTRICT'S BOUNDARIES.

22 (B) AN INTERMEDIATE SCHOOL BOARD. HOWEVER, THE BOARD OF AN
23 INTERMEDIATE SCHOOL DISTRICT SHALL NOT ISSUE A CONTRACT FOR A
24 SCHOOL OF EXCELLENCE TO OPERATE OUTSIDE THE INTERMEDIATE SCHOOL
25 DISTRICT'S BOUNDARIES, AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE
26 BOARD OF AN INTERMEDIATE SCHOOL DISTRICT SHALL NOT OPERATE OUTSIDE
27 THAT INTERMEDIATE SCHOOL DISTRICT'S BOUNDARIES.

1 (C) THE BOARD OF A COMMUNITY COLLEGE. HOWEVER, EXCEPT AS
2 OTHERWISE PROVIDED IN THIS SUBDIVISION, THE BOARD OF A COMMUNITY
3 COLLEGE SHALL NOT ISSUE A CONTRACT FOR A SCHOOL OF EXCELLENCE TO
4 OPERATE IN A SCHOOL DISTRICT OF THE FIRST CLASS, A SCHOOL OF
5 EXCELLENCE AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE SHALL NOT
6 OPERATE IN A SCHOOL DISTRICT OF THE FIRST CLASS, THE BOARD OF A
7 COMMUNITY COLLEGE SHALL NOT ISSUE A CONTRACT FOR A SCHOOL OF
8 EXCELLENCE TO OPERATE OUTSIDE THE BOUNDARIES OF THE COMMUNITY
9 COLLEGE DISTRICT, AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE
10 BOARD OF A COMMUNITY COLLEGE SHALL NOT OPERATE OUTSIDE THE
11 BOUNDARIES OF THE COMMUNITY COLLEGE DISTRICT. THE BOARD OF A
12 COMMUNITY COLLEGE ALSO MAY ISSUE A CONTRACT FOR NOT MORE THAN 1
13 SCHOOL OF EXCELLENCE TO OPERATE ON THE GROUNDS OF AN ACTIVE OR
14 CLOSED FEDERAL MILITARY INSTALLATION LOCATED OUTSIDE THE BOUNDARIES
15 OF THE COMMUNITY COLLEGE DISTRICT, OR MAY OPERATE A SCHOOL OF
16 EXCELLENCE ITSELF ON THE GROUNDS OF SUCH A FEDERAL MILITARY
17 INSTALLATION, IF THE FEDERAL MILITARY INSTALLATION IS NOT LOCATED
18 WITHIN THE BOUNDARIES OF ANY COMMUNITY COLLEGE DISTRICT AND THE
19 COMMUNITY COLLEGE HAS PREVIOUSLY OFFERED COURSES ON THE GROUNDS OF
20 THE FEDERAL MILITARY INSTALLATION FOR AT LEAST 10 YEARS.

21 (D) THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY.

22 (6) TO OBTAIN A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE
23 SCHOOLS OF EXCELLENCE, 1 OR MORE PERSONS OR AN ENTITY MAY APPLY TO
24 AN AUTHORIZING BODY DESCRIBED IN SUBSECTION (5). THE APPLICATION
25 SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

26 (A) IDENTIFICATION OF THE APPLICANT FOR THE CONTRACT.

27 (B) SUBJECT TO THE RESOLUTION ADOPTED BY THE AUTHORIZING BODY

1 UNDER SECTION 553(4), A LIST OF THE PROPOSED MEMBERS OF THE BOARD
2 OF DIRECTORS OF THE SCHOOL OF EXCELLENCE AND A DESCRIPTION OF THE
3 QUALIFICATIONS AND METHOD FOR APPOINTMENT OR ELECTION OF MEMBERS OF
4 THE BOARD OF DIRECTORS.

5 (C) THE PROPOSED ARTICLES OF INCORPORATION, WHICH SHALL
6 INCLUDE AT LEAST ALL OF THE FOLLOWING:

7 (i) THE NAME OF THE PROPOSED SCHOOL OF EXCELLENCE.

8 (ii) THE PURPOSES FOR THE SCHOOL OF EXCELLENCE CORPORATION.

9 THIS LANGUAGE SHALL PROVIDE THAT THE SCHOOL OF EXCELLENCE IS
10 INCORPORATED PURSUANT TO THIS PART AND THAT THE SCHOOL OF
11 EXCELLENCE IS A GOVERNMENTAL ENTITY.

12 (iii) THE NAME OF THE AUTHORIZING BODY.

13 (iv) THE PROPOSED TIME WHEN THE ARTICLES OF INCORPORATION WILL
14 BE EFFECTIVE.

15 (v) OTHER MATTERS CONSIDERED EXPEDIENT TO BE IN THE ARTICLES
16 OF INCORPORATION.

17 (D) A COPY OF THE PROPOSED BYLAWS OF THE SCHOOL OF EXCELLENCE.

