

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4369**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1225 and 1280c (MCL 380.1225 and 380.1280c),
section 1225 as amended by 2012 PA 1 and section 1280c as amended
by 2011 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1225. (1) Subject to restrictions of this section, a
2 school board or intermediate school board may borrow money and
3 issue notes of the school district or intermediate school district
4 for the borrowed money to secure funds for school operations or to
5 pay previous loans obtained for school operations under this or any
6 other statute. The school board or intermediate school board shall
7 pledge money to be received by it from state school aid for the
8 payment of notes issued under this section. A pledge of state
9 school aid by a school district or intermediate school district for

1 the payment of notes issued pursuant to this section is valid and
2 binding from the time when the pledge is made. A pledge made
3 pursuant to this section for the benefit of the holders of notes or
4 for the benefit of others is perfected without delivery, recording,
5 or notice. Notes issued pursuant to this section are full faith and
6 credit obligations of the school district or intermediate school
7 district and are payable from **AUTHORIZED** tax levies or from
8 unencumbered funds of the school district or intermediate school
9 district in event of the unavailability or insufficiency of state
10 school aid for any reason.

11 (2) A school district or intermediate school district for
12 which an emergency manager has been appointed pursuant to the ~~local~~
13 ~~government and school district fiscal accountability act, 2011 PA~~
14 ~~4, MCL 141.1501 to 141.1531, LOCAL FINANCIAL STABILITY AND CHOICE~~
15 **ACT, 2012 PA 436, MCL 141.1541 TO 141.1575**, or a school district or
16 intermediate school district that has an approved deficit
17 elimination plan under section 102 of the state school aid act of
18 1979, MCL 388.1702, may enter into an agreement with the Michigan
19 finance authority in accordance with section 17a(4) of the state
20 school aid act of 1979, MCL 388.1617a, providing for the direct
21 payment on behalf of the school district or intermediate school
22 district to the Michigan finance authority, or to a trustee
23 designated by the Michigan finance authority, of state school aid
24 pledged and to be used for the sole purpose of paying the principal
25 of and interest on the notes issued pursuant to this section and
26 secured by state school aid.

27 (3) Notes issued under this section shall become due not later

1 than 372 days after the date on which they are issued, except as
2 otherwise provided in this section. Notes issued within a fiscal
3 year shall not exceed 70% of the difference between the total state
4 aid funds apportioned to the school district or intermediate school
5 district for that fiscal year and the portion already received or
6 pledged, except secondary pledges made under section 1356.

7 (4) A school district or intermediate school district that is
8 not able to redeem its notes within 372 days after the date on
9 which the notes were issued may enter into a multi-year agreement
10 with a lending institution to repay its obligation. A repayment
11 agreement shall not be executed without the prior approval of an
12 authorized representative of the ~~state board~~ **DEPARTMENT** or, for
13 notes sold to the Michigan finance authority only, without the
14 approval of an authorized representative of the department of
15 treasury.

16 (5) During the last 4 months of a fiscal year, notes may be
17 issued pledging state school aid for the next succeeding fiscal
18 year. Except as otherwise provided in this subsection, the notes
19 shall not exceed 50% of the state school aid apportioned to the
20 school district or intermediate school district for the next
21 succeeding fiscal year or, if the apportionment has not been made,
22 50% of the apportionment for the then current fiscal year. The
23 notes shall mature not later than 372 days after the date of
24 issuance.

25 (6) Notes issued under this section are subject to the revised
26 municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.
27 Failure of a school district or intermediate school district to

1 receive state school aid does not affect the validity or
2 enforceability of a note issued under this section.

3 (7) A school board or intermediate school board may make more
4 than 1 borrowing under this section during a school year.

5 (8) In addition to other powers under this section, with the
6 approval of the state treasurer, a school board or intermediate
7 school board may obtain a line of credit to secure funds for school
8 operations or to pay previous loans obtained for school operations
9 under this or any other statute. The school board or intermediate
10 school board shall pledge not more than 30% of the state school aid
11 apportioned to the school district or intermediate school district
12 for that fiscal year for repayment of funds received pursuant to a
13 line of credit obtained under this subsection. However, the school
14 board or intermediate school board shall not borrow against the
15 line of credit an amount greater than the difference, as of the
16 date of the borrowing, between the total state school aid funds
17 apportioned to the school district or intermediate school district
18 for that fiscal year and the portion already received or pledged,
19 except secondary pledges made under section 1356. To obtain
20 approval for obtaining a line of credit under this subsection, a
21 school board or intermediate school board shall apply to the state
22 treasurer in the form and manner prescribed by the state treasurer,
23 and shall provide information as requested by the state treasurer
24 for evaluating the application. The state treasurer shall approve
25 or disapprove an application and notify the school board or
26 intermediate school board within 20 business days after receiving a
27 proper application. If the state treasurer disapproves an

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1 application, the state treasurer shall include the reasons for
2 disapproval in the notification to the school board or intermediate
3 school board.

