

HOUSE BILL No. 5623

December 1, 2009, Introduced by Rep. Melton and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 502, 503, 523, 1147, 1246, 1284b, 1311d,
1311e, 1536, and 1561 (MCL 380.502, 380.503, 380.523, 380.1147,
380.1246, 380.1284b, 380.1311d, 380.1311e, 380.1536, and 380.1561),
section 502 as amended by 1995 PA 289, section 503 as amended by
2003 PA 299, section 523 as added by 2003 PA 179, section 1246 as
amended by 2004 PA 148, section 1284b as amended by 2006 PA 235,
sections 1311d and 1311e as added by 1999 PA 23, section 1536 as
added by 2006 PA 335, and section 1561 as amended by 1996 PA 339,
and by adding sections 1238, 1249, and 1320.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 502. (1) A public school academy shall be organized and

1 administered under the direction of a board of directors in
2 accordance with this part and with bylaws adopted by the board of
3 directors. A public school academy corporation shall be organized
4 under the nonprofit corporation act, ~~Act No. 162 of the Public Acts~~
5 ~~of 1982, being sections 450.2101 to 450.3192 of the Michigan~~
6 ~~Compiled Laws, 1982 PA 162, MCL 450.2101 TO 450.3192,~~ except that a
7 public school academy corporation is not required to comply with
8 sections 170 to 177 of ~~Act No. 327 of the Public Acts of 1931,~~
9 ~~being sections 450.170 to 450.177 of the Michigan Compiled Laws~~
10 **1931 PA 327, MCL 450.170 TO 450.177.** To the extent disqualified
11 under the state or federal constitution, a public school academy
12 shall not be organized by a church or other religious organization
13 and shall not have any organizational or contractual affiliation
14 with or constitute a church or other religious organization.

15 (2) Any of the following may act as an authorizing body to
16 issue a contract to organize and operate 1 or more public school
17 academies under this part:

18 (a) The board of a school district that operates grades K to
19 12. However, the board of a school district shall not issue a
20 contract for a public school academy to operate outside the school
21 district's boundaries, and a public school academy authorized by
22 the board of a school district shall not operate outside that
23 school district's boundaries.

24 (b) An intermediate school board. However, the board of an
25 intermediate school district shall not issue a contract for a
26 public school academy to operate outside the intermediate school
27 district's boundaries, and a public school academy authorized by

1 the board of an intermediate school district shall not operate
2 outside that intermediate school district's boundaries.

3 (c) The board of a community college. However, except as
4 otherwise provided in this subdivision, the board of a community
5 college shall not issue a contract for a public school academy to
6 operate in a school district organized as a school district of the
7 first class, a public school academy authorized by the board of a
8 community college shall not operate in a school district organized
9 as a school district of the first class, the board of a community
10 college shall not issue a contract for a public school academy to
11 operate outside the boundaries of the community college district,
12 and a public school academy authorized by the board of a community
13 college shall not operate outside the boundaries of the community
14 college district. The board of a community college also may issue a
15 contract for not more than 1 public school academy to operate on
16 the grounds of an active or closed federal military installation
17 located outside the boundaries of the community college district,
18 or may operate a public school academy itself on the grounds of
19 such a federal military installation, if the federal military
20 installation is not located within the boundaries of any community
21 college district and the community college has previously offered
22 courses on the grounds of the federal military installation for at
23 least 10 years.

24 (d) The governing board of a state public university. However,
25 the combined total number of contracts for public school academies
26 issued by all state public universities shall not exceed 85 through
27 1996, and, after the initial evaluation under section 501a, shall

1 not exceed 100 through 1997, 125 through 1998, or 150 thereafter.
2 Further, the total number of contracts issued by any 1 state public
3 university shall not exceed 50 through 1996, and thereafter shall
4 not exceed 50% of the maximum combined total number that may be
5 issued under this subdivision.

6 (3) To obtain a contract to organize and operate 1 or more
7 public school academies, 1 or more persons or an entity may apply
8 to an authorizing body described in subsection (2). The application
9 shall include at least all of the following:

10 (a) Identification of the applicant for the contract.

11 (b) Subject to the resolution adopted by the authorizing body
12 under section 503(4), a list of the proposed members of the board
13 of directors of the public school academy and a description of the
14 qualifications and method for appointment or election of members of
15 the board of directors.

16 (c) The proposed articles of incorporation, which shall
17 include at least all of the following:

18 (i) The name of the proposed public school academy.

19 (ii) The purposes for the public school academy corporation.

20 This language shall provide that the public school academy is
21 incorporated pursuant to this part and that the public school
22 academy corporation is a governmental entity.

23 (iii) The name of the authorizing body.

24 (iv) The proposed time when the articles of incorporation will
25 be effective.

26 (v) Other matters considered expedient to be in the articles
27 of incorporation.

1 (d) A copy of the proposed bylaws of the public school
2 academy.

3 (e) Documentation meeting the application requirements of the
4 authorizing body, including at least all of the following:

5 (i) The governance structure of the public school academy.

6 (ii) A copy of the educational goals of the public school
7 academy and the curricula to be offered and methods of pupil
8 assessment to be used by the public school academy. To the extent
9 applicable, the progress of the pupils in the public school academy
10 shall be assessed using at least a Michigan education assessment
11 program (MEAP) test or ~~an assessment instrument developed under~~
12 ~~section 1279 for a state endorsed high school diploma~~ **THE MICHIGAN**
13 **MERIT EXAMINATION DEVELOPED UNDER SECTION 1279G, AS APPLICABLE.**

14 (iii) The admission policy and criteria to be maintained by the
15 public school academy. The admission policy and criteria shall
16 comply with section 504. This part of the application also shall
17 include a description of how the applicant will provide to the
18 general public adequate notice that a public school academy is
19 being created and adequate information on the admission policy,
20 criteria, and process.

21 (iv) The school calendar and school day schedule.

22 (v) The age or grade range of pupils to be enrolled.

23 (f) Descriptions of staff responsibilities and of the public
24 school academy's governance structure.

25 (g) For an application to the board of a school district, an
26 intermediate school board, or board of a community college,
27 identification of the local and intermediate school districts in

1 which the public school academy will be located.

2 (h) An agreement that the public school academy will comply
3 with the provisions of this part and, subject to the provisions of
4 this part, with all other state law applicable to public bodies and
5 with federal law applicable to public bodies or school districts.

6 (i) For a public school academy authorized by a school
7 district, an assurance that employees of the public school academy
8 will be covered by the collective bargaining agreements that apply
9 to other employees of the school district employed in similar
10 classifications in schools that are not public school academies.

11 **HOWEVER, IF 20% OR MORE OF THE SCHOOLS OPERATED BY THE SCHOOL**
12 **DISTRICT HAVE BEEN DETERMINED BY THE SUPERINTENDENT OF PUBLIC**
13 **INSTRUCTION TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC**
14 **SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF THE FEDERAL**
15 **INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005 AND 14006 OF**
16 **TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009,**
17 **PUBLIC LAW 111-5, THEN THIS SUBDIVISION DOES NOT APPLY TO AN**
18 **APPLICATION FOR A PUBLIC SCHOOL ACADEMY TO BE AUTHORIZED BY THAT**
19 **SCHOOL DISTRICT.**

20 (j) A description of and address for the proposed physical
21 plant in which the public school academy will be located.

22 (4) An authorizing body shall oversee, or shall contract with
23 an intermediate school district, community college, or state public
24 university to oversee, each public school academy operating under a
25 contract issued by the authorizing body. The oversight shall be
26 sufficient to ensure that the authorizing body can certify that the
27 public school academy is in compliance with statute, rules, and the

1 terms of the contract.

2 (5) If the state board finds that an authorizing body is not
3 engaging in appropriate continuing oversight of 1 or more public
4 school academies operating under a contract issued by the
5 authorizing body, the state board may suspend the power of the
6 authorizing body to issue new contracts to organize and operate
7 public school academies. A contract issued by the authorizing body
8 during the suspension is void. A contract issued by the authorizing
9 body before the suspension is not affected by the suspension.