18 (E) DOCUMENTATION MEETING THE APPLICATION REQUIREMENTS OF THE
19 AUTHORIZING BODY, INCLUDING AT LEAST ALL OF THE FOLLOWING:

20 (i) THE GOVERNANCE STRUCTURE OF THE SCHOOL OF EXCELLENCE.

21 (ii) A COPY OF THE EDUCATIONAL GOALS OF THE SCHOOL OF
22 EXCELLENCE AND THE CURRICULA TO BE OFFERED AND METHODS OF PUPIL
23 ASSESSMENT TO BE USED BY THE SCHOOL OF EXCELLENCE. TO THE EXTENT
24 APPLICABLE, THE PROGRESS OF THE PUPILS IN THE SCHOOL OF EXCELLENCE
25 SHALL BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION ASSESSMENT
26 PROGRAM (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION UNDER SECTION
27 1279G.

1 (iii) THE ADMISSION POLICY AND CRITERIA TO BE MAINTAINED BY THE
2 SCHOOL OF EXCELLENCE. THE ADMISSION POLICY AND CRITERIA SHALL
3 COMPLY WITH SECTION 556. THIS PART OF THE APPLICATION ALSO SHALL
4 INCLUDE A DESCRIPTION OF HOW THE APPLICANT WILL PROVIDE TO THE
5 GENERAL PUBLIC ADEQUATE NOTICE THAT A SCHOOL OF EXCELLENCE IS BEING
6 CREATED AND ADEQUATE INFORMATION ON THE ADMISSION POLICY, CRITERIA,
7 AND PROCESS.

8 (iv) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE.

9 (v) THE AGE OR GRADE RANGE OF PUPILS TO BE ENROLLED.

10 (F) DESCRIPTIONS OF STAFF RESPONSIBILITIES AND OF THE SCHOOL
11 OF EXCELLENCE GOVERNANCE STRUCTURE.

12 (G) FOR AN APPLICATION TO THE BOARD OF A SCHOOL DISTRICT, AN
13 INTERMEDIATE SCHOOL BOARD, OR BOARD OF A COMMUNITY COLLEGE,
14 IDENTIFICATION OF THE LOCAL AND INTERMEDIATE SCHOOL DISTRICTS IN
15 WHICH THE SCHOOL OF EXCELLENCE WILL BE LOCATED.

16 (H) AN AGREEMENT THAT THE SCHOOL OF EXCELLENCE WILL COMPLY
17 WITH THE PROVISIONS OF THIS PART AND, SUBJECT TO THE PROVISIONS OF
18 THIS PART, WITH ALL OTHER STATE LAW APPLICABLE TO PUBLIC BODIES AND
19 WITH FEDERAL LAW APPLICABLE TO PUBLIC BODIES OR SCHOOL DISTRICTS.

20 (I) FOR A SCHOOL OF EXCELLENCE AUTHORIZED BY A SCHOOL
21 DISTRICT, AN ASSURANCE THAT EMPLOYEES OF THE SCHOOL OF EXCELLENCE
22 WILL BE COVERED BY THE COLLECTIVE BARGAINING AGREEMENTS THAT APPLY
23 TO OTHER EMPLOYEES OF THE SCHOOL DISTRICT EMPLOYED IN SIMILAR
24 CLASSIFICATIONS IN SCHOOLS THAT ARE NOT SCHOOLS OF EXCELLENCE.

25 (J) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL
26 PLANT IN WHICH THE SCHOOL OF EXCELLENCE WILL BE LOCATED.

27 (7) AN AUTHORIZING BODY SHALL OVERSEE, OR SHALL CONTRACT WITH

1 AN INTERMEDIATE SCHOOL DISTRICT, COMMUNITY COLLEGE, OR STATE PUBLIC
2 UNIVERSITY TO OVERSEE, EACH SCHOOL OF EXCELLENCE OPERATING UNDER A
3 CONTRACT ISSUED BY THE AUTHORIZING BODY. THE OVERSIGHT SHALL BE
4 SUFFICIENT TO ENSURE THAT THE AUTHORIZING BODY CAN CERTIFY THAT THE
5 SCHOOL OF EXCELLENCE IS IN COMPLIANCE WITH STATUTE, RULES, AND THE
6 TERMS OF THE CONTRACT.

7 (8) IF THE STATE BOARD FINDS THAT AN AUTHORIZING BODY IS NOT
8 ENGAGING IN APPROPRIATE CONTINUING OVERSIGHT OF 1 OR MORE SCHOOLS
9 OF EXCELLENCE OPERATING UNDER A CONTRACT ISSUED BY THE AUTHORIZING
10 BODY, THE STATE BOARD MAY SUSPEND THE POWER OF THE AUTHORIZING BODY
11 TO ISSUE NEW CONTRACTS TO ORGANIZE AND OPERATE SCHOOLS OF
12 EXCELLENCE. A CONTRACT ISSUED BY THE AUTHORIZING BODY DURING THE
13 SUSPENSION IS VOID. A CONTRACT ISSUED BY THE AUTHORIZING BODY
14 BEFORE THE SUSPENSION IS NOT AFFECTED BY THE SUSPENSION.