4 (9) AS USED IN THIS SECTION:

5 (A) "SCHOOL BOARD" INCLUDES THE GOVERNING BODY OF A PUBLIC
6 BODY AUTHORIZED TO PERFORM THE FUNCTIONS AND RESPONSIBILITIES OF
7 THE STATE SCHOOL REFORM/REDESIGN SCHOOL DISTRICT CREATED UNDER
8 SECTION 1280C AND ELIGIBLE TO RECEIVE A PER-PUPIL ALLOCATION FOR
9 PUPILS IN MEMBERSHIP IN A PUBLIC SCHOOL OPERATED OR AUTHORIZED BY
10 THE PUBLIC BODY AS CALCULATED UNDER SECTION 20 OF THE STATE SCHOOL

11 AID ACT OF 1979, 1979 PA 94, MCL 388.1620 <<IF THE DEPARTMENT OF TREASURY
DETERMINES THAT THE PUBLIC BODY IS SUBJECT TO THE FREEDOM OF INFORMATION
ACT, 1976 PA 442, MCL 15.231 TO MCL 15.246, THE OPEN MEETINGS ACT, 1976
PA 267, MCL 15.261 TO MCL 15.275, HAS A CONFLICT OF INTEREST POLICY IN
PLACE FOR MEMBERS OF THE GOVERNING BODY AND SUPERVISORY EMPLOYEES OF THE
PUBLIC BODY, IS REQUIRED TO PREPARE AN ANNUAL FINANCIAL AUDIT, FOLLOWS
GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR GOVERNMENTAL ENTITIES, AND
MAINTAINS A PUBLIC WEBSITE ON WHICH IT DISCLOSED ITS ANNUAL BUDGET.>>

12 (B) "SCHOOL DISTRICT" INCLUDES A PUBLIC BODY AUTHORIZED TO
13 PERFORM THE FUNCTIONS AND RESPONSIBILITIES OF THE STATE SCHOOL
14 REFORM/REDESIGN SCHOOL DISTRICT CREATED UNDER SECTION 1280C AND
15 ELIGIBLE TO RECEIVE A PER-PUPIL ALLOCATION FOR PUPILS IN MEMBERSHIP
16 IN A PUBLIC SCHOOL OPERATED OR AUTHORIZED BY THE PUBLIC BODY AS
17 CALCULATED UNDER SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979,
18 1979 PA 94, MCL 388.1620 <<IF THE DEPARTMENT OF TREASURY DETERMINES THAT
THE PUBLIC BODY IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA
442, MCL 15.231 TO MCL 15.246, THE OPEN MEETINGS ACT, 1976 PA 267, MCL
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EMPLOYEES OF THE PUBLIC BODY, IS REQUIRED TO PREPARE AN ANNUAL FINANCIAL
AUDIT, FOLLOWS GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR GOVERNMENTAL
ENTITIES, AND MAINTAINS A PUBLIC WEBSITE ON WHICH IT DISCLOSES ITS ANNUAL
BUDGET.>>

19 Sec. 1280c. (1) Beginning in 2010, not later than September 1
20 of each year, the superintendent of public instruction shall
21 publish a list identifying the public schools in this state that
22 the department has determined to be among the lowest achieving 5%
23 of all public schools in this state, as defined for the purposes of
24 the federal incentive grant program created under sections 14005
25 and 14006 of title XIV of the American recovery and reinvestment
26 act of 2009, Public Law 111-5.

