

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4241**

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 5, 14, 374, and 1311 (MCL 380.5, 380.14,  
380.374, and 380.1311), section 5 as amended by 1995 PA 289, sec-  
tion 14 as added by 1998 PA 406, section 374 as added by 1999 PA  
10, and section 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. 5. (1) "Local act school district" or "special act  
2 school district" means a district governed by a special or local  
3 act or chapter of a local act. "Local school district" and  
4 "local school district board" as used in article 3 include A  
5 local act school district and a local act school district board.

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

2

1       (2) "Membership" means the number of full-time equivalent  
2 pupils in a public school as determined by the number of pupils  
3 registered for attendance plus pupils received by transfer and  
4 minus pupils lost as defined by rules promulgated by the state  
5 board.

6       (3) "Nonpublic school" means a private, denominational, or  
7 parochial school.

8       (4) "Objectives" means measurable pupil academic skills and  
9 knowledge.

10       (5) "Public school" means a public elementary or secondary  
11 educational entity or agency that is established under this act,  
12 has as its primary mission the teaching and learning of academic  
13 and vocational-technical skills and knowledge, and is operated by  
14 a school district, local act school district, special act school  
15 district, intermediate school district, public school academy  
16 corporation, STRICT DISCIPLINE ACADEMY CORPORATION, or by the  
17 department or state board. Public school also includes a labora-  
18 tory school or other elementary or secondary school that is con-  
19 trolled and operated by a state public university described in  
20 section 4, 5, or 6 of article VIII of the state constitution of  
21 1963.

22       (6) "PUBLIC SCHOOL ACADEMY" MEANS A PUBLIC SCHOOL ACADEMY  
23 ESTABLISHED UNDER PART 6A AND, EXCEPT AS USED IN PART 6A, ALSO  
24 INCLUDES A STRICT DISCIPLINE ACADEMY ESTABLISHED UNDER SECTIONS  
25 1311B TO 1311I.

26       (7) ~~-(6)-~~ "Pupil membership count day" of a school district  
27 means that term as defined in section 6 of the state school aid

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

3

1 act of 1979, ~~being section 388.1606 of the Michigan Compiled~~  
2 ~~Laws~~ MCL 388.1606.

3 (8) ~~(7)~~ "Reorganized intermediate school district" means  
4 an intermediate school district formed by consolidation or annex-  
5 ation of 2 or more intermediate school districts under sections  
6 701 and 702.

7 (9) ~~(8)~~ "Rule" means a rule promulgated pursuant to the  
8 administrative procedures act of 1969, ~~Act No. 306 of the Public~~  
9 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~  
10 ~~Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328.

11 Sec. 14. A petition under sections 11a, 411a, 412a, 503,  
12 ~~513,~~ 614, 617, 690, 701, 853, 860, 931, 1026, 1032, ~~or~~ 1066,  
13 OR 1311E, including the circulation and signing of the petition,  
14 is subject to section 488 of the Michigan election law, 1954  
15 PA 116, MCL 168.488. A person who violates a provision of the  
16 Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, appli-  
17 cable to a petition described in this section is subject to the  
18 penalties prescribed for that violation in the Michigan election  
19 law, 1954 PA 116, MCL 168.1 to 168.992.

20 Sec. 374. (1) ~~Not later than 30 days after the school~~  
21 ~~reform board is appointed, a~~ A school reform board established  
22 under this part shall appoint for the qualifying school district  
23 a chief executive officer. The appointment of a chief executive  
24 officer must be by ~~a unanimous~~ AT LEAST A 2/3 MAJORITY vote of  
25 the school reform board, AND, FOR THE 5-YEAR PERIOD DESCRIBED IN  
26 SECTION 372(2)(B), THE MAJORITY VOTE MUST INCLUDE THE VOTE OF THE  
27 SUPERINTENDENT OF PUBLIC INSTRUCTION OR HIS OR HER DESIGNEE ON

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

4

1 THE SCHOOL REFORM BOARD. The chief executive officer is employed  
2 at the will of the school reform board and has the powers and  
3 duties provided under this part.

4 (2) The chief executive officer, with the approval of the  
5 school reform board, shall appoint for the qualifying school dis-  
6 trict a chief financial officer, chief academic officer, chief  
7 operations officer, and chief purchasing officer. These officers  
8 are employed at the will of the chief executive officer.

9 (3) If a vacancy occurs in a position described in this sec-  
10 tion, a successor shall be appointed in the same manner as the  
11 original appointment.

12 Sec. 1311. (1) Subject to subsection (2), the school board,  
13 or the school district superintendent, a school building princi-  
14 pal, or another school district official if designated by the  
15 school board, may authorize or order the suspension or expulsion  
16 from school of a pupil guilty of gross misdemeanor or persistent  
17 disobedience if, in the judgment of the school board or its des-  
18 ignee, as applicable, the interest of the school is served by the  
19 authorization or order. If there is reasonable cause to believe  
20 that the pupil is handicapped, and the school district has not  
21 evaluated the pupil in accordance with rules of the state board  
22 to determine if the student is handicapped, the pupil shall be  
23 evaluated immediately by the intermediate school district of  
24 which the school district is constituent in accordance with sec-  
25 tion 1711.

26 (2) If a pupil possesses in a weapon free school zone a  
27 weapon that constitutes a dangerous weapon, commits arson in a

1 school building or on school grounds, or commits criminal sexual  
2 conduct in a school building or on school grounds, the school  
3 board, or the designee of the school board as described in sub-  
4 section (1) on behalf of the school board, shall expel the pupil  
5 from the school district permanently, subject to possible rein-  
6 statement under subsection (5). However, a school board is not  
7 required to expel a pupil for possessing a weapon if the pupil  
8 establishes in a clear and convincing manner at least 1 of the  
9 following:

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

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

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

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

20 (3) If an individual is expelled pursuant to subsection (2),  
21 the expelling school district shall enter on the individual's  
22 permanent record that he or she has been expelled pursuant to  
23 subsection (2). Except if a school district operates or partici-  
24 pates cooperatively in an alternative education program appropri-  
25 ate for individuals expelled pursuant to subsection (2) and in  
26 its discretion admits the individual to that program, AND EXCEPT  
27 FOR A STRICT DISCIPLINE ACADEMY ESTABLISHED UNDER SECTIONS 1311B

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

6

1 TO 13111, an individual expelled pursuant to subsection (2) is  
2 expelled from all public schools in this state and the officials  
3 of a school district shall not allow the individual to enroll in  
4 the school district unless the individual has been reinstated  
5 under subsection (5). Except as otherwise provided by law, a  
6 program operated for individuals expelled pursuant to  
7 subsection (2) shall ensure that those individuals are physically  
8 separated at all times during the school day from the general  
9 pupil population. If an individual expelled from a school dis-  
10 trict pursuant to subsection (2) is not placed in an alternative  
11 education program OR STRICT DISCIPLINE ACADEMY, the school dis-  
12 trict may provide, or may arrange for the intermediate school  
13 district to provide, appropriate instructional services to the  
14 individual at home. The type of services provided shall ~~be sim-~~  
15 ~~ilar to those provided to homebound or hospitalized pupils under~~  
16 ~~section 109 of the state school aid act of 1979, being section~~  
17 ~~388.1709 of the Michigan Compiled Laws~~ MEET THE REQUIREMENTS OF  
18 SECTION 6(4)(V) OF THE STATE SCHOOL AID ACT OF 1979,  
19 MCL 388.1606, and the services may be contracted for in the same  
20 manner as ~~under that section~~ SERVICES FOR HOMEBOUND PUPILS  
21 UNDER SECTION 109 OF THE STATE SCHOOL AID ACT OF 1979,  
22 MCL 388.1709. This subsection does not require a school district  
23 to expend more money for providing services for a pupil expelled  
24 pursuant to subsection (2) than the amount of the foundation  
25 allowance the school district receives for the pupil under sec-  
26 tion 20 of the state school aid act of 1979, ~~being section~~  
27 ~~388.1620 of the Michigan Compiled Laws~~ MCL 388.1620.

