

SUBSTITUTE FOR  
HOUSE BILL NO. 4241

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1311 (MCL 380.1311), as amended by 1995 PA  
250, and by adding sections 1311b, 1311c, 1311d, 1311e, 1311f,  
1311g, 1311h, 1311i, 1311j, 1311k, and 1311l.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1311. (1) Subject to subsection (2), the school board,  
2 or the school district superintendent, a school building princi-  
3 pal, or another school district official if designated by the  
4 school board, may authorize or order the suspension or expulsion  
5 from school of a pupil guilty of gross misdemeanor or persistent  
6 disobedience if, in the judgment of the school board or its des-  
7 ignee, as applicable, the interest of the school is served by the  
8 authorization or order. If there is reasonable cause to believe  
9 that the pupil is handicapped, and the school district has not

1 evaluated the pupil in accordance with rules of the state board  
2 to determine if the student is handicapped, the pupil shall be  
3 evaluated immediately by the intermediate school district of  
4 which the school district is constituent in accordance with sec-  
5 tion 1711.

6       (2) If a pupil possesses in a weapon free school zone a  
7 weapon that constitutes a dangerous weapon, commits arson in a  
8 school building or on school grounds, or commits criminal sexual  
9 conduct in a school building or on school grounds, the school  
10 board, or the designee of the school board as described in sub-  
11 section (1) on behalf of the school board, shall expel the pupil  
12 from the school district permanently, subject to possible rein-  
13 statement under subsection (5). However, a school board is not  
14 required to expel a pupil for possessing a weapon if the pupil  
15 establishes in a clear and convincing manner at least 1 of the  
16 following:

17       (a) The object or instrument possessed by the pupil was not  
18 possessed by the pupil for use as a weapon, or for direct or  
19 indirect delivery to another person for use as a weapon.

20       (b) The weapon was not knowingly possessed by the pupil.

21       (c) The pupil did not know or have reason to know that the  
22 object or instrument possessed by the pupil constituted a danger-  
23 ous weapon.

24       (d) The weapon was possessed by the pupil at the suggestion,  
25 request, or direction of, or with the express permission of,  
26 school or police authorities.

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1 (3) If an individual is expelled pursuant to subsection (2),  
2 the expelling school district shall enter on the individual's  
3 permanent record that he or she has been expelled pursuant to  
4 subsection (2). Except if a school district operates or partici-  
5 pates cooperatively in an alternative education program appropri-  
6 ate for individuals expelled pursuant to subsection (2) and in  
7 its discretion admits the individual to that program, AND EXCEPT  
8 FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY ESTABLISHED UNDER  
9 SECTIONS 1311B TO 1311I, an individual expelled pursuant to  
10 subsection (2) is expelled from all public schools in this state  
11 and the officials of a school district shall not allow the indi-  
12 vidual to enroll in the school district unless the individual has  
13 been reinstated under subsection (5). Except as otherwise pro-  
14 vided by law, a program operated for individuals expelled pursu-  
15 ant to subsection (2) shall ensure that those individuals are  
16 physically separated at all times during the school day from the  
17 general pupil population. If an individual expelled from a  
18 school district pursuant to subsection (2) is not placed in an  
19 alternative education program, the school district may provide,  
20 or may arrange for the intermediate school district to provide,  
21 appropriate instructional services to the individual at home.  
22 The type of services provided shall ~~be similar to those provided~~  
23 ~~to homebound or hospitalized pupils under section 109 of the~~  
24 ~~state school aid act of 1979, being section 388.1709 of the~~  
25 ~~Michigan Compiled Laws~~ MEET THE REQUIREMENTS OF SECTION 6(4)(V)  
26 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1606, and the  
27 services may be contracted for in the same manner as ~~under that~~

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1 ~~section~~ SERVICES FOR HOMEBOUND PUPILS UNDER SECTION 109 OF THE  
2 STATE SCHOOL AID ACT OF 1979, MCL 388.1709. This subsection does  
3 not require a school district to expend more money for providing  
4 services for a pupil expelled pursuant to subsection (2) than the  
5 amount of the foundation allowance the school district receives  
6 for the pupil under section 20 of the state school aid act of  
7 1979, ~~being section 388.1620 of the Michigan Compiled Laws~~ MCL  
8 388.1620.

9 (4) If a school board expels an individual pursuant to sub-  
10 section (2), the school board shall ensure that, within 3 days  
11 after the expulsion, an official of the school district refers  
12 the individual to the appropriate county department of social  
13 services or county community mental health agency and notifies  
14 the individual's parent or legal guardian or, if the individual  
15 is at least age 18 or is an emancipated minor, notifies the indi-  
16 vidual of the referral.

17 (5) The parent or legal guardian of an individual expelled  
18 pursuant to subsection (2) or, if the individual is at least age  
19 18 or is an emancipated minor, the individual may petition the  
20 expelling school board for reinstatement of the individual to  
21 public education in the school district. If the expelling school  
22 board denies a petition for reinstatement, the parent or legal  
23 guardian or, if the individual is at least age 18 or is an eman-  
24 cipated minor, the individual may petition another school board  
25 for reinstatement of the individual in that other school  
26 district. All of the following apply to reinstatement under this  
27 subsection:

1       (a) For an individual who was enrolled in grade 5 or below  
2 at the time of the expulsion and who has been expelled for pos-  
3 sessing a firearm or threatening another person with a dangerous  
4 weapon, the parent or legal guardian or, if the individual is at  
5 least age 18 or is an emancipated minor, the individual may ini-  
6 tiate a petition for reinstatement at any time after the expira-  
7 tion of 60 school days after the date of expulsion. For an indi-  
8 vidual who was enrolled in grade 5 or below at the time of the  
9 expulsion and who has been expelled pursuant to subsection (2)  
10 for a reason other than possessing a firearm or threatening  
11 another person with a dangerous weapon, the parent or legal  
12 guardian or, if the individual is at least age 18 or is an eman-  
13 cipated minor, the individual may initiate a petition for rein-  
14 statement at any time. For an individual who was in grade 6 or  
15 above at the time of expulsion, the parent or legal guardian or,  
16 if the individual is at least age 18 or is an emancipated minor,  
17 the individual may initiate a petition for reinstatement at any  
18 time after the expiration of 150 school days after the date of  
19 expulsion.

20       (b) An individual who was in grade 5 or below at the time of  
21 the expulsion and who has been expelled for possessing a firearm  
22 or threatening another person with a dangerous weapon shall not  
23 be reinstated before the expiration of 90 school days after the  
24 date of expulsion. An individual who was in grade 5 or below at  
25 the time of the expulsion and who has been expelled pursuant to  
26 subsection (2) for a reason other than possessing a firearm or  
27 threatening another person with a dangerous weapon shall not be

1 reinstated before the expiration of 10 school days after the date  
2 of the expulsion. An individual who was in grade 6 or above at  
3 the time of the expulsion shall not be reinstated before the  
4 expiration of 180 school days after the date of expulsion.

5       (c) It is the responsibility of the parent or legal guardian  
6 or, if the individual is at least age 18 or is an emancipated  
7 minor, of the individual to prepare and submit the petition. A  
8 school board is not required to provide any assistance in prepar-  
9 ing the petition. Upon request by a parent or legal guardian or,  
10 if the individual is at least age 18 or is an emancipated minor,  
11 by the individual, a school board shall make available a form for  
12 a petition.

13       (d) Not later than 10 school days after receiving a petition  
14 for reinstatement under this subsection, a school board shall  
15 appoint a committee to review the petition and any supporting  
16 information submitted by the parent or legal guardian or, if the  
17 individual is at least age 18 or is an emancipated minor, by the  
18 individual. The committee shall consist of 2 school board mem-  
19 bers, 1 school administrator, 1 teacher, and 1 parent of a pupil  
20 in the school district. During this time the superintendent of  
21 the school district may prepare and submit for consideration by  
22 the committee information concerning the circumstances of the  
23 expulsion and any factors mitigating for or against  
24 reinstatement.

