

HOUSE BILL No. 4369

March 5, 2013, Introduced by Reps. Lyons, Price, Haveman, Franz, McMillin, Yonker and Crawford and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 3, 4, 5, 11a, 501, 502, 654, 921, 1147,
1212, 1228, 1229, and 1280c (MCL 380.3, 380.4, 380.5, 380.11a,
380.501, 380.502, 380.654, 380.921, 380.1147, 380.1212, 380.1228,
380.1229, and 380.1280c), section 3 as amended by 2007 PA 45,
sections 4 and 5 as amended by 2011 PA 232, section 11a as
amended by 2010 PA 91, sections 501 and 502 as amended by 2011 PA
277, section 1147 as amended by 2012 PA 198, section 1212 as
amended by 2003 PA 299, section 1228 as added by 1995 PA 289,
section 1229 as amended by 2011 PA 105, and section 1280c as
amended by 2011 PA 8, and by adding section 1701b and part 7c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "ACHIEVEMENT AUTHORITY" MEANS THAT TERM AS

1 DEFINED IN SECTION 771.

2 (2) "ACHIEVEMENT SCHOOL" MEANS A PUBLIC SCHOOL OPERATED,
3 MANAGED, AUTHORIZED, ESTABLISHED, OR OVERSEEN BY THE ACHIEVEMENT
4 AUTHORITY.

5 (3) ~~(1)~~—"Area" as used in the phrase "area vocational-
6 technical education program" or "area career and technical
7 education program" means the geographical territory, within the
8 boundaries of a K to 12 school district, an intermediate school
9 district, or a community college district, that is designated by
10 the department as the service area for the operation of an area
11 vocational-technical education program.

12 (4) ~~(2)~~—"Area vocational-technical education program", "area
13 career and technical education program", or "career and technical
14 education program" means a program of organized, systematic
15 instruction designed to prepare the following persons for useful
16 employment in recognized occupations:

17 (a) Persons participating in career and technical education
18 readiness activities that lead to enrollment in a career and
19 technical education program in high school.

20 (b) Persons enrolled in high school in a school district,
21 intermediate school district, public school academy, or nonpublic
22 school.

23 (c) Persons who have completed or left high school and who
24 are available for full-time study in preparation for entering the
25 labor market.

26 (d) Persons who have entered the labor market and who need
27 training or retraining to achieve stability or advancement in

1 employment.

2 (5) ~~(3)~~—"Board" or "school board" means the governing body
3 of a local school district unless clearly otherwise stated.

4 (6) ~~(4)~~—"Boarding school" means a place accepting for board,
5 care, and instruction 5 or more children under 16 years of age.

6 (7) ~~(5)~~—"Constituent district" means a local school district
7 the territory of which is entirely within and is an integral part
8 of an intermediate school district.

9 Sec. 4. (1) **"EDUCATION ACHIEVEMENT SYSTEM" MEANS THE**
10 **ACHIEVEMENT AUTHORITY AND ALL ACHIEVEMENT SCHOOLS.**

11 (2) ~~(1)~~—"Educational media center" means a program operated
12 by an intermediate school district and approved by the ~~state~~
13 ~~board~~ **DEPARTMENT** that provides services to local school districts
14 or constituent districts under section 671.

15 (3) ~~(2)~~—"Intermediate school board" means the board of an
16 intermediate school district.

17 (4) ~~(3)~~—"Intermediate school district" means a corporate
18 body established under part 7.

19 (5) ~~(4)~~—"Intermediate school district election" means an
20 election called by an intermediate school board and held on the
21 date of the regular school elections of constituent districts or
22 on a date determined by the intermediate school board under
23 section 642c of the Michigan election law, MCL 168.642c.

24 (6) ~~(5)~~—"Intermediate school elector" means a person who is
25 a school elector of a constituent district and who is registered
26 in the city or township in which the person resides.

27 (7) ~~(6)~~—"Intermediate superintendent" means the

1 superintendent of an intermediate school district.

2 Sec. 5. (1) "Local act school district" or "special act
3 school district" means a **SCHOOL** district governed by a special or
4 local act or chapter of a local act. "Local school district" and
5 "local school district board" as used in article 3 include a
6 local act school district and a local act school district board.

7 (2) "Membership" means the number of full-time equivalent
8 pupils in a public school as determined by the number of pupils
9 registered for attendance plus pupils received by transfer and
10 minus pupils lost as defined by rules promulgated by the ~~state~~

11 ~~board~~. **SUPERINTENDENT OF PUBLIC INSTRUCTION.**

12 (3) "Michigan election law" means the Michigan election law,
13 1954 PA 116, MCL 168.1 to 168.992.

14 (4) "Nonpublic school" means a private, denominational, or
15 parochial school.

16 (5) "Objectives" means measurable pupil academic skills and
17 knowledge.

18 (6) "Public school" means a public elementary or secondary
19 educational entity or agency that is established under this act,
20 has as its primary mission the teaching and learning of academic
21 and vocational-technical skills and knowledge, and is operated by
22 a school district, local act school district, special act school
23 district, intermediate school district, school of excellence,
24 public school academy corporation, strict discipline academy
25 corporation, urban high school academy corporation, or by the
26 department or state board. Public school also includes a
27 laboratory school or other elementary or secondary school that is

1 controlled and operated by a state public university described in
2 section 4, 5, or 6 of article VIII of the state constitution of
3 1963. **PUBLIC SCHOOL ALSO INCLUDES AN ACHIEVEMENT SCHOOL.**

4 (7) "Public school academy" means a public school academy
5 established under part 6a and, except as used in part 6a, also
6 includes an urban high school academy established under part 6c,
7 a school of excellence established under part 6e, and a strict
8 discipline academy established under sections 1311b to 1311m.

9 (8) "Pupil membership count day" of a school district,
10 **PUBLIC SCHOOL ACADEMY, OR THE EDUCATION ACHIEVEMENT SYSTEM** means
11 that term as defined in section 6 of the state school aid act of
12 1979, MCL 388.1606.

13 (9) "Regular school election" or "regular election" means
14 the election held in a school district, local act school
15 district, or intermediate school district to elect a school board
16 member in the regular course of the terms of that office and held
17 on the school district's regular election date as determined
18 under section 642c of the Michigan election law, MCL 168.642c.

19 (10) "Reorganized intermediate school district" means an
20 intermediate school district formed by consolidation or
21 annexation of 2 or more intermediate school districts under
22 sections 701 and 702.

23 (11) "Rule" means a rule promulgated under the
24 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
25 24.328.

26 Sec. 11a. (1) Beginning on July 1, 1996, each school
27 district formerly organized as a primary school district or as a

1 school district of the fourth class, third class, or second class
2 shall be a general powers school district under this act.

3 (2) Beginning on July 1, 1996, a school district operating
4 under a special or local act shall operate as a general powers
5 school district under this act except to the extent that the
6 special or local act is inconsistent with this act. Upon repeal
7 of a special or local act that governs a school district, that
8 school district shall become a general powers school district
9 under this act.

10 (3) A general powers school district ~~has~~ **AND AN ACHIEVEMENT**
11 **AUTHORITY HAVE** all of the rights, powers, and duties expressly
12 stated in this act; may exercise a power implied or incident to a
13 power expressly stated in this act; and, except as provided by
14 law, may exercise a power incidental or appropriate to the
15 performance of a function related to operation of ~~the school~~
16 ~~district~~ **PUBLIC SCHOOLS** in the interests of public elementary and
17 secondary education, ~~in the school district,~~ including, but not
18 limited to, all of the following:

19 (a) Educating pupils. In addition to educating pupils in
20 grades K-12, this function may include operation of preschool,
21 lifelong education, adult education, community education,
22 training, enrichment, and recreation programs for other persons.

23 **IN PERFORMING THIS FUNCTION, A SCHOOL DISTRICT MAY DO EITHER OR**
24 **BOTH OF THE FOLLOWING:**

25 (i) **EDUCATE PUPILS BY DIRECTLY OPERATING 1 OR MORE SCHOOLS ON**
26 **ITS OWN.**

27 (ii) **CAUSE PUBLIC EDUCATIONAL SERVICES TO BE PROVIDED WITHIN**

1 THE SCHOOL DISTRICT TO RESIDENTS OF THE SCHOOL DISTRICT THROUGH A
2 CONTRACT OR INTERGOVERNMENTAL AGREEMENT WITH ANOTHER GOVERNMENTAL
3 ENTITY, INCLUDING, BUT NOT LIMITED TO, ANOTHER SCHOOL DISTRICT, A
4 PUBLIC SCHOOL ACADEMY, OR THE ACHIEVEMENT AUTHORITY.

5 (b) Providing for the safety and welfare of pupils while at
6 school or a school sponsored activity or while en route to or
7 from school or a school sponsored activity.

8 (c) Acquiring, constructing, maintaining, repairing,
9 renovating, disposing of, or conveying school property,
10 facilities, equipment, technology, or furnishings.

11 (d) Hiring, contracting for, scheduling, supervising, or
12 terminating employees, independent contractors, and others,
13 INCLUDING, BUT NOT LIMITED TO, ANOTHER SCHOOL DISTRICT, A PUBLIC
14 SCHOOL ACADEMY, OR THE ACHIEVEMENT AUTHORITY THROUGH AN
15 INTERGOVERNMENTAL AGREEMENT, to carry out ~~school district powers~~
16 UNDER THIS ACT. A school district OR AN ACHIEVEMENT AUTHORITY may
17 indemnify its employees.

18 (e) Receiving, accounting for, investing, or expending
19 ~~school district~~ PUBLIC SCHOOL money; borrowing money and pledging
20 ~~school district~~ PUBLIC SCHOOL funds for repayment; and qualifying
21 for state school aid and other public or private money from
22 local, regional, state, or federal sources.

23 (4) A general powers school district OR AN ACHIEVEMENT
24 AUTHORITY may enter into agreements or cooperative arrangements
25 with other entities, public or private, or join organizations as
26 part of performing the functions of the school district,
27 INCLUDING, BUT NOT LIMITED TO, A PUBLIC SCHOOL ACADEMY OR THE

1 **ACHIEVEMENT AUTHORITY.** An agreement or cooperative arrangement
2 that is entered into under this act is not required to comply
3 with the provisions of the urban cooperation act of 1967, 1967
4 (Ex Sess) PA 7, MCL 124.501 to 124.512, as provided under section
5 503 of that act, MCL 124.503.

6 (5) A general powers school district is a body corporate and
7 shall be governed by a school board. An act of a school board is
8 not valid unless approved, at a meeting of the school board, by a
9 majority vote of the members lawfully serving on the board.

10 (6) The board of a general powers school district shall
11 adopt bylaws. These bylaws may establish or change board
12 procedures, the number of board officers, titles and duties of
13 board officers, and any other matter related to effective and
14 efficient functioning of the board. Regular meetings of the board
15 shall be held at least once each month, at the time and place
16 fixed by the bylaws. Special meetings may be called and held in
17 the manner and for the purposes specified in the bylaws. Board
18 procedures, bylaws, and policies in effect on the effective date
19 of this section shall continue in effect until changed by action
20 of the board.

21 (7) The board of a school district shall be elected as
22 provided under this act and the Michigan election law. The number
23 of members of the board of a general powers school district shall
24 remain the same as for that school district before July 1, 1996
25 unless changed by the school electors of the school district at a
26 regular or special school election. A ballot question for
27 changing the number of board members may be placed on the ballot

1 by action of the board or by petition submitted by school
2 electors as provided under chapter XIV of the Michigan election
3 law, MCL 168.301 to 168.316.

4 (8) Members of the board of a general powers school district
5 shall be elected by the school electors for terms of 4 or 6
6 years, as provided by the school district's bylaws. At each
7 regular school election, members of the board shall be elected to
8 fill the positions of those whose terms will expire. A term of
9 office begins as provided in section 302 of the Michigan election
10 law, MCL 168.302, and continues until a successor is elected and
11 qualified.

12 (9) The board of a general powers school district may submit
13 to the school electors of the school district a question that is
14 within the scope of the powers of the school electors and that
15 the board considers proper for the management of the school
16 system or the advancement of education in the school district.
17 Upon the adoption of a question by the board, the board shall
18 submit the question to the school electors by complying with
19 section 312 of the Michigan election law, MCL 168.312.

