

# HOUSE BILL No. 5817

February 16, 2010, Introduced by Rep. Jackson and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1280c (MCL 380.1280c), as added by 2009 PA 204,  
and by adding section 1280d.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1           (2) ~~The~~**SUBJECT TO SUBSECTION (16), THE** superintendent of  
2 public instruction shall issue an order placing each public school  
3 that is included on the list under subsection (1) under the  
4 supervision of the state school reform/redesign officer described  
5 in subsection (9). Within 90 days after a public school is placed  
6 under the supervision of the state school reform/redesign officer  
7 under this section, the school board or board of directors  
8 operating the public school shall submit a redesign plan to the  
9 state school reform/redesign officer. For a public school operated  
10 by a school board, the redesign plan shall be developed with input  
11 from the local teacher bargaining unit and the local superintendent  
12 or, if an emergency financial manager is in place under the local  
13 government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to  
14 141.1291, the emergency financial manager. The redesign plan shall  
15 require implementation of 1 of the 4 school intervention models  
16 that are provided for the lowest achieving schools under the  
17 federal incentive grant program created under sections 14005 and  
18 14006 of title XIV of the American recovery and reinvestment act of  
19 2009, Public Law 111-5, known as the "race to the top" grant  
20 program. These models are the turnaround model, restart model,  
21 school closure, and transformation model. The redesign plan shall  
22 include an executed addendum to each applicable collective  
23 bargaining agreement in effect for the public school that meets the  
24 requirements of subsection (8).

25           (3) Within 30 days after receipt of a redesign plan for a  
26 public school under subsection (2), the state school  
27 reform/redesign officer shall issue an order approving,

1 disapproving, or making changes to the redesign plan. If the order  
2 makes changes to the redesign plan, the school board or board of  
3 directors has 30 days after the order to change the redesign plan  
4 to incorporate those changes into the redesign plan and resubmit it  
5 to the state school reform/redesign officer for approval or  
6 disapproval.

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

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

23 (6) The state school reform/redesign school district is  
24 created. The state school reform/redesign school district is a  
25 school district for the purposes of section 11 of article IX of the  
26 state constitution of 1963 and for receiving state school aid under  
27 the state school aid act of 1979 and is subject to the leadership

1 and general supervision of the state board over all public  
2 education under section 3 of article VIII of the state constitution  
3 of 1963. The state school reform/redesign school district is a body  
4 corporate and is a governmental agency. Except as otherwise  
5 provided in subsection (7), if the state school reform/redesign  
6 officer does not approve the redesign plan, or if the state school  
7 reform/redesign officer determines that the redesign plan is not  
8 achieving satisfactory results, the state school reform/redesign  
9 officer shall issue an order placing the public school in the state  
10 school reform/redesign school district, imposing for the public  
11 school implementation of 1 of the 4 school intervention models  
12 described in subsection (2) beginning with the beginning of the  
13 next school year, and imposing an addendum to each applicable  
14 collective bargaining agreement in effect for the public school as  
15 necessary to implement the school intervention model and that meets  
16 the requirements of subsection (8). All of the following apply to  
17 the state school reform/redesign school district:

18 (a) The state school reform/redesign school district shall  
19 consist of schools that are placed in the state school  
20 reform/redesign school district.

21 (b) The state school reform/redesign officer shall act as the  
22 superintendent of the state school reform/redesign school district.  
23 With respect to schools placed in the state school reform/redesign  
24 school district, the state school reform/redesign officer has all  
25 of the powers and duties described in this section; all of the  
26 provisions of this act that would otherwise apply to the school  
27 board that previously operated a school placed in the state school

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

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

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

24       (iii) Rights to prosecute and defend litigation.

25       (iv) Rights and obligations under statute, rule, and common  
26 law.

27       (v) Authority to delegate any of the state school

1 reform/redesign officer's powers and duties to 1 or more designees,  
2 with proper supervision by the state school reform/redesign  
3 officer.

4 (vi) Power to terminate any contract or portion of a contract  
5 entered into by the school board that applies to that school.  
6 However, this subsection does not allow any termination or  
7 diminishment of obligations to pay debt service on legally  
8 authorized bonds and does not allow a collective bargaining  
9 agreement to be affected except as provided under subsection (8). A  
10 contract terminated by the state school reform/redesign officer  
11 under this subsection is void.