15 (9) AN AUTHORIZING BODY SHALL NOT CHARGE A FEE, OR REQUIRE
16 REIMBURSEMENT OF EXPENSES, FOR CONSIDERING AN APPLICATION FOR A
17 CONTRACT, FOR ISSUING A CONTRACT, OR FOR PROVIDING OVERSIGHT OF A
18 CONTRACT FOR A SCHOOL OF EXCELLENCE IN AN AMOUNT THAT EXCEEDS A
19 COMBINED TOTAL OF 3% OF THE TOTAL STATE SCHOOL AID RECEIVED BY THE
20 SCHOOL OF EXCELLENCE IN THE SCHOOL YEAR IN WHICH THE FEES OR
21 EXPENSES ARE CHARGED. AN AUTHORIZING BODY MAY PROVIDE OTHER
22 SERVICES FOR A SCHOOL OF EXCELLENCE AND CHARGE A FEE FOR THOSE
23 SERVICES, BUT SHALL NOT REQUIRE SUCH AN ARRANGEMENT AS A CONDITION
24 TO ISSUING THE CONTRACT AUTHORIZING THE SCHOOL OF EXCELLENCE.

25 (10) A SCHOOL OF EXCELLENCE SHALL BE PRESUMED TO BE LEGALLY
26 ORGANIZED IF IT HAS EXERCISED THE FRANCHISES AND PRIVILEGES OF A
27 PUBLIC SCHOOL ACADEMY FOR AT LEAST 2 YEARS.

1 SEC. 553. (1) AN AUTHORIZING BODY IS NOT REQUIRED TO ISSUE A
2 CONTRACT TO ANY PERSON OR ENTITY. SCHOOLS OF EXCELLENCE CONTRACTS
3 SHALL BE ISSUED ON A COMPETITIVE BASIS TAKING INTO CONSIDERATION
4 THE RESOURCES AVAILABLE FOR THE PROPOSED SCHOOL OF EXCELLENCE, THE
5 POPULATION TO BE SERVED BY THE PROPOSED SCHOOL OF EXCELLENCE, AND
6 THE EDUCATIONAL GOALS TO BE ACHIEVED BY THE PROPOSED SCHOOL OF
7 EXCELLENCE.

8 (2) IF A PERSON OR ENTITY APPLIES TO THE BOARD OF A SCHOOL
9 DISTRICT FOR A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE SCHOOLS
10 OF EXCELLENCE WITHIN THE BOUNDARIES OF THE SCHOOL DISTRICT AND THE
11 BOARD DOES NOT ISSUE THE CONTRACT, THE PERSON OR ENTITY MAY
12 PETITION THE BOARD TO PLACE THE QUESTION OF ISSUING THE CONTRACT ON
13 THE BALLOT TO BE DECIDED BY THE SCHOOL ELECTORS OF THE SCHOOL
14 DISTRICT. THE PETITION SHALL CONTAIN ALL OF THE INFORMATION
15 REQUIRED TO BE IN THE CONTRACT APPLICATION UNDER SECTION 552 AND
16 SHALL BE SIGNED BY A NUMBER OF SCHOOL ELECTORS OF THE SCHOOL
17 DISTRICT EQUAL TO AT LEAST 15% OF THE TOTAL NUMBER OF SCHOOL
18 ELECTORS OF THAT SCHOOL DISTRICT. THE PETITION SHALL BE FILED WITH
19 THE SCHOOL DISTRICT FILING OFFICIAL. IF THE BOARD RECEIVES A
20 PETITION MEETING THE REQUIREMENTS OF THIS SUBSECTION, THE BOARD
21 SHALL HAVE THE QUESTION OF ISSUING THE CONTRACT PLACED ON THE
22 BALLOT AT ITS NEXT REGULAR SCHOOL ELECTION HELD AT LEAST 60 DAYS
23 AFTER RECEIVING THE PETITION. IF A MAJORITY OF THE SCHOOL ELECTORS
24 OF THE SCHOOL DISTRICT VOTING ON THE QUESTION VOTE TO ISSUE THE
25 CONTRACT, THE BOARD SHALL ISSUE THE CONTRACT.

26 (3) WITHIN 10 DAYS AFTER ISSUING A CONTRACT FOR A SCHOOL OF
27 EXCELLENCE, THE AUTHORIZING BODY SHALL SUBMIT TO THE SUPERINTENDENT

1 OF PUBLIC INSTRUCTION A COPY OF THE CONTRACT AND OF THE APPLICATION
2 UNDER SECTION 552.

3 (4) AN AUTHORIZING BODY SHALL ADOPT A RESOLUTION ESTABLISHING
4 THE METHOD OF SELECTION, LENGTH OF TERM, AND NUMBER OF MEMBERS OF
5 THE BOARD OF DIRECTORS OF EACH SCHOOL OF EXCELLENCE SUBJECT TO ITS
6 JURISDICTION.