1       (4) If a school board expels an individual pursuant to  
2 subsection (2), the school board shall ensure that, within 3 days  
3 after the expulsion, an official of the school district refers  
4 the individual to the appropriate county department of social  
5 services or county community mental health agency and notifies  
6 the individual's parent or legal guardian or, if the individual  
7 is at least age 18 or is an emancipated minor, notifies the indi-  
8 vidual of the referral.

9       (5) The parent or legal guardian of an individual expelled  
10 pursuant to subsection (2) or, if the individual is at least age  
11 18 or is an emancipated minor, the individual may petition the  
12 expelling school board for reinstatement of the individual to  
13 public education in the school district. If the expelling school  
14 board denies a petition for reinstatement, the parent or legal  
15 guardian or, if the individual is at least age 18 or is an eman-  
16 cipated minor, the individual may petition another school board  
17 for reinstatement of the individual in that other school  
18 district. All of the following apply to reinstatement under this  
19 subsection:

20       (a) For an individual who was enrolled in grade 5 or below  
21 at the time of the expulsion and who has been expelled for pos-  
22 sessing a firearm or threatening another person with a dangerous  
23 weapon, the parent or legal guardian or, if the individual is at  
24 least age 18 or is an emancipated minor, the individual may ini-  
25 tiate a petition for reinstatement at any time after the expira-  
26 tion of 60 school days after the date of expulsion. For an  
27 individual who was enrolled in grade 5 or below at the time of

1 the expulsion and who has been expelled pursuant to  
2 subsection (2) for a reason other than possessing a firearm or  
3 threatening another person with a dangerous weapon, the parent or  
4 legal guardian or, if the individual is at least age 18 or is an  
5 emancipated minor, the individual may initiate a petition for  
6 reinstatement at any time. For an individual who was in grade 6  
7 or above at the time of expulsion, the parent or legal guardian  
8 or, if the individual is at least age 18 or is an emancipated  
9 minor, the individual may initiate a petition for reinstatement  
10 at any time after the expiration of 150 school days after the  
11 date of expulsion.

12 (b) An individual who was in grade 5 or below at the time of  
13 the expulsion and who has been expelled for possessing a firearm  
14 or threatening another person with a dangerous weapon shall not  
15 be reinstated before the expiration of 90 school days after the  
16 date of expulsion. An individual who was in grade 5 or below at  
17 the time of the expulsion and who has been expelled pursuant to  
18 subsection (2) for a reason other than possessing a firearm or  
19 threatening another person with a dangerous weapon shall not be  
20 reinstated before the expiration of 10 school days after the date  
21 of the expulsion. An individual who was in grade 6 or above at  
22 the time of the expulsion shall not be reinstated before the  
23 expiration of 180 school days after the date of expulsion.

24 (c) It is the responsibility of the parent or legal guardian  
25 or, if the individual is at least age 18 or is an emancipated  
26 minor, of the individual to prepare and submit the petition. A  
27 school board is not required to provide any assistance in



1 preparing the petition. Upon request by a parent or legal  
2 guardian or, if the individual is at least age 18 or is an eman-  
3 cipated minor, by the individual, a school board shall make  
4 available a form for a petition.

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

17 (e) Not later than 10 school days after all members are  
18 appointed, the committee described in subdivision (d) shall  
19 review the petition and any supporting information and informa-  
20 tion provided by the school district and shall submit a recommen-  
21 dation to the school board on the issue of reinstatement. The  
22 recommendation shall be for unconditional reinstatement, for con-  
23 ditional reinstatement, or against reinstatement, and shall be  
24 accompanied by an explanation of the reasons for the recommenda-  
25 tion and of any recommended conditions for reinstatement. The  
26 recommendation shall be based on consideration of all of the  
27 following factors:

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

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

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

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

9       (v) The individual's attitude concerning the incident that  
10 caused the expulsion.

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

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

18       (f) Not later than the next regularly scheduled board meet-  
19 ing after receiving the recommendation of the committee under  
20 subdivision (e), a school board shall make a decision to uncondi-  
21 tionally reinstate the individual, conditionally reinstate the  
22 individual, or deny reinstatement of the individual. The deci-  
23 sion of the school board is final.

24       (g) A school board may require an individual and, if the  
25 petition was filed by a parent or legal guardian, his or her  
26 parent or legal guardian to agree in writing to specific  
27 conditions before reinstating the individual in a conditional

1 reinstatement. The conditions may include, but are not limited  
2 to, agreement to a behavior contract, which may involve the indi-  
3 vidual, parent or legal guardian, and an outside agency; partici-  
4 pation in or completion of an anger management program or other  
5 appropriate counseling; periodic progress reviews; and specified  
6 immediate consequences for failure to abide by a condition. A  
7 parent or legal guardian or, if the individual is at least age 18  
8 or is an emancipated minor, the individual may include proposed  
9 conditions in a petition for reinstatement submitted under this  
10 subsection.

11 (6) A school board or school administrator that complies  
12 with subsection (2) is not liable for damages for expelling a  
13 pupil pursuant to subsection (2), and the authorizing body of a  
14 public school academy ~~established under part 6a or part 6b~~ is  
15 not liable for damages for expulsion of a pupil by the public  
16 school academy pursuant to subsection (2).

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

20 (8) ~~Subsections (2) to (7) do~~ THIS SECTION DOES not dimin-  
21 ish the due process rights under federal law of a pupil who has  
22 been determined to be eligible for special education programs and  
23 services.

24 (9) If a pupil expelled from a public school district pursu-  
25 ant to subsection (2) is enrolled by a public school DISTRICT  
26 sponsored alternative education program or a public school  
27 academy during the period of expulsion, the public school academy

1 or ~~the~~ alternative education program shall immediately become  
2 eligible for the prorated share of either the public SCHOOL acad-  
3 emy OR OPERATING SCHOOL DISTRICT'S foundation allowance or the  
4 expelling school district's foundation allowance, whichever is  
5 higher.

6       (10) IF AN INDIVIDUAL IS EXPELLED PURSUANT TO SUBSECTION  
7 (2), IT IS THE RESPONSIBILITY OF THAT INDIVIDUAL AND OF HIS OR  
8 HER PARENT OR LEGAL GUARDIAN TO LOCATE A SUITABLE ALTERNATIVE  
9 EDUCATIONAL PROGRAM AND TO ENROLL THE INDIVIDUAL IN SUCH A PRO-  
10 GRAM DURING THE EXPULSION. THE OFFICE OF SAFE SCHOOLS IN THE  
11 DEPARTMENT SHALL COMPILE INFORMATION ON AND CATALOG EXISTING  
12 ALTERNATIVE EDUCATION PROGRAMS OR SCHOOLS AND NONPUBLIC SCHOOLS  
13 THAT MAY BE OPEN TO ENROLLMENT OF INDIVIDUALS EXPELLED PURSUANT  
14 TO SUBSECTION (2) AND PURSUANT TO SECTION 1311A, AND SHALL PERI-  
15 ODICALLY DISTRIBUTE THIS INFORMATION TO SCHOOL DISTRICTS FOR DIS-  
16 TRIBUTION TO EXPELLED INDIVIDUALS. A SCHOOL BOARD THAT ESTAB-  
17 LISHES AN ALTERNATIVE EDUCATION PROGRAM OR SCHOOL DESCRIBED IN  
18 THIS SUBSECTION SHALL NOTIFY THE OFFICE OF SAFE SCHOOLS ABOUT THE  
19 PROGRAM OR SCHOOL AND THE TYPES OF PUPILS IT SERVES. THE OFFICE  
20 OF SAFE SCHOOLS ALSO SHALL WORK WITH AND PROVIDE TECHNICAL  
21 ASSISTANCE TO SCHOOL DISTRICTS, AUTHORIZING BODIES FOR PUBLIC  
22 SCHOOL ACADEMIES, AND OTHER INTERESTED PARTIES IN DEVELOPING  
23 THESE TYPES OF ALTERNATIVE EDUCATION PROGRAMS OR SCHOOLS IN GEO-  
24 GRAPHIC AREAS THAT ARE NOT BEING SERVED.