12 (7) If the state school reform/redesign officer determines  
13 that better educational results are likely to be achieved by  
14 appointing a chief executive officer to take control of multiple  
15 public schools, the state school reform/redesign officer may make a  
16 recommendation to the superintendent of public instruction for  
17 appointment of a chief executive officer to take control over those  
18 multiple schools. If the superintendent of public instruction  
19 appoints a chief executive officer to take control of multiple  
20 public schools under this subsection, the chief executive officer  
21 shall impose for those public schools implementation of 1 of the 4  
22 school intervention models described in subsection (2) and impose  
23 an addendum to each applicable collective bargaining agreement in  
24 effect for those public schools as necessary to implement the  
25 school intervention model and that meets the requirements of  
26 subsection (8). With respect to those public schools, the chief  
27 executive officer has all of the same powers and duties that the

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

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

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

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

22 (c) That the state school reform/redesign officer shall direct  
23 the expenditure of all funds attributable to pupils at the public  
24 school and the principal or other school leader designated by the  
25 state school reform/redesign officer shall have full autonomy and  
26 control over curriculum and discretionary spending at the public  
27 school.

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

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

21           (a) The state school reform/redesign officer or chief  
22 executive officer shall enter into an agreement with an educational  
23 management organization to manage and operate the public school or  
24 schools. The state school reform/redesign officer or chief  
25 executive officer shall provide sufficient oversight to ensure that  
26 the public school or schools will be operated according to all of  
27 the requirements for a restart model.



1 (b) There shall be considered to be no collective bargaining  
2 agreement in effect that applies to employees working at the public  
3 school or schools under this model at the time of imposition of the  
4 model.

5 (11) If the state school reform/redesign officer imposes the  
6 turnaround model for a public school in the state school  
7 reform/redesign school district, or a chief executive officer under  
8 subsection (7) imposes the turnaround model for multiple public  
9 schools under that subsection, all of the following apply:

10 (a) A collective bargaining agreement that applies to  
11 employees working at the public school or schools under this model  
12 at the time of imposition of the model, and any successor  
13 collective bargaining agreement, continues to apply with respect to  
14 pay scales and benefits.

15 (b) Subject to any addendum to the collective bargaining  
16 agreement that applies to the public school or schools, an employee  
17 who is working at the public school or schools and who was  
18 previously employed in the same school district that previously  
19 operated that school shall continue to retain and accrue seniority  
20 rights in that school district according to the collective  
21 bargaining agreement that applies to employees of that school  
22 district.

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

26 (13) If the state school reform/redesign officer determines  
27 that a public school that is subject to the measures under

1 subsection (6) or (7) has made significant improvement in pupil  
2 achievement and should be released from the measures that have been  
3 imposed under subsection (6) or (7), the state school  
4 reform/redesign officer may recommend this to the superintendent of  
5 public instruction. If the superintendent of public instruction  
6 agrees with the determination and recommendation, the  
7 superintendent of public instruction may release the public school  
8 from the measures that have been imposed under subsection (6) or  
9 (7).

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

15 (15) As soon as practicable after the federal department of  
16 education has adopted the final work rules and formula for  
17 identifying the lowest achieving 5% of all public schools in this  
18 state for the purposes of the federal incentive grant program  
19 created under sections 14005 and 14006 of title XIV of the American  
20 recovery and reinvestment act of 2009, Public Law 111-5, known as  
21 the "race to the top" grant program, the department shall post all  
22 of the following on its website:

23 (a) The federal work rules and formula.

24 (b) A list of the public schools in this state that have been  
25 identified for these purposes as being among the lowest achieving  
26 5% of all public schools in this state. The department shall update  
27 this list as it considers appropriate.

1           (16) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES  
2   THAT AT LEAST 50% OF THE SCHOOLS OPERATED BY A SCHOOL DISTRICT HAVE  
3   FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD FOR 3 OR  
4   MORE CONSECUTIVE YEARS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION  
5   SHALL NOTIFY THE GOVERNOR AND SHALL GIVE THE GOVERNOR 30 DAYS TO  
6   ACT UNDER SECTION 1280D BEFORE TAKING ACTION UNDER THIS SECTION  
7   WITH REGARD TO THE LOW-PERFORMING SCHOOLS IN THAT SCHOOL DISTRICT  
8   HAVE FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD FOR 3  
9   OR MORE CONSECUTIVE YEARS. IF THE GOVERNOR ACTS TO DECLARE THAT A  
10   SCHOOL DISTRICT HAS AN ACADEMIC EMERGENCY UNDER SECTION 1280D, THE  
11   SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOT TAKE ACTION UNDER  
12   THIS SECTION WITH REGARD TO THE SCHOOLS IN THAT SCHOOL DISTRICT. AS  
13   USED IN THIS SUBSECTION, "FAILED TO ACHIEVE THE FEDERAL PUPIL  
14   PERFORMANCE STANDARD" MEANS THAT THE DEPARTMENT HAS DETERMINED THAT  
15   THE SCHOOL HAS FAILED TO ACHIEVE ADEQUATE YEARLY PROGRESS UNDER THE  
16   NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, OR HAS FAILED  
17   TO MEET A SUCCESSOR FEDERAL STANDARD THAT THE SUPERINTENDENT OF  
18   PUBLIC INSTRUCTION HAS IDENTIFIED AS BEING A STANDARD ESTABLISHED  
19   BY THE FEDERAL GOVERNMENT THAT IS BASED ON PUPIL PERFORMANCE AND IS  
20   REQUIRED TO BE MET IN ORDER TO RECEIVE FULL FEDERAL FUNDING.