7 (5) A CONTRACT ISSUED TO ORGANIZE AND ADMINISTER A SCHOOL OF
8 EXCELLENCE SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING:

9 (A) THE EDUCATIONAL GOALS THE SCHOOL OF EXCELLENCE IS TO
10 ACHIEVE AND THE METHODS BY WHICH IT WILL BE HELD ACCOUNTABLE. TO
11 THE EXTENT APPLICABLE, THE PUPIL PERFORMANCE OF A SCHOOL OF
12 EXCELLENCE SHALL BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION
13 ASSESSMENT PROGRAM (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION
14 UNDER SECTION 1279G.

15 (B) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE
16 SCHOOL OF EXCELLENCE'S COMPLIANCE WITH APPLICABLE LAW AND ITS
17 PERFORMANCE IN MEETING ITS TARGETED EDUCATIONAL OBJECTIVES.

18 (C) A DESCRIPTION OF THE PROCESS FOR AMENDING THE CONTRACT
19 DURING THE TERM OF THE CONTRACT.

20 (D) ALL OF THE MATTERS SET FORTH IN THE APPLICATION FOR THE
21 CONTRACT.

22 (E) FOR A SCHOOL OF EXCELLENCE AUTHORIZED BY A SCHOOL
23 DISTRICT, AN AGREEMENT THAT EMPLOYEES OF THE SCHOOL OF EXCELLENCE
24 WILL BE COVERED BY THE COLLECTIVE BARGAINING AGREEMENTS THAT APPLY
25 TO EMPLOYEES OF THE SCHOOL DISTRICT EMPLOYED IN SIMILAR
26 CLASSIFICATIONS IN SCHOOLS THAT ARE NOT SCHOOLS OF EXCELLENCE.

27 (F) PROCEDURES FOR REVOKING THE CONTRACT AND GROUNDS FOR

1 REVOKING THE CONTRACT, INCLUDING AT LEAST THE GROUNDS LISTED IN
2 SECTION 561.

3 (G) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL
4 PLANT IN WHICH THE SCHOOL OF EXCELLENCE WILL BE LOCATED.

5 (H) REQUIREMENTS AND PROCEDURES FOR FINANCIAL AUDITS. THE
6 FINANCIAL AUDITS SHALL BE CONDUCTED AT LEAST ANNUALLY BY A
7 CERTIFIED PUBLIC ACCOUNTANT IN ACCORDANCE WITH GENERALLY ACCEPTED
8 GOVERNMENTAL AUDITING PRINCIPLES.

9 (6) A SCHOOL OF EXCELLENCE SHALL COMPLY WITH ALL APPLICABLE
10 LAW, INCLUDING ALL OF THE FOLLOWING:

11 (A) THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

12 (B) THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
13 15.246.

14 (C) 1947 PA 336, MCL 423.201 TO 423.217.

15 (D) 1965 PA 166, MCL 408.551 TO 408.558.

16 (E) SECTIONS 1134, 1135, 1146, 1153, 1263(3), 1267, AND 1274.

17 (7) A SCHOOL OF EXCELLENCE AND ITS INCORPORATORS, BOARD
18 MEMBERS, OFFICERS, EMPLOYEES, AND VOLUNTEERS HAVE GOVERNMENTAL
19 IMMUNITY AS PROVIDED IN SECTION 7 OF 1964 PA 170, MCL 691.1407. AN
20 AUTHORIZING BODY AND ITS BOARD MEMBERS, OFFICERS, AND EMPLOYEES ARE
21 IMMUNE FROM CIVIL LIABILITY, BOTH PERSONALLY AND PROFESSIONALLY,
22 FOR AN ACT OR OMISSION IN AUTHORIZING A SCHOOL OF EXCELLENCE IF THE
23 AUTHORIZING BODY OR THE PERSON ACTED OR REASONABLY BELIEVED HE OR
24 SHE ACTED WITHIN THE AUTHORIZING BODY'S OR THE PERSON'S SCOPE OF
25 AUTHORITY.

26 (8) A SCHOOL OF EXCELLENCE IS EXEMPT FROM ALL TAXATION ON ITS
27 EARNINGS AND PROPERTY. INSTRUMENTS OF CONVEYANCE TO OR FROM A

1 SCHOOL OF EXCELLENCE ARE EXEMPT FROM ALL TAXATION INCLUDING TAXES
2 IMPOSED BY 1966 PA 134, MCL 207.501 TO 207.513. A SCHOOL OF
3 EXCELLENCE MAY NOT LEVY AD VALOREM PROPERTY TAXES OR ANOTHER TAX
4 FOR ANY PURPOSE. HOWEVER, OPERATION OF 1 OR MORE SCHOOLS OF
5 EXCELLENCE BY A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
6 DOES NOT AFFECT THE ABILITY OF THE SCHOOL DISTRICT OR INTERMEDIATE
7 SCHOOL DISTRICT TO LEVY AD VALOREM PROPERTY TAXES OR ANOTHER TAX.