25       (e) Not later than 10 school days after all members are  
26 appointed, the committee described in subdivision (d) shall  
27 review the petition and any supporting information and

1 information provided by the school district and shall submit a  
2 recommendation to the school board on the issue of  
3 reinstatement. The recommendation shall be for unconditional  
4 reinstatement, for conditional reinstatement, or against rein-  
5 statement, and shall be accompanied by an explanation of the rea-  
6 sons for the recommendation and of any recommended conditions for  
7 reinstatement. The recommendation shall be based on considera-  
8 tion of all of the following factors:

9       (i) The extent to which reinstatement of the individual  
10 would create a risk of harm to pupils or school personnel.

11       (ii) The extent to which reinstatement of the individual  
12 would create a risk of school district LIABILITY or individual  
13 liability for the school board or school district personnel.

14       (iii) The age and maturity of the individual.

15       (iv) The individual's school record before the incident that  
16 caused the expulsion.

17       (v) The individual's attitude concerning the incident that  
18 caused the expulsion.

19       (vi) The individual's behavior since the expulsion and the  
20 prospects for remediation of the individual.

21       (vii) If the petition was filed by a parent or legal guardi-  
22 an, the degree of cooperation and support that has been provided  
23 by the parent or legal guardian and that can be expected if the  
24 individual is reinstated, including, but not limited to, recep-  
25 tiveness toward possible conditions placed on the reinstatement.

26       (f) Not later than the next regularly scheduled board  
27 meeting after receiving the recommendation of the committee under

1 subdivision (e), a school board shall make a decision to  
2 unconditionally reinstate the individual, conditionally reinstate  
3 the individual, or deny reinstatement of the individual. The  
4 decision of the school board is final.

5 (g) A school board may require an individual and, if the  
6 petition was filed by a parent or legal guardian, his or her  
7 parent or legal guardian to agree in writing to specific condi-  
8 tions before reinstating the individual in a conditional  
9 reinstatement. The conditions may include, but are not limited  
10 to, agreement to a behavior contract, which may involve the indi-  
11 vidual, parent or legal guardian, and an outside agency; partici-  
12 pation in or completion of an anger management program or other  
13 appropriate counseling; periodic progress reviews; and specified  
14 immediate consequences for failure to abide by a condition. A  
15 parent or legal guardian or, if the individual is at least age 18  
16 or is an emancipated minor, the individual may include proposed  
17 conditions in a petition for reinstatement submitted under this  
18 subsection.

19 (6) A school board or school administrator that complies  
20 with subsection (2) is not liable for damages for expelling a  
21 pupil pursuant to subsection (2), and the authorizing body of a  
22 public school academy established under ~~part 6a or part 6b~~ THIS  
23 ACT is not liable for damages for expulsion of a pupil by the  
24 public school academy pursuant to subsection (2).

25 (7) The department shall develop and distribute to all  
26 school districts a form for a petition FOR REINSTATEMENT to be  
27 used under subsection (5).



1       (8) ~~Subsections (2) to (7) do~~ THIS SECTION DOES not  
2 diminish the due process rights under federal law of a pupil who  
3 has been determined to be eligible for special education programs  
4 and services.

5       (9) If a pupil expelled from a public school district pursu-  
6 ant to subsection (2) is enrolled by a public school sponsored  
7 alternative education program or a public school academy during  
8 the period of expulsion, the public school academy or the alter-  
9 native education program shall immediately become eligible for  
10 the prorated share of either the public academy foundation allow-  
11 ance or the expelling school district's foundation allowance,  
12 whichever is higher.

13       (10) IF AN INDIVIDUAL IS EXPELLED PURSUANT TO SUBSECTION  
14 (2), IT IS THE RESPONSIBILITY OF THAT INDIVIDUAL AND OF HIS OR  
15 HER PARENT OR LEGAL GUARDIAN TO LOCATE A SUITABLE ALTERNATIVE  
16 EDUCATIONAL PROGRAM AND TO ENROLL THE INDIVIDUAL IN SUCH A PRO-  
17 GRAM DURING THE EXPULSION. THE OFFICE OF SAFE SCHOOLS IN THE  
18 DEPARTMENT SHALL COMPILE INFORMATION ON AND CATALOG EXISTING  
19 ALTERNATIVE EDUCATION PROGRAMS OR SCHOOLS AND NONPUBLIC SCHOOLS  
20 THAT MAY BE OPEN TO ENROLLMENT OF INDIVIDUALS EXPELLED PURSUANT  
21 TO SUBSECTION (2) AND PURSUANT TO THE POLICY REQUIRED UNDER SEC-  
22 TION 1311A, AND SHALL PERIODICALLY DISTRIBUTE THIS INFORMATION TO  
23 SCHOOL DISTRICTS FOR DISTRIBUTION TO EXPELLED INDIVIDUALS. [A SCHOOL  
BOARD THAT ESTABLISHES AN ALTERNATIVE EDUCATION PROGRAM OR SCHOOL  
DESCRIBED IN THIS SUBSECTION SHALL NOTIFY THE OFFICE OF SAFE SCHOOLS  
ABOUT THE PROGRAM OR SCHOOL AND THE TYPES OF PUPILS IT SERVES.] THE  
24 OFFICE OF SAFE SCHOOLS ALSO SHALL WORK WITH AND PROVIDE TECHNICAL  
25 ASSISTANCE TO SCHOOL DISTRICTS, AUTHORIZING BODIES FOR PUBLIC  
26 SCHOOL ACADEMIES, AND OTHER INTERESTED PARTIES IN DEVELOPING

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1 THESE TYPES OF ALTERNATIVE EDUCATION PROGRAMS OR SCHOOLS IN  
2 GEOGRAPHIC AREAS THAT ARE NOT BEING SERVED.

3 (11) ~~(10)~~ As used in this section:

4 (a) "Arson" means a felony violation of chapter X of the  
5 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
6 ~~being sections 750.71 to 750.80 of the Michigan Compiled Laws~~  
7 1931 PA 328, MCL 750.71 TO 750.80.

8 (b) "Criminal sexual conduct" means a violation of  
9 section 520b, 520c, 520d, 520e, or 520g of ~~Act No. 328 of the~~  
10 ~~Public Acts of 1931, being sections 750.520b, 750.520c, 750.520d,~~  
11 ~~750.520e, and 750.520g of the Michigan Compiled Laws~~ THE  
12 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C,  
13 750.520D, 750.520E, AND 750.520G.

14 (c) "Dangerous weapon" means that term as defined in  
15 section 1313.

16 (d) "Firearm" means that term as defined in ~~the federal~~  
17 ~~gun-free schools act of 1994, Public Law 103-227, 20 U.S.C. 3351-~~  
18 SECTION 921 OF TITLE 18 OF THE UNITED STATES CODE, 18  
19 U.S.C. 921.

20 (e) "School board" means a school board, intermediate school  
21 board, or the board of directors of a public school academy  
22 established under ~~part 6a or 6b~~ THIS ACT.

23 (f) "School district" means a school district, a local act  
24 school district, an intermediate school district, or a public  
25 school academy established under ~~part 6a or 6b~~ THIS ACT.

26 (g) "Weapon free school zone" means that term as defined in  
27 section 237a of the Michigan penal code, ~~Act No. 328 of the~~

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~~1 Public Acts of 1931, being section 750.237a of the Michigan~~  
~~2 Compiled Laws— 1931 PA 328, MCL 750.237A.~~

3       SEC. 1311B. (1) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
4 IS A PUBLIC SCHOOL UNDER SECTION 2 OF ARTICLE VIII OF THE STATE  
5 CONSTITUTION OF 1963, IS A SCHOOL DISTRICT FOR THE PURPOSES OF  
6 SECTION 11 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963 AND  
7 FOR THE PURPOSES OF SECTION 1225, AND IS SUBJECT TO THE LEADER-  
8 SHIP AND GENERAL SUPERVISION OF THE STATE BOARD OVER ALL PUBLIC  
9 EDUCATION UNDER SECTION 3 OF ARTICLE VIII OF THE STATE CONSTITU-  
10 TION OF 1963. A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IS A  
11 BODY CORPORATE AND IS A GOVERNMENTAL AGENCY. THE POWERS GRANTED  
12 TO A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY UNDER SECTIONS 1311B  
13 TO 1311I CONSTITUTE THE PERFORMANCE OF ESSENTIAL PUBLIC PURPOSES  
14 AND GOVERNMENTAL FUNCTIONS OF THIS STATE.