27 (2) Except as otherwise provided in subsection (16), the

1 superintendent of public instruction shall issue an order placing
2 each public school that is included on the list under subsection
3 (1) under the supervision of the state school reform/redesign
4 officer described in subsection (9). Within 90 days after a public
5 school is placed under the supervision of the state school
6 reform/redesign officer under this section, the school board or
7 board of directors operating the public school shall submit a
8 redesign plan to the state school reform/redesign officer. For a
9 public school operated by a school board, the redesign plan shall
10 be developed with input from the local teacher bargaining unit and
11 the local superintendent. The redesign plan shall require
12 implementation of 1 of the 4 school intervention models that are
13 provided for the lowest achieving schools under the federal
14 incentive grant program created under sections 14005 and 14006 of
15 title XIV of the American recovery and reinvestment act of 2009,
16 Public Law 111-5, known as the "race to the top" grant program.
17 These models are the turnaround model, restart model, school
18 closure, and transformation model. The redesign plan shall include
19 an executed addendum to each applicable collective bargaining
20 agreement in effect for the public school that meets the
21 requirements of subsection (8).

22 (3) Within 30 days after receipt of a redesign plan for a
23 public school under subsection (2), the state school
24 reform/redesign officer shall issue an order approving,
25 disapproving, or making changes to the redesign plan. If the order
26 makes changes to the redesign plan, the school board or board of
27 directors has 30 days after the order to change the redesign plan

1 to incorporate those changes into the redesign plan and resubmit it
2 to the state school reform/redesign officer for approval or
3 disapproval.

4 (4) The state school reform/redesign officer shall not
5 disapprove a redesign plan that includes all of the elements
6 required under federal law for the school intervention model
7 included in the redesign plan. A school board or board of directors
8 may appeal disapproval of a redesign plan on this basis to the
9 superintendent of public instruction. The decision of the
10 superintendent of public instruction on the appeal is final.

11 (5) If the state school reform/redesign officer approves a
12 redesign plan under this section, the school board or board of
13 directors shall implement the redesign plan for the public school
14 beginning with the beginning of the next school year that begins
15 after the approval. The school board or board of directors shall
16 regularly submit monitoring reports to the state school
17 reform/redesign officer on the implementation and results of the
18 plan in the form and manner, and according to a schedule, as
19 determined by the state school reform/redesign officer.

20 (6) The state school reform/redesign school district is
21 created. The state school reform/redesign school district is a
22 school district for the purposes of section 11 of article IX of the
23 state constitution of 1963 and for receiving state school aid under
24 the state school aid act of 1979 and is subject to the leadership
25 and general supervision of the state board over all public
26 education under section 3 of article VIII of the state constitution
27 of 1963. The state school reform/redesign school district is a body

1 corporate and is a governmental agency. Except as otherwise
2 provided in subsection (7), if the state school reform/redesign
3 officer does not approve the redesign plan, or if the state school
4 reform/redesign officer determines that the redesign plan is not
5 achieving satisfactory results, the state school reform/redesign
6 officer shall issue an order placing the public school in the state
7 school reform/redesign school district, imposing for the public
8 school implementation of 1 of the 4 school intervention models
9 described in subsection (2) beginning with the beginning of the
10 next school year, and imposing an addendum to each applicable
11 collective bargaining agreement in effect for the public school as
12 necessary to implement the school intervention model and that meets
13 the requirements of subsection (8). **WHEN DETERMINING WHETHER A**
14 **REDESIGN PLAN IS ACHIEVING SATISFACTORY RESULTS UNDER THIS**
15 **SUBSECTION, THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL PLACE**
16 **THE HIGHEST PRIORITY ON ADDRESSING UNSATISFACTORY RESULTS AT PUBLIC**
17 **SCHOOLS WITH PUPILS IN GRADES K TO 8. AN ORDER UNDER THIS SECTION**
18 **PLACING A PUBLIC SCHOOL IN THE STATE SCHOOL REFORM/REDESIGN SCHOOL**
19 **DISTRICT MAY NOT BE ISSUED BEFORE JANUARY 1, 2015, AND MAY NOT TAKE**
20 **EFFECT BEFORE JULY 1, 2015.** All of the following apply to the state
21 school reform/redesign school district:

22 (a) The state school reform/redesign school district shall
23 consist of schools that are placed in the state school
24 reform/redesign school district.