8 (9) A SCHOOL OF EXCELLENCE MAY ACQUIRE BY PURCHASE, GIFT,
9 DEVISE, LEASE, SUBLEASE, INSTALLMENT PURCHASE AGREEMENT, LAND
10 CONTRACT, OPTION, OR BY ANY OTHER MEANS, HOLD, AND OWN IN ITS OWN
11 NAME BUILDINGS AND OTHER PROPERTY FOR SCHOOL PURPOSES, AND
12 INTERESTS THEREIN, AND OTHER REAL AND PERSONAL PROPERTY, INCLUDING,
13 BUT NOT LIMITED TO, INTERESTS IN PROPERTY SUBJECT TO MORTGAGES,
14 SECURITY INTERESTS, OR OTHER LIENS, NECESSARY OR CONVENIENT TO
15 FULFILL ITS PURPOSES. FOR THE PURPOSES OF CONDEMNATION, A SCHOOL OF
16 EXCELLENCE MAY PROCEED UNDER THE UNIFORM CONDEMNATION PROCEDURES
17 ACT, 1980 PA 87, MCL 213.51 TO 213.75, EXCLUDING SECTIONS 6 TO 9 OF
18 THAT ACT, MCL 213.56 TO 213.59, OR OTHER APPLICABLE STATUTES, BUT
19 ONLY WITH THE EXPRESS, WRITTEN PERMISSION OF THE AUTHORIZING BODY
20 IN EACH INSTANCE OF CONDEMNATION AND ONLY AFTER JUST COMPENSATION
21 HAS BEEN DETERMINED AND PAID.

22 SEC. 554. IF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
23 APPLIES FOR AND OBTAINS A CONTRACT TO OPERATE 1 OR MORE SCHOOLS OF
24 EXCELLENCE UNDER THIS PART, THE POWER OF THE SCHOOL DISTRICT OR
25 INTERMEDIATE SCHOOL DISTRICT TO LEVY TAXES FOR ANY PURPOSE UNDER
26 THIS ACT IS NOT AFFECTED BY THE OPERATION OF A SCHOOL OF EXCELLENCE
27 BY THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT. REVENUE

1 FROM TAXES LEVIED BY A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
2 DISTRICT UNDER THIS ACT OR BONDS ISSUED BY A SCHOOL DISTRICT OR
3 INTERMEDIATE SCHOOL DISTRICT UNDER THIS ACT MAY BE USED TO SUPPORT
4 THE OPERATION OR FACILITIES OF A SCHOOL OF EXCELLENCE OPERATED BY
5 THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT IN THE SAME
6 MANNER AS THAT REVENUE MAY BE USED UNDER THIS ACT BY THE SCHOOL
7 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO SUPPORT SCHOOL DISTRICT
8 OR INTERMEDIATE SCHOOL DISTRICT OPERATIONS AND FACILITIES. THIS
9 SECTION DOES NOT AUTHORIZE A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
10 DISTRICT TO LEVY TAXES OR TO ISSUE BONDS FOR ANY PURPOSE THAT IS
11 NOT OTHERWISE AUTHORIZED UNDER THIS ACT.

12 SEC. 555. (1) AN AGREEMENT, MORTGAGE, LOAN, OR OTHER
13 INSTRUMENT OF INDEBTEDNESS ENTERED INTO BY A SCHOOL OF EXCELLENCE
14 AND A THIRD PARTY DOES NOT CONSTITUTE AN OBLIGATION, EITHER
15 GENERAL, SPECIAL, OR MORAL, OF THIS STATE OR AN AUTHORIZING BODY.
16 THE FULL FAITH AND CREDIT OR THE TAXING POWER OF THIS STATE OR ANY
17 AGENCY OF THIS STATE, OR THE FULL FAITH AND CREDIT OF AN
18 AUTHORIZING BODY, MAY NOT BE PLEDGED FOR THE PAYMENT OF ANY SCHOOL
19 OF EXCELLENCE BOND, NOTE, AGREEMENT, MORTGAGE, LOAN, OR OTHER
20 INSTRUMENT OF INDEBTEDNESS.

21 (2) THIS PART DOES NOT IMPOSE ANY LIABILITY ON THIS STATE OR
22 ON AN AUTHORIZING BODY FOR ANY DEBT INCURRED BY A SCHOOL OF
23 EXCELLENCE.

