

SENATE BILL No. 548

May 25, 2007, Introduced by Senators KUIPERS, BISHOP and GARCIA and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 502 (MCL 380.502), as amended by 1995 PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 502. (1) A public school academy shall be organized and
2 administered under the direction of a board of directors in
3 accordance with this part and with bylaws adopted by the board of
4 directors. A public school academy corporation shall be organized
5 under the nonprofit corporation act, ~~Act No. 162 of the Public Acts~~
6 ~~of 1982, being sections 450.2101 to 450.3192 of the Michigan~~
7 ~~Compiled Laws 1982 PA 162, MCL 450.2101 TO 450.3192~~, except that a
8 public school academy corporation is not required to comply with
9 sections 170 to 177 of ~~Act No. 327 of the Public Acts of 1931,~~
10 ~~being sections 450.170 to 450.177 of the Michigan Compiled Laws~~
11 1931 PA 327, MCL 450.170 TO 450.177. To the extent disqualified

1 under the state or federal constitution, a public school academy
2 shall not be organized by a church or other religious organization
3 and shall not have any organizational or contractual affiliation
4 with or constitute a church or other religious organization.

5 (2) Any of the following may act as an authorizing body to
6 issue a contract to organize and operate 1 or more public school
7 academies under this part:

8 (a) The board of a school district that operates grades K to
9 12. However, the board of a school district shall not issue a
10 contract for a public school academy to operate outside the school
11 district's boundaries, and a public school academy authorized by
12 the board of a school district shall not operate outside that
13 school district's boundaries.

14 (b) An intermediate school board. However, the board of an
15 intermediate school district shall not issue a contract for a
16 public school academy to operate outside the intermediate school
17 district's boundaries, and a public school academy authorized by
18 the board of an intermediate school district shall not operate
19 outside that intermediate school district's boundaries.

20 (c) The board of a community college. However, except as
21 otherwise provided in this subdivision, the board of a community
22 college shall not issue a contract for a public school academy to
23 operate in a school district organized as a school district of the
24 first class, a public school academy authorized by the board of a
25 community college shall not operate in a school district organized
26 as a school district of the first class, the board of a community
27 college shall not issue a contract for a public school academy to

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

14 (d) The governing board of a state public university. However,
15 the combined total number of contracts for public school academies
16 issued by all state public universities shall not exceed 85 through
17 1996, ~~and, after the initial evaluation under section 501a, shall~~
18 ~~not exceed~~ 100 through 1997, 125 through 1998, or 150 thereafter.
19 Further, the total number of contracts issued by any 1 state public
20 university shall not exceed 50 through 1996, and thereafter shall
21 not exceed 50% of the maximum combined total number that may be
22 issued under this subdivision. **THE LIMITATIONS ON THE NUMBER OF**
23 **CONTRACTS THAT MAY BE ISSUED UNDER THIS SUBDIVISION DO NOT APPLY TO**
24 **A CONTRACT ISSUED FOR A PUBLIC SCHOOL ACADEMY THAT, ACCORDING TO**
25 **THE TERMS OF ITS CONTRACT, WILL MEET ALL OF THE FOLLOWING:**

26 (i) WILL OPERATE GRADES 9 TO 12.

27 (ii) WILL FOCUS ON INSTRUCTION AND TRAINING DESIGNED TO PREPARE

1 PUPILS FOR CAREERS AND FURTHER EDUCATION IN THE AREAS OF HEALTH AND
2 LIFE SCIENCES.

3 (iii) WILL BE LOCATED ON THE CAMPUS OF THE STATE PUBLIC
4 UNIVERSITY THAT ISSUES ITS CONTRACT.

5 (3) To obtain a contract to organize and operate 1 or more
6 public school academies, 1 or more persons or an entity may apply
7 to an authorizing body described in subsection (2). The application
8 shall include at least all of the following:

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

10 (b) Subject to the resolution adopted by the authorizing body
11 under section ~~503(4)~~—503, a list of the proposed members of the
12 board of directors of the public school academy and a description
13 of the qualifications and method for appointment or election of
14 members of the board of directors.

15 (c) The proposed articles of incorporation, which shall
16 include at least all of the following:

17 (i) The name of the proposed public school academy.

18 (ii) The purposes for the public school academy corporation.

19 This language shall provide that the public school academy is
20 incorporated pursuant to this part and that the public school
21 academy corporation is a governmental entity.

22 (iii) The name of the authorizing body.

23 (iv) The proposed time when the articles of incorporation will
24 be effective.

25 (v) Other matters considered expedient to be in the articles
26 of incorporation.

27 (d) A copy of the proposed bylaws of the public school

1 academy.

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

4 (i) The governance structure of the public school academy.

5 (ii) A copy of the educational goals of the public school
6 academy and the curricula to be offered and methods of pupil
7 assessment to be used by the public school academy. To the extent
8 applicable, the progress of the pupils in the public school academy
9 shall be assessed using at least a Michigan education assessment
10 program (MEAP) test or an assessment instrument developed under
11 section 1279 ~~for a state endorsed high school diploma OR 1279G.~~

12 (iii) The admission policy and criteria to be maintained by the
13 public school academy. The admission policy and criteria shall
14 comply with section 504. This part of the application also shall
15 include a description of how the applicant will provide to the
16 general public adequate notice that a public school academy is
17 being created and adequate information on the admission policy,
18 criteria, and process.

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

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

21 (f) Descriptions of staff responsibilities and of the public
22 school academy's governance structure.

23 (g) For an application to the board of a school district, an
24 intermediate school board, or board of a community college,
25 identification of the local and intermediate school districts in
26 which the public school academy will be located.

27 (h) An agreement that the public school academy will comply

1 with the provisions of this part and, subject to the provisions of
2 this part, with all other state law applicable to public bodies and
3 with federal law applicable to public bodies or school districts.

4 (i) For a public school academy authorized by a school
5 district, an assurance that employees of the public school academy
6 will be covered by the collective bargaining agreements that apply
7 to other employees of the school district employed in similar
8 classifications in schools that are not public school academies.

9 (j) A description of and address for the proposed physical
10 plant in which the public school academy will be located.

11 (4) An authorizing body shall oversee, or shall contract with
12 an intermediate school district, community college, or state public
13 university to oversee, each public school academy operating under a
14 contract issued by the authorizing body. The oversight shall be
15 sufficient to ensure that the authorizing body can certify that the
16 public school academy is in compliance with statute, rules, and the
17 terms of the contract.

18 (5) If the state board finds that an authorizing body is not
19 engaging in appropriate continuing oversight of 1 or more public
20 school academies operating under a contract issued by the
21 authorizing body, the state board may suspend the power of the
22 authorizing body to issue new contracts to organize and operate
23 public school academies. A contract issued by the authorizing body
24 during the suspension is void. A contract issued by the authorizing
25 body before the suspension is not affected by the suspension.

26 (6) An authorizing body shall not charge a fee, or require
27 reimbursement of expenses, for considering an application for a

1 contract, for issuing a contract, or for providing oversight of a
2 contract for a public school academy in an amount that exceeds a
3 combined total of 3% of the total state school aid received by the
4 public school academy in the school year in which the fees or
5 expenses are charged. An authorizing body may provide other
6 services for a public school academy and charge a fee for those
7 services, but shall not require such an arrangement as a condition
8 to issuing the contract authorizing the public school academy.

9 (7) A public school academy shall be presumed to be legally
10 organized if it has exercised the franchises and privileges of a
11 public school academy for at least 2 years.