

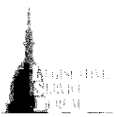
# HOUSE BILL NO. 4675

May 24, 2019, Introduced by Reps. Afendoulis, Brann, Meerman, Huizenga, Filler and Paquette and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1311d and 1311g (MCL 380.1311d and 380.1311g),  
section 1311d as added by 1999 PA 23 and section 1311g as amended  
by 2018 PA 42.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 1311d. (1) A strict discipline academy shall be organized
- 2       and administered under the direction of a board of directors in
- 3       accordance with sections 1311b to ~~1311l~~ **1311m** and with bylaws



1 adopted by the board of directors. A strict discipline academy  
2 corporation created to operate a strict discipline academy shall be  
3 organized under the nonprofit corporation act, 1982 PA 162, MCL  
4 450.2101 to 450.3192, except that the strict discipline academy  
5 corporation is not required to comply with sections 170 to 177 of  
6 1931 PA 327, MCL 450.170 to 450.177. To the extent disqualified  
7 under the state or federal constitution, a strict discipline  
8 academy shall not be organized by a church or other religious  
9 organization and shall not have any organizational or contractual  
10 affiliation with or constitute a church or other religious  
11 organization.

12 (2) Any of the following may act as an authorizing body to  
13 issue a contract to organize and operate 1 or more strict  
14 discipline academies under sections 1311b to ~~1311f~~: **1311m**:

15 (a) The board of a school district that operates grades K to  
16 12. However, the board of a school district shall not issue a  
17 contract for a strict discipline academy to operate outside the  
18 school district's boundaries, and a strict discipline academy  
19 authorized by the board of a school district shall not operate  
20 outside that school district's boundaries.

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

27 (c) The board of a community college. However, except as  
28 otherwise provided in this subdivision, the board of a community  
29 college shall not issue a contract for a strict discipline academy



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

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

20 (3) To obtain a contract to organize and operate 1 or more  
21 strict discipline academies, 1 or more persons or an entity may  
22 apply to an authorizing body described in subsection (2). The  
23 application ~~shall~~**must** include at least all of the following:

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

25 (b) Subject to the resolution adopted by the authorizing body  
26 under section 1311e, a list of the proposed members of the board of  
27 directors of the strict discipline academy and a description of the  
28 qualifications and method for appointment or election of members of  
29 the board of directors.



(c) The proposed articles of incorporation, which ~~shall~~**must** include at least all of the following:

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

(ii) The purposes for the strict discipline academy corporation that will operate the strict discipline academy. This language ~~shall~~**must** provide that the strict discipline academy is established pursuant to sections 1311b to ~~1311f~~**1311m** and that the strict discipline academy corporation is a governmental entity.

(iii) The name of the authorizing body.

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

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

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

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

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

(ii) A copy of the educational goals of the strict discipline academy and the curricula to be offered and methods of pupil assessment to be used by the strict discipline academy. To the extent applicable, the progress of the pupils in the strict discipline academy ~~shall~~**must** be assessed using at least ~~a the Michigan education assessment program (MEAP) test~~**student test of educational progress (M-STEP)** or ~~an assessment instrument developed under section 1279 for a state-endorsed high school diploma.~~**the Michigan merit examination under section 1279g, as applicable.**

(iii) The admission policy and criteria to be maintained by the



1 strict discipline academy. The admission policy and criteria ~~shall~~  
2 **must** comply with section 1311g. This part of the application also  
3 ~~shall~~**must** include a description of how the applicant will provide  
4 to the general public adequate notice that a strict discipline  
5 academy is being created and adequate information on the admission  
6 policy, criteria, and process.

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

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

9 (vi) The type of pupils to be enrolled in the strict discipline  
10 academy, as described in section 1311g(3) ~~and (4)~~**to (6)**.

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

13 (g) For an application to the board of a school district, an  
14 intermediate school board, or board of a community college,  
15 identification of the local and intermediate school districts in  
16 which the strict discipline academy will be located.

17 (h) An agreement that the strict discipline academy will  
18 comply with the provisions of sections 1311b to ~~1311f~~**1311m** and,  
19 subject to the provisions of these sections, with all other state  
20 law applicable to public bodies and with federal law applicable to  
21 public bodies or school districts.

22 (i) For a strict discipline academy authorized by a school  
23 district, an assurance that employees of the strict discipline  
24 academy will be covered by the collective bargaining agreements  
25 that apply to other employees of the school district employed in  
26 similar classifications in schools that are not strict discipline  
27 academies.

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



1 (4) An authorizing body shall oversee, or shall contract with  
2 an intermediate school district, community college, or state public  
3 university to oversee, each strict discipline academy operating  
4 under a contract issued by the authorizing body. The oversight  
5 ~~shall~~**must** be sufficient to ensure that the authorizing body can  
6 certify that the strict discipline academy is in compliance with  
7 statute, rules, and the terms of the contract.

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

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

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



1       Sec. 1311g. (1) A strict discipline academy may be located in  
2 all or part of an existing public school building. Except for a  
3 strict discipline academy that includes pupils who are the  
4 responsibility of a county juvenile agency, a strict discipline  
5 academy shall not operate at a site other than the single site  
6 requested for the configuration of grades that will use the site,  
7 as specified in the application required under section 1311d and in  
8 the contract.

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

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

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

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

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

28       (d) Other pupils who have been expelled from school, or pupils  
29 who have been suspended from school for a suspension that is for a



1 period in excess of 10 school days, and who are referred to the  
2 strict discipline academy by that pupil's school or placed in the  
3 strict discipline academy by the pupil's parent or legal guardian.

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

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

21 (6) In addition to the types of pupils specified in  
22 subsections (3), (4), and (5), a strict discipline academy shall  
23 **allow enrollment of a pupil who has been identified by the chief**  
24 **school administrator of the pupil's school as requiring tier 3**  
25 **support based on a multi-tiered system of supports before being**  
26 **suspended or expelled under this act, and who is referred to the**  
27 **strict discipline academy by his or her school or placed in the**  
28 **strict discipline academy by his or her parent or legal guardian.**

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





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

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

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

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



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

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

**(12)** As used in this section, "tier 3 support based on a multi-tiered system of supports" means intense individual intervention for a pupil with highly accelerated or severe and persistently challenging academic or nonacademic needs.

