

# 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.