21           SEC. 1280D. (1) IF THE GOVERNOR RECEIVES NOTIFICATION FROM THE  
22   SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER SECTION 1280C(16) THAT  
23   AT LEAST 50% OF THE SCHOOLS OPERATED BY A SCHOOL DISTRICT HAVE  
24   FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD FOR 3 OR  
25   MORE CONSECUTIVE YEARS, THE GOVERNOR MAY DECLARE THAT THE SCHOOL  
26   DISTRICT HAS AN ACADEMIC EMERGENCY AND ESTABLISH AN ACADEMIC  
27   DISTRESS COMMISSION FOR THE SCHOOL DISTRICT UNDER THIS SECTION TO

1 ASSIST THE SCHOOL DISTRICT IN IMPROVING THE SCHOOL DISTRICT'S  
2 ACADEMIC PERFORMANCE. IF THE GOVERNOR CHOOSES TO DECLARE THAT A  
3 SCHOOL DISTRICT HAS AN ACADEMIC EMERGENCY UNDER THIS SECTION, THE  
4 GOVERNOR SHALL TAKE THAT ACTION WITHIN 30 DAYS AFTER RECEIVING THE  
5 NOTIFICATION UNDER SECTION 1280C(16). IF AN EMERGENCY FINANCIAL  
6 MANAGER IS IN PLACE IN THE SCHOOL DISTRICT UNDER THE LOCAL  
7 GOVERNMENT FISCAL RESPONSIBILITY ACT, 1990 PA 72, MCL 141.1201 TO  
8 141.1291, THE GOVERNOR IN THE DECLARATION THAT THE DISTRICT HAS AN  
9 ACADEMIC EMERGENCY MAY INCLUDE AN ORDER GIVING THE EMERGENCY  
10 FINANCIAL MANAGER INTERIM AUTHORITY OVER DESIGN AND DELIVERY OF  
11 ACADEMIC IMPROVEMENTS IN THE SCHOOL DISTRICT AND ALL OTHER POWERS  
12 AND RESPONSIBILITIES PROVIDED UNDER THIS SECTION FOR AN ACADEMIC  
13 DISTRESS COMMISSION. IF GRANTED, THIS INTERIM AUTHORITY IS IN  
14 EFFECT ONLY UNTIL THE ACADEMIC DISTRESS COMMISSION IS ESTABLISHED.

15 (2) IF THE GOVERNOR DECLARES THAT A SCHOOL DISTRICT HAS AN  
16 ACADEMIC EMERGENCY, ALL OF THE FOLLOWING APPLY TO THE ESTABLISHMENT  
17 OF AN ACADEMIC DISTRESS COMMISSION UNDER THIS SECTION:

18 (A) A SEPARATE ACADEMIC DISTRESS COMMISSION SHALL BE  
19 ESTABLISHED FOR EACH SCHOOL DISTRICT FOR WHICH THE GOVERNOR HAS  
20 DECLARED AN ACADEMIC EMERGENCY.

21 (B) AN ACADEMIC DISTRESS COMMISSION IS A BODY CORPORATE AND IS  
22 A GOVERNMENTAL AGENCY. THE POWERS GRANTED TO AN ACADEMIC DISTRESS  
23 COMMISSION UNDER THIS PART CONSTITUTE THE PERFORMANCE OF ESSENTIAL  
24 PUBLIC PURPOSES AND GOVERNMENTAL FUNCTIONS OF THIS STATE. AN  
25 ACADEMIC DISTRESS COMMISSION SHALL BE KNOWN AS THE "ACADEMIC  
26 DISTRESS COMMISSION FOR ..... (NAME OF SCHOOL DISTRICT)"  
27 AND, IN THAT NAME, MAY EXERCISE ALL AUTHORITY VESTED IN THE