24 SEC. 556. (1) A SCHOOL OF EXCELLENCE MAY BE LOCATED IN ALL OR
25 PART OF AN EXISTING PUBLIC SCHOOL BUILDING. A SCHOOL OF EXCELLENCE
26 SHALL NOT OPERATE AT A SITE OTHER THAN THE SINGLE SITE REQUESTED
27 FOR THE CONFIGURATION OF GRADES THAT WILL USE THE SITE, AS

1 SPECIFIED IN THE APPLICATION REQUIRED UNDER SECTION 552 AND IN THE
2 CONTRACT.

3 (2) A SCHOOL OF EXCELLENCE SHALL NOT CHARGE TUITION AND SHALL
4 NOT DISCRIMINATE IN ITS PUPIL ADMISSIONS POLICIES OR PRACTICES ON
5 THE BASIS OF INTELLECTUAL OR ATHLETIC ABILITY, MEASURES OF
6 ACHIEVEMENT OR APTITUDE, STATUS AS A STUDENT WITH A DISABILITY, OR
7 ANY OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A SCHOOL DISTRICT.
8 HOWEVER, A SCHOOL OF EXCELLENCE MAY LIMIT ADMISSION TO PUPILS WHO
9 ARE WITHIN A PARTICULAR RANGE OF AGE OR GRADE LEVEL OR ON ANY OTHER
10 BASIS THAT WOULD BE LEGAL IF USED BY A SCHOOL DISTRICT.

11 (3) EXCEPT FOR A FOREIGN EXCHANGE STUDENT WHO IS NOT A UNITED
12 STATES CITIZEN, A SCHOOL OF EXCELLENCE SHALL NOT ENROLL A PUPIL WHO
13 IS NOT A RESIDENT OF THIS STATE. ENROLLMENT IN THE SCHOOL OF
14 EXCELLENCE MAY BE OPEN TO ALL INDIVIDUALS WHO RESIDE IN THIS STATE
15 WHO MEET THE ADMISSION POLICY AND SHALL BE OPEN TO ALL PUPILS WHO
16 RESIDE WITHIN THE GEOGRAPHIC BOUNDARIES, IF ANY, OF THE AUTHORIZING
17 BODY AS DESCRIBED IN SECTION 552(5)(A) TO (C) WHO MEET THE
18 ADMISSION POLICY, EXCEPT THAT ADMISSION TO A SCHOOL OF EXCELLENCE
19 AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE TO OPERATE, OR
20 OPERATED BY THE BOARD OF A COMMUNITY COLLEGE, ON THE GROUNDS OF A
21 FEDERAL MILITARY INSTALLATION, AS DESCRIBED IN SECTION 552(5)(C),
22 SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN THE COUNTY IN WHICH THE
23 FEDERAL MILITARY INSTALLATION IS LOCATED. FOR A SCHOOL OF
24 EXCELLENCE AUTHORIZED BY A STATE PUBLIC UNIVERSITY, ENROLLMENT
25 SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN THIS STATE WHO MEET THE
26 ADMISSION POLICY. IF THERE ARE MORE APPLICATIONS TO ENROLL IN THE
27 SCHOOL OF EXCELLENCE THAN THERE ARE SPACES AVAILABLE, PUPILS SHALL

1 BE SELECTED TO ATTEND USING A RANDOM SELECTION PROCESS. HOWEVER, A
2 SCHOOL OF EXCELLENCE MAY GIVE ENROLLMENT PRIORITY TO A SIBLING OF A
3 PUPIL ENROLLED IN THE SCHOOL OF EXCELLENCE. A SCHOOL OF EXCELLENCE
4 SHALL ALLOW ANY PUPIL WHO WAS ENROLLED IN THE SCHOOL OF EXCELLENCE
5 IN THE IMMEDIATELY PRECEDING SCHOOL YEAR TO ENROLL IN THE SCHOOL OF
6 EXCELLENCE IN THE APPROPRIATE GRADE UNLESS THE APPROPRIATE GRADE IS
7 NOT OFFERED AT THAT SCHOOL OF EXCELLENCE.

8 (4) A SCHOOL OF EXCELLENCE MAY INCLUDE ANY GRADE UP TO GRADE
9 12 OR ANY CONFIGURATION OF THOSE GRADES, INCLUDING KINDERGARTEN AND
10 EARLY CHILDHOOD EDUCATION, AS SPECIFIED IN ITS CONTRACT. IF
11 SPECIFIED IN ITS CONTRACT, A SCHOOL OF EXCELLENCE MAY ALSO OPERATE
12 AN ADULT BASIC EDUCATION PROGRAM, ADULT HIGH SCHOOL COMPLETION
13 PROGRAM, OR GENERAL EDUCATION DEVELOPMENT TESTING PREPARATION
14 PROGRAM. THE AUTHORIZING BODY MAY APPROVE AMENDMENT OF A CONTRACT
15 WITH RESPECT TO AGES OF PUPILS OR GRADES OFFERED.

16 SEC. 557. IN ADDITION TO OTHER POWERS SET FORTH IN THIS PART,
17 A SCHOOL OF EXCELLENCE MAY TAKE ACTION TO CARRY OUT THE PURPOSES
18 FOR WHICH IT WAS INCORPORATED UNDER THIS PART, INCLUDING, BUT NOT
19 LIMITED TO, ALL OF THE FOLLOWING:

20 (A) TO SUE AND BE SUED IN ITS NAME.