25       (11) ~~(10)~~ As used in this section:

26       (a) "Arson" means a felony violation of chapter X of the  
27 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

13

1 ~~being sections 750.71 to 750.80 of the Michigan Compiled Laws~~  
2 1931 PA 328, MCL 750.71 TO 750.80.

3 (b) "Criminal sexual conduct" means a violation of  
4 section 520b, 520c, 520d, 520e, or 520g of ~~Act No. 328 of the~~  
5 ~~Public Acts of 1931, being sections 750.520b, 750.520c, 750.520d,~~  
6 ~~750.520e, and 750.520g of the Michigan Compiled Laws~~ THE  
7 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C,  
8 750.520D, 750.520E, AND 750.520G.

9 (c) "Dangerous weapon" means that term as defined in  
10 section 1313.

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

15 (e) "School board" means a school board, intermediate school  
16 board, or the board of directors of a public school academy.  
17 ~~established under part 6a or 6b.~~

18 (f) "School district" means a school district, a local act  
19 school district, an intermediate school district, or a public  
20 school academy. ~~established under part 6a or 6b.~~

21 (g) "Weapon free school zone" means that term as defined in  
22 section 237a of the Michigan penal code, ~~Act No. 328 of the~~  
23 ~~Public Acts of 1931, being section 750.237a of the Michigan~~  
24 ~~Compiled Laws~~ 1931 PA 328, MCL 750.237A.

25 SEC. 1311B. (1) A STRICT DISCIPLINE ACADEMY IS A PUBLIC  
26 SCHOOL UNDER SECTION 2 OF ARTICLE VIII OF THE STATE CONSTITUTION  
27 OF 1963, IS A SCHOOL DISTRICT FOR THE PURPOSES OF SECTION 11 OF

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

14

1 ARTICLE IX OF THE STATE CONSTITUTION OF 1963 AND FOR THE PURPOSES  
2 OF SECTION 1225, AND IS SUBJECT TO THE LEADERSHIP AND GENERAL  
3 SUPERVISION OF THE STATE BOARD OVER ALL PUBLIC EDUCATION UNDER  
4 SECTION 3 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963. A  
5 STRICT DISCIPLINE ACADEMY IS A BODY CORPORATE AND IS A GOVERNMEN-  
6 TAL AGENCY. THE POWERS GRANTED TO A STRICT DISCIPLINE ACADEMY  
7 UNDER SECTIONS 1311B TO 1311I CONSTITUTE THE PERFORMANCE OF  
8 ESSENTIAL PUBLIC PURPOSES AND GOVERNMENTAL FUNCTIONS OF THIS  
9 STATE.

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

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

13 (i) THE BOARD OF A SCHOOL DISTRICT THAT OPERATES GRADES K TO  
14 12.

15 (ii) AN INTERMEDIATE SCHOOL BOARD.

16 (iii) THE BOARD OF A COMMUNITY COLLEGE.

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

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

21 (C) "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE ORGANIZED  
22 UNDER THE COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1  
23 TO 389.195, OR A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE  
24 THAT IS RECOGNIZED UNDER THE TRIBALLY CONTROLLED COMMUNITY COL-  
25 LEGE ASSISTANCE ACT OF 1978, PUBLIC LAW 95-471, AND IS DETERMINED  
26 BY THE DEPARTMENT TO MEET THE REQUIREMENTS FOR ACCREDITATION BY A  
27 RECOGNIZED REGIONAL ACCREDITING BODY.

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

15

1 (D) "CONTRACT" MEANS THE EXECUTIVE ACT TAKEN BY AN  
2 AUTHORIZING BODY THAT EVIDENCES THE AUTHORIZATION OF A STRICT  
3 DISCIPLINE ACADEMY AND THAT ESTABLISHES, SUBJECT TO THE CONSTITU-  
4 TIONAL POWERS OF THE STATE BOARD AND APPLICABLE LAW, THE WRITTEN  
5 INSTRUMENT EXECUTED BY AN AUTHORIZING BODY CONFERRING CERTAIN  
6 RIGHTS, FRANCHISES, PRIVILEGES, AND OBLIGATIONS ON A STRICT DIS-  
7 CIPLINE ACADEMY, AS PROVIDED BY SECTIONS 1311B TO 1311I, AND CON-  
8 FIRMING THE STATUS OF A STRICT DISCIPLINE ACADEMY AS A PUBLIC  
9 SCHOOL IN THIS STATE.

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

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

16 SEC. 1311C. NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE  
17 OF THIS SECTION, AND AT LEAST ANNUALLY THEREAFTER, THE STATE  
18 BOARD SHALL SUBMIT A COMPREHENSIVE REPORT, WITH FINDINGS AND REC-  
19 OMMENDATIONS, TO THE HOUSE AND SENATE COMMITTEES ON EDUCATION.  
20 THE REPORT SHALL EVALUATE STRICT DISCIPLINE ACADEMIES GENERALLY,  
21 INCLUDING, BUT NOT LIMITED TO, AN EVALUATION OF WHETHER STRICT  
22 DISCIPLINE ACADEMIES ARE FULFILLING THE PURPOSES SPECIFIED IN  
23 FORMER SECTION 511(1). THE REPORT ALSO SHALL CONTAIN, FOR EACH  
24 STRICT DISCIPLINE ACADEMY, A COPY OF THE ACADEMY'S MISSION STATE-  
25 MENT, ATTENDANCE STATISTICS AND DROPOUT RATE, AGGREGATE ASSESS-  
26 MENT TEST SCORES, PROJECTIONS OF FINANCIAL STABILITY, AND NUMBER  
27 OF AND COMMENTS ON SUPERVISORY VISITS BY THE AUTHORIZING BODY.

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

16

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

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

18        (A) THE BOARD OF A SCHOOL DISTRICT THAT OPERATES GRADES K TO  
19 12. HOWEVER, THE BOARD OF A SCHOOL DISTRICT SHALL NOT ISSUE A  
20 CONTRACT FOR A STRICT DISCIPLINE ACADEMY TO OPERATE OUTSIDE THE  
21 SCHOOL DISTRICT'S BOUNDARIES, AND A STRICT DISCIPLINE ACADEMY  
22 AUTHORIZED BY THE BOARD OF A SCHOOL DISTRICT SHALL NOT OPERATE  
23 OUTSIDE THAT SCHOOL DISTRICT'S BOUNDARIES.