10 (6) An authorizing body shall not charge a fee, or require
11 reimbursement of expenses, for considering an application for a
12 contract, for issuing a contract, or for providing oversight of a
13 contract for a public school academy in an amount that exceeds a
14 combined total of 3% of the total state school aid received by the
15 public school academy in the school year in which the fees or
16 expenses are charged. An authorizing body may provide other
17 services for a public school academy and charge a fee for those
18 services, but shall not require such an arrangement as a condition
19 to issuing the contract authorizing the public school academy.

20 (7) A public school academy shall be presumed to be legally
21 organized if it has exercised the franchises and privileges of a
22 public school academy for at least 2 years.

23 Sec. 503. (1) An authorizing body is not required to issue a
24 contract to any person or entity. Public school academy contracts
25 shall be issued on a competitive basis taking into consideration
26 the resources available for the proposed public school academy, the
27 population to be served by the proposed public school academy, and

1 the educational goals to be achieved by the proposed public school
2 academy.

3 (2) If a person or entity applies to the board of a school
4 district for a contract to organize and operate 1 or more public
5 school academies within the boundaries of the school district and
6 the board does not issue the contract, the person or entity may
7 petition the board to place the question of issuing the contract on
8 the ballot to be decided by the school electors of the school
9 district. The petition shall contain all of the information
10 required to be in the contract application under section 502 and
11 shall be signed by a number of school electors of the school
12 district equal to at least 15% of the total number of school
13 electors of that school district. The petition shall be filed with
14 the school district filing official. If the board receives a
15 petition meeting the requirements of this subsection, the board
16 shall have the question of issuing the contract placed on the
17 ballot at its next regular school election held at least 60 days
18 after receiving the petition. If a majority of the school electors
19 of the school district voting on the question vote to issue the
20 contract, the board shall issue the contract.

21 (3) Within 10 days after issuing a contract for a public
22 school academy, the authorizing body shall submit to the
23 superintendent of public instruction a copy of the contract and of
24 the application under section 502.

25 (4) An authorizing body shall adopt a resolution establishing
26 the method of selection, length of term, and number of members of
27 the board of directors of each public school academy subject to its

1 jurisdiction.

2 (5) A contract issued to organize and administer a public
3 school academy shall contain at least all of the following:

4 (a) The educational goals the public school academy is to
5 achieve and the methods by which it will be held accountable. To
6 the extent applicable, the pupil performance of a public school
7 academy shall be assessed using at least a Michigan education
8 assessment program (MEAP) test or ~~an assessment instrument~~
9 ~~developed under section 1279~~ **THE MICHIGAN MERIT EXAMINATION**
10 **DEVELOPED UNDER SECTION 1279G, AS APPLICABLE.**

11 (b) A description of the method to be used to monitor the
12 public school academy's compliance with applicable law and its
13 performance in meeting its targeted educational objectives.

14 (c) A description of the process for amending the contract
15 during the term of the contract.

16 (d) All of the matters set forth in the application for the
17 contract.

18 (e) For a public school academy authorized by a school
19 district, an agreement that employees of the public school academy
20 will be covered by the collective bargaining agreements that apply
21 to employees of the school district employed in similar
22 classifications in schools that are not public school academies.
23 **HOWEVER, IF 20% OR MORE OF THE SCHOOLS OPERATED BY THE SCHOOL**
24 **DISTRICT HAVE BEEN DETERMINED BY THE SUPERINTENDENT OF PUBLIC**
25 **INSTRUCTION TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC**
26 **SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF THE FEDERAL**
27 **INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005 AND 14006 OF**

1 TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009,
2 PUBLIC LAW 111-5, THEN THIS SUBDIVISION DOES NOT APPLY TO A
3 CONTRACT ISSUED TO A PUBLIC SCHOOL ACADEMY BY THAT SCHOOL DISTRICT.

4 (f) Procedures for revoking the contract and grounds for
5 revoking the contract, including at least the grounds listed in
6 section 507.

7 (g) A description of and address for the proposed physical
8 plant in which the public school academy will be located.

9 (h) Requirements and procedures for financial audits. The
10 financial audits shall be conducted at least annually by a
11 certified public accountant in accordance with generally accepted
12 governmental auditing principles.

13 (I) THE TERM OF THE CONTRACT AND A DESCRIPTION OF THE PROCESS
14 AND STANDARDS FOR RENEWAL OF THE CONTRACT AT THE END OF THE TERM.
15 THE STANDARDS FOR RENEWAL SHALL INCLUDE CHANGE IN STUDENT
16 ACHIEVEMENT AS MEASURED BY ASSESSMENTS AND OTHER OBJECTIVE CRITERIA
17 AS A SIGNIFICANT FACTOR IN THE DECISION OF WHETHER OR NOT TO RENEW
18 THE CONTRACT.

19 (6) A public school academy shall comply with all applicable
20 law, including all of the following:

21 (a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

22 (b) The freedom of information act, 1976 PA 442, MCL 15.231 to
23 15.246.

24 (c) 1947 PA 336, MCL 423.201 to 423.217.

25 (d) 1965 PA 166, MCL 408.551 to 408.558.

26 (e) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and 1274.

27 (7) A public school academy and its incorporators, board

1 members, officers, employees, and volunteers have governmental
2 immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An
3 authorizing body and its board members, officers, and employees are
4 immune from civil liability, both personally and professionally,
5 for an act or omission in authorizing a public school academy if
6 the authorizing body or the person acted or reasonably believed he
7 or she acted within the authorizing body's or the person's scope of
8 authority.

9 (8) A public school academy is exempt from all taxation on its
10 earnings and property. Instruments of conveyance to or from a
11 public school academy are exempt from all taxation including taxes
12 imposed by 1966 PA 134, MCL 207.501 to 207.513. A public school
13 academy may not levy ad valorem property taxes or another tax for
14 any purpose. However, operation of 1 or more public school
15 academies by a school district or intermediate school district does
16 not affect the ability of the school district or intermediate
17 school district to levy ad valorem property taxes or another tax.

18 (9) A public school academy may acquire by purchase, gift,
19 devise, lease, sublease, installment purchase agreement, land
20 contract, option, or by any other means, hold and own in its own
21 name buildings and other property for school purposes, and
22 interests therein, and other real and personal property, including,
23 but not limited to, interests in property subject to mortgages,
24 security interests, or other liens, necessary or convenient to
25 fulfill its purposes. For the purposes of condemnation, a public
26 school academy may proceed under the uniform condemnation
27 procedures act, 1980 PA 87, MCL 213.51 to 213.75, excluding

1 sections 6 to 9 of that act, MCL 213.56 to 213.59, or other
2 applicable statutes, but only with the express, written permission
3 of the authorizing body in each instance of condemnation and only
4 after just compensation has been determined and paid.

5 Sec. 523. (1) An authorizing body is not required to issue a
6 contract to any entity. Urban high school academy contracts shall
7 be issued on a competitive basis taking into consideration the
8 resources available for the proposed urban high school academy, the
9 population to be served by the proposed urban high school academy,
10 and the educational goals to be achieved by the proposed urban high
11 school academy. In evaluating if an applicant is qualified, the
12 authorizing body shall examine the proposed performance standards,
13 proposed academic program, financial viability of the applicant,
14 and the ability of the proposed board of directors to meet the
15 contract goals and objectives. An authorizing body shall give
16 priority to applicants that demonstrate all of the following:

17 (a) The proposed school will operate at least all of grades 9
18 through 12 within 3 years after beginning operation.

19 (b) The proposed school will occupy a building or buildings
20 that are newly constructed or renovated after January 1, 2003.

21 (c) The proposed school has a stated goal of increasing high
22 school graduation rates.

23 (d) The proposed school has received commitments for financial
24 and educational support from the entity applying for the contract.

25 (e) The entity that submits the application for a contract has
26 net assets of at least \$50,000,000.00.

27 (2) A contract issued to organize and administer an urban high

1 school academy shall contain at least all of the following:

2 (a) The educational goals the urban high school academy is to
3 achieve and the methods by which it will be held accountable. To
4 the extent applicable, the pupil performance of an urban high
5 school academy shall be assessed using at least a Michigan
6 education assessment program (MEAP) test or ~~an assessment~~
7 ~~instrument developed under section 1279~~ **THE MICHIGAN MERIT**
8 **EXAMINATION DEVELOPED UNDER SECTION 1279G, AS APPLICABLE.**

9 (b) A description of the method to be used to monitor the
10 urban high school academy's compliance with applicable law and its
11 performance in meeting its targeted educational objectives.