1 COMMISSION BY THIS SECTION.

2 (C) EACH ACADEMIC DISTRESS COMMISSION SHALL CONSIST OF 3  
3 VOTING MEMBERS APPOINTED FOR A 2-YEAR TERM. THE GOVERNOR SHALL  
4 APPOINT 2 OF THE MEMBERS, AND THE PRESIDENT OF THE SCHOOL BOARD OF  
5 THE SCHOOL DISTRICT SHALL APPOINT 1 OF THE MEMBERS. THE MEMBER  
6 APPOINTED BY THE PRESIDENT OF THE SCHOOL BOARD SHALL BE A RESIDENT  
7 OF THE SCHOOL DISTRICT. THE MEMBER APPOINTED BY THE PRESIDENT OF  
8 THE SCHOOL BOARD SHALL NOT BE A MEMBER OF THE SCHOOL BOARD. WHEN  
9 THE GOVERNOR DECLARES THAT A SCHOOL DISTRICT HAS AN ACADEMIC  
10 EMERGENCY, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PROVIDE  
11 WRITTEN NOTIFICATION OF THAT FACT TO THE SCHOOL BOARD AND SHALL  
12 REQUEST THE PRESIDENT OF THE SCHOOL BOARD TO SUBMIT TO THE  
13 SUPERINTENDENT OF PUBLIC INSTRUCTION, IN WRITING, THE SCHOOL  
14 BOARD'S OWN 24-MONTH PLAN FOR ACADEMIC IMPROVEMENT AND THE NAME OF  
15 THE PRESIDENT'S APPOINTEE TO THE COMMISSION. THE GOVERNOR AND THE  
16 PRESIDENT OF THE SCHOOL BOARD SHALL MAKE APPOINTMENTS TO THE  
17 COMMISSION WITHIN 30 DAYS AFTER THE SCHOOL DISTRICT IS NOTIFIED  
18 THAT IT IS SUBJECT TO THIS SECTION. MEMBERS OF THE COMMISSION SHALL  
19 SERVE AT THE PLEASURE OF THEIR APPOINTING AUTHORITY DURING THEIR  
20 TERMS. IN THE EVENT OF THE DEATH, RESIGNATION, INCAPACITY, REMOVAL,  
21 OR INELIGIBILITY TO SERVE OF A MEMBER, THE APPOINTING AUTHORITY  
22 SHALL APPOINT A SUCCESSOR WITHIN 15 DAYS AFTER THE VACANCY OCCURS.

23 (D) IF THERE IS AN EMERGENCY FINANCIAL MANAGER IN PLACE IN THE  
24 SCHOOL DISTRICT UNDER THE LOCAL GOVERNMENT FISCAL RESPONSIBILITY  
25 ACT, 1990 PA 72, MCL 141.1201 TO 141.1291, THE EMERGENCY FINANCIAL  
26 MANAGER MAY ALSO SERVE AS A MEMBER OF THE ACADEMIC DISTRESS  
27 COMMISSION FOR THAT SCHOOL DISTRICT.

1           (E) IMMEDIATELY AFTER APPOINTMENT OF THE INITIAL MEMBERS OF AN  
2 ACADEMIC DISTRESS COMMISSION, THE SUPERINTENDENT OF PUBLIC  
3 INSTRUCTION SHALL CALL THE FIRST MEETING OF THE COMMISSION AND  
4 SHALL CAUSE WRITTEN NOTICE OF THE TIME, DATE, AND PLACE OF THAT  
5 MEETING TO BE GIVEN TO EACH MEMBER OF THE COMMISSION AT LEAST 48  
6 HOURS IN ADVANCE OF THE MEETING. THE FIRST MEETING SHALL INCLUDE AN  
7 OVERVIEW OF THE COMMISSION'S ROLES AND RESPONSIBILITIES AND OF THE  
8 APPLICABLE LAW GOVERNING THE OPERATIONS OF THE COMMISSION. AT ITS  
9 FIRST MEETING, THE COMMISSION SHALL ADOPT TEMPORARY BYLAWS IN  
10 ACCORDANCE WITH SUBDIVISION (F) TO GOVERN ITS OPERATIONS UNTIL THE  
11 ADOPTION OF PERMANENT BYLAWS. THE SUPERINTENDENT OF PUBLIC  
12 INSTRUCTION SHALL DESIGNATE A CHAIRPERSON FOR THE COMMISSION FROM  
13 AMONG THE MEMBERS APPOINTED BY THE GOVERNOR. THE CHAIRPERSON SHALL  
14 CALL AND CONDUCT MEETINGS, SET MEETING AGENDAS, AND SERVE AS A  
15 LIAISON BETWEEN THE COMMISSION AND THE BOARD OF THE SCHOOL  
16 DISTRICT. THE CHAIRPERSON ALSO SHALL APPOINT A SECRETARY, WHO SHALL  
17 NOT BE A MEMBER OF THE COMMISSION. THE DEPARTMENT SHALL PROVIDE  
18 ADMINISTRATIVE SUPPORT FOR THE COMMISSION, PROVIDE DATA REQUESTED  
19 BY THE COMMISSION, AND INFORM THE COMMISSION OF AVAILABLE STATE  
20 RESOURCES THAT COULD ASSIST THE COMMISSION IN ITS WORK.