24        (B) AN INTERMEDIATE SCHOOL BOARD. HOWEVER, THE BOARD OF AN  
25 INTERMEDIATE SCHOOL DISTRICT SHALL NOT ISSUE A CONTRACT FOR A  
26 STRICT DISCIPLINE ACADEMY TO OPERATE OUTSIDE THE INTERMEDIATE  
27 SCHOOL DISTRICT'S BOUNDARIES, AND A STRICT DISCIPLINE ACADEMY



**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

17

1 AUTHORIZED BY THE BOARD OF AN INTERMEDIATE SCHOOL DISTRICT SHALL  
2 NOT OPERATE OUTSIDE THAT INTERMEDIATE SCHOOL DISTRICT'S  
3 BOUNDARIES.

4 (C) THE BOARD OF A COMMUNITY COLLEGE. HOWEVER, EXCEPT AS  
5 OTHERWISE PROVIDED IN THIS SUBDIVISION, THE BOARD OF A COMMUNITY  
6 COLLEGE SHALL NOT ISSUE A CONTRACT FOR A STRICT DISCIPLINE ACAD-  
7 EMY TO OPERATE IN A SCHOOL DISTRICT ORGANIZED AS A SCHOOL DIS-  
8 TRICT OF THE FIRST CLASS, A STRICT DISCIPLINE ACADEMY AUTHORIZED  
9 BY THE BOARD OF A COMMUNITY COLLEGE SHALL NOT OPERATE IN A SCHOOL  
10 DISTRICT ORGANIZED AS A SCHOOL DISTRICT OF THE FIRST CLASS, THE  
11 BOARD OF A COMMUNITY COLLEGE SHALL NOT ISSUE A CONTRACT FOR A  
12 STRICT DISCIPLINE ACADEMY TO OPERATE OUTSIDE THE BOUNDARIES OF  
13 THE COMMUNITY COLLEGE DISTRICT, AND A STRICT DISCIPLINE ACADEMY  
14 AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE SHALL NOT OPERATE  
15 OUTSIDE THE BOUNDARIES OF THE COMMUNITY COLLEGE DISTRICT. THE  
16 BOARD OF A COMMUNITY COLLEGE ALSO MAY ISSUE A CONTRACT FOR NOT  
17 MORE THAN 1 STRICT DISCIPLINE ACADEMY TO OPERATE ON THE GROUNDS  
18 OF AN ACTIVE OR CLOSED FEDERAL MILITARY INSTALLATION LOCATED OUT-  
19 SIDE THE BOUNDARIES OF THE COMMUNITY COLLEGE DISTRICT, OR MAY  
20 OPERATE A STRICT DISCIPLINE ACADEMY ITSELF ON THE GROUNDS OF SUCH  
21 A FEDERAL MILITARY INSTALLATION, IF THE FEDERAL MILITARY INSTAL-  
22 LATION IS NOT LOCATED WITHIN THE BOUNDARIES OF ANY COMMUNITY COL-  
23 LEGE DISTRICT AND THE COMMUNITY COLLEGE HAS PREVIOUSLY OFFERED  
24 COURSES ON THE GROUNDS OF THE FEDERAL MILITARY INSTALLATION FOR  
25 AT LEAST 10 YEARS.

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

1       (3) TO OBTAIN A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE  
2 STRICT DISCIPLINE ACADEMIES, 1 OR MORE PERSONS OR AN ENTITY MAY  
3 APPLY TO AN AUTHORIZING BODY DESCRIBED IN SUBSECTION (2). THE  
4 APPLICATION SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

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

6       (B) SUBJECT TO THE RESOLUTION ADOPTED BY THE AUTHORIZING  
7 BODY UNDER SECTION 1311E, A LIST OF THE PROPOSED MEMBERS OF THE  
8 BOARD OF DIRECTORS OF THE STRICT DISCIPLINE ACADEMY AND A  
9 DESCRIPTION OF THE QUALIFICATIONS AND METHOD FOR APPOINTMENT OR  
10 ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS.

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

13       (i) THE NAME OF THE PROPOSED STRICT DISCIPLINE ACADEMY.

14       (ii) THE PURPOSES FOR THE STRICT DISCIPLINE ACADEMY CORPORA-  
15 TION THAT WILL OPERATE THE STRICT DISCIPLINE ACADEMY. THIS LAN-  
16 GUAGE SHALL PROVIDE THAT THE STRICT DISCIPLINE ACADEMY IS ESTAB-  
17 LISHED PURSUANT TO SECTIONS 1311B TO 1311I AND THAT THE STRICT  
18 DISCIPLINE ACADEMY CORPORATION IS A GOVERNMENTAL ENTITY.

19       (iii) THE NAME OF THE AUTHORIZING BODY.

20       (iv) THE PROPOSED TIME WHEN THE ARTICLES OF INCORPORATION  
21 WILL BE EFFECTIVE.

22       (v) OTHER MATTERS CONSIDERED EXPEDIENT TO BE IN THE ARTICLES  
23 OF INCORPORATION.

24       (D) A COPY OF THE PROPOSED BYLAWS OF THE STRICT DISCIPLINE  
25 ACADEMY.

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

1       (i) THE GOVERNANCE STRUCTURE OF THE STRICT DISCIPLINE  
2 ACADEMY.

3       (ii) A COPY OF THE EDUCATIONAL GOALS OF THE STRICT DISCI-  
4 PLINE ACADEMY AND THE CURRICULA TO BE OFFERED AND METHODS OF  
5 PUPIL ASSESSMENT TO BE USED BY THE STRICT DISCIPLINE ACADEMY. TO  
6 THE EXTENT APPLICABLE, THE PROGRESS OF THE PUPILS IN THE STRICT  
7 DISCIPLINE ACADEMY SHALL BE ASSESSED USING AT LEAST A MICHIGAN  
8 EDUCATION ASSESSMENT PROGRAM (MEAP) TEST OR AN ASSESSMENT INSTRU-  
9 MENT DEVELOPED UNDER SECTION 1279 FOR A STATE-ENDORSED HIGH  
10 SCHOOL DIPLOMA.

11       (iii) THE ADMISSION POLICY AND CRITERIA TO BE MAINTAINED BY  
12 THE STRICT DISCIPLINE ACADEMY. THE ADMISSION POLICY AND CRITERIA  
13 SHALL COMPLY WITH SECTION 1311G. THIS PART OF THE APPLICATION  
14 ALSO SHALL INCLUDE A DESCRIPTION OF HOW THE APPLICANT WILL PRO-  
15 VIDE TO THE GENERAL PUBLIC ADEQUATE NOTICE THAT A STRICT DISCI-  
16 PLINE ACADEMY IS BEING CREATED AND ADEQUATE INFORMATION ON THE  
17 ADMISSION POLICY, CRITERIA, AND PROCESS.

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

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

20       (vi) THE TYPE OF PUPILS TO BE ENROLLED IN THE STRICT DISCI-  
21 PLINE ACADEMY, AS DESCRIBED IN SECTION 1311G(3) AND (4).

22       (F) DESCRIPTIONS OF STAFF RESPONSIBILITIES AND OF THE STRICT  
23 DISCIPLINE ACADEMY'S GOVERNANCE STRUCTURE.

24       (G) FOR AN APPLICATION TO THE BOARD OF A SCHOOL DISTRICT, AN  
25 INTERMEDIATE SCHOOL BOARD, OR BOARD OF A COMMUNITY COLLEGE, IDEN-  
26 TIFICATION OF THE LOCAL AND INTERMEDIATE SCHOOL DISTRICTS IN  
27 WHICH THE STRICT DISCIPLINE ACADEMY WILL BE LOCATED.