20 (10) A special election may be called by the board of a
21 general powers school district as provided under chapter XIV of
22 the Michigan election law, MCL 168.301 to 168.316.

23 (11) Unless expressly provided in 1995 PA 289, the powers of
24 a school board or school district are not diminished by this
25 section or by 1995 PA 289.

26 (12) A school district operating a public library, public
27 museum, or community recreational facility as of July 1, 1996 may

1 continue to operate the public library, public museum, or
2 community recreational facility.

3 (13) A school district may establish and administer
4 scholarships for its students or graduates to support their
5 attendance at a postsecondary educational institution from funds
6 the school district receives as a result of a compact entered
7 into between this state and a federally recognized Indian tribe
8 pursuant to the Indian gaming regulatory act, Public Law 100-497.
9 A school district that establishes a scholarship program funded
10 under this subsection shall ensure that the scholarship program
11 provides for all of the following:

12 (a) That a student or graduate is not eligible to be awarded
13 a scholarship unless the student or graduate is enrolled in the
14 school district for all of grades 9 to 12 and meets 1 of the
15 following:

16 (i) Is a resident of the school district for all of grades 9
17 to 12.

18 (ii) Was enrolled in the school district for the 2009-2010
19 school year but was not a resident of the school district for
20 that school year, and is enrolled in the school district
21 continuously after that school year until graduation.

22 (b) That the amount of a scholarship awarded to a student or
23 graduate who was not enrolled in and a continuous resident of the
24 school district for all of grades K to 12 shall be adjusted based
25 on length of enrollment and continuous residency or, for a
26 student or graduate described in subdivision (a) (ii), based on
27 length of enrollment.

1 Sec. 501. (1) A public school academy is a public school
2 under section 2 of article VIII of the state constitution of
3 1963, is a school district for the purposes of section 11 of
4 article IX of the state constitution of 1963 and for the purposes
5 of section 1225 and section 1351a, and is subject to the
6 leadership and general supervision of the state board over all
7 public education under section 3 of article VIII of the state
8 constitution of 1963. A public school academy is a body corporate
9 and is a governmental agency. The powers granted to a public
10 school academy under this part constitute the performance of
11 essential public purposes and governmental functions of this
12 state.

13 (2) As used in this part:

14 (a) "Authorizing body" means any of the following that
15 issues a contract as provided in this part:

16 (i) The board of a school district. ~~that operates grades K to~~
17 ~~12.~~

18 (ii) An intermediate school board.

19 (iii) The board of a community college.

20 (iv) The governing board of a state public university.

21 (v) Two or more of the public agencies described in
22 subparagraphs (i) to (iv) exercising power, privilege, or authority
23 jointly pursuant to an interlocal agreement under the urban
24 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
25 124.512.

26 (b) "Certificated teacher" means an individual who holds a
27 valid teaching certificate issued by the superintendent of public

1 instruction under section 1531.

2 (c) "Community college" means a community college organized
3 under the community college act of 1966, 1966 PA 331, MCL 389.1
4 to 389.195, or a federal tribally controlled community college
5 that is recognized under the tribally controlled colleges and
6 universities assistance act of 1978, 25 USC 1801 to 1852, and is
7 determined by the department to meet the requirements for
8 accreditation by a recognized regional accrediting body.

9 (d) "Contract" means the executive act taken by an
10 authorizing body that evidences the authorization of a public
11 school academy and that establishes, subject to the
12 constitutional powers of the state board and applicable law, the
13 written instrument executed by an authorizing body conferring
14 certain rights, franchises, privileges, and obligations on a
15 public school academy, as provided by this part, and confirming
16 the status of a public school academy as a public school in this
17 state.

18 (e) "Entity" means a partnership, nonprofit or business
19 corporation, labor organization, or any other association,
20 corporation, trust, or other legal entity.

21 (f) "State public university" means a state university
22 described in section 4, 5, or 6 of article VIII of the state
23 constitution of 1963.

24 Sec. 502. (1) A public school academy shall be organized and
25 administered under the direction of a board of directors in
26 accordance with this part and with bylaws adopted by the board of
27 directors. A public school academy corporation shall be organized

1 under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to
2 450.3192, except that a public school academy corporation is not
3 required to comply with sections 170 to 177 of 1931 PA 327, MCL
4 450.170 to 450.177. To the extent disqualified under the state or
5 federal constitution, a public school academy shall not be
6 organized by a church or other religious organization and shall
7 not have any organizational or contractual affiliation with or
8 constitute a church or other religious organization.

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

12 (a) The board of a school district. ~~that operates grades K~~
13 ~~to 12.~~ However, the board of a school district shall not issue a
14 contract for a public school academy to operate outside the
15 school district's boundaries, and a public school academy
16 authorized by the board of a school district shall not operate
17 outside that school district's boundaries.

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

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

1 the first class, a public school academy authorized by the board
2 of a community college shall not operate in a school district
3 organized as a school district of the first class, the board of a
4 community college shall not issue a contract for a public school
5 academy to operate outside the boundaries of the community
6 college district, and a public school academy authorized by the
7 board of a community college shall not operate outside the
8 boundaries of the community college district. The board of a
9 community college also may issue a contract for not more than 1
10 public school academy to operate on the grounds of an active or
11 closed federal military installation located outside the
12 boundaries of the community college district, or may operate a
13 public school academy itself on the grounds of such a federal
14 military installation, if the federal military installation is
15 not located within the boundaries of any community college
16 district and the community college has previously offered courses
17 on the grounds of the federal military installation for at least
18 10 years.

19 (d) The governing board of a state public university.
20 However, the combined total number of contracts for public school
21 academies issued by all state public universities shall not
22 exceed 300 through December 31, 2012 and shall not exceed 500
23 through December 31, 2014. After December 31, 2014, there is no
24 limit on the combined total number of contracts for public school
25 academies that may be issued by all state public universities.

26 (e) Two or more of the public agencies described in
27 subdivisions (a) to (d) exercising power, privilege, or authority

1 jointly pursuant to an interlocal agreement under the urban
2 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
3 124.512.

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

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

9 (b) Subject to the resolution adopted by the authorizing
10 body under section 503(5), a list of the proposed members of the
11 board of directors of the public school academy and a description
12 of the qualifications and method for appointment or election of
13 members of the board of directors.

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

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

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

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

21 (iii) The name of the authorizing body.

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

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

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

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

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

4 (ii) A copy of the educational goals of the public school
5 academy and the curricula to be offered and methods of pupil
6 assessment to be used by the public school academy. The
7 educational goals shall include demonstrated improved pupil
8 academic achievement for all groups of pupils. To the extent
9 applicable, the progress of the pupils in the public school
10 academy shall be assessed using at least a Michigan education
11 assessment program (MEAP) test or the Michigan merit examination
12 under section 1279g, as applicable.

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

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

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

22 (f) Descriptions of staff responsibilities and of the public
23 school 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,
26 identification of the local and intermediate school districts in
27 which the public school academy will be located.

1 (h) An agreement that the public school academy will comply
2 with the provisions of this part and, subject to the provisions
3 of this part, with all other state law applicable to public
4 bodies and with federal law applicable to public bodies or school
5 districts.

6 (i) A description of and address for the proposed physical
7 plant in which the public school academy will be located. An
8 applicant may request the authorizing body to issue a contract
9 allowing the public school academy board of directors to operate
10 the same configuration of age or grade levels at more than 1
11 site.

12 (4) An authorizing body shall oversee, or shall contract
13 with an intermediate school district, community college, or state
14 public university to oversee, each public school academy
15 operating under a contract issued by the authorizing body. The
16 authorizing body is responsible for overseeing compliance by the
17 board of directors with the contract and all applicable law. This
18 subsection does not relieve any other government entity of its
19 enforcement or supervisory responsibility.

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

1 before the suspension is not affected by the suspension.

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

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

16 (8) An authorizing body may enter into an intergovernmental
17 agreement with another authorizing body to issue public school
18 academy contracts. At a minimum, the agreement shall further the
19 purposes set forth in section 501, describe which authorizing
20 body shall issue the contract, and set forth which authorizing
21 body will be responsible for monitoring compliance by the board
22 of directors of the public school academy with the contract and
23 all applicable law.

24 Sec. 654. (1) ~~In~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
25 **(2), IN** a constituent district not employing a superintendent the
26 intermediate superintendent shall:

27 (a) Recommend in writing all teachers to the board of

1 education.

2 (b) Suspend a teacher for cause until the board of education
3 of the constituent district employing the teacher considers the
4 suspension.

5 (c) Supervise and direct the work of the teachers.

6 (d) Classify and control the promotion of pupils.

7 (2) SUBSECTION (1) DOES NOT APPLY TO A CONSTITUENT DISTRICT
8 IF THE CONSTITUENT DISTRICT IS NOT REQUIRED TO EMPLOY A
9 SUPERINTENDENT UNDER SECTION 1229.

10 PART 7C

11 EDUCATION ACHIEVEMENT AUTHORITY

12 SEC. 771. AS USED IN THIS PART:

13 (A) "ACHIEVEMENT AUTHORITY" MEANS A QUALIFIED AUTHORITY
14 EXISTING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
15 THIS SECTION, INCLUDING, BUT NOT LIMITED TO, THE EDUCATION
16 ACHIEVEMENT AUTHORITY, THE PUBLIC BODY CORPORATE AND SPECIAL
17 AUTHORITY INITIALLY CREATED UNDER THE URBAN COOPERATION ACT OF
18 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512, BY AN
19 INTERLOCAL AGREEMENT EFFECTIVE AUGUST 11, 2011, BETWEEN THE
20 SCHOOL DISTRICT OF THE CITY OF DETROIT AND THE BOARD OF REGENTS
21 OF EASTERN MICHIGAN UNIVERSITY, A STATE PUBLIC UNIVERSITY, OR A
22 PUBLIC BODY CORPORATE THAT BECOMES A QUALIFIED AUTHORITY AFTER
23 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.
24 IF ACHIEVEMENT AUTHORITY INCLUDES MORE THAN 1 QUALIFIED AUTHORITY
25 AT THE SAME TIME, THE GOVERNOR SHALL DESIGNATE THE QUALIFIED
26 AUTHORITY THAT THE GOVERNOR DETERMINES IS BEST ABLE TO EFFECTUATE
27 THE PURPOSES DETAILED IN SUBSECTION (1) TO FUNCTION AS THE

1 ACHIEVEMENT AUTHORITY UNDER THIS ACT. NO MORE THAN 1 QUALIFIED
2 AUTHORITY MAY FUNCTION AS THE ACHIEVEMENT AUTHORITY UNDER THIS
3 ACT AT THE SAME TIME.

4 (B) "AUTHORITY BOARD" MEANS AN AUTHORITY BOARD DESCRIBED IN
5 SECTION 773.

6 (C) "CHANCELLOR" MEANS THE CHANCELLOR OF THE ACHIEVEMENT
7 AUTHORITY DESCRIBED IN SECTION 774.

8 (D) "GOVERNING BODY" MEANS THE ENTITY AUTHORIZED TO ACT AS
9 THE GOVERNING BODY OF THE ACHIEVEMENT AUTHORITY UNDER THIS PART,
10 INCLUDING THE AUTHORITY BOARD APPOINTED UNDER SECTION 773, ANY
11 AUTHORITY BOARD PROVIDED FOR IN THE INTERLOCAL AGREEMENT CREATING
12 THE QUALIFIED AUTHORITY AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT
13 AUTHORITY UNDER THIS ACT, ANY EXECUTIVE COMMITTEE PROVIDED FOR IN
14 THE INTERLOCAL AGREEMENT CREATING THE QUALIFIED AUTHORITY
15 AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT AUTHORITY UNDER THIS
16 ACT, OR ANY OTHER COMMISSION, COUNCIL, OR BOARD CONSTITUTED
17 PURSUANT TO THE INTERLOCAL AGREEMENT CREATING THE QUALIFIED
18 AUTHORITY AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT AUTHORITY
19 UNDER THIS ACT AND AUTHORIZED UNDER THE INTERLOCAL AGREEMENT TO
20 ADMINISTER OR EXECUTE THE INTERLOCAL AGREEMENT.

