

**A SUMMARY OF HOUSE BILL 4518 AS INTRODUCED 4-20-99**

The bill would amend sections of the Revised School Code dealing with public school academies (or charter schools) to:

a) require that each body that authorizes an academy annually file an oversight report with the State Board of Education containing information as specified in the bill;

b) permit the State Board of Education to revoke the power of an authorizing body to issue new contracts (rather than only suspend them, as is the case now) and to order the repayment of any fee collected for issuing a contract or providing oversight of a contract, if it finds the authorizing body is not engaging in appropriate continuing oversight;

c) specify that all property of an academy is state property and that property and assets of an academy would revert to the state if it ceased operations;

d) require a public school academy to notify the parent or legal guardian of each applicant for enrollment that the academy is required by law to provide special education programs and services designed to develop the maximum potential of each student eligible for special education; and

e) require that each school district, intermediate school district, and public school academy, at least annually, submit to the Department of Education a list of school buildings they own that are not being used and require the director of the Department of Management and Budget to submit a list of the buildings the state owns that are not being used. The department would have to compile this information and make it available to any interested person on request.

Oversight Report. The oversight report would have to be accompanied by a written certification of its accuracy signed by the chief administrator of the authorizing body and by the president of the elected governing board. It would have to contain at least the following information:

-- the number of staff assigned to oversight activities, both generally and for the specific contract, on a full-time equated basis.

-- the qualifications, including any professional certification, of staff assigned to oversight activities, both generally and for the specific contract.

- oversight activities conducted at the site of the academy.
- any non-compliance with statute, rules, or the terms of the contract found in the course of the oversight and any areas of performance found to be in need of improvement.
- a description of the specific evidence that led to each finding of non-compliance or need for improvement.
- specific plans for remediation of each non-compliance.
- specific suggestions and plans for improvement of performance.
- an assurance that the authorizing body has made appropriate inquiry and has determined that the academy is in compliance with statutory provisions regarding religious affiliations.
- an assurance that the authorizing body has made appropriate inquiry and has determined that the academy is in compliance with all applicable law, including, but not limited to, those specified in the sections of the Revised School Code addressing academies. (These include the Open Meetings Act, the Freedom of Information Act, the Public Employee Relations Act, and provisions regarding payment of prevailing wages on state projects and competitive bidding.)
- assurance that the authorizing body has examined standardized test scores and other relevant data to determine that the academy is fulfilling the academic goals specified in the contract.
- assurance that the authorizing body has examined the qualifications of the academy's instructional staff and has determined that the academy is in compliance with statutory requirements on the use of certificated teachers and non-certificated teachers.

Public School Academy Property. The bill states that all property of a public school academy is state property. If an academy ceases to operate, title to all real and personal property, interests in real or personal property, and other assets of a public school academy would revert to the state. Any money included in those assets and the net proceeds from the sale of the property or interests in property, after payment of any debt secured by the property or interest in property, would have to be deposited in the state school aid fund. The bill would specify that this new provision "does not impose any liability on this state for any debt incurred by a public school academy."

MCL 380.502 et al.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.