21 (B) SUBJECT TO SECTION 555, TO ACQUIRE, HOLD, AND OWN IN ITS
22 OWN NAME REAL AND PERSONAL PROPERTY, OR INTERESTS IN REAL OR
23 PERSONAL PROPERTY, FOR EDUCATIONAL PURPOSES BY PURCHASE, GIFT,
24 GRANT, DEVISE, BEQUEST, LEASE, SUBLEASE, INSTALLMENT PURCHASE
25 AGREEMENT, LAND CONTRACT, OPTION, OR CONDEMNATION, AND SUBJECT TO
26 MORTGAGES, SECURITY INTERESTS, OR OTHER LIENS; AND TO SELL OR
27 CONVEY THE PROPERTY AS THE INTERESTS OF THE SCHOOL OF EXCELLENCE

1 REQUIRE.

2 (C) TO RECEIVE, DISBURSE, AND PLEDGE FUNDS FOR LAWFUL
3 PURPOSES.

4 (D) TO ENTER INTO BINDING LEGAL AGREEMENTS WITH PERSONS OR
5 ENTITIES AS NECESSARY FOR THE OPERATION, MANAGEMENT, FINANCING, AND
6 MAINTENANCE OF THE SCHOOL OF EXCELLENCE.

7 (E) TO INCUR TEMPORARY DEBT IN ACCORDANCE WITH SECTION 1225.

8 (F) TO SOLICIT AND ACCEPT ANY GRANTS OR GIFTS FOR EDUCATIONAL
9 PURPOSES AND TO ESTABLISH OR PERMIT TO BE ESTABLISHED ON ITS BEHALF
10 1 OR MORE NONPROFIT CORPORATIONS THE PURPOSE OF WHICH IS TO ASSIST
11 THE SCHOOL OF EXCELLENCE IN THE FURTHERANCE OF ITS PUBLIC PURPOSES.

12 (G) TO BORROW MONEY AND ISSUE BONDS IN ACCORDANCE WITH SECTION
13 1351A AND IN ACCORDANCE WITH PART VI OF THE REVISED MUNICIPAL
14 FINANCE ACT, 2001 PA 34, MCL 141.2601 TO 141.2613, EXCEPT THAT THE
15 BORROWING OF MONEY AND ISSUANCE OF BONDS BY A SCHOOL OF EXCELLENCE
16 IS NOT SUBJECT TO SECTION 1351A(4) OR SECTION 1351(2) TO (4). BONDS
17 ISSUED UNDER THIS SECTION SHALL BE FULL FAITH AND CREDIT
18 OBLIGATIONS OF THE SCHOOL OF EXCELLENCE, PLEDGING THE GENERAL FUNDS
19 OR ANY OTHER MONEY AVAILABLE FOR SUCH A PURPOSE. BONDS ISSUED UNDER
20 THIS SECTION ARE SUBJECT TO THE REVISED MUNICIPAL FINANCE ACT, 2001
21 PA 34, MCL 141.2101 TO 141.2821.

22 SEC. 558. IF A SCHOOL OF EXCELLENCE IS OPERATED BY A SCHOOL
23 DISTRICT THAT IS SUBJECT TO A COURT DESEGREGATION ORDER, PUPIL
24 SELECTION AT THE SCHOOL OF EXCELLENCE IS SUBJECT TO THAT ORDER.

25 SEC. 559. (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, A SCHOOL OF
26 EXCELLENCE SHALL USE CERTIFICATED TEACHERS ACCORDING TO STATE BOARD
27 RULE.

1 (2) A SCHOOL OF EXCELLENCE OPERATED BY A STATE PUBLIC
2 UNIVERSITY OR COMMUNITY COLLEGE MAY USE NONCERTIFICATED INDIVIDUALS
3 TO TEACH AS FOLLOWS:

4 (A) IF THE SCHOOL OF EXCELLENCE IS OPERATED BY A STATE PUBLIC
5 UNIVERSITY, THE SCHOOL OF EXCELLENCE MAY USE AS A CLASSROOM TEACHER
6 IN ANY GRADE A FACULTY MEMBER WHO IS EMPLOYED FULL-TIME BY THE
7 STATE PUBLIC UNIVERSITY AND WHO HAS BEEN GRANTED INSTITUTIONAL
8 TENURE, OR HAS BEEN DESIGNATED AS BEING ON TENURE TRACK, BY THE
9 STATE PUBLIC UNIVERSITY.

10 (B) FOR A SCHOOL OF EXCELLENCE OPERATED BY A COMMUNITY
11 COLLEGE, THE SCHOOL OF EXCELLENCE MAY USE AS A CLASSROOM TEACHER A
12 FULL-TIME MEMBER OF THE COMMUNITY COLLEGE FACULTY WHO HAS AT LEAST
13 5 YEARS' EXPERIENCE AT THAT COMMUNITY COLLEGE IN TEACHING THE
14 SUBJECT MATTER THAT HE OR SHE IS TEACHING AT THE SCHOOL OF
15 EXCELLENCE.