21 (E) "QUALIFIED AUTHORITY" MEANS A PUBLIC BODY CORPORATE
22 ESTABLISHED UNDER STATE LAW THAT SATISFIES ALL OF THE FOLLOWING:

23 (i) THE PUBLIC BODY CORPORATE IS A SPECIAL AUTHORITY CREATED
24 UNDER AN INTERLOCAL AGREEMENT AUTHORIZED BY THE URBAN COOPERATION
25 ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.

26 (ii) THE INITIAL PARTIES TO THE INTERLOCAL AGREEMENT CREATING
27 THE PUBLIC BODY CORPORATE INCLUDE A STATE PUBLIC UNIVERSITY AND A

1 SCHOOL DISTRICT WITH A MEMBERSHIP OF NOT LESS THAN 25,000 PUPILS.

2 (iii) THE INTERLOCAL AGREEMENT CREATING THE PUBLIC BODY
3 CORPORATE AUTHORIZES THE PUBLIC BODY CORPORATE TO EXERCISE THE
4 POWERS, PRIVILEGES, AND AUTHORITIES THAT THE INITIAL PARTIES TO
5 THE INTERLOCAL AGREEMENT SHARE IN COMMON AND THAT EACH MIGHT
6 EXERCISE SEPARATELY RELATING TO THE PROVISION OF INNOVATIVE,
7 FLEXIBLE, TRANSPARENT, SAFE, EFFICIENT, AND EFFECTIVE PUBLIC
8 EDUCATIONAL SERVICES.

9 (iv) THE INTERLOCAL AGREEMENT CREATING THE PUBLIC BODY
10 CORPORATE WAS APPROVED BY THE GOVERNOR UNDER SECTION 10 OF THE
11 URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.510.

12 (v) AT THE TIME THE INTERLOCAL AGREEMENT CREATING THE PUBLIC
13 BODY CORPORATE WAS APPROVED BY A STATE PUBLIC UNIVERSITY
14 GOVERNING BODY AND A SCHOOL DISTRICT, THE SCHOOL DISTRICT WAS
15 SUBJECT TO CONTROL BY AN EMERGENCY MANAGER APPOINTED FOR THE
16 SCHOOL DISTRICT UNDER FORMER 2011 PA 4, AN EMERGENCY MANAGER
17 APPOINTED FOR THE SCHOOL DISTRICT UNDER THE LOCAL FINANCIAL
18 STABILITY AND CHOICE ACT, 2012 PA 436, OR A PERSON SERVING IN A
19 POSITION WITH RESPONSIBILITIES SUBSTANTIALLY SIMILAR TO AN
20 EMERGENCY MANAGER OR EMERGENCY FINANCIAL MANAGER FOR THE SCHOOL
21 DISTRICT UNDER ANY SUCCESSOR STATUTE.

22 (F) "THE INTERLOCAL AGREEMENT" MEANS THE INTERLOCAL
23 AGREEMENT CREATING THE QUALIFIED AUTHORITY AUTHORIZED TO FUNCTION
24 AS THE ACHIEVEMENT AUTHORITY UNDER THIS ACT.

25 SEC. 772. (1) THE ACHIEVEMENT AUTHORITY IS CONFIRMED UNDER
26 THIS PART TO POSSESS THE POWERS, DUTIES, RIGHTS, OBLIGATIONS,
27 FUNCTIONS, AND RESPONSIBILITIES VESTED IN THE ACHIEVEMENT

1 AUTHORITY UNDER THE LAWS OF THIS STATE, INCLUDING, BUT NOT
2 LIMITED TO, ALL OF THE FOLLOWING:

3 (A) THE INTERLOCAL AGREEMENT.

4 (B) ANY TRANSFER CONTRACT UNDER 1967 (EX SESS) PA 8, MCL
5 124.531 TO 124.536, BETWEEN THE ACHIEVEMENT AUTHORITY AND A
6 SCHOOL DISTRICT, INCLUDING, BUT NOT LIMITED TO, THE STATE REFORM
7 DISTRICT UNDER SECTION 1280C.

8 (C) THE STATE SCHOOL AID ACT OF 1979, OR ANY SUCCESSOR LAW
9 THAT PROVIDES STATE FUNDING FOR THE PUBLIC SCHOOLS OF THIS STATE.

10 (D) THIS ACT.

11 (2) SUBJECT TO THE LEADERSHIP AND GENERAL SUPERVISION OF THE
12 STATE BOARD OVER ALL PUBLIC EDUCATION, A SCHOOL OPERATED,
13 MANAGED, AUTHORIZED, ESTABLISHED, OR OVERSEEN BY THE ACHIEVEMENT
14 AUTHORITY IS A PUBLIC SCHOOL UNDER SECTION 2 OF ARTICLE VIII OF
15 THE STATE CONSTITUTION OF 1963 AND THE ACHIEVEMENT AUTHORITY IS A
16 SCHOOL DISTRICT FOR THE PURPOSES OF SECTION 11 OF ARTICLE IX OF
17 THE STATE CONSTITUTION OF 1963.

18 (3) THE ACHIEVEMENT AUTHORITY IS A PUBLIC BODY CORPORATE, IS
19 A SPECIAL AUTHORITY, AND IS A GOVERNMENTAL AGENCY. THE EXERCISE
20 BY THE ACHIEVEMENT AUTHORITY OF POWERS, DUTIES, RIGHTS,
21 OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES VESTED IN THE
22 ACHIEVEMENT AUTHORITY UNDER THE INTERLOCAL AGREEMENT, UNDER 1967
23 (EX SESS) PA 8, MCL 124.531 TO 124.536, UNDER ANY TRANSFER
24 CONTRACT UNDER THAT ACT TO WHICH THE ACHIEVEMENT AUTHORITY IS A
25 PARTY, AND UNDER THIS PART CONSTITUTES THE PERFORMANCE OF
26 ESSENTIAL PUBLIC PURPOSES AND GOVERNMENTAL FUNCTIONS OF THIS
27 STATE.

1 (4) THE ACHIEVEMENT AUTHORITY SHALL ONLY ENGAGE IN TAX-
2 EXEMPT GOVERNMENTAL FUNCTIONS CARRIED OUT AS A POLITICAL
3 SUBDIVISION OF THIS STATE UNDER SECTION 115 OF THE INTERNAL
4 REVENUE CODE OF 1986, 26 USC 115. THE ACTIVITIES OF THE
5 ACHIEVEMENT AUTHORITY ARE ESSENTIAL GOVERNMENTAL FUNCTIONS
6 CARRIED OUT BY A POLITICAL SUBDIVISION OF THIS STATE AND ARE
7 EXEMPT FROM TAXATION BY THIS STATE OR A LOCAL UNIT OF GOVERNMENT.

8 (5) PROPERTY OF THE ACHIEVEMENT AUTHORITY IS PUBLIC PROPERTY
9 DEVOTED TO AN ESSENTIAL PUBLIC AND GOVERNMENTAL FUNCTION AND
10 PURPOSE. PROPERTY OF THE ACHIEVEMENT AUTHORITY IS EXEMPT FROM ALL
11 TAXATION. INSTRUMENTS OF CONVEYANCE TO OR FROM THE ACHIEVEMENT
12 AUTHORITY ARE EXEMPT FROM ALL TAXATION, INCLUDING, BUT NOT
13 LIMITED TO, TAXES IMPOSED BY 1966 PA 134, MCL 207.501 TO 207.513.
14 A DOCUMENT, INCLUDING, BUT NOT LIMITED TO, A DEED, EVIDENCING THE
15 TRANSFER OF 1 OR MORE PARCELS OF PROPERTY TO THE ACHIEVEMENT
16 AUTHORITY BY THIS STATE, A SCHOOL DISTRICT, OR OTHER POLITICAL
17 SUBDIVISION OF THIS STATE MAY BE RECORDED WITH THE REGISTER OF
18 DEEDS OFFICE IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED
19 WITHOUT THE PAYMENT OF A FEE.

20 (6) THE ACHIEVEMENT AUTHORITY MAY INCUR TEMPORARY DEBT IN
21 ACCORDANCE WITH SECTION 1225 AND RECEIVE, DISBURSE, AND PLEDGE
22 MONEY FOR LAWFUL PURPOSES.

23 (7) THE ACHIEVEMENT AUTHORITY MAY BORROW MONEY AND ISSUE
24 BONDS IN ACCORDANCE WITH SECTION 1351A AND IN ACCORDANCE WITH
25 PART VI OF THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL
26 141.2601 TO 141.2613, EXCEPT THAT THE BORROWING OF THE MONEY AND
27 ISSUANCE OF BONDS BY THE ACHIEVEMENT AUTHORITY IS NOT SUBJECT TO

1 SECTION 1351(2) TO (4) OR SECTION 1351A(4). BONDS ISSUED UNDER
2 THIS SUBSECTION ARE SUBJECT TO THE REVISED MUNICIPAL FINANCE ACT,
3 2001 PA 34, MCL 141.2101 TO 141.2821.

4 (8) THIS PART DOES NOT IMPOSE ANY LIABILITY ON THIS STATE OR
5 A PARTY TO THE INTERLOCAL AGREEMENT, OR ON A SCHOOL DISTRICT OR
6 STATE PUBLIC UNIVERSITY FOR ANY DEBT INCURRED BY THE ACHIEVEMENT
7 AUTHORITY.

8 (9) TO THE EXTENT THAT ANY PROVISIONS OF THIS PART ARE
9 INCONSISTENT WITH THE PROVISIONS OF AN INTERLOCAL AGREEMENT OR
10 TRANSFER CONTRACT DESCRIBED IN SUBSECTION (1), THE PROVISIONS OF
11 THIS PART ARE CONTROLLING.

12 (10) NOTWITHSTANDING THE WITHDRAWAL OF A SCHOOL DISTRICT OR
13 A STATE PUBLIC UNIVERSITY UNDER THE INTERLOCAL AGREEMENT, AND
14 SUBJECT TO SUBSECTION (16), THE ACHIEVEMENT AUTHORITY SHALL
15 CONTINUE TO EXIST, OPERATE, AND POSSESS THE POWERS, DUTIES,
16 RIGHTS, OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES VESTED IN
17 THE ACHIEVEMENT AUTHORITY UNDER THE INTERLOCAL AGREEMENT AND THIS
18 ACT AND SHALL RETAIN THE POWERS VESTED IN THE ACHIEVEMENT
19 AUTHORITY UNDER THE INTERLOCAL AGREEMENT AND THIS ACT.

20 (11) THE ACHIEVEMENT AUTHORITY MAY, WITHOUT THE APPROVAL OF
21 THE LOCAL UNIT OF GOVERNMENT IN WHICH PROPERTY HELD BY THE
22 ACHIEVEMENT AUTHORITY IS LOCATED, CONTROL, HOLD, MANAGE,
23 MAINTAIN, OPERATE, REPAIR, LEASE AS LESSOR, SECURE, PREVENT THE
24 WASTE OR DETERIORATION OF, DEMOLISH, AND TAKE ALL OTHER ACTIONS
25 NECESSARY TO PRESERVE THE VALUE OF THE PROPERTY IN WHICH THE
26 ACHIEVEMENT AUTHORITY HAS A RIGHT OR INTEREST, SUBJECT TO ANY
27 AGREEMENT UNDER WHICH THE ACHIEVEMENT AUTHORITY OWNS OR CONTROLS

1 THE PROPERTY. PROPERTY OF THE ACHIEVEMENT AUTHORITY IS PUBLIC
2 PROPERTY DEVOTED TO AN ESSENTIAL PUBLIC AND GOVERNMENTAL FUNCTION
3 AND PURPOSE. PROPERTY OF THE ACHIEVEMENT AUTHORITY IS EXEMPT FROM
4 TAXATION.

5 (12) THE ACHIEVEMENT AUTHORITY MAY NOT LEVY AD VALOREM
6 PROPERTY TAXES OR ANOTHER TAX FOR ANY PURPOSE. HOWEVER, THE
7 OPERATION, MANAGEMENT, AUTHORIZATION, ESTABLISHMENT, OR OVERSIGHT
8 OF 1 OR MORE SCHOOLS BY THE ACHIEVEMENT AUTHORITY WITHIN A SCHOOL
9 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT DOES NOT AFFECT THE
10 ABILITY OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO
11 LEVY AD VALOREM PROPERTY TAXES OR ANOTHER TAX UNDER THE LAWS OF
12 THIS STATE.

