

# SENATE BILL NO. 542

June 16, 2021, Introduced by Senator HOLLIER 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 1311b and 1311d (MCL 380.1311b and 380.1311d),  
section 1311b as amended by 2012 PA 620 and section 1311d as added  
by 1999 PA 23.

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

**1**           Sec. 1311b. (1) A strict discipline academy is a public school  
**2** under section 2 of article VIII of the state constitution of 1963,  
**3** is a school district for the purposes of section 11 of article IX

1 of the state constitution of 1963 and for the purposes of section  
 2 1225 and section 1351a, and is subject to the leadership and  
 3 general supervision of the state board over all public education  
 4 under section 3 of article VIII of the state constitution of 1963.  
 5 A strict discipline academy is a body corporate and is a  
 6 governmental agency. The powers granted to a strict discipline  
 7 academy under sections 1311b to ~~1311f~~**1311m** constitute the  
 8 performance of essential public purposes and governmental functions  
 9 of this state.

10 (2) As used in sections 1311b to ~~1311f~~**1311m**:

11 (a) "Authorizing body" means any of the following that issues  
 12 a contract as provided in sections 1311b to ~~1311f~~**1311m**:

13 (i) The board of a school district. ~~that operates grades K to~~  
 14 ~~12.~~

15 (ii) An intermediate school board.

16 (iii) The board of a community college.

17 (iv) The governing board of a state public university.

18 (b) "Certificated teacher" means an individual who holds a  
 19 valid teaching certificate issued by the state board under section  
 20 1531.

21 (c) "Community college" means a community college organized  
 22 under the community college act of 1966, 1966 PA 331, MCL 389.1 to  
 23 389.195, or a federal tribally controlled community college that is  
 24 recognized under the tribally controlled colleges and universities  
 25 assistance act of 1978, 25 USC 1801 to ~~1852~~**1864**, and is  
 26 determined by the department to meet the requirements for  
 27 accreditation by a recognized regional accrediting body.

28 (d) "Contract" means the executive act taken by an authorizing  
 29 body that evidences the authorization of a strict discipline

1 academy and that establishes, subject to the constitutional powers  
2 of the state board and applicable law, the written instrument  
3 executed by an authorizing body conferring certain rights,  
4 franchises, privileges, and obligations on a strict discipline  
5 academy, as provided by sections 1311b to ~~1311l~~, **1311m**, and  
6 confirming the status of a strict discipline academy as a public  
7 school in this state.

8 (e) "Entity" means a partnership, nonprofit or business  
9 corporation, labor organization, or any other association,  
10 corporation, trust, or other legal entity.

11 (f) "State public university" means a university described in  
12 section 4, 5, or 6 of article VIII of the state constitution of  
13 1963.

14 Sec. 1311d. (1) A strict discipline academy ~~shall~~**must** be  
15 organized and administered under the direction of a board of  
16 directors in accordance with sections 1311b to ~~1311l~~**1311m** and with  
17 bylaws adopted by the board of directors. A strict discipline  
18 academy corporation created to operate a strict discipline academy  
19 ~~shall~~**must** be organized under the nonprofit corporation act, 1982  
20 PA 162, MCL 450.2101 to 450.3192, except that the strict discipline  
21 academy corporation is not required to comply with sections 170 to  
22 177 of 1931 PA 327, MCL 450.170 to 450.177. To the extent  
23 disqualified under the state or federal constitution, a strict  
24 discipline academy ~~shall~~**must** not be organized by a church or other  
25 religious organization and ~~shall~~**must** not have any organizational  
26 or contractual affiliation with or constitute a church or other  
27 religious organization.

28 (2) Any of the following may act as an authorizing body to  
29 issue a contract to organize and operate 1 or more strict

1 discipline academies under sections 1311b to ~~1311f~~:**1311m**:

2 (a) The board of a school district. ~~that operates grades K to~~  
3 ~~12.~~ However, the board of a school district shall not issue a  
4 contract for a strict discipline academy to operate outside the  
5 school district's boundaries, and a strict discipline academy  
6 authorized by the board of a school district shall not operate  
7 outside that school district's boundaries.

8 (b) An intermediate school board. However, the board of an  
9 intermediate school district shall not issue a contract for a  
10 strict discipline academy to operate outside the intermediate  
11 school district's boundaries, and a strict discipline academy  
12 authorized by the board of an intermediate school district shall  
13 not operate outside that intermediate school district's boundaries.

14 (c) The board of a community college. However, except as  
15 otherwise provided in this subdivision, the board of a community  
16 college shall not issue a contract for a strict discipline academy  
17 to operate in a school district organized as a school district of  
18 the first class, a strict discipline academy authorized by the  
19 board of a community college shall not operate in a school district  
20 organized as a school district of the first class, the board of a  
21 community college shall not issue a contract for a strict  
22 discipline academy to operate outside the boundaries of the  
23 community college district, and a strict discipline academy  
24 authorized by the board of a community college shall not operate  
25 outside the boundaries of the community college district. The board  
26 of a community college also may issue a contract for not more than  
27 1 strict discipline academy to operate on the grounds of an active  
28 or closed federal military installation located outside the  
29 boundaries of the community college district, or may operate a

1 strict discipline academy itself on the grounds of such a federal  
 2 military installation, if the federal military installation is not  
 3 located within the boundaries of any community college district and  
 4 the community college has previously offered courses on the grounds  
 5 of the federal military installation for at least 10 years.

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

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

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

12 (b) Subject to the resolution adopted by the authorizing body  
 13 under section 1311e, a list of the proposed members of the board of  
 14 directors of the strict discipline academy and a description of the  
 15 qualifications and method for appointment or election of members of  
 16 the board of directors.

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

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

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

25 (iii) The name of the authorizing body.

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

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

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

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

15 (iii) The admission policy and criteria to be maintained by the  
16 strict discipline academy. The admission policy and criteria ~~shall~~  
17 **must** comply with section 1311g. This part of the application also  
18 ~~shall~~**must** include a description of how the applicant will provide  
19 to the general public adequate notice that a strict discipline  
20 academy is being created and adequate information on the admission  
21 policy, criteria, and process.

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

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

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

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

28 (g) For an application to the board of a school district, an  
29 intermediate school board, or board of a community college,

1 identification of the local and intermediate school districts in  
2 which the strict discipline academy will be located.

3 (h) An agreement that the strict discipline academy will  
4 comply with the provisions of sections 1311b to ~~1311f~~ **1311m** and,  
5 subject to the provisions of these sections, with all other state  
6 law applicable to public bodies and with federal law applicable to  
7 public bodies or school districts.

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

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

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

23 (5) If the state board finds that an authorizing body is not  
24 engaging in appropriate continuing oversight of 1 or more strict  
25 discipline academies operating under a contract issued by the  
26 authorizing body, the state board may suspend the power of the  
27 authorizing body to issue new contracts to organize and operate  
28 strict discipline academies. A contract issued by the authorizing  
29 body during the suspension is void. A contract issued by the

1 authorizing body before the suspension is not affected by the  
2 suspension.

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

13 (7) A strict discipline academy ~~shall be~~**is** presumed to be  
14 legally organized if it has exercised the franchises and privileges  
15 of a strict discipline academy for at least 2 years.