25 (b) The state school reform/redesign officer shall act as the
26 superintendent of the state school reform/redesign school district.
27 With respect to schools placed in the state school reform/redesign

1 school district, the state school reform/redesign officer has all
2 of the powers and duties described in this section; all of the
3 provisions of this act that would otherwise apply to the school
4 board that previously operated a school placed in the state school
5 reform/redesign school district apply to the state school
6 reform/redesign officer with respect to that school, except those
7 relating to taxation or borrowing; except as otherwise provided in
8 this section, the state school reform/redesign officer may exercise
9 all the powers and duties otherwise vested by law in the school
10 board that previously operated a school placed in the state school
11 reform/redesign school district and in its officers, except those
12 relating to taxation or borrowing, and may exercise all additional
13 powers and duties provided under this section; and, except as
14 otherwise provided in this section, the state school
15 reform/redesign officer accedes to all the rights, duties, and
16 obligations of the school board with respect to that school. These
17 powers, rights, duties, and obligations include, but are not
18 limited to, all of the following:

19 (i) Authority over the expenditure of all funds attributable to
20 pupils at that school, including that portion of proceeds from
21 bonded indebtedness and other funds dedicated to capital projects
22 that would otherwise be apportioned to that school by the school
23 board that previously operated the school according to the terms of
24 the bond issue or financing documents.

25 (ii) Subject to subsection (8), rights and obligations under
26 collective bargaining agreements and employment contracts entered
27 into by the school board for employees at the school.

1 (iii) Rights to prosecute and defend litigation.

2 (iv) Rights and obligations under statute, rule, and common
3 law.

4 (v) Authority to delegate any of the state school
5 reform/redesign officer's powers and duties to 1 or more designees,
6 with proper supervision by the state school reform/redesign
7 officer.

8 (vi) Power to terminate any contract or portion of a contract
9 entered into by the school board that applies to that school.

10 However, this subsection does not allow any termination or
11 diminishment of obligations to pay debt service on legally
12 authorized bonds and does not allow a collective bargaining
13 agreement to be affected except as provided under subsection (8). A
14 contract terminated by the state school reform/redesign officer
15 under this subsection is void.

16 (7) If the state school reform/redesign officer determines
17 that better educational results are likely to be achieved by
18 appointing a chief executive officer to take control of multiple
19 public schools, the state school reform/redesign officer may make a
20 recommendation to the superintendent of public instruction for
21 appointment of a chief executive officer to take control over those
22 multiple schools. If the superintendent of public instruction
23 appoints a chief executive officer to take control of multiple
24 public schools under this subsection, the chief executive officer
25 shall impose for those public schools implementation of 1 of the 4
26 school intervention models described in subsection (2) and impose
27 an addendum to each applicable collective bargaining agreement in

1 effect for those public schools as necessary to implement the
2 school intervention model and that meets the requirements of
3 subsection (8). With respect to those public schools, the chief
4 executive officer has all of the same powers and duties that the
5 state school reform/redesign officer has for public schools placed
6 in the state school reform/redesign school district under
7 subsection (6). The chief executive officer shall regularly submit
8 monitoring reports to the state school reform/redesign officer on
9 the implementation and results of the intervention model in the
10 form and manner, and according to a schedule, as determined by the
11 state school reform/redesign officer. The chief executive officer
12 shall exercise any other powers or duties over the public schools
13 as may be directed by the superintendent of public instruction.

14 (8) An addendum to a collective bargaining agreement under
15 this section shall provide for any of the following that are
16 necessary for the applicable school intervention model to be
17 implemented at each affected public school:

18 (a) That any contractual or other seniority system that would
19 otherwise be applicable shall not apply at the public school. This
20 subdivision does not allow unilateral changes in pay scales or
21 benefits.

22 (b) That any contractual or other work rules that are
23 impediments to implementing the redesign plan shall not apply at
24 the public school. This subdivision does not allow unilateral
25 changes in pay scales or benefits.

26 (c) That the state school reform/redesign officer shall direct
27 the expenditure of all funds attributable to pupils at the public

1 school and the principal or other school leader designated by the
2 state school reform/redesign officer shall have full autonomy and
3 control over curriculum and discretionary spending at the public
4 school.

5 (9) The superintendent of public instruction shall hire a
6 state school reform/redesign officer to carry out the functions
7 under this section and as otherwise prescribed by law. The state
8 school reform/redesign officer shall be chosen solely on the basis
9 of his or her competence and experience in educational reform and
10 redesign. The state school reform/redesign officer is exempt from
11 civil service. The state school reform/redesign officer is
12 responsible directly to the superintendent of public instruction to
13 ensure that the purposes of this section are carried out, and
14 accordingly the position of state school reform/redesign officer
15 should be a position within the department that is exempt from the
16 classified state civil service. The department shall request that
17 the civil service commission establish the position of state school
18 reform/redesign officer as a position that is exempt from the
19 classified state civil service.

