

**SUBSTITUTE FOR  
SENATE BILL NO. 777**

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

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

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.

1           (2) A strict discipline academy shall not charge tuition.  
 2 Except as otherwise provided in subsection ~~(6)~~ **(8)**, a strict  
 3 discipline academy shall not discriminate in its pupil admissions  
 4 policies or practices on the basis of intellectual or athletic  
 5 ability, measures of achievement or aptitude, status as a student  
 6 with a disability, or any other basis that would be illegal if used  
 7 by a school district. However, a strict discipline academy may  
 8 limit admission to pupils who are within a particular range of age  
 9 or grade level or on any other basis that would be legal if used by  
 10 a school district.

11           (3) A strict discipline academy ~~shall~~ **must** be established  
 12 under sections 1311b to 1311m specifically for enrolling 1 or more  
 13 of the following types of pupils:

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

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

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

20           (d) Other pupils who have been expelled from school, or pupils  
 21 who have been suspended from school for a suspension that is for a  
 22 period in excess of 10 school days, and who are referred to the  
 23 strict discipline academy by that pupil's school or placed in the  
 24 strict discipline academy by the pupil's parent or legal guardian.

25           (4) In addition to the types of pupils specified in subsection  
 26 (3), a strict discipline academy shall ~~be open for~~ **allow** enrollment  
 27 of a special education pupil who does not meet the requirements of  
 28 subsection (3) if the special education pupil's individualized  
 29 education program team recommends that the special education pupil

1 be placed in the strict discipline academy. As used in this  
2 subsection, "individualized education program team" means that term  
3 as defined in section ~~614~~**1414** of the individuals with disabilities  
4 education act, 20 USC 1414.

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

13 (6) In addition to the types of pupils specified in  
14 subsections (3) and (4), a strict discipline academy that is a  
15 qualifying strict discipline academy may allow enrollment of a  
16 pupil to whom all of the following apply:

17 (a) After the chief administrator has conferred with the  
18 pupil's parent or legal guardian and following a collaborative  
19 team-based decision-making process that is documented, the pupil  
20 has been identified by the chief administrator of the pupil's  
21 school as requiring intense individual intervention designed for a  
22 pupil with highly accelerated or severe and persistently  
23 challenging academic or nonacademic needs. A collaborative team-  
24 based decision-making process described in this subdivision must  
25 include the involvement of at least 1 of the following individuals:

- 26 (i) A social worker.  
27 (ii) A psychologist.  
28 (iii) A counselor.  
29 (iv) A school administrator.

1 (v) A teacher.

2 (b) At the time of the referral described in subdivision (c),  
3 the pupil is not in the process of being evaluated for his or her  
4 eligibility for special education programs and services. This  
5 subdivision does not prohibit the referral, as described in  
6 subdivision (c), of a pupil who, at the time of the referral, has  
7 already been determined to be a special education pupil and who  
8 meets the other requirements under this subsection if the special  
9 education pupil's individualized education program team recommends  
10 that the special education pupil be placed in the qualifying strict  
11 discipline academy. As used in this subdivision, "individualized  
12 education program team" means that term as defined in section 1414  
13 of the individuals with disabilities education act, 20 USC 1414.

14 (c) The pupil is referred to the strict discipline academy by  
15 his or her school. All of the following apply to a referral under  
16 this subdivision:

17 (i) If a request is made for an evaluation of a pupil designed  
18 to determine if the pupil is eligible for special education  
19 programs and services during the time period in which the pupil is  
20 subjected to a referral under this subdivision, the pupil's school  
21 must conduct the evaluation in an expedited manner.

22 (ii) Until an evaluation described under subparagraph (i) is  
23 completed, if applicable, the pupil must remain in an educational  
24 placement determined by the school authorities of the pupil's  
25 school, which may include suspension or expulsion without  
26 educational services. This subparagraph does not prohibit the  
27 referral under this subdivision of a pupil who, after evaluation  
28 under this subdivision, is determined to be eligible for special  
29 education programs and services, and who meets the other

1 requirements under this subsection if the special education pupil's  
 2 individualized education program team recommends that the special  
 3 education pupil be placed in the qualifying strict discipline  
 4 academy. As used in this subparagraph, "individualized education  
 5 program team" means that term as defined in section 1414 of the  
 6 individuals with disabilities education act, 20 USC 1414.