15       (2) AS USED IN SECTIONS 1311B TO 1311I:

16       (A) "AUTHORIZING BODY" MEANS ANY OF THE FOLLOWING THAT  
17 ISSUES A CONTRACT AS PROVIDED IN SECTIONS 1311B TO 1311I:

18       (i) THE BOARD OF A SCHOOL DISTRICT THAT OPERATES GRADES K TO  
19 12.

20       (ii) AN INTERMEDIATE SCHOOL BOARD.

21       (iii) THE BOARD OF A COMMUNITY COLLEGE.

22       (iv) THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY.

23       (B) "CERTIFICATED TEACHER" MEANS AN INDIVIDUAL WHO HOLDS A  
24 VALID TEACHING CERTIFICATE ISSUED BY THE STATE BOARD UNDER  
25 SECTION 1531.

26       (C) "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE ORGANIZED  
27 UNDER THE COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1

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1 TO 389.195, OR A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE  
2 THAT IS RECOGNIZED UNDER THE TRIBALLY CONTROLLED COMMUNITY COL-  
3 LEGE ASSISTANCE ACT OF 1978, PUBLIC LAW 95-471, AND IS DETERMINED  
4 BY THE DEPARTMENT TO MEET THE REQUIREMENTS FOR ACCREDITATION BY A  
5 RECOGNIZED REGIONAL ACCREDITING BODY.

6 (D) "CONTRACT" MEANS THE EXECUTIVE ACT TAKEN BY AN AUTHORIZ-  
7 ING BODY THAT EVIDENCES THE AUTHORIZATION OF A STRICT DISCIPLINE  
8 PUBLIC SCHOOL ACADEMY AND THAT ESTABLISHES, SUBJECT TO THE CON-  
9 STITUTIONAL POWERS OF THE STATE BOARD AND APPLICABLE LAW, THE  
10 WRITTEN INSTRUMENT EXECUTED BY AN AUTHORIZING BODY CONFERRING  
11 CERTAIN RIGHTS, FRANCHISES, PRIVILEGES, AND OBLIGATIONS ON A  
12 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY, AS PROVIDED BY SECTIONS  
13 1311B TO 1311I, AND CONFIRMING THE STATUS OF A STRICT DISCIPLINE  
14 PUBLIC SCHOOL ACADEMY AS A PUBLIC SCHOOL IN THIS STATE.

15 (E) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS COR-  
16 PORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION, CORPORA-  
17 TION, TRUST, OR OTHER LEGAL ENTITY.

18 (F) "STATE PUBLIC UNIVERSITY" MEANS A UNIVERSITY DESCRIBED  
19 IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE CONSTITUTION  
20 OF 1963.

21 SEC. 1311C. NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE  
22 OF THIS SECTION, AND AT LEAST ANNUALLY THEREAFTER, THE STATE  
23 BOARD SHALL SUBMIT A COMPREHENSIVE REPORT, WITH FINDINGS AND REC-  
24 OMMENDATIONS, TO THE HOUSE AND SENATE COMMITTEES ON EDUCATION.  
25 THE REPORT SHALL EVALUATE STRICT DISCIPLINE PUBLIC SCHOOL ACADE-  
26 MIES GENERALLY, INCLUDING, BUT NOT LIMITED TO, AN EVALUATION OF  
27 WHETHER STRICT DISCIPLINE PUBLIC SCHOOL ACADEMIES ARE FULFILLING

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1 THE PURPOSES SPECIFIED IN FORMER SECTION 511(1). THE REPORT ALSO  
2 SHALL CONTAIN, FOR EACH STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY,  
3 A COPY OF THE ACADEMY'S MISSION STATEMENT, ATTENDANCE STATISTICS  
4 AND DROPOUT RATE, AGGREGATE ASSESSMENT TEST SCORES, PROJECTIONS  
5 OF FINANCIAL STABILITY, AND NUMBER OF AND COMMENTS ON SUPERVISORY  
6 VISITS BY THE AUTHORIZING BODY.

7 SEC. 1311D. (1) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
8 SHALL BE ORGANIZED AND ADMINISTERED UNDER THE DIRECTION OF A  
9 BOARD OF DIRECTORS IN ACCORDANCE WITH SECTIONS 1311B TO 1311I AND  
10 WITH BYLAWS ADOPTED BY THE BOARD OF DIRECTORS. A PUBLIC SCHOOL  
11 ACADEMY CORPORATION CREATED TO OPERATE A STRICT DISCIPLINE PUBLIC  
12 SCHOOL ACADEMY SHALL BE ORGANIZED UNDER THE NONPROFIT CORPORATION  
13 ACT, 1982 PA 162, MCL 450.2101 TO 450.3192, EXCEPT THAT A PUBLIC  
14 SCHOOL ACADEMY CORPORATION IS NOT REQUIRED TO COMPLY WITH SEC-  
15 TIONS 170 TO 177 OF 1931 PA 327, MCL 450.170 TO 450.177. TO THE  
16 EXTENT DISQUALIFIED UNDER THE STATE OR FEDERAL CONSTITUTION, A  
17 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL NOT BE ORGANIZED BY  
18 A CHURCH OR OTHER RELIGIOUS ORGANIZATION AND SHALL NOT HAVE ANY  
19 ORGANIZATIONAL OR CONTRACTUAL AFFILIATION WITH OR CONSTITUTE A  
20 CHURCH OR OTHER RELIGIOUS ORGANIZATION.

21 (2) ANY OF THE FOLLOWING MAY ACT AS AN AUTHORIZING BODY TO  
22 ISSUE A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE STRICT DISCI-  
23 PLINE PUBLIC SCHOOL ACADEMIES UNDER SECTIONS 1311B TO 1311I:

24 (A) THE BOARD OF A SCHOOL DISTRICT THAT OPERATES GRADES K TO  
25 12. HOWEVER, THE BOARD OF A SCHOOL DISTRICT SHALL NOT ISSUE A  
26 CONTRACT FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY TO OPERATE  
27 OUTSIDE THE SCHOOL DISTRICT'S BOUNDARIES, AND A STRICT DISCIPLINE

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1 PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE BOARD OF A SCHOOL  
2 DISTRICT SHALL NOT OPERATE OUTSIDE THAT SCHOOL DISTRICT'S  
3 BOUNDARIES.

4 (B) AN INTERMEDIATE SCHOOL BOARD. HOWEVER, THE BOARD OF AN  
5 INTERMEDIATE SCHOOL DISTRICT SHALL NOT ISSUE A CONTRACT FOR A  
6 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY TO OPERATE OUTSIDE THE  
7 INTERMEDIATE SCHOOL DISTRICT'S BOUNDARIES, AND A STRICT DISCI-  
8 PLINE PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE BOARD OF AN INTER-  
9 MEDIATE SCHOOL DISTRICT SHALL NOT OPERATE OUTSIDE THAT INTERMEDI-  
10 ATE SCHOOL DISTRICT'S BOUNDARIES.