20 (10) If the state school reform/redesign officer imposes the
21 restart model for a public school in the state school
22 reform/redesign school district, or a chief executive officer under
23 subsection (7) imposes the restart model for multiple public
24 schools under that subsection, all of the following apply:

25 (a) The **PUBLIC SCHOOL SHALL BE OPERATED BY ANOTHER PUBLIC**
26 **SCHOOL THAT IS AUTHORIZED TO PROVIDE PUBLIC EDUCATIONAL SERVICES**
27 **UNDER A CONTRACT WITH THE STATE SCHOOL REFORM/REDESIGN SCHOOL**

1 **DISTRICT, OR THE** state school reform/redesign officer or chief
2 executive officer shall enter into an agreement with an educational
3 management organization to manage and operate the public school or
4 schools. The state school reform/redesign officer or chief
5 executive officer shall provide sufficient oversight to ensure that
6 the public school or schools will be operated according to all of
7 the requirements for a restart model.

8 (b) There shall be considered to be no collective bargaining
9 agreement in effect that applies to employees working at the public
10 school or schools under this model at the time of imposition of the
11 model.

12 (11) If the state school reform/redesign officer imposes the
13 turnaround model for a public school in the state school
14 reform/redesign school district, or a chief executive officer under
15 subsection (7) imposes the turnaround model for multiple public
16 schools under that subsection, all of the following apply:

17 (a) A collective bargaining agreement that applies to
18 employees working at the public school or schools under this model
19 at the time of imposition of the model, and any successor
20 collective bargaining agreement, continues to apply with respect to
21 pay scales and benefits.

22 (b) Subject to any addendum to the collective bargaining
23 agreement that applies to the public school or schools, an employee
24 who is working at the public school or schools and who was
25 previously employed in the same school district that previously
26 operated that school shall continue to retain and accrue seniority
27 rights in that school district according to the collective

1 bargaining agreement that applies to employees of that school
2 district.

3 (12) If more than 9 public schools operated by a school
4 district are on the list under subsection (1), the transformation
5 model may not be implemented for more than 50% of those schools.

6 (13) If the state school reform/redesign officer determines
7 that a public school that is subject to the measures under
8 subsection (6) or (7) has made significant improvement in pupil
9 achievement and should be released from the measures that have been
10 imposed under subsection (6) or (7), the state school
11 reform/redesign officer may recommend this to the superintendent of
12 public instruction. If the superintendent of public instruction
13 agrees with the determination and recommendation, the
14 superintendent of public instruction may release the public school
15 from the measures that have been imposed under subsection (6) or
16 (7).

17 (14) At least annually, the state school reform/redesign
18 officer shall submit a report to the standing committees of the
19 senate and house of representatives having jurisdiction over
20 education legislation on the progress being made in improving pupil
21 proficiency due to the measures under this section.

22 (15) As soon as practicable after the federal department of
23 education has adopted the final work rules and formula for
24 identifying the lowest achieving 5% of all public schools in this
25 state for the purposes of the federal incentive grant program
26 created under sections 14005 and 14006 of title XIV of the American
27 recovery and reinvestment act of 2009, Public Law 111-5, known as

1 the "race to the top" grant program, the department shall post all
2 of the following on its website:

3 (a) The federal work rules and formula.

4 (b) A list of the public schools in this state that have been
5 identified for these purposes as being among the lowest achieving
6 5% of all public schools in this state. The department shall update
7 this list as it considers appropriate.

8 (16) If a school that is included on the list under subsection
9 (1) is operated by a school district in which an emergency manager
10 is in place under the ~~local government and school district fiscal~~
11 ~~accountability act,~~ **LOCAL FINANCIAL STABILITY AND CHOICE ACT, 2012**
12 **PA 436, MCL 141.1541 TO 141.1575,** then the superintendent of public
13 instruction shall not issue an order placing the school under the
14 supervision of the state school reform/redesign officer. **THIS**
15 **SUBSECTION DOES NOT PREVENT A PUBLIC SCHOOL FROM ENTERING INTO AN**
16 **AGREEMENT OR COOPERATIVE ARRANGEMENT WITH THE STATE SCHOOL**
17 **REFORM/REDESIGN SCHOOL DISTRICT.**

18 Enacting section 1. This amendatory act shall not be construed
19 or considered to supersede, alter, or terminate a contract for the
20 transfer of functions and responsibilities under 1967 (Ex Sess) PA
21 8, MCL 124.531 to 124.536, to which the state school
22 reform/redesign school district is a party on the effective date of
23 this amendatory act.