12 (c) A description of the process for amending the contract
13 during the term of the contract. An authorizing body may approve
14 amendment of the contract with respect to any provision contained
15 in the contract.

16 (d) A certification, signed by an authorized member of the
17 urban high school academy board of directors, that the urban high
18 school academy will comply with the contract and all applicable
19 law.

20 (e) Procedures for revoking the contract and grounds for
21 revoking the contract.

22 (f) A description of and address for the proposed building or
23 buildings in which the urban high school academy will be located.

24 (g) Requirements and procedures for financial audits. The
25 financial audits shall be conducted at least annually by an
26 independent certified public accountant in accordance with
27 generally accepted governmental auditing principles.

1 (h) A requirement that the board of directors shall ensure
2 compliance with the requirements of 1968 PA 317, MCL 15.321 to
3 15.330.

4 (i) A requirement that the board of directors shall prohibit
5 specifically identified family relationships between members of the
6 board of directors, individuals who have an ownership interest in
7 or who are officers or employees of an educational management
8 company involved in the operation of the urban high school academy,
9 and employees of the urban high school academy. The contract shall
10 identify the specific prohibited relationships consistent with
11 applicable law.

12 (j) A requirement that the board of directors of the urban
13 high school academy shall make information concerning its operation
14 and management available to the public and to the authorizing body
15 in the same manner as is required by state law for school
16 districts.

17 (k) A requirement that the board of directors of the urban
18 high school academy shall collect, maintain, and make available to
19 the public and the authorizing body, in accordance with applicable
20 law and the contract, at least all of the following information
21 concerning the operation and management of the urban high school
22 academy:

23 (i) A copy of the contract issued by the authorizing body for
24 the urban high school academy.

25 (ii) A list of currently serving members of the board of
26 directors of the urban high school academy, including name,
27 address, and term of office; copies of policies approved by the

1 board of directors; board meeting agendas and minutes; copy of the
2 budget approved by the board of directors and of any amendments to
3 the budget; and copies of bills paid for amounts of \$10,000.00 or
4 more as they were submitted to the board of directors.

5 (iii) Quarterly financial reports submitted to the authorizing
6 body.

7 (iv) A current list of teachers working at the urban high
8 school academy that includes their individual salaries; copies of
9 the teaching certificates or permits of current teaching staff; and
10 evidence of compliance with the criminal background and records
11 checks and unprofessional conduct check required under sections
12 1230, 1230a, and 1230b for all teachers and administrators working
13 at the urban high school academy.

14 (v) Curriculum documents and materials given to the
15 authorizing body.

16 (vi) Proof of insurance as required by the contract.

17 (vii) Copies of facility leases or deeds, or both, and of any
18 equipment leases.

19 (viii) Copies of any management contracts or services contracts
20 approved by the board of directors.

21 (ix) All health and safety reports and certificates, including
22 those relating to fire safety, environmental matters, asbestos
23 inspection, boiler inspection, and food service.

24 (x) Any management letters issued as part of the annual
25 financial audit under subdivision (g).

26 (xi) Any other information specifically required under this
27 act.

1 (l) A requirement that the authorizing body must review and may
2 disapprove any agreement between the board of directors and an
3 educational management company before the agreement is final and
4 valid. An authorizing body may disapprove an agreement described in
5 this subdivision only if the agreement is contrary to the contract
6 or applicable law.

7 (m) A requirement that the board of directors shall
8 demonstrate all of the following to the satisfaction of the
9 authorizing body with regard to its pupil admission process:

10 (i) That the urban high school academy has made a reasonable
11 effort to advertise its enrollment openings in a newspaper of
12 general circulation in the intermediate school district in which
13 the urban high school academy is located.

14 (ii) That the urban high school academy has made the following
15 additional efforts to recruit pupils who are eligible for special
16 education programs and services to apply for admission:

17 (A) Reasonable efforts to advertise all enrollment openings to
18 organizations and media that regularly serve and advocate for
19 individuals with disabilities within the boundaries of the
20 intermediate school district in which the urban high school academy
21 is located.

22 (B) Inclusion in all pupil recruitment materials of a
23 statement that appropriate special education services will be made
24 available to pupils attending the school as required by law.

25 (iii) That the open enrollment period for the urban high school
26 academy is for a duration of at least 2 weeks and that the
27 enrollment times include some evening and weekend times.

1 (n) A requirement that the board of directors shall prohibit
2 any individual from being employed by the urban high school academy
3 in more than 1 full-time position and simultaneously being
4 compensated at a full-time rate for each of those positions.

5 (o) A requirement that, if requested, the board of directors
6 shall report to the authorizing body the total compensation for
7 each individual working at the urban high school academy.

8 **(P) THE TERM OF THE CONTRACT AND A DESCRIPTION OF THE PROCESS**
9 **AND STANDARDS FOR RENEWAL OF THE CONTRACT AT THE END OF THE TERM.**
10 **THE STANDARDS FOR RENEWAL SHALL INCLUDE CHANGE IN STUDENT**
11 **ACHIEVEMENT AS MEASURED BY ASSESSMENTS AND OTHER OBJECTIVE CRITERIA**
12 **AS A SIGNIFICANT FACTOR IN THE DECISION OF WHETHER OR NOT TO RENEW**
13 **THE CONTRACT.**

14 (3) An urban high school academy shall comply with all
15 applicable law, including all of the following:

16 (a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

17 (b) The freedom of information act, 1976 PA 442, MCL 15.231 to
18 15.246.

19 (c) 1947 PA 336, MCL 423.201 to 423.217.

20 (d) 1965 PA 166, MCL 408.551 to 408.558.

21 (e) 1978 PA 566, MCL 15.181 to 15.185.

22 (f) 1968 PA 317, MCL 15.321 to 15.330.

23 (g) The uniform budgeting and accounting act, 1968 PA 2, MCL
24 141.421 to 141.440a.

25 (h) The revised municipal finance act, 2001 PA 34, MCL
26 141.2101 to 141.2821.

27 (i) The federal no child left behind act of 2001, Public Law

1 107-110, 115 Stat. 1425.

2 (j) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, 1274, and
3 1280.

4 (4) An urban high school academy and its incorporators, board
5 members, officers, employees, and volunteers have governmental
6 immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An
7 authorizing body and its board members, officers, and employees are
8 immune from civil liability, both personally and professionally,
9 for any acts or omissions in authorizing or oversight of an urban
10 high school academy if the authorizing body or the person acted or
11 reasonably believed he or she acted within the authorizing body's
12 or the person's scope of authority.

13 (5) An urban high school academy is exempt from all taxation
14 on its earnings and property. Instruments of conveyance to or from
15 an urban high school academy are exempt from all taxation,
16 including taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. An
17 urban high school academy may not levy ad valorem property taxes or
18 any other tax for any purpose.

19 (6) An urban high school academy may acquire by purchase,
20 gift, devise, lease, sublease, installment purchase agreement, land
21 contract, option, or any other means, hold, and own in its own name
22 buildings and other property for school purposes, and interests
23 therein, and other real and personal property, including, but not
24 limited to, interests in property subject to mortgages, security
25 interests, or other liens, necessary or convenient to fulfill its
26 purposes. For the purposes of condemnation, an urban high school
27 academy may proceed under the uniform condemnation procedures act,

1 1980 PA 87, MCL 213.51 to 213.75, excluding sections 6 to 9 of that
2 act, MCL 213.56 to 213.59, or other applicable statutes, but only
3 with the express, written permission of the authorizing body in
4 each instance of condemnation and only after just compensation has
5 been determined and paid.

