

SENATE BILL NO. 645

September 15, 2021, Introduced by Senators STAMAS and SCHMIDT and referred to the Committee on Education and Career Readiness.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 504, 524, 556, and 1311g (MCL 380.504, 380.524, 380.556, and 380.1311g), sections 504 and 556 as amended by 2011 PA 277, section 524 as amended by 2018 PA 619, and section 1311g as amended by 2018 PA 42.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 504. (1) A public school academy may be located in all or
2 part of an existing public school building. A public school academy
3 shall not operate at a site other than the site or sites requested

1 for the configuration of age or grade levels that will use the site
2 or sites, as specified in the contract. Under a contract, an
3 authorizing body may permit a public school academy to operate the
4 same configuration of age or grade levels at more than 1 site, and
5 a public school academy may operate the same configuration of age
6 or grade levels at more than 1 site, as long as the public school
7 academy is operating in compliance with its contract and is making
8 measurable progress toward meeting its educational goals. For a
9 contract for a new public school academy, an authorizing body may
10 permit a public school academy to operate the same configuration of
11 age or grade levels at more than 1 site, and a public school
12 academy may operate the same configuration of age or grade levels
13 at more than 1 site, if the applicant for the proposed public
14 school academy presents documentation to the authorizing body
15 demonstrating that the applicant's proposed educational model has
16 resulted in schools making measurable progress toward meeting their
17 education goals.

18 (2) A public school academy shall not charge tuition and shall
19 not discriminate in its pupil admissions policies or practices on
20 the basis of intellectual or athletic ability, measures of
21 achievement or aptitude, status as a student with a disability, or
22 any other basis that would be illegal if used by a school district.
23 However, a public school academy may limit admission to pupils who
24 are within a particular range of age or grade level or on any other
25 basis that would be legal if used by a school district and may give
26 enrollment priority as provided in subsection (4).

27 (3) Except for a foreign exchange student who is not a United
28 States citizen, a public school academy shall not enroll a pupil
29 who is not a resident of this state. For a public school academy

1 authorized by a school district, intermediate school district, or
2 community college, enrollment in the public school academy may be
3 open to all individuals who reside in this state who meet the
4 admission policy and ~~shall~~**must** be open to all pupils who reside
5 within the geographic boundaries of that authorizing body who meet
6 the admission policy, except that admission to a public school
7 academy authorized by the board of a community college to operate,
8 or operated by the board of a community college, on the grounds of
9 a federal military installation, as described in section 502(2)(c),
10 ~~shall~~**must** be open to all pupils who reside in the county in which
11 the federal military installation is located. For a public school
12 academy authorized by a state public university, enrollment ~~shall~~
13 **must** be open to all pupils who reside in this state who meet the
14 admission policy. Subject to subsection (4), if there are more
15 applications to enroll in the public school academy than there are
16 spaces available, pupils ~~shall~~**must** be selected to enroll using a
17 random selection process. A public school academy shall allow any
18 pupil who was enrolled in the public school academy in the
19 immediately preceding school year to enroll in the public school
20 academy in the appropriate grade unless the appropriate grade is
21 not offered at that public school academy.

22 (4) A public school academy may give enrollment priority to 1
23 or more of the following:

24 (a) A sibling of a pupil enrolled in the public school
25 academy.

26 (b) A pupil who transfers to the public school academy from
27 another public school pursuant to a matriculation agreement between
28 the public school academy and other public school that provides for
29 this enrollment priority, if all of the following requirements are

1 met:

2 (i) Each public school that enters into the matriculation
3 agreement remains a separate and independent public school.

4 (ii) The public school academy that gives the enrollment
5 priority selects at least 5% of its pupils for enrollment using a
6 random selection process.

7 (iii) The matriculation agreement allows any pupil who was
8 enrolled at any time during elementary school in a public school
9 that is party to the matriculation agreement and who was not
10 expelled from the public school to enroll in the public school
11 academy giving enrollment priority under the matriculation
12 agreement.

13 (c) A child of a person who is employed by or at the public
14 school academy or who is on the board of directors of the public
15 school academy. As used in this subdivision, "child" includes an
16 adopted child or a legal ward.