13 (13) THE ACHIEVEMENT AUTHORITY MAY ESTABLISH ON ITS BEHALF 1
14 OR MORE NONPROFIT CORPORATIONS WITH THE PURPOSE OF ASSISTING THE
15 ACHIEVEMENT AUTHORITY IN THE FURTHERANCE OF ITS PUBLIC PURPOSES.

16 (14) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE ACHIEVEMENT
17 AUTHORITY SHALL USE, AND SHALL ENSURE THAT AN ACHIEVEMENT SCHOOL
18 USES, CERTIFICATED TEACHERS ACCORDING TO SUPERINTENDENT OF PUBLIC
19 INSTRUCTION RULE. THE ACHIEVEMENT AUTHORITY MAY USE A
20 NONCERTIFICATED TEACHER IN ANY SITUATION IN WHICH A SCHOOL
21 DISTRICT OR OTHER PUBLIC SCHOOL IS AUTHORIZED TO USE A
22 NONCERTIFICATED TEACHER. THE ACHIEVEMENT AUTHORITY MAY USE ANY
23 INSTRUCTIONAL TECHNIQUE THAT MAY BE USED BY A SCHOOL DISTRICT OR
24 OTHER PUBLIC SCHOOL UNDER THIS ACT.

25 (15) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, THE
26 ACHIEVEMENT AUTHORITY SHALL COMPLY, AND SHALL ENSURE THAT AN
27 ACHIEVEMENT SCHOOL COMPLIES, AS IF THE ACHIEVEMENT AUTHORITY WERE

1 A LOCAL SCHOOL DISTRICT AND THE ACHIEVEMENT SCHOOL WERE A SCHOOL
2 OPERATED BY A LOCAL SCHOOL DISTRICT, WITH SECTIONS 1133, 1134,
3 1135, 1137, 1137A, 1138, 1139, 1146, 1147, 1153, 1178A, 1217A,
4 1221, 1223, 1230 TO 1230H, 1248, 1249, 1255A, 1263(3), 1267,
5 1269, 1274, 1274B, 1278 TO 1278B, 1279, 1279E, 1279G, 1285A,
6 1306, 1309 TO 1311A, 1312, 1313, 1317, 1318, 1502, 1506 TO 1507B,
7 1535A, 1539B, 1586, AND 1587, AND WITH 1970 PA 38, MCL 388.1081
8 TO 388.1086. THE ACHIEVEMENT AUTHORITY MAY CONTRACT WITH A
9 QUALIFIED PROVIDER FOR ENERGY CONSERVATION IMPROVEMENTS TO PUBLIC
10 SCHOOL FACILITIES IN THE SAME MANNER AS A SCHOOL DISTRICT UNDER
11 SECTION 1274A.

12 (16) AN ACHIEVEMENT AUTHORITY MAY NOT AUTHORIZE THE
13 ORGANIZATION OF A PUBLIC SCHOOL ACADEMY UNDER PART 6A UNLESS THE
14 PUBLIC SCHOOL ACADEMY IS TO BE LOCATED WITHIN EITHER OF THE
15 FOLLOWING:

16 (A) WITHIN A SCHOOL DISTRICT FOR WHICH AN EMERGENCY MANAGER
17 IS IN PLACE UNDER THE LOCAL FINANCIAL STABILITY AND CHOICE ACT,
18 2012 PA 436, OR FOR WHICH A PERSON WITH DUTIES AND
19 RESPONSIBILITIES SIMILAR TO THOSE OF AN EMERGENCY MANAGER UNDER
20 THE LOCAL FINANCIAL STABILITY AND CHOICE ACT, 2012 PA 436, IS IN
21 PLACE UNDER ANY SUCCESSOR STATUTE.

22 (B) WITHIN THE SAME SCHOOL DISTRICT AND WITHIN A 2-MILE
23 RADIUS OF A PUBLIC SCHOOL THAT THE STATE SCHOOL REDESIGN OFFICER
24 ORDERED TO BE PLACED IN THE STATE REFORM DISTRICT AND UNDER THE
25 CONTROL OF ACHIEVEMENT AUTHORITY UNDER SECTION 1280C(7).

26 (17) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE
27 COMBINED TOTAL NUMBER OF PUBLIC SCHOOLS THAT ARE OPERATED,

1 MANAGED, AUTHORIZED, ESTABLISHED, OR OVERSEEN BY THE ACHIEVEMENT
2 AUTHORITY SHALL NOT EXCEED 50 AT ANY 1 TIME.

3 (18) A PUBLIC SCHOOL BUILDING OCCUPIED BY THE ACHIEVEMENT
4 AUTHORITY AND USED BY THE ACHIEVEMENT AUTHORITY FOR THE PROVISION
5 OF PUBLIC EDUCATIONAL SERVICES SHALL BE CONSIDERED TO BE IN
6 CONTINUOUS USE AS A PUBLIC SCHOOL UNDER THE LAWS OF THIS STATE IF
7 EITHER OF THE FOLLOWING APPLY:

8 (A) THE PUBLIC SCHOOL BUILDING WAS TRANSFERRED TO THE
9 ACHIEVEMENT AUTHORITY UNDER SECTION 1280C.

10 (B) THE PUBLIC SCHOOL BUILDING WAS ACQUIRED OR LEASED BY THE
11 ACHIEVEMENT AUTHORITY FROM A SCHOOL DISTRICT OR PUBLIC SCHOOL
12 ACADEMY AND WAS PREVIOUSLY USED BY THE SCHOOL DISTRICT OR PUBLIC
13 SCHOOL ACADEMY FOR THE PROVISION OF PUBLIC EDUCATIONAL SERVICES.

14 (19) FOR EACH PUBLIC SCHOOL OPERATED BY AN ACHIEVEMENT
15 AUTHORITY, THE CHANCELLOR MAY ESTABLISH A SCHOOL REINVENTION AND
16 TRANSFORMATION TEAM TO ADVISE SCHOOL LEADERSHIP ON THE
17 ESTABLISHMENT OF ANNUAL GOALS AND PERFORMANCE METRICS FOR THE
18 PUBLIC SCHOOL AND IN ASSESSING THE EFFECTIVENESS OF PROGRAMS AND
19 ACTIVITIES AT THE PUBLIC SCHOOL IN ATTAINING THE GOALS. THE GOALS
20 AND PERFORMANCE METRICS FOR A PUBLIC SCHOOL ADOPTED BY A SCHOOL
21 REINVENTION AND TRANSFORMATION TEAM SHALL BE CONSISTENT WITH
22 ACHIEVEMENT OF THE MISSION STATEMENT, GOALS, AND PERFORMANCE
23 METRICS ADOPTED FOR THE EDUCATION ACHIEVEMENT SYSTEM BY THE
24 ACHIEVEMENT AUTHORITY. A SCHOOL REINVENTION AND TRANSFORMATION
25 TEAM FOR A PUBLIC SCHOOL SHALL INCLUDE REPRESENTATIVES OF PARENTS
26 AND LEGAL GUARDIANS OF PUPILS ATTENDING THE PUBLIC SCHOOL, OTHER
27 RESIDENTS OF THE SCHOOL DISTRICT IN WHICH THE PUBLIC SCHOOL IS

1 LOCATED, AND TEACHERS, PRINCIPALS, OR OTHER OFFICERS OR EMPLOYEES
2 OF THE ACHIEVEMENT AUTHORITY WITH RESPONSIBILITIES RELATING TO
3 THE PUBLIC SCHOOL. THE SCHOOL REINVENTION AND TRANSFORMATION TEAM
4 SHALL BE COMPRISED OF THE NUMBER OF PERSONS AS THE CHANCELLOR
5 DETERMINES, BUT SHALL INCLUDE PARTICIPATION BY AT LEAST THE
6 CHANCELLOR OR HIS OR HER DESIGNEE FROM WITHIN THE EDUCATION
7 ACHIEVEMENT SYSTEM, THE CHIEF EXECUTIVE FOR THE PUBLIC SCHOOL OR
8 HIS OR HER DESIGNEE FROM WITHIN THE PUBLIC SCHOOL, 2 TEACHERS, 2
9 PARENTS OR LEGAL GUARDIANS, AND 1 COMMUNITY MEMBER WHO RESIDES
10 WITHIN THE SCHOOL DISTRICT IN WHICH THE PUBLIC SCHOOL IS LOCATED.

11 (20) IF 25 OR MORE INDIVIDUALS WHO ARE EITHER PARENTS OR
12 LEGAL GUARDIANS OF PUPILS ATTENDING A PUBLIC SCHOOL OPERATED BY
13 THE ACHIEVEMENT AUTHORITY OR RESIDENTS OF THE SCHOOL DISTRICT IN
14 WHICH THAT PUBLIC SCHOOL IS LOCATED REQUEST IN WRITING THAT THE
15 CHANCELLOR ESTABLISH A SCHOOL REINVENTION AND TRANSFORMATION TEAM
16 FOR THE PUBLIC SCHOOL, THE CHANCELLOR SHALL ESTABLISH A SCHOOL
17 REINVENTION AND TRANSFORMATION TEAM FOR THE PUBLIC SCHOOL UNDER
18 SUBSECTION (19).

19 (21) THE VALIDITY OF THE CONFIRMATION OF THE ACHIEVEMENT
20 AUTHORITY UNDER SUBSECTION (1) SHALL BE CONCLUSIVELY PRESUMED
21 UNLESS HELD TO BE INVALID BY THE COURT OF APPEALS IN AN ORIGINAL
22 ACTION FILED IN THE COURT OF APPEALS WITHIN 60 DAYS AFTER THE
23 ENACTMENT OF THIS PART. THE COURT OF APPEALS HAS ORIGINAL
24 JURISDICTION TO HEAR AN ACTION UNDER THIS SUBSECTION. THE COURT
25 SHALL HEAR THE ACTION IN AN EXPEDITED MANNER.

26 SEC. 773. (1) BEGINNING ON THE FIRST JULY 1 AFTER A
27 QUALIFIED AUTHORITY IS AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT

1 AUTHORITY UNDER THIS ACT, THE ACHIEVEMENT AUTHORITY SHALL BE
2 GOVERNED BY AN AUTHORITY BOARD CONSISTING OF 7 MEMBERS APPOINTED
3 AS FOLLOWS:

4 (A) FIVE MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE
5 AND CONSENT OF THE SENATE.

6 (B) ONE MEMBER APPOINTED BY THE GOVERNOR FROM AMONG A LIST
7 OF 3 NOMINEES SUBMITTED BY THE SENATE MAJORITY LEADER.

8 (C) ONE MEMBER APPOINTED BY THE GOVERNOR FROM AMONG A LIST
9 OF 3 NOMINEES SUBMITTED BY THE SPEAKER OF THE HOUSE OF
10 REPRESENTATIVES.

11 (2) THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE AUTHORITY
12 BOARD APPOINTED UNDER SUBSECTION (1) IN TIME FOR THOSE MEMBERS TO
13 TAKE OFFICE ON THE FIRST JULY 1 AFTER A QUALIFIED AUTHORITY IS
14 AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT AUTHORITY UNDER THIS
15 ACT. MEMBERS OF THE AUTHORITY BOARD SHALL SERVE FOR TERMS OF 4
16 YEARS OR UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER,
17 EXCEPT THAT OF THE MEMBERS FIRST APPOINTED BY THE GOVERNOR UNDER
18 SUBSECTION (1) (A), 1 SHALL BE APPOINTED FOR A TERM OF 1 YEAR, 2
19 SHALL BE APPOINTED FOR A TERM OF 2 YEARS, AND 2 SHALL BE
20 APPOINTED FOR A TERM OF 3 YEARS. IF A VACANCY OCCURS ON THE
21 AUTHORITY BOARD AMONG THE MEMBERS APPOINTED UNDER SUBSECTION (1),
22 THE GOVERNOR SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN
23 THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

24 (3) EFFECTIVE ON THE FIRST JULY 1 AFTER A QUALIFIED
25 AUTHORITY IS AUTHORIZED TO FUNCTION AS THE ACHIEVEMENT AUTHORITY
26 UNDER THIS ACT, ALL OF THE FOLLOWING APPLY:

27 (A) THE AUTHORITY BOARD APPOINTED UNDER SUBSECTION (1) HAS

1 ALL OF THE POWERS AND DUTIES UNDER THIS ACT PREVIOUSLY VESTED IN
2 ANY OTHER GOVERNING BODY FOR THE ACHIEVEMENT AUTHORITY.