6 Sec. 1147. (1) A person ~~, resident of~~ **WHO RESIDES IN** a school
7 district ~~not maintaining a kindergarten and at least 5 years of age~~
8 ~~on the first day of enrollment of the school year, shall have~~ **HAS** a
9 right to attend school in the **SCHOOL** district ~~—IF THE PERSON MEETS~~
10 **EITHER OF THE FOLLOWING:**

11 (A) **IS AT LEAST 5 YEARS OF AGE ON DECEMBER 1 AND LESS THAN 20**
12 **YEARS OF AGE ON SEPTEMBER 1 OF THE SCHOOL YEAR.**

13 (B) **IF THE PERSON IS A SPECIAL EDUCATION PUPIL WHO IS ENROLLED**
14 **AND RECEIVING INSTRUCTION IN A SPECIAL EDUCATION PROGRAM OR SERVICE**
15 **APPROVED BY THE DEPARTMENT, IS LESS THAN 26 YEARS OF AGE ON**
16 **SEPTEMBER 1 OF THE SCHOOL YEAR.**

17 (2) ~~In a school district where provision is made for~~
18 ~~kindergarten work, a child, resident of the district,~~ **A SCHOOL**
19 **DISTRICT, OR A PUBLIC SCHOOL ACADEMY THAT PROVIDES GRADE 1, SHALL**
20 **PROVIDE KINDERGARTEN. A CHILD WHO RESIDES IN THE SCHOOL DISTRICT is**
21 entitled to enroll in the kindergarten if the child is at least 5
22 years of age on December 1 of the school year of enrollment. ~~In a~~
23 ~~school district which has semiannual promotions, a child, resident~~
24 ~~of the district, is entitled to enroll in kindergarten for the~~
25 ~~second semester if the child is at least 5 years of age on March 1~~
26 ~~of the year of enrollment.~~

27 (3) **BEGINNING WITH THE 2012-2013 SCHOOL YEAR, THE LENGTH OF**

1 THE SCHOOL DAY FOR A SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S
2 KINDERGARTEN PROGRAM SHALL BE THE SAME AS FOR OTHER ELEMENTARY
3 SCHOOL GRADES OPERATED BY THE SCHOOL DISTRICT OR PUBLIC SCHOOL
4 ACADEMY. HOWEVER, THIS SUBSECTION APPLIES ONLY TO AN ELEMENTARY
5 SCHOOL THAT HAS NOT MET ADEQUATE YEARLY PROGRESS UNDER THE NO CHILD
6 LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, AS DETERMINED BY THE
7 DEPARTMENT, FOR THE IMMEDIATELY PRECEDING 2 SCHOOL YEARS.

8 SEC. 1238. (1) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE
9 SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY
10 SHALL ENSURE THAT ALL TEACHERS WORKING IN ITS SCHOOLS AND
11 INSTRUCTIONAL PROGRAMS HAVE ADEQUATE ACCESS TO BASIC INSTRUCTIONAL
12 SUPPLIES.

13 (2) IF A TEACHER DOES NOT HAVE ADEQUATE ACCESS TO BASIC
14 INSTRUCTIONAL SUPPLIES, HE OR SHE MAY FILE A CLAIM WITH THE
15 DEPARTMENT ASSERTING THE FAILURE OF THE SCHOOL DISTRICT,
16 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY TO PROVIDE
17 ADEQUATE ACCESS TO BASIC INSTRUCTIONAL SUPPLIES. TO FACILITATE THE
18 FILING OF CLAIMS, THE DEPARTMENT SHALL ESTABLISH AND PUBLICIZE BOTH
19 A TELEPHONE LINE AND AN ONLINE SYSTEM FOR FILING A CLAIM. IF THE
20 DEPARTMENT RECEIVES A CLAIM UNDER THIS SUBSECTION, THE DEPARTMENT
21 MAY CONDUCT AN AUDIT OF THE SCHOOL DISTRICT AND THE SCHOOL IN WHICH
22 THE TEACHER IS EMPLOYED TO DETERMINE WHETHER AND WHY THE TEACHER
23 DOES NOT HAVE ADEQUATE ACCESS TO BASIC INSTRUCTIONAL SUPPLIES AND
24 MAY ORDER A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR
25 PUBLIC SCHOOL ACADEMY TO TAKE APPROPRIATE CORRECTIVE ACTION. IF
26 THIS STATE RECEIVES FUNDS FROM THE FEDERAL INCENTIVE GRANT PROGRAM
27 CREATED UNDER SECTIONS 14005 AND 14006 OF TITLE XIV OF THE AMERICAN

1 RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5, KNOWN AS
2 THE "RACE TO THE TOP" GRANT PROGRAM, AND MONEY FROM THOSE FUNDS IS
3 APPROPRIATED TO THE DEPARTMENT FOR THIS PURPOSE, THE DEPARTMENT
4 SHALL PROCURE AND MAKE AVAILABLE TO TEACHERS WHO FILE CLAIMS UNDER
5 THIS SUBSECTION AN INTERIM AMOUNT OF BASIC INSTRUCTIONAL SUPPLIES
6 FOR USE IN CLASSROOMS IN WHICH THE DEPARTMENT FINDS A SHORTAGE.

7 (3) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
8 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL
9 ENSURE THAT A TEACHER WHO FILES A CLAIM WITH THE DEPARTMENT UNDER
10 SUBSECTION (2) IS NOT SUBJECT TO ANY ADVERSE TREATMENT FOR FILING
11 THE CLAIM.

12 Sec. 1246. (1) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (2) AND
13 SECTION 1536, A school district, public school academy, or
14 intermediate school district shall not EMPLOY OR continue to employ
15 a person as a superintendent, principal, assistant principal, or
16 other person whose primary responsibility is administering
17 instructional programs or as a chief business official unless the
18 person has ~~completed the continuing education requirements~~
19 ~~prescribed by rule under subsection (2)~~ POSSESSES A VALID MICHIGAN
20 SCHOOL ADMINISTRATOR'S CERTIFICATE ISSUED UNDER SECTION 1536.

21 (2) ~~The superintendent of public instruction shall promulgate~~
22 ~~rules establishing continuing education requirements as a condition~~
23 ~~for continued employment for persons employed in positions~~
24 ~~described in subsection (1). The rules shall prescribe a minimum~~
25 ~~amount of continuing education that shall be completed within 5~~
26 ~~years after initial employment and shall be completed each~~
27 ~~subsequent 5-year period to meet the requirements of subsection (1)~~

1 ~~for continued employment.~~ A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY,
2 OR INTERMEDIATE SCHOOL DISTRICT MAY EMPLOY AS A SUPERINTENDENT,
3 PRINCIPAL, ASSISTANT PRINCIPAL, OR OTHER PERSON WHOSE PRIMARY
4 RESPONSIBILITY IS ADMINISTERING INSTRUCTIONAL PROGRAMS OR AS A
5 CHIEF BUSINESS OFFICIAL A PERSON WHO IS ENROLLED IN A PROGRAM
6 LEADING TO CERTIFICATION AS A SCHOOL ADMINISTRATOR IN THIS STATE
7 NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
8 ACT THAT ADDED THIS SENTENCE OR 6 MONTHS AFTER HE OR SHE BEGINS THE
9 EMPLOYMENT, WHICHEVER IS LATER. A PERSON EMPLOYED AS A SCHOOL
10 ADMINISTRATOR PURSUANT TO THIS SUBSECTION HAS 3 YEARS TO MEET THE
11 CERTIFICATION REQUIREMENTS OF SECTION 1536, OR THE SCHOOL DISTRICT,
12 PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT SHALL NOT
13 CONTINUE TO EMPLOY THE PERSON AS A SCHOOL ADMINISTRATOR.

14 SEC. 1249. THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE
15 SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY
16 SHALL ADOPT AND IMPLEMENT FOR ALL TEACHERS AND SCHOOL
17 ADMINISTRATORS A RIGOROUS, TRANSPARENT, AND FAIR PERFORMANCE
18 EVALUATION SYSTEM THAT DOES ALL OF THE FOLLOWING:

19 (A) EVALUATES THE TEACHER'S OR SCHOOL ADMINISTRATOR'S JOB
20 PERFORMANCE AT LEAST ANNUALLY.