17 (d) **For the 2022-2023 school year only, a child to whom all of**
18 **the following apply:**

19 (i) **The child was enrolled in the public school academy in the**
20 **2020-2021 school year.**

21 (ii) **The child was receiving instruction virtually for the**
22 **2021-2022 school year.**

23 (iii) **The child's parent or legal guardian submits a signed**
24 **written confirmation to the public school academy acknowledging**
25 **that the child will only receive the enrollment priority under this**
26 **subdivision for the 2022-2023 school year.**

27 (5) A public school academy may include any grade up to grade
28 12 or any configuration of those grades, including kindergarten and
29 early childhood education, as specified in its contract. If

1 specified in its contract, a public school academy may also operate
2 an adult basic education program, adult high school completion
3 program, or general education development testing preparation
4 program. The authorizing body may approve amendment of a contract
5 with respect to ages of pupils or grades offered.

6 Sec. 524. (1) An urban high school academy may be located in
7 all or part of an existing public school building. An urban high
8 school academy shall not operate at a site other than the site or
9 sites, requested for the configuration of age or grade levels that
10 will use the site or sites, as specified in the contract. Under a
11 contract, an authorizing body may permit an urban high school
12 academy to operate the same configuration of age or grade levels at
13 more than 1 site, and an urban high school academy may operate the
14 same configuration of age or grade levels at more than 1 site, as
15 long as the urban high school academy is operating in compliance
16 with its contract and is making measurable progress toward meeting
17 its educational goals. For a contract for a new urban high school
18 academy, an authorizing body may permit an urban high school
19 academy to operate the same configuration of age or grade levels at
20 more than 1 site, and an urban high school academy may operate the
21 same configuration of age or grade levels at more than 1 site, if
22 the applicant for the proposed urban high school academy presents
23 documentation to the authorizing body demonstrating that the
24 applicant's proposed educational model has resulted in schools
25 making measurable progress toward meeting their educational goals.

26 (2) An urban high school academy shall not charge tuition.
27 Except as otherwise provided in this section, an urban high school
28 academy shall not discriminate in its pupil admissions policies or
29 practices on the basis of intellectual or athletic ability,

1 measures of achievement or aptitude, status as a handicapped
2 person, or any other basis that would be illegal if used by a
3 school district. However, an urban high school academy may limit
4 admission to pupils who are within a particular range of age or
5 grade level or on any other basis that would be legal if used by a
6 school district and may give enrollment priority as provided in
7 subsection (4).

8 (3) Except for a foreign exchange student who is not a United
9 States citizen, an urban high school academy shall not enroll a
10 pupil who is not a resident of this state. Enrollment in an urban
11 high school academy must be open to all pupils who reside in this
12 state who meet the admission policy. Subject to subsection (4), if
13 there are more applications to enroll in the urban high school
14 academy than there are spaces available, pupils ~~shall~~**must** be
15 selected to attend using a random selection process. An urban high
16 school academy shall allow any pupil who was enrolled in the urban
17 high school academy in the immediately preceding school year to
18 enroll in the urban high school academy in the appropriate grade
19 unless the appropriate grade is not offered at that urban high
20 school academy.

21 (4) An urban high school academy may give enrollment priority
22 to 1 or more of the following:

23 (a) A sibling of a pupil enrolled in the urban high school
24 academy.

25 (b) A pupil who transfers to the urban high school academy
26 from another public school under a matriculation agreement between
27 the urban high school academy and other public school that provides
28 for this enrollment priority, if all of the following requirements
29 are met:

1 (i) Each public school that enters into the matriculation
2 agreement remains a separate and independent public school.

3 (ii) The urban high school academy that gives the enrollment
4 priority selects at least 5% of its pupils for enrollment using a
5 random selection process.

6 (iii) The matriculation agreement allows any pupil who was
7 enrolled at any time during elementary school in a public school
8 that is a party to the matriculation agreement and who was not
9 expelled from that public school to enroll in the urban high school
10 academy giving enrollment priority under the matriculation
11 agreement.

12 (c) A child of a person who is employed by or at the urban
13 high school academy or who is on the board of directors of the
14 urban high school academy. As used in this subdivision, "child"
15 includes an adopted child or a legal ward.