3 (B) ANY OTHER GOVERNING BODY FOR THE ACHIEVEMENT AUTHORITY
4 IS DISSOLVED.

5 (4) A MEMBER OF THE GOVERNING BODY SHALL NOT RECEIVE
6 COMPENSATION FOR THE PERFORMANCE OF HIS OR HER DUTIES. A MEMBER
7 OF THE GOVERNING BODY MAY BE REIMBURSED BY THE ACHIEVEMENT
8 AUTHORITY FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
9 DISCHARGE OF HIS OR HER OFFICIAL DUTIES.

10 (5) BEFORE BEGINNING THE DUTIES OF HIS OR HER OFFICE, A
11 MEMBER OF THE GOVERNING BODY OR THE CHANCELLOR SHALL TAKE AND
12 SUBSCRIBE TO THE CONSTITUTIONAL OATH OF OFFICE UNDER SECTION 1 OF
13 ARTICLE XI OF THE STATE CONSTITUTION OF 1963. THE OATH OF OFFICE
14 SHALL BE FILED WITH THE SECRETARY OF STATE.

15 (6) THE GOVERNOR MAY REMOVE FROM OFFICE A MEMBER OF THE
16 GOVERNING BODY OR THE CHANCELLOR FOR GROSS NEGLECT OF DUTY OR FOR
17 CORRUPT CONDUCT IN OFFICE, OR FOR ANY OTHER MISFEASANCE OR
18 MALFEASANCE IN OFFICE, AND SHALL REPORT THE REASONS FOR THE
19 REMOVAL TO THE LEGISLATURE.

20 SEC. 774. (1) THE CHIEF EXECUTIVE OFFICER OF THE ACHIEVEMENT
21 AUTHORITY SHALL BE THE CHANCELLOR. THE CHANCELLOR SHALL BE
22 APPOINTED BY THE GOVERNING BODY. A VACANCY IN THE OFFICE OF
23 CHANCELLOR SHALL BE FILLED BY APPOINTMENT BY THE GOVERNING BODY.

24 (2) THE CHANCELLOR SHALL ADMINISTER ALL PROGRAMS, FUNDS,
25 PERSONNEL, FACILITIES, CONTRACTS, AND ALL OTHER ADMINISTRATIVE
26 AND ACADEMIC FUNCTIONS OF THE ACHIEVEMENT AUTHORITY, SUBJECT TO
27 OVERSIGHT BY THE GOVERNING BODY.

1 Sec. 921. (1) Annually on June 1 each intermediate
 2 superintendent shall compile a list of constituent districts
 3 ~~which~~**THAT** did not operate school within the district during the
 4 preceding 2 or more years. ~~Not later than~~**BEFORE** June 10, the
 5 intermediate superintendent shall direct in writing the board of
 6 each constituent district to comply with this section and section
 7 922. ~~Before the expiration of~~**WITHIN** 1 year ~~following this~~
 8 ~~official notification~~**AFTER THIS DIRECTION BY THE INTERMEDIATE**
 9 **SUPERINTENDENT,** the constituent district shall ~~either~~**DO 1 OF THE**
 10 **FOLLOWING:**

11 (a) Attach itself either totally or in part to 1 or more
 12 operating school districts.

13 **(B) TRANSFER THE FUNCTIONS AND RESPONSIBILITIES OF THE**
 14 **CONSTITUENT DISTRICT RELATING TO OPERATING SCHOOLS WITHIN THE**
 15 **SCHOOL DISTRICT TO ANOTHER SCHOOL DISTRICT, A PUBLIC SCHOOL**
 16 **ACADEMY, OR THE ACHIEVEMENT AUTHORITY.**

17 (C) ~~(b)~~ Reopen and operate its own school.

18 (2) A CONSTITUENT DISTRICT SHALL BE CONSIDERED TO HAVE OPERATED
 19 SCHOOL WITHIN THE SCHOOL DISTRICT IF THE CONSTITUENT DISTRICT DID
 20 EITHER OR BOTH OF THE FOLLOWING:

21 (A) DIRECTLY OPERATED 1 OR MORE SCHOOLS ON ITS OWN.

22 (B) CAUSED PUBLIC EDUCATIONAL SERVICES TO BE PROVIDED WITHIN
 23 THE SCHOOL DISTRICT TO RESIDENTS OF THE SCHOOL DISTRICT THROUGH A
 24 CONTRACT OR AN INTERGOVERNMENTAL AGREEMENT WITH ANOTHER SCHOOL
 25 DISTRICT, A PUBLIC SCHOOL ACADEMY, OR THE ACHIEVEMENT AUTHORITY.

26 Sec. 1147. (1) A child who is a resident of a school
 27 district that does not provide kindergarten and who is at least 5

1 years of age on the first day of enrollment of the school year
2 may attend school in the school district **OR OTHER PUBLIC SCHOOL**
3 **LOCATED WITHIN THE BOUNDARIES OF THE SCHOOL DISTRICT.**

4 (2) In a school district that provides kindergarten, until
5 the 2013-2014 school year, a child who is a resident of the
6 school district may enroll in the kindergarten **OR ANOTHER**
7 **KINDERGARTEN IN A PUBLIC SCHOOL LOCATED WITHIN THE BOUNDARIES OF**
8 **THE SCHOOL DISTRICT** if the child is at least 5 years of age on
9 December 1 of the school year of enrollment. Subject to
10 subsection (3), for the 2013-2014 school year, a child who
11 resides in the school district may enroll in kindergarten **IN A**
12 **PUBLIC SCHOOL LOCATED WITHIN THE BOUNDARIES OF THE SCHOOL**
13 **DISTRICT** if the child is at least 5 years of age on November 1,
14 2013. Subject to subsection (3), for the 2014-2015 school year, a
15 child who resides in the school district may enroll in
16 kindergarten **IN A PUBLIC SCHOOL LOCATED WITHIN THE BOUNDARIES OF**
17 **THE SCHOOL DISTRICT** if the child is at least 5 years of age on
18 October 1, 2014. Subject to subsection (3), beginning with the
19 2015-2016 school year, a child who resides in the school district
20 may enroll in kindergarten **IN A PUBLIC SCHOOL LOCATED WITHIN THE**
21 **BOUNDARIES OF THE SCHOOL DISTRICT** if the child is at least 5
22 years of age on September 1 of the school year of enrollment.

23 (3) If a child residing in the school district is not 5
24 years of age on the enrollment eligibility date specified in
25 subsection (2), but will be 5 years of age not later than
26 December 1 of a school year, the parent or legal guardian of that
27 child may enroll the child in kindergarten for that school year

1 **IN A PUBLIC SCHOOL LOCATED WITHIN THE BOUNDARIES OF THE SCHOOL**
2 **DISTRICT** if the parent or legal guardian notifies the school
3 district in writing not later than June 1 before the beginning of
4 the school year that he or she intends to enroll the child in
5 kindergarten. If a child described in this subsection becomes a
6 resident of the school district after June 1, the child's parent
7 or legal guardian may enroll the child in kindergarten for that
8 school year **IN A PUBLIC SCHOOL LOCATED WITHIN THE BOUNDARIES OF**
9 **THE SCHOOL DISTRICT** if the parent or legal guardian submits this
10 written notification to the ~~school district~~**PUBLIC SCHOOL** not
11 later than August 1 before the beginning of that school year. A
12 ~~school district~~**PUBLIC SCHOOL** that receives this written
13 notification may make a recommendation to the parent or legal
14 guardian of a child described in this subsection that the child
15 is not ready to enroll in kindergarten due to the child's age or
16 other factors. However, regardless of this recommendation, the
17 parent or legal guardian retains the sole discretion to determine
18 whether or not to enroll the child in kindergarten under this
19 subsection.

20 (4) The ages prescribed in this section for a child's
21 eligibility for enrollment in a school district also apply to a
22 child's eligibility to enroll in a public school academy.

23 (5) If a school district or public school academy enrolls
24 any children in kindergarten for a school year under subsection
25 (3), the school district or public school academy shall notify
26 the department of the number of those children enrolled by not
27 later than December 31 of that school year.

1 **(6) THIS SECTION DOES NOT REQUIRE A SCHOOL DISTRICT TO**
2 **OPERATE A SCHOOL DIRECTLY ON ITS OWN.**

3 Sec. 1212. (1) If approved by the school electors of the
4 school district, the board of a school district may levy a tax of
5 not to exceed 5 mills on the state equalized valuation of the
6 school district each year for a period of not to exceed 20 years,
7 for the purpose of creating a sinking fund to be used for the
8 purchase of real estate for sites for, and the construction or
9 repair of, school buildings. The sinking fund tax levy is subject
10 to the 15 mill tax limitation provisions of section 6 of article
11 IX of the state constitution of 1963 and the property tax
12 limitation act, 1933 PA 62, MCL 211.201 to 211.217a. A school
13 district that levies a sinking fund tax under this section shall
14 have an independent audit of its sinking fund conducted annually,
15 including a review of the uses of the sinking fund, and shall
16 submit the audit report to the department of treasury. If the
17 department of treasury determines from the audit report that the
18 sinking fund has been used for a purpose other than those
19 authorized for the sinking fund under this section, the school
20 district shall repay the misused funds to the sinking fund from
21 the school district's operating funds and shall not levy a
22 sinking fund tax under this section after the date the department
23 of treasury makes that determination.

24 (2) The proposition of levying a sinking fund tax shall be
25 submitted to the school electors of the school district at a
26 regular or special school election.

27 (3) The question of levying taxes for the purpose of

1 creating a sinking fund shall be by ballot in substantially the
2 following form:

3 "Shall _____ levy _____ mills
4 (legal name of school district)
5 to create a sinking fund for the purpose of _____
6 _____
7 for a period of _____ years?

8 Yes ()

9 No ()".

10 (4) For the purposes of this section, millage approved by
11 the school electors before December 1, 1993 for which the
12 authorization has not expired is considered to be approved by the
13 school electors.

14 (5) IF A SCHOOL DISTRICT LEVIES A SINKING FUND TAX UNDER
15 THIS SECTION, THE SCHOOL DISTRICT MAY MAKE AVAILABLE TO AN ENTITY
16 PROVIDING PUBLIC EDUCATIONAL SERVICES IN A BUILDING OWNED BY THE
17 SCHOOL DISTRICT AVAILABLE BALANCES IN THE SINKING FUND NOT
18 OTHERWISE EXPENDED BY THE SCHOOL DISTRICT AS REQUESTED BY THE
19 ENTITY. MONEY TRANSFERRED FROM THE SINKING FUND BY THE SCHOOL
20 DISTRICT TO THE ENTITY UNDER THIS SUBSECTION MAY BE USED BY THE
21 ENTITY ONLY FOR THE CONSTRUCTION OR REPAIR OF A SCHOOL BUILDING
22 OWNED BY THE SCHOOL DISTRICT AND AS AUTHORIZED UNDER THIS
23 SECTION. ANY MONEY TRANSFERRED FROM THE SINKING FUND BY THE
24 SCHOOL DISTRICT TO AN ENTITY UNDER THIS SUBSECTION SHALL BE
25 SEGREGATED FROM OTHER FUNDS OF THE ENTITY AND SHALL BE USED BY
26 THE ENTITY ONLY FOR THE CONSTRUCTION OR REPAIR OF SCHOOL

BUILDINGS OWNED BY THE SCHOOL DISTRICT AND UTILIZED BY THE ENTITY. THE SINKING FUND, INCLUDING ANY MONEY TRANSFERRED FROM THE SINKING FUND BY THE DISTRICT TO THE ENTITY UNDER THIS SUBSECTION, REMAINS SUBJECT TO THE REQUIREMENTS OF THIS SECTION. AN ENTITY UNDER THIS SUBSECTION MAY INCLUDE, BUT IS NOT LIMITED TO, A SCHOOL DISTRICT, A PUBLIC SCHOOL ACADEMY, OR THE ACHIEVEMENT AUTHORITY.