21 (B) EVALUATES A TEACHER'S OR SCHOOL ADMINISTRATOR'S JOB
22 PERFORMANCE AT LEAST IN PART BASED UPON DATA ON CHANGE IN STUDENT
23 ACHIEVEMENT AS MEASURED BY ASSESSMENTS AND OTHER OBJECTIVE
24 CRITERIA.

25 Sec. 1284b. (1) ~~Until subsection (2) applies to the school~~
26 ~~district, public school academy, or intermediate school district,~~
27 ~~the~~ THE board of a school district or intermediate school district

1 or board of directors of a public school academy shall ensure that
2 the district's or public school academy's schools are not in
3 session on the Friday before Labor day.

4 ~~—— (2) Except as otherwise provided in this section, the board of
5 a school district or intermediate school district or board of
6 directors of a public school academy shall ensure that the
7 district's or public school academy's school year does not begin
8 before Labor 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), and if that school calendar is not in compliance with
14 subsection (2), then subsection (2) does not apply to that school
15 district, public school academy, or intermediate school district
16 until after the expiration of that collective bargaining agreement.~~

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

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

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

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

~~25 (7) This section does not prohibit a school district,
26 intermediate school district, or public school academy from
27 offering or requiring professional development for its personnel~~

1 ~~that is conducted before Labor day.~~

2 (2) ~~(8)~~ As used in this section, "Labor day" means the first
3 Monday in September.

4 Sec. 1311d. (1) A strict discipline academy shall be organized
5 and administered under the direction of a board of directors in
6 accordance with sections 1311b to 1311/ and with bylaws adopted by
7 the board of directors. A strict discipline academy corporation
8 created to operate a strict discipline academy shall be organized
9 under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to
10 450.3192, except that the strict discipline academy corporation is
11 not required to comply with sections 170 to 177 of 1931 PA 327, MCL
12 450.170 to 450.177. To the extent disqualified under the state or
13 federal constitution, a strict discipline academy shall not be
14 organized by a church or other religious organization and shall not
15 have any organizational or contractual affiliation with or
16 constitute a church or other religious organization.

17 (2) Any of the following may act as an authorizing body to
18 issue a contract to organize and operate 1 or more strict
19 discipline academies under sections 1311b to 1311/:

20 (a) The board of a school district that operates grades K to
21 12. However, the board of a school district shall not issue a
22 contract for a strict discipline academy to operate outside the
23 school district's boundaries, and a strict discipline academy
24 authorized by the board of a school district shall not operate
25 outside that school district's boundaries.

26 (b) An intermediate school board. However, the board of an
27 intermediate school district shall not issue a contract for a

1 strict discipline academy to operate outside the intermediate
2 school district's boundaries, and a strict discipline academy
3 authorized by the board of an intermediate school district shall
4 not operate outside that intermediate school district's boundaries.

5 (c) The board of a community college. However, except as
6 otherwise provided in this subdivision, the board of a community
7 college shall not issue a contract for a strict discipline academy
8 to operate in a school district organized as a school district of
9 the first class, a strict discipline academy authorized by the
10 board of a community college shall not operate in a school district
11 organized as a school district of the first class, the board of a
12 community college shall not issue a contract for a strict
13 discipline academy to operate outside the boundaries of the
14 community college district, and a strict discipline academy
15 authorized by the board of a community college shall not operate
16 outside the boundaries of the community college district. The board
17 of a community college also may issue a contract for not more than
18 1 strict discipline academy to operate on the grounds of an active
19 or closed federal military installation located outside the
20 boundaries of the community college district, or may operate a
21 strict discipline academy itself on the grounds of such a federal
22 military installation, if the federal military installation is not
23 located within the boundaries of any community college district and
24 the community college has previously offered courses on the grounds
25 of the federal military installation for at least 10 years.

26 (d) The governing board of a state public university.

27 (3) To obtain a contract to organize and operate 1 or more

1 strict discipline academies, 1 or more persons or an entity may
2 apply to an authorizing body described in subsection (2). The
3 application shall include at least all of the following:

4 (a) Identification of the applicant for the contract.

5 (b) Subject to the resolution adopted by the authorizing body
6 under section 1311e, a list of the proposed members of the board of
7 directors of the strict discipline academy and a description of the
8 qualifications and method for appointment or election of members of
9 the board of directors.

10 (c) The proposed articles of incorporation, which shall
11 include at least all of the following:

12 (i) The name of the proposed strict discipline academy.

13 (ii) The purposes for the strict discipline academy corporation
14 that will operate the strict discipline academy. This language
15 shall provide that the strict discipline academy is established
16 pursuant to sections 1311b to 1311l and that the strict discipline
17 academy corporation is a governmental entity.

18 (iii) The name of the authorizing body.

19 (iv) The proposed time when the articles of incorporation will
20 be effective.

21 (v) Other matters considered expedient to be in the articles
22 of incorporation.

23 (d) A copy of the proposed bylaws of the strict discipline
24 academy.

25 (e) Documentation meeting the application requirements of the
26 authorizing body, including at least all of the following:

27 (i) The governance structure of the strict discipline academy.

1 (ii) A copy of the educational goals of the strict discipline
2 academy and the curricula to be offered and methods of pupil
3 assessment to be used by the strict discipline academy. To the
4 extent applicable, the progress of the pupils in the strict
5 discipline academy shall be assessed using at least a Michigan
6 education assessment program (MEAP) test or ~~an assessment~~
7 ~~instrument developed under section 1279 for a state endorsed high~~
8 ~~school diploma~~ **THE MICHIGAN MERIT EXAMINATION DEVELOPED UNDER**
9 **SECTION 1279G, AS APPLICABLE.**

10 (iii) The admission policy and criteria to be maintained by the
11 strict discipline academy. The admission policy and criteria shall
12 comply with section 1311g. This part of the application also shall
13 include a description of how the applicant will provide to the
14 general public adequate notice that a strict discipline academy is
15 being created and adequate information on the admission policy,
16 criteria, and process.

17 (iv) The school calendar and school day schedule.

18 (v) The age or grade range of pupils to be enrolled.

19 (vi) The type of pupils to be enrolled in the strict discipline
20 academy, as described in section 1311g(3) and (4).

21 (f) Descriptions of staff responsibilities and of the strict
22 discipline academy's governance structure.

23 (g) For an application to the board of a school district, an
24 intermediate school board, or board of a community college,
25 identification of the local and intermediate school districts in
26 which the strict discipline academy will be located.

27 (h) An agreement that the strict discipline academy will

1 comply with the provisions of sections 1311b to 1311l and, subject
2 to the provisions of these sections, with all other state law
3 applicable to public bodies and with federal law applicable to
4 public bodies or school districts.

5 (i) For a strict discipline academy authorized by a school
6 district, an assurance that employees of the strict discipline
7 academy will be covered by the collective bargaining agreements
8 that apply to other employees of the school district employed in
9 similar classifications in schools that are not strict discipline
10 academies. **HOWEVER, IF 20% OR MORE OF THE SCHOOLS OPERATED BY THE**
11 **SCHOOL DISTRICT HAVE BEEN DETERMINED BY THE SUPERINTENDENT OF**
12 **PUBLIC INSTRUCTION TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL**
13 **PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF THE**
14 **FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005 AND**
15 **14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF**
16 **2009, PUBLIC LAW 111-5, THEN THIS SUBDIVISION DOES NOT APPLY TO AN**
17 **APPLICATION FOR A STRICT DISCIPLINE ACADEMY TO BE AUTHORIZED BY**
18 **THAT SCHOOL DISTRICT.**

19 (j) A description of and address for the proposed physical
20 plant in which the strict discipline academy will be located.

21 (4) An authorizing body shall oversee, or shall contract with
22 an intermediate school district, community college, or state public
23 university to oversee, each strict discipline academy operating
24 under a contract issued by the authorizing body. The oversight
25 shall be sufficient to ensure that the authorizing body can certify
26 that the strict discipline academy is in compliance with statute,
27 rules, and the terms of the contract.

1 (5) If the state board finds that an authorizing body is not
2 engaging in appropriate continuing oversight of 1 or more strict
3 discipline academies operating under a contract issued by the
4 authorizing body, the state board may suspend the power of the
5 authorizing body to issue new contracts to organize and operate
6 strict discipline academies. A contract issued by the authorizing
7 body during the suspension is void. A contract issued by the
8 authorizing body before the suspension is not affected by the
9 suspension.