21           (F) EACH ACADEMIC DISTRESS COMMISSION MAY ADOPT AND ALTER  
22 BYLAWS AND RULES FOR THE CONDUCT OF ITS AFFAIRS AND FOR THE MANNER,  
23 SUBJECT TO THIS SECTION, IN WHICH ITS POWERS AND FUNCTIONS SHALL BE  
24 EXERCISED.

25           (G) A SIMPLE MAJORITY OF THE MEMBERS OF AN ACADEMIC DISTRESS  
26 COMMISSION CONSTITUTE A QUORUM OF THE COMMISSION. THE AFFIRMATIVE  
27 VOTE OF 2 MEMBERS OF THE COMMISSION IS NECESSARY FOR ANY ACTION

1 TAKEN BY VOTE OF THE COMMISSION. A VACANCY IN THE MEMBERSHIP OF THE  
2 COMMISSION DOES NOT IMPAIR THE RIGHTS OF A QUORUM TO EXERCISE ALL  
3 THE RIGHTS AND PERFORM ALL THE DUTIES OF THE COMMISSION. MEMBERS OF  
4 THE COMMISSION ARE NOT DISQUALIFIED FROM VOTING BY REASON OF THE  
5 FUNCTIONS OF ANY OTHER OFFICE THEY HOLD AND ARE NOT DISQUALIFIED  
6 FROM EXERCISING THE FUNCTIONS OF THE OTHER OFFICE WITH RESPECT TO  
7 THE SCHOOL DISTRICT, ITS OFFICERS, OR THE COMMISSION.

8 (H) THE MEMBERS OF AN ACADEMIC DISTRESS COMMISSION, THE  
9 SUPERINTENDENT OF PUBLIC INSTRUCTION, AND ANY PERSON AUTHORIZED TO  
10 ACT ON BEHALF OF OR ASSIST THEM SHALL NOT BE PERSONALLY LIABLE OR  
11 SUBJECT TO ANY SUIT, JUDGMENT, OR CLAIM FOR DAMAGES RESULTING FROM  
12 THE EXERCISE OF OR FAILURE TO EXERCISE THE POWERS, DUTIES, AND  
13 FUNCTIONS GRANTED TO THEM IN REGARD TO THEIR FUNCTIONING UNDER THIS  
14 SECTION, BUT THE COMMISSION, SUPERINTENDENT OF PUBLIC INSTRUCTION,  
15 AND SUCH OTHER PERSONS ARE SUBJECT TO MANDAMUS PROCEEDINGS TO  
16 COMPEL PERFORMANCE OF THEIR DUTIES UNDER THIS SECTION.

17 (I) EACH MEMBER OF AN ACADEMIC DISTRESS COMMISSION SHALL  
18 EXECUTE THE CONSTITUTIONAL OATH OF OFFICE AS A PUBLIC OFFICER OF  
19 THIS STATE.

20 (J) THE BUSINESS THAT THE ACADEMIC DISTRESS COMMISSION MAY  
21 PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE ACADEMIC  
22 DISTRESS COMMISSION HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT,  
23 1976 PA 267, MCL 15.261 TO 15.275. A WRITING PREPARED, OWNED, USED,  
24 IN THE POSSESSION OF, OR RETAINED BY THE ACADEMIC DISTRESS  
25 COMMISSION IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO  
26 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

27 (3) WITHIN 120 DAYS AFTER THE FIRST MEETING OF AN ACADEMIC

1 DISTRESS COMMISSION, THE COMMISSION SHALL ADOPT A 24-MONTH ACADEMIC  
2 RECOVERY PLAN TO IMPROVE ACADEMIC PERFORMANCE IN THE SCHOOL  
3 DISTRICT AND SHALL PROVIDE COPIES OF THIS PLAN TO THE SENATE AND  
4 HOUSE STANDING COMMITTEES ON EDUCATION. THE ACADEMIC DISTRESS  
5 COMMISSION SHALL CONSIDER THE WRITTEN 24-MONTH ACADEMIC IMPROVEMENT  
6 PLAN OF THE SCHOOL BOARD OF THE SCHOOL DISTRICT SUBMITTED UNDER  
7 SUBSECTION (2)(C) BEFORE ADOPTING THE COMMISSION'S ACADEMIC  
8 RECOVERY PLAN. THE SCHOOL BOARD OF THE SCHOOL DISTRICT MAY SHARE  
9 WRITTEN SUPPLEMENTS TO ITS SUBMITTED 24-MONTH ACADEMIC IMPROVEMENT  
10 PLAN WITH THE COMMISSION. THE COMMISSION'S ACADEMIC RECOVERY PLAN  
11 SHALL ADDRESS ACADEMIC PROBLEMS AT BOTH THE DISTRICT AND SCHOOL  
12 LEVELS. THE COMMISSION'S ACADEMIC RECOVERY PLAN SHALL INCLUDE AT  
13 LEAST ALL OF THE FOLLOWING:

14 (A) SHORT-TERM AND LONG-TERM ACTIONS TO BE TAKEN TO IMPROVE  
15 THE SCHOOL DISTRICT'S ACADEMIC PERFORMANCE.

16 (B) EXPECTATIONS FOR OUTCOMES TO BE ACHIEVED BY THE END OF 24  
17 MONTHS.

18 (C) THE ROLES AND RESPONSIBILITIES OF THE SCHOOL DISTRICT  
19 SUPERINTENDENT AND SCHOOL BOARD.

20 (D) THE SEQUENCE AND TIMING OF THE ACTIONS DESCRIBED IN  
21 SUBDIVISION (A) AND THE PERSONS RESPONSIBLE FOR IMPLEMENTING EACH  
22 OF THE ACTIONS.

23 (E) RESOURCES THAT WILL BE APPLIED TOWARD IMPROVEMENT EFFORTS.

24 (F) PROCEDURES FOR MONITORING AND EVALUATING IMPROVEMENT  
25 EFFORTS.

26 (G) REQUIREMENTS FOR THE COMMISSION TO REPORT TO THE BOARD OF  
27 THE SCHOOL DISTRICT ON THE STATUS OF IMPROVEMENT EFFORTS.



1 (H) A DISCLOSURE OF THE EXTENT TO WHICH THE ACADEMIC RECOVERY  
2 PLAN INCLUDES COMPONENTS OF THE SCHOOL BOARD'S OWN ACADEMIC  
3 IMPROVEMENT PLANS.

4 (I) A DESCRIPTION OF REQUIRED SCHOOL LEADERSHIP TURNAROUND  
5 SKILL SETS AND EITHER THE RESOURCE ALLOCATION OR PROFESSIONAL  
6 DEVELOPMENT PROCESS TO BE USED TO ACQUIRE THEM.

7 (4) AN ACADEMIC DISTRESS COMMISSION MAY AMEND ITS ACADEMIC  
8 RECOVERY PLAN SUBSEQUENT TO ADOPTION. THE COMMISSION SHALL UPDATE  
9 THE PLAN AT LEAST ANNUALLY.

10 (5) THE COMMISSION SHALL SUBMIT THE ACADEMIC RECOVERY PLAN IT  
11 ADOPTS OR UPDATES TO THE SENATE AND HOUSE STANDING COMMITTEES ON  
12 EDUCATION. THESE COMMITTEES MAY REQUEST CLARIFICATION OF THE PLAN  
13 WITHIN 30 DAYS OF ITS RECEIPT. THE COMMISSION SHALL IMPLEMENT ITS  
14 PLAN WITHIN 60 DAYS AFTER IT IS SUBMITTED.

15 (6) OFFICERS AND EMPLOYEES OF THE SCHOOL DISTRICT SHALL ASSIST  
16 THE ACADEMIC DISTRESS COMMISSION DILIGENTLY AND PROMPTLY IN THE  
17 IMPLEMENTATION OF THE ACADEMIC RECOVERY PLAN.

18 (7) EACH ACADEMIC DISTRESS COMMISSION SHALL SEEK TASK-SPECIFIC  
19 INPUT AND ASSISTANCE FROM THE SCHOOL BOARD OF THE SCHOOL DISTRICT  
20 REGARDING WAYS TO IMPROVE THE DISTRICT'S ACADEMIC PERFORMANCE AND  
21 IMPLEMENT THE ACADEMIC RECOVERY PLAN, BUT ANY DECISION OF THE  
22 COMMISSION RELATED TO ANY AUTHORITY GRANTED TO THE COMMISSION UNDER  
23 THIS SECTION IS FINAL. THE COMMISSION MAY DO ANY OF THE FOLLOWING:

24 (A) APPOINT SCHOOL BUILDING ADMINISTRATORS AND REASSIGN  
25 ADMINISTRATIVE PERSONNEL.