16 **(d) For the 2022-2023 school year only, a child to whom all of**
17 **the following apply:**

18 **(i) The child was enrolled in the urban high school academy in**
19 **the 2020-2021 school year.**

20 **(ii) The child was receiving instruction virtually for the**
21 **2021-2022 school year.**

22 **(iii) The child's parent or legal guardian submits a signed**
23 **written confirmation to the urban high school academy acknowledging**
24 **that the child will only receive the enrollment priority under this**
25 **subdivision for the 2022-2023 school year.**

26 (5) Subject to the terms of the contract authorizing the urban
27 high school academy, an urban high school academy shall include at
28 least grades 9 through 12 within 5 years after beginning operations
29 and may include other grades or any configuration of those grades,

1 including kindergarten and early childhood education, as specified
2 in its contract. If specified in its contract, an urban high school
3 academy may also operate an adult basic education program, adult
4 high school completion program, or general education development
5 testing preparation program.

6 Sec. 556. (1) A school of excellence may be located in all or
7 part of an existing public school building. A school of excellence,
8 other than a cyber school operated under section 553a, shall not
9 operate at a site other than the site or sites requested for the
10 configuration of age or grade levels that will use the site or
11 sites, as specified in the contract. Under a contract, an
12 authorizing body may permit a school of excellence to operate the
13 same configuration of age or grade levels at more than 1 site, and
14 a school of excellence may operate the same configuration of age or
15 grade levels at more than 1 site, as long as the school of
16 excellence is operating in compliance with its contract and is
17 making measurable progress toward meeting its educational goals.
18 For a contract for a new school of excellence, an authorizing body
19 may permit a school of excellence to operate the same configuration
20 of age or grade levels at more than 1 site, and a school of
21 excellence may operate the same configuration of age or grade
22 levels at more than 1 site, if the applicant for the proposed
23 school of excellence presents documentation to the authorizing body
24 demonstrating that the applicant's proposed educational model has
25 resulted in schools making measurable progress toward meeting their
26 educational goals.

27 (2) A school of excellence shall not charge tuition and shall
28 not discriminate in its pupil admissions policies or practices on
29 the basis of intellectual or athletic ability, measures of

1 achievement or aptitude, status as a student with a disability, or
2 any other basis that would be illegal if used by a school district.
3 However, a school of excellence may limit admission to pupils who
4 are within a particular range of age or grade level or on any other
5 basis that would be legal if used by a school district and may give
6 enrollment priority as provided in subsection (4).

7 (3) Except for a foreign exchange student who is not a United
8 States citizen, a school of excellence shall not enroll a pupil who
9 is not a resident of this state. For a school of excellence
10 authorized by a school district, intermediate school district, or
11 community college, enrollment in the school of excellence may be
12 open to all individuals who reside in this state who meet the
13 admission policy and ~~shall~~**must** be open to all pupils who reside
14 within the geographic boundaries of that authorizing body who meet
15 the admission policy, except that admission to a school of
16 excellence authorized by the board of a community college to
17 operate, or operated by the board of a community college, on the
18 grounds of a federal military installation, as described in section
19 552(6)(c), ~~shall~~**must** be open to all pupils who reside in the
20 county in which the federal military installation is located. For a
21 school of excellence authorized by a state public university,
22 enrollment ~~shall~~**must** be open to all pupils who reside in this
23 state who meet the admission policy. ~~If~~**Subject to subsection (4),**
24 **if** there are more applications to enroll in the school of
25 excellence than there are spaces available, pupils ~~shall~~**must** be
26 selected to attend using a random selection process. A school of
27 excellence shall allow any pupil who was enrolled in the school of
28 excellence in the immediately preceding school year to enroll in
29 the school of excellence in the appropriate grade unless the

1 appropriate grade is not offered at that school of excellence.

2 (4) A school of excellence may give enrollment priority to 1
3 or more of the following:

4 (a) A sibling of a pupil enrolled in the school of excellence.