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

20

1 (H) AN AGREEMENT THAT THE STRICT DISCIPLINE ACADEMY WILL  
2 COMPLY WITH THE PROVISIONS OF SECTIONS 1311B TO 1311I AND,  
3 SUBJECT TO THE PROVISIONS OF THESE SECTIONS, WITH ALL OTHER STATE  
4 LAW APPLICABLE TO PUBLIC BODIES AND WITH FEDERAL LAW APPLICABLE  
5 TO PUBLIC BODIES OR SCHOOL DISTRICTS.

6 (I) FOR A STRICT DISCIPLINE ACADEMY AUTHORIZED BY A SCHOOL  
7 DISTRICT, AN ASSURANCE THAT EMPLOYEES OF THE STRICT DISCIPLINE  
8 ACADEMY WILL BE COVERED BY THE COLLECTIVE BARGAINING AGREEMENTS  
9 THAT APPLY TO OTHER EMPLOYEES OF THE SCHOOL DISTRICT EMPLOYED IN  
10 SIMILAR CLASSIFICATIONS IN SCHOOLS THAT ARE NOT STRICT DISCIPLINE  
11 ACADEMIES.

12 (J) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL  
13 PLANT IN WHICH THE STRICT DISCIPLINE ACADEMY WILL BE LOCATED.

14 (4) AN AUTHORIZING BODY SHALL OVERSEE, OR SHALL CONTRACT  
15 WITH AN INTERMEDIATE SCHOOL DISTRICT, COMMUNITY COLLEGE, OR STATE  
16 PUBLIC UNIVERSITY TO OVERSEE, EACH STRICT DISCIPLINE ACADEMY  
17 OPERATING UNDER A CONTRACT ISSUED BY THE AUTHORIZING BODY. THE  
18 OVERSIGHT SHALL BE SUFFICIENT TO ENSURE THAT THE AUTHORIZING BODY  
19 CAN CERTIFY THAT THE STRICT DISCIPLINE ACADEMY IS IN COMPLIANCE  
20 WITH STATUTE, RULES, AND THE TERMS OF THE CONTRACT.

21 (5) IF THE STATE BOARD FINDS THAT AN AUTHORIZING BODY IS NOT  
22 ENGAGING IN APPROPRIATE CONTINUING OVERSIGHT OF 1 OR MORE STRICT  
23 DISCIPLINE ACADEMIES OPERATING UNDER A CONTRACT ISSUED BY THE  
24 AUTHORIZING BODY, THE STATE BOARD MAY SUSPEND THE POWER OF THE  
25 AUTHORIZING BODY TO ISSUE NEW CONTRACTS TO ORGANIZE AND OPERATE  
26 STRICT DISCIPLINE ACADEMIES. A CONTRACT ISSUED BY THE  
27 AUTHORIZING BODY DURING THE SUSPENSION IS VOID. A CONTRACT

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

21

1 ISSUED BY THE AUTHORIZING BODY BEFORE THE SUSPENSION IS NOT  
2 AFFECTED BY THE SUSPENSION.

3       (6) AN AUTHORIZING BODY SHALL NOT CHARGE A FEE, OR REQUIRE  
4 REIMBURSEMENT OF EXPENSES, FOR CONSIDERING AN APPLICATION FOR A  
5 CONTRACT, FOR ISSUING A CONTRACT, OR FOR PROVIDING OVERSIGHT OF A  
6 CONTRACT FOR A STRICT DISCIPLINE ACADEMY IN AN AMOUNT THAT  
7 EXCEEDS A COMBINED TOTAL OF 3% OF THE TOTAL STATE SCHOOL AID  
8 RECEIVED BY THE STRICT DISCIPLINE ACADEMY IN THE SCHOOL YEAR IN  
9 WHICH THE FEES OR EXPENSES ARE CHARGED. AN AUTHORIZING BODY MAY  
10 PROVIDE OTHER SERVICES FOR A STRICT DISCIPLINE ACADEMY AND CHARGE  
11 A FEE FOR THOSE SERVICES, BUT SHALL NOT REQUIRE SUCH AN ARRANGE-  
12 MENT AS A CONDITION TO ISSUING THE CONTRACT AUTHORIZING THE  
13 STRICT DISCIPLINE ACADEMY.

14       (7) A STRICT DISCIPLINE ACADEMY SHALL BE PRESUMED TO BE  
15 LEGALLY ORGANIZED IF IT HAS EXERCISED THE FRANCHISES AND PRIVI-  
16 LEGES OF A STRICT DISCIPLINE ACADEMY FOR AT LEAST 2 YEARS.

17       SEC. 1311E. (1) AN AUTHORIZING BODY IS NOT REQUIRED TO  
18 ISSUE A CONTRACT TO ANY PERSON OR ENTITY. CONTRACTS FOR STRICT  
19 DISCIPLINE ACADEMIES SHALL BE ISSUED ON A COMPETITIVE BASIS  
20 TAKING INTO CONSIDERATION THE RESOURCES AVAILABLE FOR THE PRO-  
21 POSED STRICT DISCIPLINE ACADEMY, THE POPULATION TO BE SERVED BY  
22 THE PROPOSED STRICT DISCIPLINE ACADEMY, AND THE EDUCATIONAL GOALS  
23 TO BE ACHIEVED BY THE PROPOSED STRICT DISCIPLINE ACADEMY.

24       (2) IF A PERSON OR ENTITY APPLIES TO THE BOARD OF A SCHOOL  
25 DISTRICT FOR A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE STRICT  
26 DISCIPLINE ACADEMIES WITHIN THE BOUNDARIES OF THE SCHOOL DISTRICT  
27 AND THE BOARD DOES NOT ISSUE THE CONTRACT, THE PERSON OR ENTITY

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

22

1 MAY PETITION THE BOARD TO PLACE THE QUESTION OF ISSUING THE  
2 CONTRACT ON THE BALLOT TO BE DECIDED BY THE SCHOOL ELECTORS OF  
3 THE SCHOOL DISTRICT. THE PETITION SHALL CONTAIN ALL OF THE  
4 INFORMATION REQUIRED TO BE IN THE CONTRACT APPLICATION UNDER SEC-  
5 TION 1311D AND SHALL BE SIGNED BY A NUMBER OF SCHOOL ELECTORS OF  
6 THE SCHOOL DISTRICT EQUAL TO AT LEAST 15% OF THE TOTAL NUMBER OF  
7 SCHOOL ELECTORS OF THAT SCHOOL DISTRICT. THE PETITION SHALL BE  
8 FILED WITH THE SECRETARY OF THE BOARD. IF THE BOARD RECEIVES A  
9 PETITION MEETING THE REQUIREMENTS OF THIS SUBSECTION, THE BOARD  
10 SHALL PLACE THE QUESTION OF ISSUING THE CONTRACT ON THE BALLOT AT  
11 ITS NEXT ANNUAL SCHOOL ELECTION HELD AT LEAST 60 DAYS AFTER  
12 RECEIVING THE PETITION. IF A MAJORITY OF THE SCHOOL ELECTORS OF  
13 THE SCHOOL DISTRICT VOTING ON THE QUESTION VOTE TO ISSUE THE CON-  
14 TRACT, THE BOARD SHALL ISSUE THE CONTRACT.

15 (3) WITHIN 10 DAYS AFTER ISSUING A CONTRACT FOR A STRICT  
16 DISCIPLINE ACADEMY, THE BOARD OF THE AUTHORIZING BODY SHALL  
17 SUBMIT TO THE STATE BOARD A COPY OF THE CONTRACT AND OF THE  
18 APPLICATION UNDER SECTION 1311D.