11 (C) THE BOARD OF A COMMUNITY COLLEGE. HOWEVER, EXCEPT AS  
12 OTHERWISE PROVIDED IN THIS SUBDIVISION, THE BOARD OF A COMMUNITY  
13 COLLEGE SHALL NOT ISSUE A CONTRACT FOR A STRICT DISCIPLINE PUBLIC  
14 SCHOOL ACADEMY TO OPERATE IN A SCHOOL DISTRICT ORGANIZED AS A  
15 SCHOOL DISTRICT OF THE FIRST CLASS, A STRICT DISCIPLINE PUBLIC  
16 SCHOOL ACADEMY AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE  
17 SHALL NOT OPERATE IN A SCHOOL DISTRICT ORGANIZED AS A SCHOOL DIS-  
18 TRICT OF THE FIRST CLASS, THE BOARD OF A COMMUNITY COLLEGE SHALL  
19 NOT ISSUE A CONTRACT FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACAD-  
20 EMY TO OPERATE OUTSIDE THE BOUNDARIES OF THE COMMUNITY COLLEGE  
21 DISTRICT, AND A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AUTHO-  
22 RIZED BY THE BOARD OF A COMMUNITY COLLEGE SHALL NOT OPERATE OUT-  
23 SIDE THE BOUNDARIES OF THE COMMUNITY COLLEGE DISTRICT. THE BOARD  
24 OF A COMMUNITY COLLEGE ALSO MAY ISSUE A CONTRACT FOR NOT MORE  
25 THAN 1 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY TO OPERATE ON THE  
26 GROUNDS OF AN ACTIVE OR CLOSED FEDERAL MILITARY INSTALLATION  
27 LOCATED OUTSIDE THE BOUNDARIES OF THE COMMUNITY COLLEGE DISTRICT,

1 OR MAY OPERATE A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY ITSELF  
2 ON THE GROUNDS OF SUCH A FEDERAL MILITARY INSTALLATION, IF THE  
3 FEDERAL MILITARY INSTALLATION IS NOT LOCATED WITHIN THE BOUNDA-  
4 RIES OF ANY COMMUNITY COLLEGE DISTRICT AND THE COMMUNITY COLLEGE  
5 HAS PREVIOUSLY OFFERED COURSES ON THE GROUNDS OF THE FEDERAL MIL-  
6 ITARY INSTALLATION FOR AT LEAST 10 YEARS.

7 (D) THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY.

8 (3) TO OBTAIN A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE  
9 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMIES, 1 OR MORE PERSONS OR  
10 AN ENTITY MAY APPLY TO AN AUTHORIZING BODY DESCRIBED IN SUBSEC-  
11 TION (2). THE APPLICATION SHALL INCLUDE AT LEAST ALL OF THE  
12 FOLLOWING:

13 (A) IDENTIFICATION OF THE APPLICANT FOR THE CONTRACT.

14 (B) SUBJECT TO THE RESOLUTION ADOPTED BY THE AUTHORIZING  
15 BODY UNDER SECTION 1311E, A LIST OF THE PROPOSED MEMBERS OF THE  
16 BOARD OF DIRECTORS OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
17 AND A DESCRIPTION OF THE QUALIFICATIONS AND METHOD FOR APPOINT-  
18 MENT OR ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS.

19 (C) THE PROPOSED ARTICLES OF INCORPORATION, WHICH SHALL  
20 INCLUDE AT LEAST ALL OF THE FOLLOWING:

21 (i) THE NAME OF THE PROPOSED STRICT DISCIPLINE PUBLIC SCHOOL  
22 ACADEMY.

23 (ii) THE PURPOSES FOR THE PUBLIC SCHOOL ACADEMY CORPORATION  
24 THAT WILL OPERATE THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY.

25 THIS LANGUAGE SHALL PROVIDE THAT THE STRICT DISCIPLINE PUBLIC  
26 SCHOOL ACADEMY IS ESTABLISHED PURSUANT TO SECTIONS 1311B TO 1311I

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1 AND THAT THE PUBLIC SCHOOL ACADEMY CORPORATION IS A GOVERNMENTAL  
2 ENTITY.

3 (iii) THE NAME OF THE AUTHORIZING BODY.

4 (iv) THE PROPOSED TIME WHEN THE ARTICLES OF INCORPORATION  
5 WILL BE EFFECTIVE.

6 (v) OTHER MATTERS CONSIDERED EXPEDIENT TO BE IN THE ARTICLES  
7 OF INCORPORATION.

8 (D) A COPY OF THE PROPOSED BYLAWS OF THE STRICT DISCIPLINE  
9 PUBLIC SCHOOL ACADEMY.

10 (E) DOCUMENTATION MEETING THE APPLICATION REQUIREMENTS OF  
11 THE AUTHORIZING BODY, INCLUDING AT LEAST ALL OF THE FOLLOWING:

12 (i) THE GOVERNANCE STRUCTURE OF THE STRICT DISCIPLINE PUBLIC  
13 SCHOOL ACADEMY.

14 (ii) A COPY OF THE EDUCATIONAL GOALS OF THE STRICT DISCI-  
15 PLINE PUBLIC SCHOOL ACADEMY AND THE CURRICULA TO BE OFFERED AND  
16 METHODS OF PUPIL ASSESSMENT TO BE USED BY THE STRICT DISCIPLINE  
17 PUBLIC SCHOOL ACADEMY. TO THE EXTENT APPLICABLE, THE PROGRESS OF  
18 THE PUPILS IN THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL  
19 BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION ASSESSMENT PRO-  
20 GRAM (MEAP) TEST OR AN ASSESSMENT INSTRUMENT DEVELOPED UNDER SEC-  
21 TION 1279 FOR A STATE-ENDORSED HIGH SCHOOL DIPLOMA.

22 (iii) THE ADMISSION POLICY AND CRITERIA TO BE MAINTAINED BY  
23 THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY. THE ADMISSION  
24 POLICY AND CRITERIA SHALL COMPLY WITH SECTION 1311G. THIS PART  
25 OF THE APPLICATION ALSO SHALL INCLUDE A DESCRIPTION OF HOW THE  
26 APPLICANT WILL PROVIDE TO THE GENERAL PUBLIC ADEQUATE NOTICE THAT  
27 A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IS BEING CREATED AND



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1 ADEQUATE INFORMATION ON THE ADMISSION POLICY, CRITERIA, AND  
2 PROCESS.

3 (iv) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE.

4 (v) THE AGE OR GRADE RANGE OF PUPILS TO BE ENROLLED.

5 (vi) THE TYPE OF PUPILS TO BE ENROLLED IN THE STRICT DISCI-  
6 PLINE PUBLIC SCHOOL ACADEMY, AS DESCRIBED IN SECTION 1311G(3) AND  
7 (4).

8 (F) DESCRIPTIONS OF STAFF RESPONSIBILITIES AND OF THE STRICT  
9 DISCIPLINE PUBLIC SCHOOL 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, IDEN-  
12 TIFICATION OF THE LOCAL AND INTERMEDIATE SCHOOL DISTRICTS IN  
13 WHICH THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY WILL BE  
14 LOCATED.

15 (H) AN AGREEMENT THAT THE STRICT DISCIPLINE PUBLIC SCHOOL  
16 ACADEMY WILL COMPLY WITH THE PROVISIONS OF SECTIONS 1311B TO  
17 1311I AND, SUBJECT TO THE PROVISIONS OF THESE SECTIONS, WITH ALL  
18 OTHER STATE LAW APPLICABLE TO PUBLIC BODIES AND WITH FEDERAL LAW  
19 APPLICABLE TO PUBLIC BODIES OR SCHOOL DISTRICTS.

20 (I) FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AUTHORIZED  
21 BY A SCHOOL DISTRICT, AN ASSURANCE THAT EMPLOYEES OF THE STRICT  
22 DISCIPLINE PUBLIC SCHOOL ACADEMY WILL BE COVERED BY THE COLLEC-  
23 TIVE BARGAINING AGREEMENTS THAT APPLY TO OTHER EMPLOYEES OF THE  
24 SCHOOL DISTRICT EMPLOYED IN SIMILAR CLASSIFICATIONS IN SCHOOLS  
25 THAT ARE NOT PUBLIC SCHOOL ACADEMIES.

