

SENATE BILL NO. 777

December 07, 2021, Introduced by Senators NESBITT, BRINKS, HUIZENGA and POLEHANKI and referred to the Committee on Education and Career Readiness.

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

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~~**subsections (6) and (8)**,
 7 a strict discipline academy shall not discriminate in its pupil
 8 admissions policies or practices on the basis of intellectual or
 9 athletic ability, measures of achievement or aptitude, status as a
 10 student with a disability, or any other basis that would be illegal
 11 if used by a school district. However, a strict discipline academy
 12 may limit admission to pupils who are within a particular range of
 13 age or grade level or on any other basis that would be legal if
 14 used by a 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~~ **allow** enrollment
2 of a 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 ~~614-1414~~ 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)~~, **and (6)**, a strict discipline academy may
11 enroll a pupil who is placed in a high-security or medium-security
12 juvenile facility, mental health facility, or child caring
13 institution that is operated by a private agency or a pupil who
14 became a resident of this state as an unaccompanied or resettled
15 minor under the care of the department of health and human services
16 and who is less than 22 years of age as of September 1 of the
17 current school year.

18 (6) In addition to the types of pupils specified in
19 subsections (3), (4), and (5), a strict discipline academy that is
20 a qualifying strict discipline academy may allow enrollment of a
21 pupil to whom all of the following apply:

22 (a) Before being suspended or expelled under this act, the
23 pupil has been identified by the chief administrator of the pupil's
24 school, after the chief administrator has conferred with the
25 pupil's parent or legal guardian, as requiring intense individual
26 intervention designed for a pupil with highly accelerated or severe
27 and persistently challenging academic or nonacademic needs,
28 including, but not limited to, tier 3 support based on a
29 multitiered system of supports.

1 (b) Either of the following:

2 (i) It has been determined that the pupil is eligible for
3 special education and services related to special education.

4 (ii) It has not been determined that the pupil is eligible for
5 special education and services related to special education and,
6 before the behavior that precipitated the referral as described in
7 subdivision (c) occurred, the pupil's school had no basis of
8 knowledge indicating that the pupil is a child with a disability as
9 prescribed under the individuals with disabilities education act,
10 20 USC 1400 to 1482.

11 (c) The pupil is referred to the strict discipline academy by
12 his or her school. For a pupil described in subdivision (b) (ii), all
13 of the following apply to a referral under this subdivision:

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

19 (ii) Until an evaluation described under subparagraph (i) is
20 completed, if applicable, the pupil must remain in an educational
21 placement determined by the school authorities of the pupil's
22 school, which may include suspension or expulsion without
23 educational services.

24 (7) If a pupil who was referred to a strict discipline academy
25 under subsection (6) enrolls in the strict discipline academy and
26 that pupil has been determined to be eligible for special education
27 and services related to special education, or, if following an
28 evaluation described under subsection (6) (c), if applicable, and
29 after taking into consideration information provided by the pupil's

1 parent or legal guardian, the pupil was determined to be a child
2 with a disability, the strict discipline academy in which the pupil
3 is enrolled shall provide special education and services related to
4 special education in accordance with the individuals with
5 disabilities education act, 20 USC 1400 to 1482, which includes,
6 but is not limited to, compliance with the requirements under
7 section 1412(a)(1)(A) of the individuals with disabilities
8 education act, 20 USC 1412(a)(1)(A), and compliance with the
9 requirements under 34 CFR 300.530 to 300.536.

10 (8) ~~(6)~~—A strict discipline academy shall enroll only 1 or
11 more of the types of pupils described in subsections (3) to ~~(5)~~.
12 (6). A pupil who is enrolled in a strict discipline academy under
13 subsections (3) to ~~(5)~~ (6) may, at the option of his or her parent
14 or legal guardian, continue to remain enrolled in the strict
15 discipline academy after he or she ceases to meet the requirements
16 for enrollment under subsections (3) to ~~(5)~~ (6) as long as he or
17 she meets the other applicable requirements for enrollment.

18 (9) ~~(7)~~—A strict discipline academy is not required to keep
19 any group of pupils described in subsections (3) to ~~(5)~~ (6)
20 physically separated from another group of those pupils, as might
21 otherwise be required under section 1311, section 1311a, or another
22 provision of this act.

23 (10) ~~(8)~~—Strict discipline academies are not intended to
24 enroll or otherwise be used to educate individuals who are
25 committed to a high-security or medium-security juvenile facility
26 operated by the department of health and human services or another
27 state department or agency. Further, if the department of
28 corrections or another state department or agency other than the
29 department of health and human services has custody of or

1 jurisdiction over a child, that state department or agency has the
2 financial responsibility for educating the child.

3 **(11)** ~~(9)~~—Except for a foreign exchange student who is not a
4 United States citizen, a strict discipline academy shall not enroll
5 a pupil who is not a resident of this state. Enrollment in the
6 strict discipline academy may be open to all individuals who reside
7 in this state who meet the admission policy under subsections (3)
8 to ~~(5)~~ **(6)** and ~~shall~~**must** be open to all pupils who reside within
9 the geographic boundaries, if any, of the authorizing body as
10 described in section 1311d who meet the admission policy under
11 subsections (3) to ~~(5)~~, **(6)**, except that admission to a strict
12 discipline academy authorized by the board of a community college
13 to operate, or operated by the board of a community college, on the
14 grounds of a federal military installation, as described in section
15 1311d, ~~shall~~**must** be open to all pupils who reside in the county in
16 which the federal military installation is located who meet the
17 admission policy under subsections (3) to ~~(5)~~. **(6)**. For a strict
18 discipline academy authorized by a state public university,
19 enrollment ~~shall~~**must** be open to all pupils who reside in this
20 state who meet the admission policy under subsections (3) to ~~(5)~~.
21 **(6)**. If there are more applications to enroll in the strict
22 discipline academy than there are spaces available, pupils ~~shall~~
23 **must** be selected to attend using a random selection process.
24 However, a strict discipline academy may give enrollment priority
25 to a sibling of a pupil enrolled in the strict discipline academy.
26 A strict discipline academy shall allow any pupil who was enrolled
27 in the strict discipline academy in the immediately preceding
28 school year to enroll in the strict discipline academy in the
29 appropriate grade unless the appropriate grade is not offered at

1 that strict discipline academy.

2 **(12) ~~(10)~~**—A strict discipline academy may include any grade up
3 to grade 12 or any configuration of those grades, including
4 kindergarten and early childhood education, as specified in its
5 contract. The authorizing body may approve amendment of a contract
6 with respect to ages of pupils or grades offered.

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

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

12 **(a) A county with a population that is equal to or greater**
13 **than 600,000 or equal to or less than 700,000.**

14 **(b) A county that is contiguous to a county described in**
15 **subdivision (a).**

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