19 (4) AN AUTHORIZING BODY SHALL ADOPT A RESOLUTION ESTABLISH-  
20 ING THE METHOD OF SELECTION, LENGTH OF TERM, AND NUMBER OF MEM-  
21 BERS OF THE BOARD OF DIRECTORS OF EACH STRICT DISCIPLINE ACADEMY  
22 SUBJECT TO ITS JURISDICTION.

23 (5) A CONTRACT ISSUED TO ORGANIZE AND ADMINISTER A STRICT  
24 DISCIPLINE ACADEMY SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING:

25 (A) THE EDUCATIONAL GOALS THE STRICT DISCIPLINE ACADEMY IS  
26 TO ACHIEVE AND THE METHODS BY WHICH IT WILL BE HELD ACCOUNTABLE.  
27 TO THE EXTENT APPLICABLE, THE PUPIL PERFORMANCE OF A STRICT

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

23

1 DISCIPLINE ACADEMY SHALL BE ASSESSED USING AT LEAST A MICHIGAN  
2 EDUCATION ASSESSMENT PROGRAM (MEAP) TEST OR AN ASSESSMENT INSTRU-  
3 MENT DEVELOPED UNDER SECTION 1279 FOR A STATE-ENDORSED HIGH  
4 SCHOOL DIPLOMA.

5 (B) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE  
6 STRICT DISCIPLINE ACADEMY'S COMPLIANCE WITH APPLICABLE LAW AND  
7 ITS PERFORMANCE IN MEETING ITS TARGETED EDUCATIONAL OBJECTIVES.

8 (C) A DESCRIPTION OF THE PROCESS FOR AMENDING THE CONTRACT  
9 DURING THE TERM OF THE CONTRACT.

10 (D) ALL OF THE MATTERS SET FORTH IN THE APPLICATION FOR THE  
11 CONTRACT.

12 (E) FOR A STRICT DISCIPLINE ACADEMY AUTHORIZED BY A SCHOOL  
13 DISTRICT, AN AGREEMENT THAT EMPLOYEES OF THE STRICT DISCIPLINE  
14 ACADEMY WILL BE COVERED BY THE COLLECTIVE BARGAINING AGREEMENTS  
15 THAT APPLY TO EMPLOYEES OF THE SCHOOL DISTRICT EMPLOYED IN SIMI-  
16 LAR CLASSIFICATIONS IN SCHOOLS THAT ARE NOT STRICT DISCIPLINE  
17 ACADEMIES.

18 (F) PROCEDURES FOR REVOKING THE CONTRACT AND GROUNDS FOR  
19 REVOKING THE CONTRACT, INCLUDING AT LEAST THE GROUNDS LISTED IN  
20 SECTION 13111.

21 (G) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL  
22 PLANT IN WHICH THE STRICT DISCIPLINE ACADEMY WILL BE LOCATED.

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

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

24

1 (6) A STRICT DISCIPLINE ACADEMY SHALL COMPLY WITH ALL  
2 APPLICABLE LAW, INCLUDING ALL OF THE FOLLOWING:

3 (A) THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO  
4 15.275.

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

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

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

9 (E) SECTIONS 1134, 1135, 1146, 1153, 1263(3), 1267, AND  
10 1274.

11 (F) EXCEPT FOR PART 6A, ALL PROVISIONS OF THIS ACT THAT  
12 EXPLICITLY APPLY TO PUBLIC SCHOOL ACADEMIES ESTABLISHED UNDER  
13 PART 6A.

14 (7) A STRICT DISCIPLINE ACADEMY AND ITS INCORPORATORS, BOARD  
15 MEMBERS, OFFICERS, EMPLOYEES, AND VOLUNTEERS HAVE GOVERNMENTAL  
16 IMMUNITY AS PROVIDED IN SECTION 7 OF 1964 PA 170, MCL 691.1407.  
17 AN AUTHORIZING BODY AND ITS BOARD MEMBERS, OFFICERS, AND EMPLOY-  
18 EES ARE IMMUNE FROM CIVIL LIABILITY, BOTH PERSONALLY AND PROFES-  
19 SIONALLY, FOR ANY ACTS OR OMISSIONS IN AUTHORIZING A STRICT DIS-  
20 CIPLINE ACADEMY IF THE AUTHORIZING BODY OR THE PERSON ACTED OR  
21 REASONABLY BELIEVED HE OR SHE ACTED WITHIN THE AUTHORIZING BODY'S  
22 OR THE PERSON'S SCOPE OF AUTHORITY.

23 (8) A STRICT DISCIPLINE ACADEMY IS EXEMPT FROM ALL TAXATION  
24 ON ITS EARNINGS AND PROPERTY. INSTRUMENTS OF CONVEYANCE TO OR  
25 FROM A STRICT DISCIPLINE ACADEMY ARE EXEMPT FROM ALL TAXATION  
26 INCLUDING TAXES IMPOSED BY 1966 PA 134, MCL 207.501 TO 207.513.  
27 A STRICT DISCIPLINE ACADEMY MAY NOT LEVY AD VALOREM PROPERTY



**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

25

1 TAXES OR ANY OTHER TAX FOR ANY PURPOSE. HOWEVER, OPERATION OF 1  
2 OR MORE STRICT DISCIPLINE ACADEMIES BY A SCHOOL DISTRICT OR  
3 INTERMEDIATE SCHOOL DISTRICT DOES NOT AFFECT THE ABILITY OF THE  
4 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO LEVY AD  
5 VALOREM PROPERTY TAXES OR ANY OTHER TAX.

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

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

1 BONDS ISSUED BY A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT  
2 UNDER THIS ACT MAY BE USED TO SUPPORT THE OPERATION OR FACILITIES  
3 OF A STRICT DISCIPLINE ACADEMY OPERATED BY THE SCHOOL DISTRICT OR  
4 INTERMEDIATE SCHOOL DISTRICT IN THE SAME MANNER AS THAT REVENUE  
5 MAY BE USED UNDER THIS ACT BY THE SCHOOL DISTRICT OR INTERMEDIATE  
6 SCHOOL DISTRICT TO SUPPORT SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
7 DISTRICT OPERATIONS AND FACILITIES. THIS SECTION DOES NOT AUTHO-  
8 RIZE A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO LEVY  
9 TAXES OR TO ISSUE BONDS FOR ANY PURPOSE THAT IS NOT OTHERWISE  
10 AUTHORIZED UNDER THIS ACT.

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

19 (2) A STRICT DISCIPLINE ACADEMY SHALL NOT CHARGE TUITION.  
20 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), A STRICT DISCI-  
21 PLINE ACADEMY SHALL NOT DISCRIMINATE IN ITS PUPIL ADMISSIONS POL-  
22 ICIES OR PRACTICES ON THE BASIS OF INTELLECTUAL OR ATHLETIC ABIL-  
23 ITY, MEASURES OF ACHIEVEMENT OR APTITUDE, STATUS AS A HANDICAPPED  
24 PERSON, OR ANY OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A  
25 SCHOOL DISTRICT. HOWEVER, A STRICT DISCIPLINE ACADEMY MAY LIMIT  
26 ADMISSION TO PUPILS WHO ARE WITHIN A PARTICULAR RANGE OF AGE OR

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

27

1 GRADE LEVEL OR ON ANY OTHER BASIS THAT WOULD BE LEGAL IF USED BY  
2 A SCHOOL DISTRICT.

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

6 (A) PUPILS PLACED IN THE STRICT DISCIPLINE ACADEMY BY A  
7 COURT OR BY THE FAMILY INDEPENDENCE AGENCY OR A COUNTY JUVENILE  
8 AGENCY UNDER THE DIRECTION OF A COURT.