10 (6) An authorizing body shall not charge a fee, or require
11 reimbursement of expenses, for considering an application for a
12 contract, for issuing a contract, or for providing oversight of a
13 contract for a strict discipline academy in an amount that exceeds
14 a combined total of 3% of the total state school aid received by
15 the strict discipline academy in the school year in which the fees
16 or expenses are charged. An authorizing body may provide other
17 services for a strict discipline academy and charge a fee for those
18 services, but shall not require such an arrangement as a condition
19 to issuing the contract authorizing the strict discipline academy.

20 (7) A strict discipline academy shall be presumed to be
21 legally organized if it has exercised the franchises and privileges
22 of a strict discipline academy for at least 2 years.

23 Sec. 1311e. (1) An authorizing body is not required to issue a
24 contract to any person or entity. Contracts for strict discipline
25 academies shall be issued on a competitive basis taking into
26 consideration the resources available for the proposed strict
27 discipline academy, the population to be served by the proposed

1 strict discipline academy, and the educational goals to be achieved
2 by the proposed strict discipline academy.

3 (2) If a person or entity applies to the board of a school
4 district for a contract to organize and operate 1 or more strict
5 discipline academies within the boundaries of the school district
6 and the board does not issue the contract, the person or entity may
7 petition the board to place the question of issuing the contract on
8 the ballot to be decided by the school electors of the school
9 district. The petition shall contain all of the information
10 required to be in the contract application under section 1311d and
11 shall be signed by a number of school electors of the school
12 district equal to at least 15% of the total number of school
13 electors of that school district. The petition shall be filed with
14 the secretary of the board. If the board receives a petition
15 meeting the requirements of this subsection, the board shall place
16 the question of issuing the contract on the ballot at its next
17 annual school election held at least 60 days after receiving the
18 petition. If a majority of the school electors of the school
19 district voting on the question vote to issue the contract, the
20 board shall issue the contract.

21 (3) Within 10 days after issuing a contract for a strict
22 discipline academy, the board of the authorizing body shall submit
23 to the state board a copy of the contract and of the application
24 under section 1311d.

25 (4) An authorizing body shall adopt a resolution establishing
26 the method of selection, length of term, and number of members of
27 the board of directors of each strict discipline academy subject to

1 its jurisdiction.

2 (5) A contract issued to organize and administer a strict
3 discipline academy shall contain at least all of the following:

4 (a) The educational goals the strict discipline academy is to
5 achieve and the methods by which it will be held accountable. To
6 the extent applicable, the pupil performance of a strict discipline
7 academy shall be assessed using at least a Michigan education
8 assessment program (MEAP) test or ~~an assessment instrument~~
9 ~~developed under section 1279 for a state endorsed high school~~
10 ~~diploma~~ **THE MICHIGAN MERIT EXAMINATION DEVELOPED UNDER SECTION**
11 **1279G, AS APPLICABLE.**

12 (b) A description of the method to be used to monitor the
13 strict discipline academy's compliance with applicable law and its
14 performance in meeting its targeted educational objectives.

15 (c) A description of the process for amending the contract
16 during the term of the contract.

17 (d) All of the matters set forth in the application for the
18 contract.

19 (e) For a strict discipline academy authorized by a school
20 district, an agreement that employees of the strict discipline
21 academy will be covered by the collective bargaining agreements
22 that apply to employees of the school district employed in similar
23 classifications in schools that are not strict discipline
24 academies. **HOWEVER, IF 20% OR MORE OF THE SCHOOLS OPERATED BY THE**
25 **SCHOOL DISTRICT HAVE BEEN DETERMINED BY THE SUPERINTENDENT OF**
26 **PUBLIC INSTRUCTION TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL**
27 **PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF THE**

1 FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005 AND
2 14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
3 2009, PUBLIC LAW 111-5, THEN THIS SUBDIVISION DOES NOT APPLY TO A
4 CONTRACT ISSUED TO A STRICT DISCIPLINE ACADEMY BY THAT SCHOOL
5 DISTRICT.

6 (f) Procedures for revoking the contract and grounds for
7 revoking the contract, including at least the grounds listed in
8 section 1311/.

9 (g) A description of and address for the proposed physical
10 plant in which the strict discipline academy will be located.

11 (h) Requirements and procedures for financial audits. The
12 financial audits shall be conducted at least annually by a
13 certified public accountant in accordance with generally accepted
14 governmental auditing principles.

15 (I) THE TERM OF THE CONTRACT AND A DESCRIPTION OF THE PROCESS
16 AND STANDARDS FOR RENEWAL OF THE CONTRACT AT THE END OF THE TERM.
17 THE STANDARDS FOR RENEWAL SHALL INCLUDE CHANGE IN STUDENT
18 ACHIEVEMENT AS MEASURED BY ASSESSMENTS AND OTHER OBJECTIVE CRITERIA
19 AS A SIGNIFICANT FACTOR IN THE DECISION OF WHETHER OR NOT TO RENEW
20 THE CONTRACT.

21 (6) A strict discipline academy shall comply with all
22 applicable law, including all of the following:

23 (a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

24 (b) The freedom of information act, 1976 PA 442, MCL 15.231 to
25 15.246.

26 (c) 1947 PA 336, MCL 423.201 to 423.217.

27 (d) 1965 PA 166, MCL 408.551 to 408.558.

1 (e) Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and 1274.

2 (f) Except for part 6a, all provisions of this act that
3 explicitly apply to public school academies established under part
4 6a.

5 (7) A strict discipline academy and its incorporators, board
6 members, officers, employees, and volunteers have governmental
7 immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An
8 authorizing body and its board members, officers, and employees are
9 immune from civil liability, both personally and professionally,
10 for any acts or omissions in authorizing a strict discipline
11 academy if the authorizing body or the person acted or reasonably
12 believed he or she acted within the authorizing body's or the
13 person's scope of authority.

14 (8) A strict discipline academy is exempt from all taxation on
15 its earnings and property. Instruments of conveyance to or from a
16 strict discipline academy are exempt from all taxation including
17 taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. A strict
18 discipline academy may not levy ad valorem property taxes or any
19 other tax for any purpose. However, operation of 1 or more strict
20 discipline academies by a school district or intermediate school
21 district does not affect the ability of the school district or
22 intermediate school district to levy ad valorem property taxes or
23 any other tax.

24 (9) A strict discipline academy may acquire by purchase, gift,
25 devise, lease, sublease, installment purchase agreement, land
26 contract, option, or by any other means, hold and own in its own
27 name buildings and other property for school purposes, and

1 interests therein, and other real and personal property, including,
2 but not limited to, interests in property subject to mortgages,
3 security interests, or other liens, necessary or convenient to
4 fulfill its purposes. For the purposes of condemnation, a strict
5 discipline academy may proceed under the uniform condemnation
6 procedures act, 1980 PA 87, MCL 213.51 to 213.75, excluding
7 sections 6 to 9 of that act, MCL 213.56 to 213.59, or other
8 applicable statutes, but only with the express, written permission
9 of the authorizing body in each instance of condemnation and only
10 after just compensation has been determined and paid.