5 (b) A pupil who transfers to the school of excellence from
6 another public school pursuant to a matriculation agreement between
7 the school of excellence and another public school that provides
8 for this enrollment priority, if all of the following requirements
9 are met:

10 (i) Each school of excellence or other public school that
11 enters into the matriculation agreement remains a separate and
12 independent public school.

13 (ii) The school of excellence that gives the enrollment
14 priority selects at least 5% of its pupils for enrollment using a
15 random selection process.

16 (iii) The matriculation agreement allows any pupil who was
17 enrolled at any time during elementary school in a public school
18 that is party to the matriculation agreement and who was not
19 expelled from the public school to enroll in the school of
20 excellence giving enrollment priority under the matriculation
21 agreement.

22 (c) A child of a person who is employed by or at the school of
23 excellence or who is on the board of directors of the school of
24 excellence. As used in this subdivision, "child" includes an
25 adopted child or a legal ward.

26 **(d) For the 2022-2023 school year only, a child to whom all of**
27 **the following apply:**

28 **(i) The child was enrolled in the school of excellence in the**
29 **2020-2021 school year.**

1 (ii) The child was receiving instruction virtually for the
2 2021-2022 school year.

3 (iii) The child's parent or legal guardian submits a signed
4 written confirmation to the school of excellence acknowledging that
5 the child will only receive the enrollment priority under this
6 subdivision for the 2022-2023 school year.

7 (5) Subject to subsection (6), a school of excellence may
8 include any grade up to grade 12 or any configuration of those
9 grades, including kindergarten and early childhood education, as
10 specified in its contract. If specified in its contract, a school
11 of excellence may also operate an adult basic education program,
12 adult high school completion program, or general education
13 development testing preparation program. The authorizing body may
14 approve amendment of a contract with respect to ages of pupils or
15 grades offered.

16 (6) In addition to any other grade levels it operates, a
17 school of excellence shall work toward operating all of grades 9 to
18 12 within 6 years after it begins operations, unless a
19 matriculation agreement has been reached with another public school
20 that provides grades 9 to 12.

21 (7) If a school of excellence is a cyber school and its
22 authorizing body is a school district or intermediate school
23 district, the school of excellence shall give enrollment priority
24 to pupils who reside in the school district or intermediate school
25 district that is the authorizing body.

26 Sec. 1311g. (1) A strict discipline academy may be located in
27 all or part of an existing public school building. Except for a
28 strict discipline academy that includes pupils who are the
29 responsibility of a county juvenile agency, a strict discipline

1 academy shall not operate at a site other than the single site
2 requested for the configuration of grades that will use the site,
3 as specified in the application required under section 1311d and in
4 the contract.

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

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

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

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

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

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

29 (4) In addition to the types of pupils specified in subsection

1 (3), a strict discipline academy shall be open for enrollment of a
2 special education pupil who does not meet the requirements of
3 subsection (3) if the special education pupil's individualized
4 education program team recommends that the special education pupil
5 be placed in the strict discipline academy. As used in this
6 subsection, "individualized education program team" means that term
7 as defined in section 614 of the individuals with disabilities
8 education act, 20 USC 1414.

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

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

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

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

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

1 available, pupils ~~shall~~**must** be selected to attend using a random
2 selection process. However, a strict discipline academy may give
3 enrollment priority to a sibling of a pupil enrolled in the strict
4 discipline academy. A strict discipline academy shall allow any
5 pupil who was enrolled in the strict discipline academy in the
6 immediately preceding school year to enroll in the strict
7 discipline academy in the appropriate grade unless the appropriate
8 grade is not offered at that strict discipline academy. **For the**
9 **2022-2023 school year only, if the child's parent or legal guardian**
10 **submits a signed written confirmation to the strict discipline**
11 **academy acknowledging that the child will only receive the**
12 **enrollment priority described in this sentence for the 2022-2023**
13 **school year, a strict discipline academy may give enrollment**
14 **priority to a child who meets the admission policy under**
15 **subsections (3) to (5) and who is a child to whom both of the**
16 **following apply:**

17 (a) **The child was enrolled in the strict discipline academy in**
18 **the 2020-2021 school year.**

19 (b) **The child was receiving instruction virtually for the**
20 **2021-2022 school year.**

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