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1 (J) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL  
2 PLANT IN WHICH THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY WILL  
3 BE LOCATED.

4 (4) AN AUTHORIZING BODY SHALL OVERSEE, OR SHALL CONTRACT  
5 WITH AN INTERMEDIATE SCHOOL DISTRICT, COMMUNITY COLLEGE, OR STATE  
6 PUBLIC UNIVERSITY TO OVERSEE, EACH STRICT DISCIPLINE PUBLIC  
7 SCHOOL ACADEMY OPERATING UNDER A CONTRACT ISSUED BY THE AUTHORIZ-  
8 ING BODY. THE OVERSIGHT SHALL BE SUFFICIENT TO ENSURE THAT THE  
9 AUTHORIZING BODY CAN CERTIFY THAT THE STRICT DISCIPLINE PUBLIC  
10 SCHOOL ACADEMY IS IN COMPLIANCE WITH STATUTE, RULES, AND THE  
11 TERMS OF THE CONTRACT.

12 (5) IF THE STATE BOARD FINDS THAT AN AUTHORIZING BODY IS NOT  
13 ENGAGING IN APPROPRIATE CONTINUING OVERSIGHT OF 1 OR MORE STRICT  
14 DISCIPLINE PUBLIC SCHOOL ACADEMIES OPERATING UNDER A CONTRACT  
15 ISSUED BY THE AUTHORIZING BODY, THE STATE BOARD MAY SUSPEND THE  
16 POWER OF THE AUTHORIZING BODY TO ISSUE NEW CONTRACTS TO ORGANIZE  
17 AND OPERATE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMIES. A CON-  
18 TRACT ISSUED BY THE AUTHORIZING BODY DURING THE SUSPENSION IS  
19 VOID. A CONTRACT ISSUED BY THE AUTHORIZING BODY BEFORE THE SUS-  
20 PENSION IS NOT AFFECTED BY THE SUSPENSION.

21 (6) AN AUTHORIZING BODY SHALL NOT CHARGE A FEE, OR REQUIRE  
22 REIMBURSEMENT OF EXPENSES, FOR CONSIDERING AN APPLICATION FOR A  
23 CONTRACT, FOR ISSUING A CONTRACT, OR FOR PROVIDING OVERSIGHT OF A  
24 CONTRACT FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IN AN  
25 AMOUNT THAT EXCEEDS A COMBINED TOTAL OF 3% OF THE TOTAL STATE  
26 SCHOOL AID RECEIVED BY THE STRICT DISCIPLINE PUBLIC SCHOOL  
27 ACADEMY IN THE SCHOOL YEAR IN WHICH THE FEES OR EXPENSES ARE

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1 CHARGED. AN AUTHORIZING BODY MAY PROVIDE OTHER SERVICES FOR A  
2 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AND CHARGE A FEE FOR  
3 THOSE SERVICES, BUT SHALL NOT REQUIRE SUCH AN ARRANGEMENT AS A  
4 CONDITION TO ISSUING THE CONTRACT AUTHORIZING THE STRICT DISCI-  
5 PLINE PUBLIC SCHOOL ACADEMY.

6 (7) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL BE PRE-  
7 SUMED TO BE LEGALLY ORGANIZED IF IT HAS EXERCISED THE FRANCHISES  
8 AND PRIVILEGES OF A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY FOR  
9 AT LEAST 2 YEARS.

10 SEC. 1311E. (1) AN AUTHORIZING BODY IS NOT REQUIRED TO  
11 ISSUE A CONTRACT TO ANY PERSON OR ENTITY. CONTRACTS FOR STRICT  
12 DISCIPLINE PUBLIC SCHOOL ACADEMIES SHALL BE ISSUED ON A COMPETI-  
13 TIVE BASIS TAKING INTO CONSIDERATION THE RESOURCES AVAILABLE FOR  
14 THE PROPOSED STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY, THE POPULA-  
15 TION TO BE SERVED BY THE PROPOSED STRICT DISCIPLINE PUBLIC SCHOOL  
16 ACADEMY, AND THE EDUCATIONAL GOALS TO BE ACHIEVED BY THE PROPOSED  
17 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY.

18 (2) IF A PERSON OR ENTITY APPLIES TO THE BOARD OF A SCHOOL  
19 DISTRICT FOR A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE STRICT  
20 DISCIPLINE PUBLIC SCHOOL ACADEMIES WITHIN THE BOUNDARIES OF THE  
21 SCHOOL DISTRICT AND THE BOARD DOES NOT ISSUE THE CONTRACT, THE  
22 PERSON OR ENTITY MAY PETITION THE BOARD TO PLACE THE QUESTION OF  
23 ISSUING THE CONTRACT ON THE BALLOT TO BE DECIDED BY THE SCHOOL  
24 ELECTORS OF THE SCHOOL DISTRICT. THE PETITION SHALL CONTAIN ALL  
25 OF THE INFORMATION REQUIRED TO BE IN THE CONTRACT APPLICATION  
26 UNDER SECTION 1311D AND SHALL BE SIGNED BY A NUMBER OF SCHOOL  
27 ELECTORS OF THE SCHOOL DISTRICT EQUAL TO AT LEAST 15% OF THE

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1 TOTAL NUMBER OF SCHOOL ELECTORS OF THAT SCHOOL DISTRICT. THE  
2 PETITION SHALL BE FILED WITH THE SECRETARY OF THE BOARD. IF THE  
3 BOARD RECEIVES A PETITION MEETING THE REQUIREMENTS OF THIS SUB-  
4 SECTION, THE BOARD SHALL PLACE THE QUESTION OF ISSUING THE CON-  
5 TRACT ON THE BALLOT AT ITS NEXT ANNUAL SCHOOL ELECTION HELD AT  
6 LEAST 60 DAYS AFTER RECEIVING THE PETITION. IF A MAJORITY OF THE  
7 SCHOOL ELECTORS OF THE SCHOOL DISTRICT VOTING ON THE QUESTION  
8 VOTE TO ISSUE THE CONTRACT, THE BOARD SHALL ISSUE THE CONTRACT.

9 (3) WITHIN 10 DAYS AFTER ISSUING A CONTRACT FOR A STRICT  
10 DISCIPLINE PUBLIC SCHOOL ACADEMY, THE BOARD OF THE AUTHORIZING  
11 BODY SHALL SUBMIT TO THE STATE BOARD A COPY OF THE CONTRACT AND  
12 OF THE APPLICATION UNDER SECTION 1311D.

13 (4) AN AUTHORIZING BODY SHALL ADOPT A RESOLUTION ESTABLISH-  
14 ING THE METHOD OF SELECTION, LENGTH OF TERM, AND NUMBER OF MEM-  
15 BERS OF THE BOARD OF DIRECTORS OF EACH STRICT DISCIPLINE PUBLIC  
16 SCHOOL ACADEMY SUBJECT TO ITS JURISDICTION.

17 (5) A CONTRACT ISSUED TO ORGANIZE AND ADMINISTER A STRICT  
18 DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL CONTAIN AT LEAST ALL OF  
19 THE FOLLOWING:

20 (A) THE EDUCATIONAL GOALS THE STRICT DISCIPLINE PUBLIC  
21 SCHOOL ACADEMY IS TO ACHIEVE AND THE METHODS BY WHICH IT WILL BE  
22 HELD ACCOUNTABLE. TO THE EXTENT APPLICABLE, THE PUPIL PER-  
23 FORMANCE OF A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL BE  
24 ASSESSED USING AT LEAST A MICHIGAN EDUCATION ASSESSMENT PROGRAM  
25 (MEAP) TEST OR AN ASSESSMENT INSTRUMENT DEVELOPED UNDER SECTION  
26 1279 FOR A STATE-ENDORSED HIGH SCHOOL DIPLOMA.