11 **SEC. 1320. (1) BEGINNING WITH CONTRACTS DESCRIBED IN THIS**
12 **SECTION THAT ARE ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS**
13 **SECTION, IF THE GOVERNING BOARD OF A PUBLIC SCHOOL ENTERS INTO A**
14 **CONTRACT WITH AN EDUCATIONAL MANAGEMENT COMPANY TO CARRY OUT THE**
15 **OPERATIONS OF A PUBLIC SCHOOL UNDER THIS ACT, THE GOVERNING BOARD**
16 **SHALL ENSURE ALL OF THE FOLLOWING:**

17 **(A) THAT THE GOVERNING BOARD HAS CONDUCTED SUFFICIENT DUE**
18 **DILIGENCE TO CONCLUDE THAT THE EDUCATIONAL MANAGEMENT COMPANY HAS**
19 **SUFFICIENT EDUCATIONAL EXPERTISE AND MANAGEMENT EXPERIENCE TO**
20 **PROVIDE THE AGREED SERVICES. THIS DUE DILIGENCE SHALL INCLUDE, BUT**
21 **IS NOT LIMITED TO, FULL CONSIDERATION BY THE GOVERNING BOARD OF**
22 **STUDENT ACHIEVEMENT DATA FOR OTHER SCHOOLS MANAGED BY AN**
23 **EDUCATIONAL MANAGEMENT COMPANY BEING CONSIDERED, INCLUDING CHANGE**
24 **IN STUDENT ACHIEVEMENT AS MEASURED BY ASSESSMENTS AND OTHER**
25 **OBJECTIVE CRITERIA.**

26 **(B) THAT THE GOVERNING BOARD WILL OBTAIN INDEPENDENT LEGAL**
27 **COUNSEL IN ALL NEGOTIATIONS WITH THE EDUCATIONAL MANAGEMENT**

1 COMPANY.

2 (C) IF THE GOVERNING BOARD IS THE BOARD OF DIRECTORS OF A
3 PUBLIC SCHOOL ACADEMY, THAT, PURSUANT TO THE CONTRACT BETWEEN THE
4 BOARD OF DIRECTORS AND THE EDUCATIONAL MANAGEMENT COMPANY, THE
5 EDUCATIONAL MANAGEMENT COMPANY WILL PROVIDE TO THE BOARD OF
6 DIRECTORS ALL FINANCIAL AND OTHER INFORMATION REQUIRED TO COMPLY
7 WITH THE REQUIREMENTS CONCERNING REPORTING THAT ARE CONTAINED IN
8 THE CONTRACT BETWEEN THE BOARD OF DIRECTORS AND ITS AUTHORIZING
9 BODY.

10 (2) BEGINNING WITH CONTRACTS DESCRIBED IN THIS SECTION THAT
11 ARE ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS SECTION, IF THE
12 GOVERNING BOARD OF A PUBLIC SCHOOL ENTERS INTO A CONTRACT WITH AN
13 EDUCATIONAL MANAGEMENT COMPANY TO CARRY OUT THE OPERATIONS OF A
14 PUBLIC SCHOOL UNDER THIS ACT, THE CONTRACT BETWEEN THE GOVERNING
15 BOARD AND THE EDUCATIONAL MANAGEMENT COMPANY SHALL CONTAIN AT LEAST
16 ALL OF THE FOLLOWING PROVISIONS:

17 (A) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT COMPANY
18 TO PROVIDE TO THE GOVERNING BOARD INFORMATION REGARDING ANY
19 TEACHERS, ADMINISTRATORS, AND SUPPORT STAFF EMPLOYED BY THE
20 EDUCATIONAL MANAGEMENT COMPANY AND ASSIGNED TO WORK AT THE PUBLIC
21 SCHOOL, INCLUDING AT LEAST ALL OF THE FOLLOWING PERSONAL
22 INFORMATION:

23 (i) NAME.

24 (ii) EDUCATION, INCLUDING HIGHEST DEGREE ATTAINED.

25 (iii) SALARY.

26 (iv) COPY OF TEACHING CERTIFICATE OR OTHER REQUIRED PERMIT OR
27 CREDENTIAL, IF REQUIRED FOR THE POSITION.

1 (v) DESCRIPTION OF RELEVANT EXPERIENCE.

2 (vi) EMPLOYMENT RECORD.

3 (B) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT COMPANY
4 TO PROVIDE TO THE GOVERNING BOARD INFORMATION REGARDING THE
5 BUSINESS OPERATIONS OF THE PUBLIC SCHOOL, INCLUDING AT LEAST ALL OF
6 THE FOLLOWING:

7 (i) FINANCIAL RECORDS AND INFORMATION CONCERNING THE OPERATION
8 OF THE SCHOOL, INCLUDING, BUT NOT LIMITED TO, BUDGETS AND DETAILED
9 RECORDS OF FUNDS RECEIVED FROM THIS STATE AND OTHER ENTITIES,
10 EXPENDITURE OF THOSE FUNDS, INVESTMENT OF THOSE FUNDS, CARRYOVER,
11 AND CONTRACTUAL ARRANGEMENTS OR AGREEMENTS ENTERED INTO BY THE
12 EDUCATIONAL MANAGEMENT COMPANY AS AN AGENT OF THE GOVERNING BOARD.

13 (ii) FINANCIAL RECORDS AND INFORMATION CONCERNING LEASES TO
14 WHICH THE GOVERNING BOARD IS A PARTY, INCLUDING, BUT NOT LIMITED
15 TO, LEASES FOR EQUIPMENT, PHYSICAL FACILITY SPACE, OR INSTITUTIONAL
16 AND EDUCATIONAL MATERIALS.

17 (iii) FINANCIAL RECORDS AND INFORMATION CONCERNING MORTGAGES AND
18 LOANS TO WHICH THE GOVERNING BOARD IS A PARTY.

19 (C) IF THE GOVERNING BOARD IS THE BOARD OF DIRECTORS OF A
20 PUBLIC SCHOOL ACADEMY, A PROVISION REQUIRING THE EDUCATIONAL
21 MANAGEMENT COMPANY TO MAKE INFORMATION AVAILABLE TO THE BOARD OF
22 DIRECTORS CONCERNING THE OPERATION AND MANAGEMENT OF THE PUBLIC
23 SCHOOL ACADEMY, INCLUDING AT LEAST ALL OF THE INFORMATION NECESSARY
24 TO COMPLY WITH THE REQUIREMENTS CONCERNING REPORTING THAT ARE
25 CONTAINED IN THE CONTRACT BETWEEN THE BOARD OF DIRECTORS AND ITS
26 AUTHORIZING BODY.

27 (3) THIS SECTION DOES NOT APPLY TO A CONTRACT TO FURNISH

1 SUBSTITUTE TEACHERS ENTERED INTO UNDER SECTION 1236A.

2 (4) AS USED IN THIS SECTION:

3 (A) "EDUCATIONAL MANAGEMENT COMPANY" MEANS AN ENTITY THAT
4 ENTERS INTO AN AGREEMENT WITH THE GOVERNING BOARD OF A PUBLIC
5 SCHOOL TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE,
6 MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO THE PUBLIC
7 SCHOOL.

8 (B) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS
9 CORPORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION,
10 CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

11 Sec. 1536. (1) The ~~state board~~ SUPERINTENDENT OF PUBLIC
12 INSTRUCTION shall develop a school administrator's certificate that
13 ~~may~~ SHALL be issued to ALL school district and intermediate school
14 district superintendents, school principals, assistant principals,
15 and other administrators whose primary responsibility is
16 administering instructional programs AND WHO MEET THE REQUIREMENTS
17 ESTABLISHED UNDER SUBSECTION (3), AND TO SCHOOL DISTRICT AND
18 INTERMEDIATE SCHOOL DISTRICT CHIEF BUSINESS OFFICIALS WHO MEET THE
19 REQUIREMENTS ESTABLISHED UNDER SUBSECTION (3). ~~An individual is not~~
20 ~~required by this section to have a school administrator's~~
21 ~~certificate under this section or an endorsement under subsection~~
22 ~~(2) to be employed as a school administrator by a school district,~~
23 ~~public school academy, intermediate school district, or nonpublic~~
24 ~~school.~~

25 (2) The ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION also
26 ~~may~~ SHALL develop appropriate certificate endorsements for school
27 administrators, by elementary, secondary, and central office level.

1 (3) The state board shall develop standards, and **THE**
2 **SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DEVELOP** procedures, to
3 implement this section. The standards and procedures shall address
4 at least all of the following:

5 (a) The educational and professional experience requirements
6 for a certificate or endorsement under this section.

7 (b) Continuing education requirements for periodic
8 recertification. ~~These requirements shall be consistent with the~~
9 ~~continuing education requirements under section 1246.~~

10 (c) Procedures for application for and issuance of
11 certificates and endorsements under this section.

12 (d) Standards and procedures for suspension and revocation of
13 a certificate. These standards and procedures shall be based on the
14 standards and procedures for taking action against a person's
15 teaching certificate under section 1535a.