26 (B) TERMINATE THE CONTRACTS OF ADMINISTRATORS OR  
27 ADMINISTRATIVE PERSONNEL. THE COMMISSION IS NOT REQUIRED TO COMPLY

1 WITH SECTION 1229 WITH RESPECT TO ANY CONTRACT TERMINATED UNDER  
2 THIS DIVISION.

3 (C) CONTRACT WITH A PRIVATE ENTITY TO PERFORM SCHOOL OR SCHOOL  
4 DISTRICT MANAGEMENT FUNCTIONS.

5 (D) ESTABLISH A BUDGET FOR THE DISTRICT AND APPROVE DISTRICT  
6 APPROPRIATIONS AND EXPENDITURES, UNLESS THE SCHOOL DISTRICT HAS AN  
7 EMERGENCY FINANCIAL MANAGER IN PLACE UNDER THE LOCAL GOVERNMENT  
8 FISCAL RESPONSIBILITY ACT, 1990 PA 72, MCL 141.1201 TO 141.1291.

9 (8) AN ACADEMIC DISTRESS COMMISSION IS NOT PROHIBITED FROM  
10 IMPLEMENTING ITS ACADEMIC RECOVERY PLAN IN A SCHOOL OPERATED BY THE  
11 SCHOOL DISTRICT THAT HAS NOT FAILED TO ACHIEVE THE FEDERAL PUPIL  
12 PERFORMANCE STANDARD FOR 3 OR MORE CONSECUTIVE YEARS IF THIS  
13 IMPLEMENTATION DOES NOT CONTRIBUTE TO NEIGHBORHOOD DESTABILIZATION,  
14 PROPERTY TAX EROSION, SCHOOL CONSOLIDATIONS CONFLICTING WITH  
15 MUNICIPAL NEIGHBORHOOD DEVELOPMENT, PARENTAL-COMMUNITY AND ALUMNI  
16 DISENGAGEMENT, STUDENT TRANSPORTATION HARDSHIP, THE NEED FOR  
17 INCREASED COMMUNITY POLICING, OR THE POTENTIAL FOR INCREASED  
18 STUDENT VIOLENCE, OR IF THE IMPLEMENTATION INCLUDES APPROPRIATE  
19 STRATEGIES TO MITIGATE ANY OF THESE IMPACTS.

20 (9) IF THE SCHOOL BOARD OF A SCHOOL DISTRICT FOR WHICH AN  
21 ACADEMIC DISTRESS COMMISSION HAS BEEN ESTABLISHED UNDER THIS  
22 SECTION RENEWS OR ENTERS INTO ANY COLLECTIVE BARGAINING AGREEMENT  
23 DURING THE EXISTENCE OF THE COMMISSION, THE SCHOOL BOARD SHALL NOT  
24 ENTER INTO ANY AGREEMENT THAT WOULD RENDER ANY DECISION OF THE  
25 COMMISSION UNENFORCEABLE.

26 (10) AN ACADEMIC DISTRESS COMMISSION SHALL DO ALL OF THE  
27 FOLLOWING:

1 (A) BEGINNING 4 MONTHS AFTER THE DATE IT IS ESTABLISHED, AT  
2 LEAST EVERY 4 MONTHS SHALL FILE WITH THE GOVERNOR, THE SENATE  
3 MAJORITY LEADER, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE  
4 SCHOOL BOARD OF THE SCHOOL DISTRICT, AND THE LEGISLATIVE BODY OF  
5 THE MUNICIPALITY IN WHICH A MAJORITY OF THE TERRITORY OF THE SCHOOL  
6 DISTRICT IS LOCATED, AND SHALL POST ON THE INTERNET ON THE WEBSITE  
7 OF THE SCHOOL DISTRICT, A REPORT CONCERNING ITS PROGRESS.

8 (B) IN ADDITION TO THE REPORTS REQUIRED UNDER SUBDIVISION (A),  
9 COMMISSION MEMBERS SHALL BE AVAILABLE TO TESTIFY BEFORE THE  
10 COMMITTEES OF THE LEGISLATURE HAVING JURISDICTION OVER EDUCATION  
11 AND BEFORE THE LEGISLATIVE BODY OF THE MUNICIPALITY IN WHICH A  
12 MAJORITY OF THE TERRITORY OF THE SCHOOL DISTRICT IS LOCATED NOT  
13 FEWER THAN 3 TIMES EACH YEAR.

14 (C) BEGINNING 4 MONTHS AFTER THE DATE IT IS ESTABLISHED, AT  
15 LEAST EVERY 4 MONTHS THE COMMISSION SHALL CONDUCT PUBLIC FORUMS  
16 WITHIN THE SCHOOL DISTRICT TO RECEIVE INPUT FROM THE COMMUNITY AND  
17 INFORM THE COMMUNITY OF ITS ACTIVITIES AND PROGRESS. AT THESE  
18 FORUMS, THE ACADEMIC DISTRESS COMMISSION SHALL HEAR TESTIMONY FROM  
19 THE PUBLIC.