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1 (B) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE  
2 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY'S COMPLIANCE WITH  
3 APPLICABLE LAW AND ITS PERFORMANCE IN MEETING ITS TARGETED EDUCA-  
4 TIONAL OBJECTIVES.

5 (C) A DESCRIPTION OF THE PROCESS FOR AMENDING THE CONTRACT  
6 DURING THE TERM OF THE CONTRACT.

7 (D) ALL OF THE MATTERS SET FORTH IN THE APPLICATION FOR THE  
8 CONTRACT.

9 (E) FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AUTHORIZED  
10 BY A SCHOOL DISTRICT, AN AGREEMENT THAT EMPLOYEES OF THE STRICT  
11 DISCIPLINE PUBLIC SCHOOL ACADEMY WILL BE COVERED BY THE COLLEC-  
12 TIVE BARGAINING AGREEMENTS THAT APPLY TO EMPLOYEES OF THE SCHOOL  
13 DISTRICT EMPLOYED IN SIMILAR CLASSIFICATIONS IN SCHOOLS THAT ARE  
14 NOT PUBLIC SCHOOL ACADEMIES.

15 (F) PROCEDURES FOR REVOKING THE CONTRACT AND GROUNDS FOR  
16 REVOKING THE CONTRACT, INCLUDING AT LEAST THE GROUNDS LISTED IN  
17 SECTION 13111.

18 (G) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL  
19 PLANT IN WHICH THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY WILL  
20 BE LOCATED.

21 (H) REQUIREMENTS AND PROCEDURES FOR FINANCIAL AUDITS. THE  
22 FINANCIAL AUDITS SHALL BE CONDUCTED AT LEAST ANNUALLY BY A CERTI-  
23 FIED PUBLIC ACCOUNTANT IN ACCORDANCE WITH GENERALLY ACCEPTED GOV-  
24 ERNMENTAL AUDITING PRINCIPLES.

25 (6) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL COMPLY  
26 WITH ALL APPLICABLE LAW, INCLUDING ALL OF THE FOLLOWING:

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1 (A) THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO  
2 15.275.

3 (B) THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231  
4 TO 15.246.

5 (C) 1947 PA 336, MCL 423.201 TO 423.217.

6 (D) 1965 PA 166, MCL 408.551 TO 408.558.

7 (E) SECTIONS 1134, 1135, 1146, 1153, 1263(3), 1267, AND  
8 1274.

9 (7) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AND ITS INCOR-  
10 PORATORS, BOARD MEMBERS, OFFICERS, EMPLOYEES, AND VOLUNTEERS HAVE  
11 GOVERNMENTAL IMMUNITY AS PROVIDED IN SECTION 7 OF 1964 PA 170,  
12 MCL 691.1407. AN AUTHORIZING BODY AND ITS BOARD MEMBERS, OFFI-  
13 CERS, AND EMPLOYEES ARE IMMUNE FROM CIVIL LIABILITY, BOTH PERSON-  
14 ALLY AND PROFESSIONALLY, FOR ANY ACTS OR OMISSIONS IN AUTHORIZING  
15 A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IF THE AUTHORIZING BODY  
16 OR THE PERSON ACTED OR REASONABLY BELIEVED HE OR SHE ACTED WITHIN  
17 THE AUTHORIZING BODY'S OR THE PERSON'S SCOPE OF AUTHORITY.

18 (8) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IS EXEMPT FROM  
19 ALL TAXATION ON ITS EARNINGS AND PROPERTY. INSTRUMENTS OF CON-  
20 VEYANCE TO OR FROM A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY ARE  
21 EXEMPT FROM ALL TAXATION INCLUDING TAXES IMPOSED BY 1966 PA 134,  
22 MCL 207.501 TO 207.513. A STRICT DISCIPLINE PUBLIC SCHOOL ACAD-  
23 EMY MAY NOT LEVY AD VALOREM PROPERTY TAXES OR ANY OTHER TAX FOR  
24 ANY PURPOSE. HOWEVER, OPERATION OF 1 OR MORE STRICT DISCIPLINE  
25 PUBLIC SCHOOL ACADEMIES BY A SCHOOL DISTRICT OR INTERMEDIATE  
26 SCHOOL DISTRICT DOES NOT AFFECT THE ABILITY OF THE SCHOOL

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1 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO LEVY AD VALOREM  
2 PROPERTY TAXES OR ANY OTHER TAX.

3       (9) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY ACQUIRE BY  
4 PURCHASE, GIFT, DEVISE, LEASE, SUBLEASE, INSTALLMENT PURCHASE  
5 AGREEMENT, LAND CONTRACT, OPTION, OR BY ANY OTHER MEANS, HOLD AND  
6 OWN IN ITS OWN NAME BUILDINGS AND OTHER PROPERTY FOR SCHOOL PUR-  
7 POSES, AND INTERESTS THEREIN, AND OTHER REAL AND PERSONAL PROPER-  
8 TY, INCLUDING, BUT NOT LIMITED TO, INTERESTS IN PROPERTY SUBJECT  
9 TO MORTGAGES, SECURITY INTERESTS, OR OTHER LIENS, NECESSARY OR  
10 CONVENIENT TO FULFILL ITS PURPOSES. FOR THE PURPOSES OF CONDEM-  
11 NATION, A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY PROCEED  
12 UNDER THE UNIFORM CONDEMNATION PROCEDURES ACT, 1980 PA 87, MCL  
13 213.51 TO 213.75, EXCLUDING SECTIONS 6 TO 9 OF THAT ACT, MCL  
14 213.56 TO 213.59, OR OTHER APPLICABLE STATUTES, BUT ONLY WITH THE  
15 EXPRESS, WRITTEN PERMISSION OF THE AUTHORIZING BODY IN EACH  
16 INSTANCE OF CONDEMNATION AND ONLY AFTER JUST COMPENSATION HAS  
17 BEEN DETERMINED AND PAID.

18       SEC. 1311F. IF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
19 DISTRICT APPLIES FOR AND OBTAINS A CONTRACT TO OPERATE 1 OR MORE  
20 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMIES UNDER SECTIONS 1311B TO  
21 1311I, THE POWER OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
22 DISTRICT TO LEVY TAXES FOR ANY PURPOSE UNDER THIS ACT IS NOT  
23 AFFECTED BY THE OPERATION OF A STRICT DISCIPLINE PUBLIC SCHOOL  
24 ACADEMY BY THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT.  
25 REVENUE FROM TAXES LEVIED BY A SCHOOL DISTRICT OR INTERMEDIATE  
26 SCHOOL DISTRICT UNDER THIS ACT OR BONDS ISSUED BY A SCHOOL  
27 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT UNDER THIS ACT MAY BE

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1 USED TO SUPPORT THE OPERATION OR FACILITIES OF A STRICT  
2 DISCIPLINE PUBLIC SCHOOL ACADEMY OPERATED BY THE SCHOOL DISTRICT  
3 OR INTERMEDIATE SCHOOL DISTRICT IN THE SAME MANNER AS THAT REVE-  
4 NUE MAY BE USED UNDER THIS ACT BY THE SCHOOL DISTRICT OR INTERME-  
5 DIATE SCHOOL DISTRICT TO SUPPORT SCHOOL DISTRICT OR INTERMEDIATE  
6 SCHOOL DISTRICT OPERATIONS AND FACILITIES. THIS SECTION DOES NOT  
7 AUTHORIZE A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO  
8 LEVY TAXES OR TO ISSUE BONDS FOR ANY PURPOSE THAT IS NOT OTHER-  
9 WISE AUTHORIZED UNDER THIS ACT.

10 SEC. 1311G. (1) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
11 MAY BE LOCATED IN ALL OR PART OF AN EXISTING PUBLIC SCHOOL  
12 BUILDING. A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL NOT  
13 OPERATE AT A SITE OTHER THAN THE SINGLE SITE REQUESTED FOR THE  
14 CONFIGURATION OF GRADES THAT WILL USE THE SITE, AS SPECIFIED IN  
15 THE APPLICATION REQUIRED UNDER SECTION 1311D AND IN THE  
16 CONTRACT.