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

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

12 (D) OTHER EXPELLED PUPILS REFERRED TO THE STRICT DISCIPLINE  
13 ACADEMY BY THAT PUPIL'S SCHOOL AND PLACED IN THE STRICT DISCI-  
14 PLINE ACADEMY BY THE PUPIL'S PARENT OR LEGAL GUARDIAN.

15 (4) IN ADDITION TO THE TYPES OF PUPILS SPECIFIED IN SUBSEC-  
16 TION (3), A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL BE OPEN  
17 FOR ENROLLMENT OF A SPECIAL EDUCATION PUPIL WHO DOES NOT MEET THE  
18 REQUIREMENTS OF SUBSECTION (3) IF THE SPECIAL EDUCATION PUPIL'S  
19 INDIVIDUALIZED EDUCATIONAL PLANNING COMMITTEE RECOMMENDS THAT THE  
20 SPECIAL EDUCATION PUPIL BE PLACED IN THE STRICT DISCIPLINE PUBLIC  
21 SCHOOL ACADEMY. AS USED IN THIS SUBSECTION, "INDIVIDUALIZED EDU-  
22 CATIONAL PLANNING COMMITTEE" MEANS THAT TERM AS DEFINED IN R  
23 340.1701A OF THE MICHIGAN ADMINISTRATIVE CODE OR AN INDIVIDUAL-  
24 IZED EDUCATION PROGRAM TEAM AS DEFINED IN SECTION 614 OF PART B  
25 OF TITLE VI OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT,  
26 PUBLIC LAW 91-230, 20 U.S.C. 1414.

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

28

1       (5) A STRICT DISCIPLINE ACADEMY SHALL ENROLL ONLY 1 OR MORE  
2 OF THE TYPES OF PUPILS DESCRIBED IN SUBSECTION (3) OR (4). A  
3 STRICT DISCIPLINE ACADEMY IS NOT REQUIRED TO KEEP ANY GROUP OF  
4 PUPILS DESCRIBED IN SUBSECTION (3) OR (4) PHYSICALLY SEPARATED  
5 FROM ANOTHER GROUP OF THOSE PUPILS, AS MIGHT OTHERWISE BE  
6 REQUIRED UNDER SECTION 1311, SECTION 1311A, OR ANOTHER PROVISION  
7 OF THIS ACT.

8       (6) STRICT DISCIPLINE ACADEMIES ARE NOT INTENDED TO ENROLL  
9 OR OTHERWISE BE USED TO EDUCATE INDIVIDUALS WHO ARE COMMITTED TO  
10 A HIGH-SECURITY OR MEDIUM-SECURITY JUVENILE FACILITY OPERATED BY  
11 THE FAMILY INDEPENDENCE AGENCY OR ANOTHER STATE DEPARTMENT OR  
12 AGENCY. FURTHER, IF THE FAMILY INDEPENDENCE AGENCY, DEPARTMENT  
13 OF CORRECTIONS, OR ANOTHER STATE DEPARTMENT OR AGENCY HAS CUSTODY  
14 OF OR JURISDICTION OVER A CHILD, THAT STATE DEPARTMENT OR AGENCY  
15 HAS THE FINANCIAL RESPONSIBILITY FOR EDUCATING THE CHILD.

16       (7) EXCEPT FOR A FOREIGN EXCHANGE STUDENT WHO IS NOT A  
17 UNITED STATES CITIZEN, A STRICT DISCIPLINE ACADEMY SHALL NOT  
18 ENROLL A PUPIL WHO IS NOT A RESIDENT OF THIS STATE. ENROLLMENT  
19 IN THE STRICT DISCIPLINE ACADEMY MAY BE OPEN TO ALL INDIVIDUALS  
20 WHO RESIDE IN THIS STATE WHO MEET THE ADMISSION POLICY UNDER SUB-  
21 SECTIONS (3) AND (4) AND SHALL BE OPEN TO ALL PUPILS WHO RESIDE  
22 WITHIN THE GEOGRAPHIC BOUNDARIES, IF ANY, OF THE AUTHORIZING BODY  
23 AS DESCRIBED IN SECTION 1311D WHO MEET THE ADMISSION POLICY UNDER  
24 SUBSECTIONS (3) AND (4), EXCEPT THAT ADMISSION TO A STRICT DISCI-  
25 PLINE ACADEMY AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE TO  
26 OPERATE, OR OPERATED BY THE BOARD OF A COMMUNITY COLLEGE, ON THE  
27 GROUNDS OF A FEDERAL MILITARY INSTALLATION, AS DESCRIBED IN

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

29

1 SECTION 1311D, SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN THE  
2 COUNTY IN WHICH THE FEDERAL MILITARY INSTALLATION IS LOCATED WHO  
3 MEET THE ADMISSION POLICY UNDER SUBSECTIONS (3) AND (4). FOR A  
4 STRICT DISCIPLINE ACADEMY AUTHORIZED BY A STATE PUBLIC UNIVERSI-  
5 TY, ENROLLMENT SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN THIS  
6 STATE WHO MEET THE ADMISSION POLICY UNDER SUBSECTIONS (3) AND  
7 (4). IF THERE ARE MORE APPLICATIONS TO ENROLL IN THE STRICT DIS-  
8 CIPLINE ACADEMY THAN THERE ARE SPACES AVAILABLE, PUPILS SHALL BE  
9 SELECTED TO ATTEND USING A RANDOM SELECTION PROCESS. HOWEVER, A  
10 STRICT DISCIPLINE ACADEMY MAY GIVE ENROLLMENT PRIORITY TO A SIB-  
11 LING OF A PUPIL ENROLLED IN THE STRICT DISCIPLINE ACADEMY. A  
12 STRICT DISCIPLINE ACADEMY SHALL ALLOW ANY PUPIL WHO WAS ENROLLED  
13 IN THE STRICT DISCIPLINE ACADEMY IN THE IMMEDIATELY PRECEDING  
14 SCHOOL YEAR TO ENROLL IN THE STRICT DISCIPLINE ACADEMY IN THE  
15 APPROPRIATE GRADE UNLESS THE APPROPRIATE GRADE IS NOT OFFERED AT  
16 THAT STRICT DISCIPLINE ACADEMY.

17 (8) A STRICT DISCIPLINE ACADEMY MAY INCLUDE ANY GRADE UP TO  
18 GRADE 12 OR ANY CONFIGURATION OF THOSE GRADES, INCLUDING KINDER-  
19 GARTEN AND EARLY CHILDHOOD EDUCATION, AS SPECIFIED IN ITS  
20 CONTRACT. THE AUTHORIZING BODY MAY APPROVE AMENDMENT OF A CON-  
21 TRACT WITH RESPECT TO AGES OF PUPILS OR GRADES OFFERED.

22 SEC. 1311H. IN ADDITION TO OTHER POWERS SET FORTH IN SEC-  
23 TIONS 1311B TO 1311I, A STRICT DISCIPLINE ACADEMY MAY TAKE ACTION  
24 TO CARRY OUT THE PURPOSES FOR WHICH IT WAS INCORPORATED UNDER  
25 SECTIONS 1311B TO 1311I, INCLUDING, BUT NOT LIMITED TO, ALL OF  
26 THE FOLLOWING:

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

30

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

2 (B) TO ACQUIRE, HOLD, AND OWN IN ITS OWN NAME REAL AND  
3 PERSONAL PROPERTY, OR INTERESTS IN REAL OR PERSONAL PROPERTY, FOR  
4 EDUCATIONAL PURPOSES BY PURCHASE, GIFT, GRANT, DEVISE, BEQUEST,  
5 LEASE, SUBLEASE, INSTALLMENT PURCHASE AGREEMENT, LAND CONTRACT,  
6 OPTION, OR CONDEMNATION, AND SUBJECT TO MORTGAGES, SECURITY  
7 INTERESTS, OR OTHER LIENS; AND TO SELL OR CONVEY THE PROPERTY AS  
8 THE INTERESTS OF THE STRICT DISCIPLINE ACADEMY REQUIRE.

