

SENATE BILL NO. 778

December 07, 2021, Introduced by Senators BRINKS, NESBITT, 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 1311d (MCL 380.1311d), as added by 1999 PA 23.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1311d. (1) A strict discipline academy ~~shall~~**must** be
2 organized and administered under the direction of a board of
3 directors in accordance with sections 1311b to ~~1311f~~**1311m** and with
4 bylaws adopted by the board of directors. A strict discipline
5 academy corporation created to operate a strict discipline academy

1 ~~shall~~**must** be organized under the nonprofit corporation act, 1982
 2 PA 162, MCL 450.2101 to 450.3192, except that the strict discipline
 3 academy corporation is not required to comply with sections 170 to
 4 177 of 1931 PA 327, MCL 450.170 to 450.177. To the extent
 5 disqualified under the state or federal constitution, a strict
 6 discipline academy ~~shall~~**must** not be organized by a church or other
 7 religious organization and shall not have any organizational or
 8 contractual affiliation with or constitute a church or other
 9 religious organization.

10 (2) Any of the following may act as an authorizing body to
 11 issue a contract to organize and operate 1 or more strict
 12 discipline academies under sections 1311b to ~~1311f~~**1311m**:

13 (a) The board of a school district that operates grades K to
 14 12. However, the board of a school district shall not issue a
 15 contract for a strict discipline academy to operate outside the
 16 school district's boundaries, and a strict discipline academy
 17 authorized by the board of a school district shall not operate
 18 outside that school district's boundaries.

19 (b) An intermediate school board. However, the board of an
 20 intermediate school district shall not issue a contract for a
 21 strict discipline academy to operate outside the intermediate
 22 school district's boundaries, and a strict discipline academy
 23 authorized by the board of an intermediate school district shall
 24 not operate outside that intermediate school district's boundaries.

25 (c) The board of a community college. However, except as
 26 otherwise provided in this subdivision, the board of a community
 27 college shall not issue a contract for a strict discipline academy
 28 to operate in a school district organized as a school district of
 29 the first class, a strict discipline academy authorized by the

1 board of a community college shall not operate in a school district
 2 organized as a school district of the first class, the board of a
 3 community college shall not issue a contract for a strict
 4 discipline academy to operate outside the boundaries of the
 5 community college district, and a strict discipline academy
 6 authorized by the board of a community college shall not operate
 7 outside the boundaries of the community college district. The board
 8 of a community college also may issue a contract for not more than
 9 1 strict discipline academy to operate on the grounds of an active
 10 or closed federal military installation located outside the
 11 boundaries of the community college district, or may operate a
 12 strict discipline academy itself on the grounds of such a federal
 13 military installation, if the federal military installation is not
 14 located within the boundaries of any community college district and
 15 the community college has previously offered courses on the grounds
 16 of the federal military installation for at least 10 years.

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

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

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

23 (b) Subject to the resolution adopted by the authorizing body
 24 under section 1311e, a list of the proposed members of the board of
 25 directors of the strict discipline academy and a description of the
 26 qualifications and method for appointment or election of members of
 27 the board of directors.

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

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

2 (ii) The purposes for the strict discipline academy corporation
3 that will operate the strict discipline academy. This language
4 ~~shall~~**must** provide that the strict discipline academy is
5 established ~~pursuant to~~**under** sections 1311b to ~~1311f~~**1311m** and that
6 the strict discipline academy corporation is a governmental entity.

7 (iii) The name of the authorizing body.

8 (iv) The proposed time when the articles of incorporation will
9 be effective.

10 (v) Other matters considered expedient to be in the articles
11 of incorporation.

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

14 (e) Documentation meeting the application requirements of the
15 authorizing body, including at least all of the following:

16 (i) The governance structure of the strict discipline academy.

17 (ii) A copy of the educational goals of the strict discipline
18 academy and the curricula to be offered and methods of pupil
19 assessment to be used by the strict discipline academy. To the
20 extent applicable, the progress of the pupils in the strict
21 discipline academy ~~shall~~**must** be assessed using at least ~~a~~**the**
22 ~~Michigan education assessment program (MEAP) test~~**student test of**
23 **educational progress (M-STEP)** or ~~an assessment instrument developed~~
24 ~~under section 1279 for a state endorsed high school diploma.~~**the**
25 **Michigan merit examination under section 1279g, as applicable.**

26 (iii) The admission policy and criteria to be maintained by the
27 strict discipline academy. The admission policy and criteria ~~shall~~
28 **must** comply with section 1311g. This part of the application also
29 ~~shall~~**must** include a description of how the applicant will provide

1 to the general public adequate notice that a strict discipline
 2 academy is being created and adequate information on the admission
 3 policy, criteria, and process.

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

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

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

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

10 (g) For an application to the board of a school district, an
 11 intermediate school board, or board of a community college,
 12 identification of the local and intermediate school districts in
 13 which the strict discipline academy will be located.

14 (h) An agreement that the strict discipline academy will
 15 comply with the provisions of sections 1311b to ~~1311l~~**1311m** and,
 16 subject to the provisions of these sections, with all other state
 17 law applicable to public bodies and with federal law applicable to
 18 public bodies or school districts.

19 (i) For a strict discipline academy authorized by a school
 20 district, an assurance that employees of the strict discipline
 21 academy will be covered by the collective bargaining agreements
 22 that apply to other employees of the school district employed in
 23 similar classifications in schools that are not strict discipline
 24 academies.

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

27 (4) An authorizing body shall oversee, or shall contract with
 28 an intermediate school district, community college, or state public
 29 university to oversee, each strict discipline academy operating

1 under a contract issued by the authorizing body. The oversight
2 ~~shall~~**must** be sufficient to ensure that the authorizing body can
3 certify that the strict discipline academy is in compliance with
4 statute, rules, and the terms of the contract.

5 (5) If the state board finds that an authorizing body is not
6 engaging in appropriate continuing oversight of 1 or more strict
7 discipline academies operating under a contract issued by the
8 authorizing body, the state board may suspend the power of the
9 authorizing body to issue new contracts to organize and operate
10 strict discipline academies. A contract issued by the authorizing
11 body during the suspension is void. A contract issued by the
12 authorizing body before the suspension is not affected by the
13 suspension.

14 (6) An authorizing body shall not charge a fee, or require
15 reimbursement of expenses, for considering an application for a
16 contract, for issuing a contract, or for providing oversight of a
17 contract for a strict discipline academy in an amount that exceeds
18 a combined total of 3% of the total state school aid received by
19 the strict discipline academy in the school year in which the fees
20 or expenses are charged. An authorizing body may provide other
21 services for a strict discipline academy and charge a fee for those
22 services, but shall not require such an arrangement as a condition
23 to issuing the contract authorizing the strict discipline academy.

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

27 Enacting section 1. This amendatory act does not take effect
28 unless Senate Bill No. 777 of the 101st Legislature is enacted into
29 law.