17 (2) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL NOT  
18 CHARGE TUITION. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4),  
19 A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL NOT DISCRIMINATE  
20 IN ITS PUPIL ADMISSIONS POLICIES OR PRACTICES ON THE BASIS OF  
21 INTELLECTUAL OR ATHLETIC ABILITY, MEASURES OF ACHIEVEMENT OR  
22 APTITUDE, STATUS AS A HANDICAPPED PERSON, OR ANY OTHER BASIS THAT  
23 WOULD BE ILLEGAL IF USED BY A SCHOOL DISTRICT. HOWEVER, A STRICT  
24 DISCIPLINE PUBLIC SCHOOL ACADEMY MAY LIMIT ADMISSION TO PUPILS  
25 WHO ARE WITHIN A PARTICULAR RANGE OF AGE OR GRADE LEVEL OR ON ANY  
26 OTHER BASIS THAT WOULD BE LEGAL IF USED BY A SCHOOL DISTRICT.



1 (3) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL BE  
2 ESTABLISHED UNDER SECTIONS 1311B TO 1311I SPECIFICALLY FOR  
3 ENROLLING 1 OR MORE OF THE FOLLOWING TYPES OF PUPILS:

4 (A) PUPILS PLACED IN THE STRICT DISCIPLINE PUBLIC SCHOOL  
5 ACADEMY BY A COURT OR BY THE FAMILY INDEPENDENCE AGENCY UNDER THE  
6 DIRECTION OF A COURT.

7 (B) PUPILS WHO HAVE BEEN EXPELLED UNDER SECTION 1311(2).

8 (C) PUPILS WHO HAVE BEEN EXPELLED UNDER SECTION 1311A OR  
9 ANOTHER PROVISION OF THIS ACT.

[ (D) OTHER EXPELLED PUPILS REFERRED TO THE STRICT DISCIPLINE  
PUBLIC SCHOOL ACADEMY BY THAT PUPIL'S SCHOOL AND PLACED IN THE  
STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY BY THE PUPIL'S PARENT OR  
LEGAL GUARDIAN. ]

10 (4) NOTWITHSTANDING SUBSECTION (2), A STRICT DISCIPLINE  
11 PUBLIC SCHOOL ACADEMY SHALL ENROLL ONLY 1 OR MORE OF THE TYPES OF  
12 PUPILS DESCRIBED IN SUBSECTION (3). A STRICT DISCIPLINE PUBLIC  
13 SCHOOL ACADEMY IS NOT REQUIRED TO KEEP ANY GROUP OF PUPILS  
14 DESCRIBED IN SUBSECTION [ (3) ] PHYSICALLY SEPARATED  
15 FROM ANOTHER GROUP OF THOSE PUPILS, AS MIGHT OTHERWISE BE  
16 REQUIRED UNDER SECTION 1311, SECTION 1311A, OR ANOTHER PROVISION  
17 OF THIS ACT.

[ (5) STRICT DISCIPLINE PUBLIC SCHOOL ACADEMIES ARE NOT INTENDED  
TO ENROLL OR OTHERWISE BE USED TO EDUCATE INDIVIDUALS WHO ARE  
COMMITTED TO A HIGH-SECURITY OR MEDIUM-SECURITY JUVENILE FACILITY  
OPERATED BY THE FAMILY INDEPENDENCE AGENCY. ]

18 [ (6) ] EXCEPT FOR A FOREIGN EXCHANGE STUDENT WHO IS NOT A  
19 UNITED STATES CITIZEN, A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
20 SHALL NOT ENROLL A PUPIL WHO IS NOT A RESIDENT OF THIS STATE.  
21 ENROLLMENT IN THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY BE  
22 OPEN TO ALL INDIVIDUALS WHO RESIDE IN THIS STATE WHO MEET THE  
23 ADMISSION POLICY AND SHALL BE OPEN TO ALL PUPILS WHO RESIDE  
24 WITHIN THE GEOGRAPHIC BOUNDARIES, IF ANY, OF THE AUTHORIZING BODY  
25 AS DESCRIBED IN SECTION 1311D WHO MEET THE ADMISSION POLICY,  
26 EXCEPT THAT ADMISSION TO A STRICT DISCIPLINE PUBLIC SCHOOL  
27 ACADEMY AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE TO



1 OPERATE, OR OPERATED BY THE BOARD OF A COMMUNITY COLLEGE, ON THE  
2 GROUNDS OF A FEDERAL MILITARY INSTALLATION, AS DESCRIBED IN SEC-  
3 TION 1311D, SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN THE COUNTY  
4 IN WHICH THE FEDERAL MILITARY INSTALLATION IS LOCATED. FOR A  
5 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AUTHORIZED BY A STATE  
6 PUBLIC UNIVERSITY, ENROLLMENT SHALL BE OPEN TO ALL PUPILS WHO  
7 RESIDE IN THIS STATE WHO MEET THE ADMISSION POLICY. IF THERE ARE  
8 MORE APPLICATIONS TO ENROLL IN THE STRICT DISCIPLINE PUBLIC  
9 SCHOOL ACADEMY THAN THERE ARE SPACES AVAILABLE, PUPILS SHALL BE  
10 SELECTED TO ATTEND USING A RANDOM SELECTION PROCESS. HOWEVER, A  
11 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY GIVE ENROLLMENT PRI-  
12 ORITY TO A SIBLING OF A PUPIL ENROLLED IN THE STRICT DISCIPLINE  
13 PUBLIC SCHOOL ACADEMY. A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
14 SHALL ALLOW ANY PUPIL WHO WAS ENROLLED IN THE STRICT DISCIPLINE  
15 PUBLIC SCHOOL ACADEMY IN THE IMMEDIATELY PRECEDING SCHOOL YEAR TO  
16 ENROLL IN THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IN THE  
17 APPROPRIATE GRADE UNLESS THE APPROPRIATE GRADE IS NOT OFFERED AT  
18 THAT STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY.

19 [(7)] A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY INCLUDE  
20 ANY GRADE UP TO GRADE 12 OR ANY CONFIGURATION OF THOSE GRADES,  
21 INCLUDING KINDERGARTEN AND EARLY CHILDHOOD EDUCATION, AS SPECI-  
22 FIED IN ITS CONTRACT. IF SPECIFIED IN ITS CONTRACT, A STRICT  
23 DISCIPLINE PUBLIC SCHOOL ACADEMY MAY ALSO OPERATE AN ADULT BASIC  
24 EDUCATION PROGRAM, ADULT HIGH SCHOOL COMPLETION PROGRAM, OR GEN-  
25 ERAL EDUCATION DEVELOPMENT TESTING PREPARATION PROGRAM. THE  
26 AUTHORIZING BODY MAY APPROVE AMENDMENT OF A CONTRACT WITH RESPECT  
27 TO AGES OF PUPILS OR GRADES OFFERED.

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1        SEC. 1311H. IN ADDITION TO OTHER POWERS SET FORTH IN  
2 SECTIONS 1311B TO 1311L, A STRICT DISCIPLINE PUBLIC SCHOOL ACAD-  
3 EMY MAY TAKE ACTION TO CARRY OUT THE PURPOSES FOR WHICH IT WAS  
4 INCORPORATED UNDER SECTIONS 1311B TO 1311L, INCLUDING, BUT NOT  
5 LIMITED TO, ALL OF THE FOLLOWING:

6        (A) TO SUE AND BE SUED IN ITS NAME.