20 (11) SUBJECT TO SUBSECTION (12), AN ACADEMIC DISTRESS  
21 COMMISSION SHALL BE DISSOLVED BY THE SUPERINTENDENT OF PUBLIC  
22 INSTRUCTION WHEN THE SCHOOL DISTRICT FOR WHICH IT WAS ESTABLISHED  
23 IS DETERMINED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MEET  
24 ALL OF THE FOLLOWING:

25 (A) HAS ESTABLISHED AN ACADEMIC DELIVERY STRUCTURE THAT  
26 PRODUCES AN IMPROVEMENT TREND LINE FOR AFFECTED SCHOOLS THAT IS  
27 SATISFACTORY TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

1 (B) LESS THAN 30% OF SCHOOLS OPERATED BY THE SCHOOL DISTRICT  
2 HAVE FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD FOR 3  
3 OR MORE CONSECUTIVE YEARS.

4 (C) ALL OUTCOMES OUTLINED IN THE COMMISSION'S 24-MONTH  
5 ACADEMIC RECOVERY PLAN HAVE BEEN ACCOMPLISHED.

6 (12) THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY DISSOLVE AN  
7 ACADEMIC DISTRESS COMMISSION EARLIER THAN PRESCRIBED IN SUBSECTION  
8 (11) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT  
9 THE SCHOOL DISTRICT CAN PERFORM ADEQUATELY WITHOUT THE SUPERVISION  
10 OF THE COMMISSION.

11 (13) UPON TERMINATION OF AN ACADEMIC DISTRESS COMMISSION, THE  
12 DEPARTMENT SHALL COMPILE A FINAL REPORT OF THE COMMISSION'S  
13 ACTIVITIES TO ASSIST OTHER ACADEMIC DISTRESS COMMISSIONS IN THE  
14 PERFORMANCE OF THEIR FUNCTIONS.

15 (14) IF A SCHOOL DISTRICT FOR WHICH AN ACADEMIC DISTRESS  
16 COMMISSION HAS BEEN ESTABLISHED IS UNABLE TO MEET THE REQUIREMENTS  
17 UNDER SUBSECTION (11) OR (12) FOR DISSOLUTION OF THE COMMISSION  
18 WITHIN 2 YEARS AFTER THE COMMISSION IS ESTABLISHED, THE GOVERNOR,  
19 UPON RECOMMENDATION OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION,  
20 MAY ORDER THE ESTABLISHMENT OF A NEW COMMISSION FOR THE SCHOOL  
21 DISTRICT AS PRESCRIBED UNDER SUBSECTION (2) TO SERVE FOR AN  
22 ADDITIONAL 2-YEAR PERIOD OR UNTIL DISSOLVED UNDER SUBSECTION (11)  
23 OR (12). HOWEVER, NO MORE THAN 3 CONSECUTIVE ACADEMIC DISTRESS  
24 COMMISSIONS MAY BE APPOINTED FOR A SCHOOL DISTRICT. A MEMBER OF A  
25 PREVIOUS ACADEMIC DISTRESS COMMISSION MAY BE REAPPOINTED TO A NEW  
26 ACADEMIC DISTRESS COMMISSION.

27 (15) EXCEPT AS PROVIDED IN SUBSECTION (14), FOR A PERIOD OF 5

1 YEARS AFTER DISSOLUTION OF AN ACADEMIC DISTRESS COMMISSION FOR A  
2 SCHOOL DISTRICT, THE GOVERNOR SHALL NOT APPOINT ANOTHER ACADEMIC  
3 DISTRESS COMMISSION FOR THAT SCHOOL DISTRICT.

4 (16) AS USED IN THIS SECTION, "FAILED TO ACHIEVE THE FEDERAL  
5 PUPIL PERFORMANCE STANDARD" MEANS THAT THE DEPARTMENT HAS  
6 DETERMINED THAT THE SCHOOL HAS FAILED TO ACHIEVE ADEQUATE YEARLY  
7 PROGRESS UNDER THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW  
8 107-110, OR HAS FAILED TO MEET A SUCCESSOR FEDERAL STANDARD THAT  
9 THE SUPERINTENDENT OF PUBLIC INSTRUCTION HAS IDENTIFIED AS BEING A  
10 STANDARD ESTABLISHED BY THE FEDERAL GOVERNMENT THAT IS BASED ON  
11 PUPIL PERFORMANCE AND IS REQUIRED TO BE MET IN ORDER TO RECEIVE  
12 FULL FEDERAL FUNDING.