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

10 (D) TO ENTER INTO BINDING LEGAL AGREEMENTS WITH PERSONS OR  
11 ENTITIES AS NECESSARY FOR THE OPERATION, MANAGEMENT, AND MAINTENANCE  
12 OF THE STRICT DISCIPLINE ACADEMY.

13 (E) TO INCUR TEMPORARY DEBT IN ACCORDANCE WITH  
14 SECTION 1225.

15 (F) TO SOLICIT AND ACCEPT ANY GRANTS OR GIFTS FOR EDUCATIONAL  
16 PURPOSES AND TO ESTABLISH OR PERMIT TO BE ESTABLISHED ON  
17 ITS BEHALF 1 OR MORE NONPROFIT CORPORATIONS THE PURPOSE OF WHICH  
18 IS TO ASSIST THE STRICT DISCIPLINE ACADEMY IN THE FURTHERANCE OF  
19 ITS PUBLIC PURPOSES.

20 SEC. 1311I. IF A STRICT DISCIPLINE ACADEMY IS OPERATED BY A  
21 SCHOOL DISTRICT THAT IS SUBJECT TO A COURT DESEGREGATION ORDER,  
22 PUPIL SELECTION AT THE STRICT DISCIPLINE ACADEMY IS SUBJECT TO  
23 THAT ORDER.

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

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

31

1 (2) A STRICT DISCIPLINE ACADEMY OPERATED BY A STATE PUBLIC  
2 UNIVERSITY OR COMMUNITY COLLEGE MAY USE NONCERTIFICATED  
3 INDIVIDUALS TO TEACH AS FOLLOWS:

4 (A) IF THE STRICT DISCIPLINE ACADEMY IS OPERATED BY A STATE  
5 PUBLIC UNIVERSITY, THE STRICT DISCIPLINE ACADEMY MAY USE AS A  
6 CLASSROOM TEACHER IN ANY GRADE A FACULTY MEMBER WHO IS EMPLOYED  
7 FULL-TIME BY THE STATE PUBLIC UNIVERSITY AND WHO HAS BEEN GRANTED  
8 INSTITUTIONAL TENURE, OR HAS BEEN DESIGNATED AS BEING ON TENURE  
9 TRACK, BY THE STATE PUBLIC UNIVERSITY.

10 (B) FOR A STRICT DISCIPLINE ACADEMY OPERATED BY A COMMUNITY  
11 COLLEGE, THE STRICT DISCIPLINE ACADEMY MAY USE AS A CLASSROOM  
12 TEACHER A FULL-TIME MEMBER OF THE COMMUNITY COLLEGE FACULTY WHO  
13 HAS AT LEAST 5 YEARS' EXPERIENCE AT THAT COMMUNITY COLLEGE IN  
14 TEACHING THE SUBJECT MATTER THAT HE OR SHE IS TEACHING AT THE  
15 STRICT DISCIPLINE ACADEMY.

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

18 (3) A STRICT DISCIPLINE ACADEMY MAY DEVELOP AND IMPLEMENT  
19 NEW TEACHING TECHNIQUES OR METHODS OR SIGNIFICANT REVISIONS TO  
20 KNOWN TEACHING TECHNIQUES OR METHODS, AND SHALL REPORT THOSE TO  
21 THE AUTHORIZING BODY AND STATE BOARD TO BE MADE AVAILABLE TO THE  
22 PUBLIC. A STRICT DISCIPLINE ACADEMY MAY USE ANY INSTRUCTIONAL  
23 TECHNIQUE OR DELIVERY METHOD THAT MAY BE USED BY A SCHOOL  
24 DISTRICT.

25 SEC. 1311K. A STRICT DISCIPLINE ACADEMY, WITH THE APPROVAL  
26 OF THE AUTHORIZING BODY, MAY EMPLOY OR CONTRACT WITH PERSONNEL AS

**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

32

1 NECESSARY FOR THE OPERATION OF THE STRICT DISCIPLINE ACADEMY,  
2 PRESCRIBE THEIR DUTIES, AND FIX THEIR COMPENSATION.

3       SEC. 13111. (1) THE AUTHORIZING BODY FOR A STRICT DISCI-  
4 PLINE ACADEMY IS THE FISCAL AGENT FOR THE STRICT DISCIPLINE  
5 ACADEMY. A STATE SCHOOL AID PAYMENT FOR A STRICT DISCIPLINE  
6 ACADEMY SHALL BE PAID TO THE AUTHORIZING BODY THAT IS THE FISCAL  
7 AGENT FOR THAT STRICT DISCIPLINE ACADEMY, WHICH SHALL THEN FOR-  
8 WARD THE PAYMENT TO THE STRICT DISCIPLINE ACADEMY. AN AUTHORIZ-  
9 ING BODY HAS THE RESPONSIBILITY TO OVERSEE A STRICT DISCIPLINE  
10 ACADEMY'S COMPLIANCE WITH THE CONTRACT AND ALL APPLICABLE LAW. A  
11 CONTRACT ISSUED UNDER SECTIONS 1311B TO 13111 MAY BE REVOKED BY  
12 THE AUTHORIZING BODY THAT ISSUED THE CONTRACT IF THE AUTHORIZING  
13 BODY DETERMINES THAT 1 OR MORE OF THE FOLLOWING HAS OCCURRED:

14       (A) FAILURE OF THE STRICT DISCIPLINE ACADEMY TO ABIDE BY AND  
15 MEET THE EDUCATIONAL GOALS SET FORTH IN THE CONTRACT.

16       (B) FAILURE OF THE STRICT DISCIPLINE ACADEMY TO COMPLY WITH  
17 ALL APPLICABLE LAW.

18       (C) FAILURE OF THE STRICT DISCIPLINE ACADEMY TO MEET GENER-  
19 ALLY ACCEPTED PUBLIC SECTOR ACCOUNTING PRINCIPLES.

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

22       (2) THE DECISION OF AN AUTHORIZING BODY TO REVOKE A CONTRACT  
23 UNDER THIS SECTION IS SOLELY WITHIN THE DISCRETION OF THE AUTHO-  
24 RIZING BODY, IS FINAL, AND IS NOT SUBJECT TO REVIEW BY A COURT OR  
25 ANY STATE AGENCY. AN AUTHORIZING BODY THAT REVOKES A CONTRACT  
26 UNDER THIS SECTION IS NOT LIABLE FOR THAT ACTION TO THE STRICT  
27 DISCIPLINE ACADEMY, STRICT DISCIPLINE ACADEMY CORPORATION, A



**HB 4241, As Passed Senate, May 11, 1999**

House Bill No. 4241

33

1 PUPIL OF THE STRICT DISCIPLINE ACADEMY, THE PARENT OR GUARDIAN OF  
2 A PUPIL OF THE STRICT DISCIPLINE ACADEMY, OR ANY OTHER PERSON.  
3       Enacting section 1. This amendatory act shall be known and  
4 may be cited as the "safe schools and communities law".