Sec. 1228. (1) The board of a school district or intermediate school district may enter into an agreement with a public school academy **OR THE ACHIEVEMENT AUTHORITY** to provide services to the public school academy **OR THE ACHIEVEMENT AUTHORITY** or to pupils of the public school academy **OR THE ACHIEVEMENT AUTHORITY**, or for the public school academy **OR THE ACHIEVEMENT AUTHORITY** to provide services to the school district or intermediate school district or to pupils of the school district or intermediate school district. The services may be provided on a cooperative basis. A school district or intermediate school district may charge the public school academy **OR THE ACHIEVEMENT AUTHORITY**, or a public school academy **OR THE ACHIEVEMENT AUTHORITY** may charge the school district or intermediate school district, for services described in this ~~section~~-SUBSECTION. IF A SCHOOL DISTRICT ENTERS INTO AN AGREEMENT WITH A PUBLIC SCHOOL ACADEMY OR THE ACHIEVEMENT AUTHORITY UNDER THIS SUBSECTION, THE AGREEMENT MAY CAUSE ALL OF THE PUBLIC EDUCATIONAL SERVICES WITHIN THE SCHOOL DISTRICT TO BE PROVIDED BY THE PUBLIC SCHOOL ACADEMY OR THE ACHIEVEMENT AUTHORITY INSTEAD OF SCHOOLS THE DISTRICT DIRECTLY OPERATES ON ITS OWN.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF A SCHOOL DISTRICT ENTERS INTO AN AGREEMENT WITH A PUBLIC SCHOOL ACADEMY OR THE ACHIEVEMENT AUTHORITY FOR THE PUBLIC SCHOOL ACADEMY OR THE ACHIEVEMENT AUTHORITY TO PROVIDE SERVICES UNDER SUBSECTION (1), THE AGREEMENT MAY PROVIDE THAT THE PUBLIC SCHOOL ACADEMY OR THE ACHIEVEMENT AUTHORITY, OR AN EDUCATIONAL SERVICES PROVIDER UNDER CONTRACT WITH THE PUBLIC SCHOOL ACADEMY OR THE ACHIEVEMENT AUTHORITY, SHALL HIRE AND CONTRACT WITH QUALIFIED TEACHERS.

Sec. 1229. (1) Except as otherwise provided in subsection (4), the board of a school district, other than a school district that was organized as a primary school district during the 1995-1996 school year, or of an intermediate school district shall employ a superintendent of schools, who shall meet the requirements of section 1246. The superintendent shall not be a member of the board. Employment of a superintendent shall be by written contract. The term of the superintendent's contract shall be fixed by the board, not to exceed 5 years. If written notice of nonrenewal of the contract of a superintendent is not given at least 90 days before the termination of the contract, the contract is renewed for an additional 1-year period.

(2) The board of a school district or intermediate school district may employ assistant superintendents, principals, assistant principals, guidance directors, and other administrators who do not assume tenure in that position under 1937 (Ex Sess) PA 4, MCL 38.71 to 38.191. The employment shall be by written contract. The term of the employment contract shall be

1 fixed by the board, not to exceed 3 years. The board shall
2 prescribe the duties of a person described in this subsection. If
3 written notice of nonrenewal of the contract of a person
4 described in this subsection is not given at least 60 days before
5 the termination date of the contract, the contract is renewed for
6 an additional 1-year period.

7 (3) A notification of nonrenewal of contract of a person
8 described in subsection (2) may be given only for a reason that
9 is not arbitrary or capricious. The board shall not issue a
10 notice of nonrenewal under this section unless the affected
11 person has been provided with not less than 30 days' advance
12 notice that the board is considering the nonrenewal together with
13 a written statement of the reasons the board is considering the
14 nonrenewal. After the issuance of the written statement, but
15 before the nonrenewal statement is issued, the affected person
16 shall be given the opportunity to meet with not less than a
17 majority of the board to discuss the reasons stated in the
18 written statement. The meeting shall be open to the public or a
19 closed session, as the affected person elects under section 8 of
20 the open meetings act, 1976 PA 267, MCL 15.268. If the board
21 fails to provide for a meeting with the board, or if a court
22 finds that the reason for nonrenewal is arbitrary or capricious,
23 the affected person's contract is renewed for an additional 1-
24 year period. This subsection does not apply to the nonrenewal of
25 the contract of a superintendent of schools described in
26 subsection (1).

27 (4) A school district, instead of directly employing a

1 superintendent of schools, may contract with its intermediate
2 school district for the intermediate superintendent to serve as
3 the superintendent of schools for the school district or for the
4 intermediate school district to provide another person to serve
5 as superintendent of schools for the school district. **IF A SCHOOL**
6 **DISTRICT DOES NOT OPERATE SCHOOLS DIRECTLY ON ITS OWN, THE SCHOOL**
7 **DISTRICT IS NOT REQUIRED TO EMPLOY A SUPERINTENDENT. IF AN**
8 **EMERGENCY MANAGER IS IN PLACE FOR A SCHOOL DISTRICT, ALL OF THE**
9 **FOLLOWING APPLY:**

10 (A) THE SCHOOL DISTRICT IS NOT REQUIRED TO EMPLOY A
11 SUPERINTENDENT AND THE EMERGENCY MANAGER MAY FUNCTION AS THE
12 SUPERINTENDENT OF THE SCHOOL DISTRICT OR CONTRACT WITH ANOTHER
13 PERSON OR ENTITY TO PROVIDE SUPERINTENDENT SERVICES TO THE
14 DISTRICT.

15 (B) ALL DECISIONS RELATING TO THE HIRING, SUPERVISION, AND
16 DIRECTION OF A SUPERINTENDENT, ASSISTANT SUPERINTENDENT,
17 PRINCIPAL, ASSISTANT PRINCIPAL, OR OTHER ADMINISTRATORS, OR
18 CONTRACTING FOR ADMINISTRATIVE SERVICES SHALL BE MADE BY THE
19 EMERGENCY MANAGER ON BEHALF OF THE SCHOOL DISTRICT.

20 (5) AS USED IN THIS SECTION, "EMERGENCY MANAGER" MEANS AN
21 EMERGENCY MANAGER SERVING UNDER THE LOCAL FINANCIAL STABILITY AND
22 CHOICE ACT, 2012 PA 436, OR A PERSON SERVING IN A POSITION WITH
23 SIMILAR DUTIES UNDER ANY SUCCESSOR STATUTE.

24 Sec. 1280c. (1) ~~Beginning in 2010, not~~ **NOT** later than
25 September 1 of each year, the superintendent of public
26 instruction shall publish a list identifying the public schools
27 in this state, **EXCLUDING CENTER PROGRAMS**, that ~~the department has~~

~~determined to be~~ WERE among the lowest achieving 5% of all public schools in this state ~~, DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR. AS USED IN THIS SECTION, "LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE" INCLUDES EITHER OF THE FOLLOWING, AS~~ APPLICABLE:

(A) FOR SCHOOL YEARS BEFORE THE 2011-2012 SCHOOL YEAR, THE PERSISTENTLY LOW ACHIEVING SCHOOLS IN THIS STATE as defined BY THE UNITED STATES DEPARTMENT OF EDUCATION for the purposes of ~~the~~ A federal incentive grant program created under sections 14005 and 14006 of title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5, OR THE SCHOOL IMPROVEMENT GRANT PROGRAM UNDER SECTION 1003(G) OF PART A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, 20 USC 6303(G).

(B) FOR SCHOOL YEARS AFTER THE 2010-2011 SCHOOL YEAR, PERSISTENTLY LOW ACHIEVING SCHOOLS AS DEFINED BY THE UNITED STATES DEPARTMENT OF EDUCATION FOR PURPOSES OF THE SCHOOL IMPROVEMENT GRANT PROGRAM UNDER SECTION 1003(G) OF PART A OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, 20 USC 6303(G), OR AN ALTERNATIVE DEFINITION APPROVED BY THE UNITED STATES DEPARTMENT OF EDUCATION, INCLUDING, BUT NOT LIMITED TO, PRIORITY SCHOOLS WITHIN THIS STATE AS DEFINED UNDER A FLEXIBILITY REQUEST APPROVED FOR THIS STATE BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF EDUCATION UNDER SECTION 9401 OF PART D OF TITLE IX OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, 20 USC 7861.

~~(2) Except as otherwise provided in subsection (16), the~~ THE superintendent of public instruction shall issue an order placing

1 each public school that is included on the list under subsection
2 (1) under the supervision of the state school ~~reform/redesign~~
3 **REDESIGN** officer described in subsection ~~(9)~~—**(13)**. Within 90
4 days after a public school is placed under the supervision of the
5 state school ~~reform/redesign~~**REDESIGN** officer under this section,
6 the school board or board of directors operating the public
7 school shall submit a redesign plan to the state school
8 ~~reform/redesign~~**REDESIGN** officer. For a public school operated by
9 a school board, the redesign plan shall be developed with input
10 from the local teacher bargaining unit and the local
11 superintendent. **THE REDESIGN PLAN SHALL DIRECTLY ADDRESS THE**
12 **REASONS THE PUBLIC SCHOOL IS AMONG THE LOWEST ACHIEVING 5% OF ALL**
13 **PUBLIC SCHOOLS IN THIS STATE BY INCORPORATING MEASURES TO IMPROVE**
14 **PUPIL PERFORMANCE IN THOSE SUBJECT AREAS IN WHICH THE PUPILS ARE**
15 **FAILING TO ADEQUATELY ACHIEVE.** The redesign plan shall require
16 implementation of 1 of the 4—school intervention models that are
17 provided for the lowest achieving schools under the federal
18 incentive grant program created under sections 14005 and 14006 of
19 title XIV of the American recovery and reinvestment act of 2009,
20 Public Law 111-5, known as the "race to the top" grant program, **A**
21 **SCHOOL INTERVENTION MODEL PROVIDED FOR BY THE UNITED STATES**
22 **DEPARTMENT OF EDUCATION UNDER THE SCHOOL IMPROVEMENT GRANT**
23 **PROGRAM AUTHORIZED BY SECTION 1003(G) OF PART A OF TITLE I OF THE**
24 **ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, 20 USC 6303(G),**
25 **OR ANY OTHER INTERVENTION MODEL AUTHORIZED BY THE UNITED STATES**
26 **DEPARTMENT OF EDUCATION, A SCHOOL INTERVENTION MODEL UNDER THE**
27 **FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER 20 USC 6303(G),**

1 ANOTHER INTERVENTION MODEL THAT IS APPROVED UNDER FEDERAL LAW OR
 2 ANY OTHER INTERVENTION MODEL NOT PROHIBITED BY FEDERAL LAW WITH A
 3 GREATER LIKELIHOOD OF IMPROVING EDUCATIONAL OUTCOMES FOR THE
 4 PUBLIC SCHOOL. These models ~~are~~**INCLUDE** the turnaround model,
 5 restart model, school closure, ~~and~~**transformation model, ANY**
 6 OTHER INTERVENTION MODEL APPROVED UNDER FEDERAL LAW, OR ANY OTHER
 7 INTERVENTION MODEL NOT PROHIBITED BY FEDERAL LAW WITH A GREATER
 8 LIKELIHOOD OF IMPROVING EDUCATIONAL OUTCOMES FOR THE PUBLIC
 9 SCHOOL. The redesign plan shall include an executed addendum to
 10 each applicable collective bargaining agreement in effect for the
 11 public school that meets the requirements of subsection ~~(8)~~**(11)**.

12 (3) Within 30 days after receipt of a redesign plan for a
 13 public school under subsection (2), the state school
 14 ~~reform/redesign~~**REDESIGN** officer shall issue an order approving,
 15 disapproving, or making changes to the redesign plan. If the
 16 order makes changes to the redesign plan, the school board or
 17 board of directors has 30 days after the order to change the
 18 redesign plan to incorporate those changes into the redesign plan
 19 and resubmit it to the state school ~~reform/redesign~~**REDESIGN**
 20 officer for approval or disapproval.