7 (7) If a pupil who was referred to a strict discipline academy  
 8 under subsection (6) enrolls in the strict discipline academy and  
 9 that pupil is determined to be eligible for special education  
 10 programs and services, the strict discipline academy in which the  
 11 pupil is enrolled shall provide special education programs and  
 12 services in accordance with the individuals with disabilities  
 13 education act, 20 USC 1400 to 1482, which includes, but is not  
 14 limited to, compliance with the requirements under section  
 15 1412(a)(1)(A) of the individuals with disabilities education act,  
 16 20 USC 1412, and compliance with the requirements under 34 CFR  
 17 300.530 to 300.536.

18 (8) ~~(6)~~ A strict discipline academy shall enroll only 1 or  
 19 more of the types of pupils described in subsections (3) to ~~(5)~~.  
 20 (6). A pupil who is enrolled in a strict discipline academy under  
 21 subsections (3) to ~~(5)~~ (6) may, at the option of his or her parent  
 22 or legal guardian, continue to remain enrolled in the strict  
 23 discipline academy after he or she ceases to meet the requirements  
 24 for enrollment under subsections (3) to ~~(5)~~ (6) as long as he or  
 25 she meets the other applicable requirements for enrollment.

26 (9) ~~(7)~~ A strict discipline academy is not required to keep  
 27 any group of pupils described in subsections (3) to ~~(5)~~ (6)  
 28 physically separated from another group of those pupils, as might  
 29 otherwise be required under section 1311, section 1311a, or another

1 provision of this act.

2       **(10)** ~~(8)~~—Strict discipline academies are not intended to  
3 enroll or otherwise be used to educate individuals who are  
4 committed to a high-security or medium-security juvenile facility  
5 operated by the department of health and human services or another  
6 state department or agency. Further, if the department of  
7 corrections or another state department or agency other than the  
8 department of health and human services has custody of or  
9 jurisdiction over a child, that state department or agency has the  
10 financial responsibility for educating the child.

11       **(11)** ~~(9)~~—Except for a foreign exchange student who is not a  
12 United States citizen, a strict discipline academy shall not enroll  
13 a pupil who is not a resident of this state. Enrollment in the  
14 strict discipline academy may be open to all individuals who reside  
15 in this state who meet the admission policy under subsections (3)  
16 to ~~(5)~~ **(6)** and ~~shall~~**must** be open to all pupils who reside within  
17 the geographic boundaries, if any, of the authorizing body as  
18 described in section 1311d who meet the admission policy under  
19 subsections (3) to ~~(5)~~, **(6)**, except that admission to a strict  
20 discipline academy authorized by the board of a community college  
21 to operate, or operated by the board of a community college, on the  
22 grounds of a federal military installation, as described in section  
23 1311d, ~~shall~~**must** be open to all pupils who reside in the county in  
24 which the federal military installation is located who meet the  
25 admission policy under subsections (3) to ~~(5)~~. **(6)**. For a strict  
26 discipline academy authorized by a state public university,  
27 enrollment ~~shall~~**must** be open to all pupils who reside in this  
28 state who meet the admission policy under subsections (3) to ~~(5)~~.  
29 **(6)**. If there are more applications to enroll in the strict

1 discipline academy than there are spaces available, pupils ~~shall~~  
2 **must** be selected to attend using a random selection process.  
3 However, a strict discipline academy may give enrollment priority  
4 to a sibling of a pupil enrolled in the strict discipline academy.  
5 A strict discipline academy shall allow any pupil who was enrolled  
6 in the strict discipline academy in the immediately preceding  
7 school year to enroll in the strict discipline academy in the  
8 appropriate grade unless the appropriate grade is not offered at  
9 that strict discipline academy.

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

15 **(13) The placement of a pupil in a strict discipline academy**  
16 **is subject to state and federal special education laws.**

17 **(14) As used in this section, "qualifying strict discipline**  
18 **academy" means a strict discipline academy that is located in**  
19 **either of the following counties in this state:**

20 **(a) A county with a population that is equal to or greater**  
21 **than 600,000 but less than 701,000.**

22 **(b) A county that is contiguous to a county described in**  
23 **subdivision (a).**

24 Enacting section 1. This amendatory act does not take effect  
25 unless Senate Bill No. 778 of the 101st Legislature is enacted into  
26 law.