7        (B) TO ACQUIRE, HOLD, AND OWN IN ITS OWN NAME REAL AND PER-  
8 SONAL PROPERTY, OR INTERESTS IN REAL OR PERSONAL PROPERTY, FOR  
9 EDUCATIONAL PURPOSES BY PURCHASE, GIFT, GRANT, DEVISE, BEQUEST,  
10 LEASE, SUBLEASE, INSTALLMENT PURCHASE AGREEMENT, LAND CONTRACT,  
11 OPTION, OR CONDEMNATION, AND SUBJECT TO MORTGAGES, SECURITY  
12 INTERESTS, OR OTHER LIENS; AND TO SELL OR CONVEY THE PROPERTY AS  
13 THE INTERESTS OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
14 REQUIRE.

15        (C) TO RECEIVE AND DISBURSE FUNDS FOR LAWFUL PURPOSES.

16        (D) TO ENTER INTO BINDING LEGAL AGREEMENTS WITH PERSONS OR  
17 ENTITIES AS NECESSARY FOR THE OPERATION, MANAGEMENT, AND MAINTENANCE  
18 OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY.

19        (E) TO INCUR TEMPORARY DEBT IN ACCORDANCE WITH  
20 SECTION 1225.

21        (F) TO SOLICIT AND ACCEPT ANY GRANTS OR GIFTS FOR EDUCATIONAL  
22 PURPOSES AND TO ESTABLISH OR PERMIT TO BE ESTABLISHED ON  
23 ITS BEHALF 1 OR MORE NONPROFIT CORPORATIONS THE PURPOSE OF WHICH  
24 IS TO ASSIST THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IN THE  
25 FURTHERANCE OF ITS PUBLIC PURPOSES.

26        SEC. 1311I. IF A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IS  
27 OPERATED BY A SCHOOL DISTRICT THAT IS SUBJECT TO A COURT

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1 DESEGREGATION ORDER, PUPIL SELECTION AT THE STRICT DISCIPLINE  
2 PUBLIC SCHOOL ACADEMY IS SUBJECT TO THAT ORDER.

3 SEC. 1311J. (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, A  
4 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL USE CERTIFICATED  
5 TEACHERS ACCORDING TO STATE BOARD OR SUPERINTENDENT OF PUBLIC  
6 INSTRUCTION RULE.

7 (2) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY OPERATED BY A  
8 STATE PUBLIC UNIVERSITY OR COMMUNITY COLLEGE MAY USE NONCERTIFI-  
9 CATED INDIVIDUALS TO TEACH AS FOLLOWS:

10 (A) IF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IS OPER-  
11 ATED BY A STATE PUBLIC UNIVERSITY, THE STRICT DISCIPLINE PUBLIC  
12 SCHOOL ACADEMY MAY USE AS A CLASSROOM TEACHER IN ANY GRADE A FAC-  
13 ULTY MEMBER WHO IS EMPLOYED FULL-TIME BY THE STATE PUBLIC UNIVER-  
14 SITY AND WHO HAS BEEN GRANTED INSTITUTIONAL TENURE, OR HAS BEEN  
15 DESIGNATED AS BEING ON TENURE TRACK, BY THE STATE PUBLIC  
16 UNIVERSITY.

17 (B) FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY OPERATED  
18 BY A COMMUNITY COLLEGE, THE STRICT DISCIPLINE PUBLIC SCHOOL ACAD-  
19 EMY MAY USE AS A CLASSROOM TEACHER A FULL-TIME MEMBER OF THE COM-  
20 MUNITY COLLEGE FACULTY WHO HAS AT LEAST 5 YEARS' EXPERIENCE AT  
21 THAT COMMUNITY COLLEGE IN TEACHING THE SUBJECT MATTER THAT HE OR  
22 SHE IS TEACHING AT THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY.

23 (C) IN ANY OTHER SITUATION IN WHICH A SCHOOL DISTRICT IS  
24 PERMITTED UNDER THIS ACT TO USE NONCERTIFICATED TEACHERS.

25 (3) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY DEVELOP  
26 AND IMPLEMENT NEW TEACHING TECHNIQUES OR METHODS OR SIGNIFICANT  
27 REVISIONS TO KNOWN TEACHING TECHNIQUES OR METHODS, AND SHALL

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1 REPORT THOSE TO THE AUTHORIZING BODY AND STATE BOARD TO BE MADE  
2 AVAILABLE TO THE PUBLIC. A STRICT DISCIPLINE PUBLIC SCHOOL ACAD-  
3 EMY MAY USE ANY INSTRUCTIONAL TECHNIQUE OR DELIVERY METHOD THAT  
4 MAY BE USED BY A SCHOOL DISTRICT.

5 SEC. 1311K. A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY, WITH  
6 THE APPROVAL OF THE AUTHORIZING BODY, MAY EMPLOY OR CONTRACT WITH  
7 PERSONNEL AS NECESSARY FOR THE OPERATION OF THE STRICT DISCIPLINE  
8 PUBLIC SCHOOL ACADEMY, PRESCRIBE THEIR DUTIES, AND FIX THEIR  
9 COMPENSATION.

10 SEC. 1311L. (1) THE AUTHORIZING BODY FOR A STRICT DISCI-  
11 PLINE PUBLIC SCHOOL ACADEMY IS THE FISCAL AGENT FOR THE STRICT  
12 DISCIPLINE PUBLIC SCHOOL ACADEMY. A STATE SCHOOL AID PAYMENT FOR  
13 A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL BE PAID TO THE  
14 AUTHORIZING BODY THAT IS THE FISCAL AGENT FOR THAT STRICT DISCI-  
15 PLINE PUBLIC SCHOOL ACADEMY, WHICH SHALL THEN FORWARD THE PAYMENT  
16 TO THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY. AN AUTHORIZING  
17 BODY HAS THE RESPONSIBILITY TO OVERSEE A STRICT DISCIPLINE PUBLIC  
18 SCHOOL ACADEMY'S COMPLIANCE WITH THE CONTRACT AND ALL APPLICABLE  
19 LAW. A CONTRACT ISSUED UNDER SECTIONS 1311B TO 1311L MAY BE  
20 REVOKED BY THE AUTHORIZING BODY THAT ISSUED THE CONTRACT IF THE  
21 AUTHORIZING BODY DETERMINES THAT 1 OR MORE OF THE FOLLOWING HAS  
22 OCCURRED:

23 (A) FAILURE OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
24 TO ABIDE BY AND MEET THE EDUCATIONAL GOALS SET FORTH IN THE  
25 CONTRACT.

26 (B) FAILURE OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
27 TO COMPLY WITH ALL APPLICABLE LAW.

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30

1 (C) FAILURE OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
2 TO MEET GENERALLY ACCEPTED PUBLIC SECTOR ACCOUNTING PRINCIPLES.

3 (D) THE EXISTENCE OF 1 OR MORE OTHER GROUNDS FOR REVOCATION  
4 AS SPECIFIED IN THE CONTRACT.

5 (2) THE DECISION OF AN AUTHORIZING BODY TO REVOKE A CONTRACT  
6 UNDER THIS SECTION IS SOLELY WITHIN THE DISCRETION OF THE AUTHO-  
7 RIZING BODY, IS FINAL, AND IS NOT SUBJECT TO REVIEW BY A COURT OR  
8 ANY STATE AGENCY. AN AUTHORIZING BODY THAT REVOKES A CONTRACT  
9 UNDER THIS SECTION IS NOT LIABLE FOR THAT ACTION TO THE STRICT  
10 DISCIPLINE PUBLIC SCHOOL ACADEMY, PUBLIC SCHOOL ACADEMY CORPORA-  
11 TION, A PUPIL OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY, THE  
12 PARENT OR GUARDIAN OF A PUPIL OF THE STRICT DISCIPLINE PUBLIC  
13 SCHOOL ACADEMY, OR ANY OTHER PERSON.

14 Enacting section 1. This amendatory act shall be known and  
15 may be cited as the "safe schools and communities act".

16 Enacting section 2. This amendatory act does not take  
17 effect unless House Bill No. 4240 of the 90th Legislature is  
18 enacted into law.