21 (4) The state school ~~reform/redesign~~**REDESIGN** officer shall
 22 not disapprove a redesign plan that includes all of the elements
 23 ~~required under federal law for the school intervention model~~
 24 ~~included in the redesign plan.~~**DESCRIBED IN SUBSECTION (2).** A
 25 school board or board of directors may appeal disapproval of a
 26 redesign plan on this basis to the superintendent of public
 27 instruction. The decision of the superintendent of public

1 instruction on the appeal is **A final ADMINISTRATIVE DECISION.**

2 (5) If the state school ~~reform/redesign~~**REDESIGN** officer
 3 approves a redesign plan under this section, the school board or
 4 board of directors shall implement the redesign plan for the
 5 public school beginning with the beginning of the next school
 6 year that begins after the approval. The school board or board of
 7 directors shall regularly submit monitoring reports to the state
 8 school ~~reform/redesign~~**REDESIGN** officer on the implementation and
 9 results of the plan in the form and manner, and according to a
 10 schedule, as determined by the state school ~~reform/redesign~~
 11 **REDESIGN** officer. **NOT LATER THAN OCTOBER 1 OF EACH YEAR, IF A**
 12 **PUBLIC SCHOOL HAS BEEN ON THE LIST UNDER SUBSECTION (1) FOR 3**
 13 **CONSECUTIVE YEARS AFTER THE 2009-2010 SCHOOL YEAR, THE**
 14 **SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOTIFY THE STATE**
 15 **SCHOOL REDESIGN OFFICER.**

16 (6) The state ~~school reform/redesign school~~**REFORM** district
 17 is created. The state ~~school reform/redesign school~~**REFORM**
 18 district is a school district for the purposes of section 11 of
 19 article IX of the state constitution of 1963, ~~and for receiving~~
 20 state school aid under the state school aid act of 1979, **AND FOR**
 21 **FUNCTIONING AS A POLITICAL SUBDIVISION THAT IS A PARTY TO A**
 22 **CONTRACT TRANSFERRING THE POWERS, DUTIES, RIGHTS, OBLIGATIONS,**
 23 **FUNCTIONS, AND RESPONSIBILITIES OF THE STATE REFORM DISTRICT TO A**
 24 **SPECIAL AUTHORITY UNDER 1967 (EX SESS) PA 8, MCL 124.531 TO**
 25 **124.536,** and is subject to the leadership and general supervision
 26 of the state board over all public education under section 3 of
 27 article VIII of the state constitution of 1963. The state ~~school~~

1 ~~reform/redesign school~~ REFORM district is a body corporate and is
2 a governmental agency. ~~Except as otherwise provided in subsection~~
3 ~~(7), if~~ THE POWERS, DUTIES, RIGHTS, OBLIGATIONS, FUNCTIONS, AND
4 RESPONSIBILITIES OF THE STATE REFORM DISTRICT ARE TRANSFERRED TO
5 AND VESTED IN AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY.
6 FOR THE PURPOSES OF FEDERAL LAW, IF PERMITTED UNDER FEDERAL LAW,
7 THE ACHIEVEMENT AUTHORITY MAY PERFORM THE FINANCIAL FUNCTIONS OF
8 THE DEPARTMENT AS THE STATE EDUCATION AGENCY FOR A SCHOOL PLACED
9 WITHIN THE STATE REFORM DISTRICT AND UNDER THE CONTROL OF THE
10 ACHIEVEMENT AUTHORITY UNDER THIS SECTION TO THE FULL EXTENT
11 PERMITTED UNDER FEDERAL LAW, AND THE ACHIEVEMENT AUTHORITY IS
12 ENTITLED TO RECEIVE FEDERAL FUNDS OTHERWISE PAYABLE TO THE
13 DEPARTMENT FOR THE PERFORMANCE OF THE FUNCTIONS IF PERMITTED
14 UNDER FEDERAL LAW.

15 (7) SUBJECT TO THE LIMITATIONS OF SECTION 772(17) AND
16 SUBJECT TO SUBSECTION (16), IF ANY OF THE FOLLOWING OCCUR FOR A
17 PUBLIC SCHOOL THAT IS ON THE LIST REQUIRED UNDER SUBSECTION (1),
18 OTHER THAN A CENTER PROGRAM, the state school ~~reform/redesign~~
19 REDESIGN officer ~~does not approve~~ SHALL ISSUE AN ORDER PLACING
20 THE PUBLIC SCHOOL IN THE STATE REFORM DISTRICT AND UNDER THE
21 CONTROL OF THE ACHIEVEMENT AUTHORITY, UNLESS THE STATE SCHOOL
22 REDESIGN OFFICER AND THE CHANCELLOR BOTH DETERMINE THAT THERE IS
23 A GREATER LIKELIHOOD FOR IMPROVEMENT OF THE EDUCATIONAL OUTCOMES
24 AT THE PUBLIC SCHOOL IF THE PUBLIC SCHOOL REMAINS UNDER THE
25 CONTROL OF ITS SCHOOL BOARD OR BOARD OF DIRECTORS:

26 (A) THE STATE SCHOOL REDESIGN OFFICER RECEIVES NOTICE UNDER
27 SUBSECTION (5) FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION THAT

1 THE PUBLIC SCHOOL, OTHER THAN A PUBLIC SCHOOL THAT HAS ALREADY
 2 BEEN PLACED IN THE STATE REFORM DISTRICT AND IS UNDER THE CONTROL
 3 OF THE ACHIEVEMENT AUTHORITY, HAS BEEN ON THE LIST REQUIRED UNDER
 4 SUBSECTION (1) FOR 3 CONSECUTIVE YEARS.

5 (B) THE STATE SCHOOL REDESIGN OFFICER DISAPPROVES the
 6 redesign plan ~~, or if the~~ SUBMITTED FOR THE PUBLIC SCHOOL UNDER
 7 SUBSECTION (2).

8 (C) THE state school ~~reform/redesign~~ REDESIGN officer
 9 determines that the redesign plan SUBMITTED FOR THE PUBLIC SCHOOL
 10 UNDER SUBSECTION (2) is not achieving satisfactory results ~~7~~
 11 AFTER THE INTERVENTION MODEL HAS BEEN IN EFFECT FOR 3 YEARS.

12 (8) IF the state school ~~reform/redesign~~ REDESIGN officer
 13 ~~shall issue~~ ISSUES an order UNDER SUBSECTION (7) placing ~~the~~ A
 14 public school in the state ~~school reform/redesign~~ school REFORM
 15 district AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY,
 16 ~~imposing for the public school implementation of~~ THE CHANCELLOR
 17 SHALL IMPOSE 1 of the ~~4~~ school intervention models described in
 18 subsection (2) beginning with the beginning of the next school
 19 year. ~~, and imposing an addendum to each applicable collective~~
 20 ~~bargaining agreement in effect for the public school as necessary~~
 21 ~~to implement the school intervention model and that meets the~~
 22 ~~requirements of subsection (8).~~ SUBJECT TO SUBSECTION (15), IF AT
 23 ANY TIME AFTER A PUBLIC SCHOOL IS PLACED IN THE STATE REFORM
 24 DISTRICT AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY THE
 25 CHANCELLOR DETERMINES THAT A REDESIGN PLAN PREVIOUSLY ADOPTED FOR
 26 A PUBLIC SCHOOL UNDER THIS SECTION IS NOT ACHIEVING SATISFACTORY
 27 RESULTS, THE CHANCELLOR MAY ADOPT FOR THE PUBLIC SCHOOL AN

1 ALTERNATIVE SCHOOL INTERVENTION MODEL DESCRIBED IN SUBSECTION (2)
 2 OR AN ALTERNATIVE SCHOOL INTERVENTION MODEL NOT PROHIBITED BY
 3 FEDERAL LAW THAT THE CHANCELLOR DETERMINES HAS A GREATER
 4 LIKELIHOOD OF IMPROVING EDUCATIONAL OUTCOMES FOR THE PUBLIC
 5 SCHOOL.

6 (9) All of the following apply to the state ~~school~~
 7 ~~reform/redesign school~~ REFORM district UNDER THE CONTROL OF THE
 8 ACHIEVEMENT AUTHORITY:

9 (a) The state ~~school reform/redesign school~~ REFORM district
 10 shall consist of schools that are placed in the state ~~school~~
 11 ~~reform/redesign school~~ REFORM district AND UNDER THE CONTROL OF
 12 THE ACHIEVEMENT AUTHORITY UNDER THIS SECTION.

13 (b) The ~~state school reform/redesign officer~~ CHANCELLOR
 14 shall act as the superintendent of the state ~~school~~
 15 ~~reform/redesign school~~ REFORM district. With respect to schools
 16 placed in the state ~~school reform/redesign school~~ REFORM district
 17 AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY, the ~~state~~
 18 ~~school reform/redesign officer~~ CHANCELLOR has all of the powers,
 19 ~~and duties,~~ RIGHTS, OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES
 20 described in this section; EXCEPT AS OTHERWISE PROVIDED IN THIS
 21 ACT, all of the provisions of this act that ARE NOT INCONSISTENT
 22 WITH PART 7C AND would otherwise apply to the school board OR
 23 OTHER SCHOOL OFFICERS that previously operated a PUBLIC school
 24 placed in the state ~~school reform/redesign school~~ REFORM district
 25 AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY apply to the
 26 ~~state school reform/redesign officer~~ CHANCELLOR with respect to
 27 that PUBLIC school, except those relating to taxation or

1 borrowing; except as otherwise provided in this section, the
 2 ~~state school reform/redesign officer~~ **CHANCELLOR** may exercise all
 3 the powers and duties otherwise vested by law in the school board
 4 **OR OTHER SCHOOL OFFICERS** that previously operated a **PUBLIC** school
 5 placed in the state ~~school reform/redesign school~~ **REFORM**
 6 district, ~~and in its officers,~~ except those relating to taxation
 7 or borrowing, and may exercise all additional powers, ~~and duties,~~
 8 **RIGHTS, OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES** provided
 9 under ~~this section;~~ **LAW;** and, except as otherwise provided in
 10 this section, ~~ACT,~~ the ~~state school reform/redesign officer~~
 11 **CHANCELLOR** accedes to all the **POWERS,** rights, duties, **FUNCTIONS,**
 12 **RESPONSIBILITIES,** and obligations of the school board **AND OTHER**
 13 **LOCAL SCHOOL OFFICERS** with respect to that **PUBLIC** school **THAT ARE**
 14 **NOT INCONSISTENT WITH PART 7C.** These powers, rights, duties,
 15 **FUNCTIONS, RESPONSIBILITIES,** and obligations include, but are not
 16 limited to, all of the following:

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

24 (ii) Subject to ~~subsection (8),~~ **SUBSECTIONS (11) AND (15),**
 25 rights and obligations under collective bargaining agreements and
 26 employment contracts entered into by the school board **OR OTHER**
 27 **SCHOOL OFFICERS** for employees at the school.

(iii) Rights to prosecute and defend litigation.

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

(v) Authority to delegate any of the ~~state school~~
~~reform/redesign officer's~~ **CHANCELLOR'S** powers, and duties,
RIGHTS, OBLIGATIONS, FUNCTIONS, AND RESPONSIBILITIES to 1 or more
designees, with proper supervision by the ~~state school~~
~~reform/redesign officer~~. **CHANCELLOR.**

(vi) Power to terminate **OR MODIFY** any contract or portion of
a contract entered into by the school board **OR OTHER SCHOOL**
OFFICER THAT PREVIOUSLY OPERATED THAT PUBLIC SCHOOL that applies
to that **PUBLIC** school. However, this subsection does not allow
any termination or diminishment of obligations to pay debt
service on legally authorized bonds. ~~and does not allow a~~
~~collective bargaining agreement to be affected except as provided~~
~~under subsection (8).~~ A contract terminated by the ~~state school~~
~~reform/redesign officer~~ **CHANCELLOR** under this subsection is void.