16 (4) The department shall consult and work with appropriate
17 professional organizations, ~~primarily~~ **INCLUDING** organizations
18 representing superintendents and building-level administrators, in
19 developing the standards required under this section.

20 (5) For the purposes of adding 1 or more enhancement ~~or~~
21 ~~specialty~~ endorsements for a school administrator's certificate,
22 the department may recognize performance-based professional
23 learning programs offered by ~~established state professional~~
24 organizations that represent **OR DEVELOP** school administrators
25 described in subsection (1). These programs must be approved by the
26 department based on alignment with state board-approved school
27 administrator program preparation standards.

1 ~~(6) As used in this section, "established state professional~~
2 ~~organization" means an association that has served members on a~~
3 ~~statewide basis for at least 10 years.~~

4 (6) A SCHOOL ADMINISTRATOR'S CERTIFICATE ISSUED UNDER THIS
5 SECTION IS VALID FOR 5 YEARS AND SHALL BE RENEWED UPON COMPLETION
6 OF RENEWAL UNITS AS DETERMINED BY THE SUPERINTENDENT OF PUBLIC
7 INSTRUCTION.

8 (7) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PROMULGATE
9 RULES HE OR SHE CONSIDERS NECESSARY TO IMPLEMENT THIS SECTION.

10 Sec. 1561. (1) Except as otherwise provided in this section,
11 ~~every~~ FOR A CHILD WHO TURNED AGE 14 BEFORE DECEMBER 1, 2007 OR WHO
12 ENTERED GRADE 9 BEFORE 2008, THE CHILD'S parent, guardian, or other
13 person in this state having control and charge of a ~~THE~~ child ~~from~~
14 ~~the age of 6 to the child's sixteenth birthday~~ shall send that
15 child to a public school during the entire school year **FROM THE AGE**
16 **PRESCRIBED IN SUBSECTION (2) TO THE CHILD'S SIXTEENTH BIRTHDAY.**
17 **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, FOR A CHILD WHO TURNS**
18 **AGE 14 ON OR AFTER DECEMBER 1, 2007 OR A CHILD WHO WAS AGE 14**
19 **BEFORE THAT DATE AND ENTERS GRADE 9 IN 2008 OR LATER, THE CHILD'S**
20 **PARENT, GUARDIAN, OR OTHER PERSON IN THIS STATE HAVING CONTROL AND**
21 **CHARGE OF THE CHILD SHALL SEND THE CHILD TO A PUBLIC SCHOOL DURING**
22 **THE ENTIRE SCHOOL YEAR FROM THE AGE PRESCRIBED IN SUBSECTION (2) TO**
23 **THE CHILD'S EIGHTEENTH BIRTHDAY.** The child's attendance shall be
24 continuous and consecutive for the school year fixed by the school
25 district in which the child is enrolled. In a school district that
26 maintains school during the entire calendar year and in which the
27 school year is divided into quarters, a child is not required to

1 attend the public school more than 3 quarters in 1 calendar year,
2 but a child shall not be absent for 2 or more consecutive quarters.

3 (2) A child **SHALL ATTEND SCHOOL AS FOLLOWS:**

4 (A) **FOR THE 2010-2011 SCHOOL YEAR, A CHILD** becoming 6-5 years
5 of age **ON OR** before ~~December~~-**NOVEMBER** 1 shall be enrolled on the
6 first school day of the school year in which the child's ~~sixth~~
7 **FIFTH** birthday occurs, ~~AND A~~ **AND A** child becoming 6-5 years of age ~~on~~
8 ~~or~~-after ~~December~~-**NOVEMBER** 1 shall be enrolled on the first school
9 day of the school year following the school year in which the
10 child's ~~sixth~~-**FIFTH** birthday occurs.

11 (B) **FOR THE 2011-2012 SCHOOL YEAR, A CHILD BECOMING 5 YEARS OF**
12 **AGE ON OR BEFORE OCTOBER 1 SHALL BE ENROLLED ON THE FIRST SCHOOL**
13 **DAY OF THE SCHOOL YEAR IN WHICH THE CHILD'S FIFTH BIRTHDAY OCCURS,**
14 **AND A CHILD BECOMING 5 YEARS OF AGE AFTER OCTOBER 1 SHALL BE**
15 **ENROLLED ON THE FIRST SCHOOL DAY OF THE SCHOOL YEAR FOLLOWING THE**
16 **SCHOOL YEAR IN WHICH THE CHILD'S FIFTH BIRTHDAY OCCURS.**

17 (C) **BEGINNING WITH THE 2012-2013 SCHOOL YEAR, A CHILD BECOMING**
18 **5 YEARS OF AGE ON OR BEFORE SEPTEMBER 1 SHALL BE ENROLLED ON THE**
19 **FIRST SCHOOL DAY OF THE SCHOOL YEAR IN WHICH THE CHILD'S FIFTH**
20 **BIRTHDAY OCCURS, AND A CHILD BECOMING 5 YEARS OF AGE AFTER**
21 **SEPTEMBER 1 SHALL BE ENROLLED ON THE FIRST SCHOOL DAY OF THE SCHOOL**
22 **YEAR FOLLOWING THE SCHOOL YEAR IN WHICH THE CHILD'S FIFTH BIRTHDAY**
23 **OCCURS.**

24 (3) A child is not required to attend a public school in any
25 of the following cases:

26 (a) The child is attending regularly and is being taught in a
27 state approved nonpublic school, which teaches subjects comparable

1 to those taught in the public schools to children of corresponding
2 age and grade, as determined by the course of study for the public
3 schools of the district within which the nonpublic school is
4 located.

5 (b) The child is less than 9 years of age and does not reside
6 within 2-1/2 miles by the nearest traveled road of a public school.
7 If transportation is furnished for pupils in the school district of
8 the child's residence, this subdivision does not apply.

9 (c) The child is age 12 or 13 and is in attendance at
10 confirmation classes conducted for a period of 5 months or less.

11 (d) The child is regularly enrolled in a public school while
12 in attendance at religious instruction classes for not more than 2
13 class hours per week, off public school property during public
14 school hours, upon written request of the parent, guardian, or
15 person in loco parentis under rules promulgated by the state board.

16 (e) The child has graduated from high school or has fulfilled
17 all requirements for high school graduation.

18 (f) The child is being educated at the child's home by his or
19 her parent or legal guardian in an organized educational program in
20 the subject areas of reading, spelling, mathematics, science,
21 history, civics, literature, writing, and English grammar.

22 **(G) THE CHILD IS YOUNGER THAN AGE 6 ON DECEMBER 1 OF THE**
23 **SCHOOL YEAR AND THE CHILD'S PARENT OR LEGAL GUARDIAN HAS SUBMITTED**
24 **TO THE SCHOOL DISTRICT IN WHICH THE CHILD RESIDES A WAIVER FORM**
25 **SIGNED BY THE PARENT OR LEGAL GUARDIAN. THE DEPARTMENT SHALL**
26 **DEVELOP AND MAKE AVAILABLE TO SCHOOL DISTRICTS A WAIVER FORM THAT**
27 **MAY BE USED FOR THE PURPOSES OF THIS SUBDIVISION.**

1 (4) For a child being educated at the child's home by his or
2 her parent or legal guardian, exemption from the requirement to
3 attend public school may exist under either subsection (3)(a) or
4 (3)(f), or both.

5 (5) FOR A CHILD WHO TURNS AGE 14 ON OR AFTER DECEMBER 1, 2007
6 OR WHO WAS AGE 14 BEFORE THAT DATE AND ENTERS GRADE 9 IN 2008 OR
7 LATER, THIS SECTION DOES NOT APPLY TO THE CHILD IF THE CHILD IS AT
8 LEAST AGE 16 AND THE CHILD'S PARENT OR LEGAL GUARDIAN HAS PROVIDED
9 TO SCHOOL OFFICIALS OF THE SCHOOL DISTRICT IN WHICH THE CHILD
10 RESIDES A WRITTEN NOTICE THAT THE CHILD HAS THE PERMISSION OF THE
11 PARENT OR LEGAL GUARDIAN TO STOP ATTENDING SCHOOL.