16 (C) IN ANY OTHER SITUATION IN WHICH A SCHOOL DISTRICT IS
17 PERMITTED UNDER THIS ACT TO USE NONCERTIFICATED TEACHERS.

18 (3) A SCHOOL OF EXCELLENCE MAY DEVELOP AND IMPLEMENT NEW
19 TEACHING TECHNIQUES OR METHODS OR SIGNIFICANT REVISIONS TO KNOWN
20 TEACHING TECHNIQUES OR METHODS, AND SHALL REPORT THOSE TO THE
21 AUTHORIZING BODY AND STATE BOARD TO BE MADE AVAILABLE TO THE
22 PUBLIC. A SCHOOL OF EXCELLENCE MAY USE ANY INSTRUCTIONAL TECHNIQUE
23 OR DELIVERY METHOD THAT MAY BE USED BY A SCHOOL DISTRICT.

24 SEC. 560. A SCHOOL OF EXCELLENCE, WITH THE APPROVAL OF THE
25 AUTHORIZING BODY, MAY EMPLOY OR CONTRACT WITH PERSONNEL AS
26 NECESSARY FOR THE OPERATION OF THE SCHOOL OF EXCELLENCE, PRESCRIBE
27 THEIR DUTIES, AND FIX THEIR COMPENSATION.

1 SEC. 560A. IF THE BOARD OF DIRECTORS OF A SCHOOL OF EXCELLENCE
2 PROVIDES MEDICAL, OPTICAL, OR DENTAL BENEFITS TO EMPLOYEES AND
3 THEIR DEPENDENTS, THE BOARD OF DIRECTORS SHALL PROVIDE THOSE
4 BENEFITS IN ACCORDANCE WITH THE PUBLIC EMPLOYEES HEALTH BENEFIT
5 ACT, 2007 PA 106, MCL 124.71 TO 124.85, AND SHALL COMPLY WITH THAT
6 ACT.

7 SEC. 561. (1) THE AUTHORIZING BODY FOR A SCHOOL OF EXCELLENCE
8 IS THE FISCAL AGENT FOR THE SCHOOL OF EXCELLENCE. A STATE SCHOOL
9 AID PAYMENT FOR A SCHOOL OF EXCELLENCE SHALL BE PAID TO THE
10 AUTHORIZING BODY THAT IS THE FISCAL AGENT FOR THAT SCHOOL OF
11 EXCELLENCE, WHICH SHALL THEN FORWARD THE PAYMENT TO THE SCHOOL OF
12 EXCELLENCE. AN AUTHORIZING BODY HAS THE RESPONSIBILITY TO OVERSEE A
13 SCHOOL OF EXCELLENCE'S COMPLIANCE WITH THE CONTRACT AND ALL
14 APPLICABLE LAW. A CONTRACT ISSUED UNDER THIS PART MAY BE REVOKED BY
15 THE AUTHORIZING BODY THAT ISSUED THE CONTRACT IF THE AUTHORIZING
16 BODY DETERMINES THAT 1 OR MORE OF THE FOLLOWING HAVE OCCURRED:

17 (A) FAILURE OF THE SCHOOL OF EXCELLENCE TO ABIDE BY AND MEET
18 THE EDUCATIONAL GOALS SET FORTH IN THE CONTRACT.

19 (B) FAILURE OF THE SCHOOL OF EXCELLENCE TO COMPLY WITH ALL
20 APPLICABLE LAW.

21 (C) FAILURE OF THE SCHOOL OF EXCELLENCE TO MEET GENERALLY
22 ACCEPTED PUBLIC SECTOR ACCOUNTING PRINCIPLES.

23 (D) THE EXISTENCE OF 1 OR MORE OTHER GROUNDS FOR REVOCATION AS
24 SPECIFIED IN THE CONTRACT.

25 (2) THE DECISION OF AN AUTHORIZING BODY TO REVOKE A CONTRACT
26 UNDER THIS SECTION IS SOLELY WITHIN THE DISCRETION OF THE
27 AUTHORIZING BODY, IS FINAL, AND IS NOT SUBJECT TO REVIEW BY A COURT

1 OR ANY STATE AGENCY. AN AUTHORIZING BODY THAT REVOKES A CONTRACT
2 UNDER THIS SECTION IS NOT LIABLE FOR THAT ACTION TO THE SCHOOL OF
3 EXCELLENCE, SCHOOL OF EXCELLENCE CORPORATION, A PUPIL OF THE SCHOOL
4 OF EXCELLENCE, THE PARENT OR GUARDIAN OF A PUPIL OF THE SCHOOL OF
5 EXCELLENCE, OR ANY OTHER PERSON.

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. ____ or House Bill No. 5617(request no.
8 05247'09) of the 95th Legislature is enacted into law.