(10) ~~(7)~~ If the ~~state school reform/redesign officer~~
CHANCELLOR determines that better educational results are likely
to be achieved by appointing a chief executive officer to take
control of multiple public schools **THAT HAVE BEEN PLACED IN THE**
STATE REFORM DISTRICT AND UNDER THE CONTROL OF THE ACHIEVEMENT
AUTHORITY, the ~~state school reform/redesign officer may make a~~
~~recommendation to the superintendent of public instruction for~~
~~appointment of~~ **CHANCELLOR MAY APPOINT** a chief executive officer
to take control over those multiple schools. If the
~~superintendent of public instruction~~ **CHANCELLOR** appoints a chief

1 executive officer to take control of multiple public schools
 2 under this subsection, the chief executive officer shall impose
 3 for those public schools implementation of 1 of the 4-school
 4 intervention models described in subsection (2) and **MAY** impose an
 5 addendum to each applicable collective bargaining agreement in
 6 effect for those public schools as necessary to implement the
 7 school intervention model and that meets the requirements of
 8 subsection ~~(8)~~—(11). **SUBJECT TO SUBSECTION (15), IF AT ANY TIME**
 9 **AFTER A PUBLIC SCHOOL IS PLACED UNDER THE CONTROL OF A CHIEF**
 10 **EXECUTIVE OFFICER UNDER THIS SUBSECTION THE CHIEF EXECUTIVE**
 11 **OFFICER DETERMINES THAT AN INTERVENTION MODEL PREVIOUSLY ADOPTED**
 12 **FOR A PUBLIC SCHOOL UNDER THIS SUBSECTION IS NOT ACHIEVING**
 13 **SATISFACTORY RESULTS, THE CHIEF EXECUTIVE OFFICER MAY ADOPT FOR**
 14 **THE PUBLIC SCHOOL AN ALTERNATIVE SCHOOL INTERVENTION MODEL**
 15 **DESCRIBED IN SUBSECTION (2) OR AN ALTERNATIVE SCHOOL INTERVENTION**
 16 **MODEL NOT PROHIBITED BY FEDERAL LAW THAT THE CHANCELLOR**
 17 **DETERMINES HAS A GREATER LIKELIHOOD OF IMPROVING EDUCATIONAL**
 18 **OUTCOMES FOR THE PUBLIC SCHOOL.** With respect to ~~those~~ **A public**
 19 ~~schools~~ **SCHOOL PLACED UNDER THE CONTROL OF A CHIEF EXECUTIVE**
 20 **OFFICER UNDER THIS SUBSECTION,** the chief executive officer has
 21 all of the same powers, ~~and~~ **duties, RIGHTS, OBLIGATIONS,**
 22 **FUNCTIONS, AND RESPONSIBILITIES** that the ~~state school~~
 23 ~~reform/redesign officer~~ **CHANCELLOR** has for public schools placed
 24 in the ~~state school reform/redesign school~~ **REFORM** district **AND**
 25 **UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY** under subsection
 26 ~~(6)~~ **(7), SUBJECT TO SUPERVISION BY THE CHANCELLOR.** The chief
 27 executive officer shall regularly submit monitoring reports to

1 the ~~state school reform/redesign officer~~ **CHANCELLOR** on the
 2 implementation and results of the intervention model in the form
 3 and manner, and according to a schedule, as determined by the
 4 ~~state school reform/redesign officer.~~ **CHANCELLOR.** The chief
 5 executive officer shall exercise any other powers or duties over
 6 the public ~~schools~~ **SCHOOL** as may be directed by the
 7 ~~superintendent of public instruction.~~ **CHANCELLOR.**

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

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

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

20 (12) ~~(c)~~ ~~That~~ **FOR A PUBLIC SCHOOL OPERATING UNDER A REDESIGN**
 21 **PLAN APPROVED BY THE STATE SCHOOL REDESIGN OFFICER,** the state
 22 school ~~reform/redesign~~ **REDESIGN** officer shall direct the
 23 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~~ **REDESIGN** officer shall have full
 26 autonomy and control over curriculum and discretionary spending
 27 at the public school. **FOR A PUBLIC SCHOOL OPERATING UNDER THE**

1 CONTROL OF THE ACHIEVEMENT AUTHORITY UNDER SUBSECTIONS (7) TO
 2 (9), THE CHANCELLOR SHALL DIRECT THE EXPENDITURE OF ALL FUNDS
 3 ATTRIBUTABLE TO PUPILS AT THE PUBLIC SCHOOL AND SHALL HAVE FULL
 4 AUTONOMY AND CONTROL OVER CURRICULUM AND DISCRETIONARY SPENDING
 5 AT THE PUBLIC SCHOOL. FOR A PUBLIC SCHOOL OPERATING UNDER
 6 SUBSECTION (10), THE CHIEF EXECUTIVE OFFICER SHALL DIRECT THE
 7 EXPENDITURE OF ALL FUNDS ATTRIBUTABLE TO PUPILS AT THE PUBLIC
 8 SCHOOL AND SHALL HAVE FULL AUTONOMY AND CONTROL OVER CURRICULUM
 9 AND DISCRETIONARY SPENDING AT THE PUBLIC SCHOOL.

10 (13) ~~(9)~~—The superintendent of public instruction shall ~~hire~~
 11 **APPOINT** a state school ~~reform/redesign~~ **REDESIGN** officer to carry
 12 out the functions **OF THE STATE SCHOOL REDESIGN OFFICER** under this
 13 section and as otherwise prescribed by law. The state school
 14 ~~reform/redesign~~ **REDESIGN** officer shall be chosen solely on the
 15 basis of his or her competence and experience in educational
 16 reform and redesign. The state school ~~reform/redesign~~ **REDESIGN**
 17 officer is exempt from civil service. The state school
 18 ~~reform/redesign~~ **REDESIGN** officer is responsible directly to the
 19 superintendent of public instruction to ensure that the purposes
 20 of this section are carried out, and accordingly the position of
 21 state school ~~reform/redesign~~ **REDESIGN** officer should be a
 22 position within the department that is exempt from the classified
 23 state civil service. The department shall request that the civil
 24 service commission establish the position of state school
 25 ~~reform/redesign~~ **REDESIGN** officer as a position that is exempt
 26 from the classified state civil service.

27 (14) ~~(10)~~—If the ~~state school reform/redesign officer~~

1 **CHANCELLOR** imposes the restart model for a public school in the
 2 state ~~school reform/redesign school~~ **REFORM** district **AND UNDER THE**
 3 **CONTROL OF THE ACHIEVEMENT AUTHORITY**, or a chief executive
 4 officer under subsection ~~(7)~~ **(10)** imposes the restart model for
 5 ~~multiple~~ **A** public ~~schools~~ **SCHOOL** under that subsection, all of
 6 the following apply:

7 (a) The ~~state school reform/redesign officer~~ **CHANCELLOR** or
 8 chief executive officer shall enter into an agreement with an
 9 educational management organization to manage and operate the
 10 public school or schools. The ~~state school reform/redesign~~
 11 ~~officer~~ **CHANCELLOR** or chief executive officer shall provide
 12 sufficient oversight to ensure that the public school or schools
 13 will be operated according to all of the requirements for a
 14 restart model.

15 (b) There shall be considered to be no collective bargaining
 16 agreement in effect that applies to employees working at the
 17 public school or schools under this model at the time of
 18 imposition of the model.

19 ~~—— (11) If the state school reform/redesign officer imposes the~~
 20 ~~turnaround model for a public school in the state school~~
 21 ~~reform/redesign school district, or a chief executive officer~~
 22 ~~under subsection (7) imposes the turnaround model for multiple~~
 23 ~~public schools under that subsection, all of the following apply:~~

24 ~~—— (a) A collective bargaining agreement that applies to~~
 25 ~~employees working at the public school or schools under this~~
 26 ~~model at the time of imposition of the model, and any successor~~
 27 ~~collective bargaining agreement, continues to apply with respect~~

1 ~~to pay scales and benefits.~~

2 ~~—— (b) Subject to any addendum to the collective bargaining~~
 3 ~~agreement that applies to the public school or schools, an~~
 4 ~~employee who is working at the public school or schools and who~~
 5 ~~was previously employed in the same school district that~~
 6 ~~previously operated that school shall continue to retain and~~
 7 ~~accrue seniority rights in that school district according to the~~
 8 ~~collective bargaining agreement that applies to employees of that~~
 9 ~~school district.~~

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

13 (15) IF UNDER SUBSECTION (8) THE CHANCELLOR IMPOSES AN
 14 ALTERNATIVE SCHOOL INTERVENTION MODEL NOT PROHIBITED BY FEDERAL
 15 LAW THAT THE CHANCELLOR DETERMINES HAS A GREATER LIKELIHOOD OF
 16 IMPROVING EDUCATIONAL OUTCOMES FOR A PUBLIC SCHOOL UNDER THAT
 17 SUBSECTION, OR IF UNDER SUBSECTION (10) A CHIEF EXECUTIVE OFFICER
 18 IMPOSES AN ALTERNATIVE SCHOOL INTERVENTION MODEL NOT PROHIBITED
 19 BY FEDERAL LAW THAT THE CHANCELLOR DETERMINES HAS A GREATER
 20 LIKELIHOOD OF IMPROVING EDUCATIONAL OUTCOMES FOR A PUBLIC SCHOOL
 21 UNDER THAT SUBSECTION, ALL OF THE FOLLOWING APPLY:

22 (A) THE CHANCELLOR OR CHIEF EXECUTIVE OFFICER SHALL
 23 DETERMINE THE MOST EFFECTIVE MECHANISM FOR THE MANAGEMENT AND
 24 OPERATION OF THE PUBLIC SCHOOL OR SCHOOLS AND THE PROVISION OF
 25 EDUCATIONAL SERVICES IN A MANNER THAT COMPLIES WITH PART 7C.

26 (B) A COLLECTIVE BARGAINING AGREEMENT APPLICABLE TO
 27 EMPLOYEES WORKING AT THE PUBLIC SCHOOL BEFORE THE IMPOSITION OF

1 THE ALTERNATIVE SCHOOL INTERVENTION MODEL SHALL NOT APPLY TO
2 PERSONNEL AT THE PUBLIC SCHOOL AFTER THE IMPOSITION OF THE
3 ALTERNATIVE SCHOOL INTERVENTION MODEL.

4 (C) AN EMPLOYEE WORKING AT THE PUBLIC SCHOOL AFTER THE
5 IMPOSITION OF THE ALTERNATIVE SCHOOL INTERVENTION MODEL WHO WAS
6 PREVIOUSLY EMPLOYED BY THE SCHOOL DISTRICT OTHER THAN THE STATE
7 REFORM DISTRICT THAT PREVIOUSLY OPERATED THE PUBLIC SCHOOL SHALL
8 NOT ACCRUE SENIORITY RIGHTS IN THE SCHOOL DISTRICT OR ACCRUE
9 CREDITABLE SERVICE UNDER THE PUBLIC SCHOOL EMPLOYEES RETIREMENT
10 ACT OF 1979, 1980 PA 300, MCL 38.1301 TO 38.1437, WHILE WORKING
11 AT THE PUBLIC SCHOOL AFTER THE IMPOSITION OF THE ALTERNATIVE
12 SCHOOL INTERVENTION MODEL, AND ANY COMPENSATION OR REMUNERATION
13 PAID FOR WORK AT THE PUBLIC SCHOOL AFTER THE IMPOSITION OF THE
14 ALTERNATIVE SCHOOL INTERVENTION MODEL SHALL NOT CONSTITUTE
15 COMPENSATION OR REMUNERATION PAID FOR SERVICES PERFORMED AS A
16 PUBLIC SCHOOL EMPLOYEE UNDER THE PUBLIC SCHOOL EMPLOYEES
17 RETIREMENT ACT OF 1979, 1980 PA 300, MCL 38.1301 TO 38.1437. IT
18 IS THE INTENT OF THE LEGISLATURE TO ADDRESS BY THE END OF THE
19 2013-2014 STATE FISCAL YEAR ANY INCREASED COSTS TO SCHOOL
20 DISTRICTS RESULTING FROM A REDUCTION IN THE TOTAL NUMBER OF
21 EMPLOYEES WHO ARE MEMBERS OF THE PUBLIC SCHOOL EMPLOYEES
22 RETIREMENT SYSTEM THAT OCCURS DUE TO THE OPERATION OF THIS
23 SUBDIVISION.

24 (16) THE STATE SCHOOL REDESIGN OFFICER MAY DELAY THE
25 ISSUANCE OF AN ORDER UNDER SUBSECTION (7) PLACING A PUBLIC SCHOOL
26 IN THE STATE REFORM DISTRICT AND UNDER THE CONTROL OF THE
27 ACHIEVEMENT AUTHORITY FOR UP TO AN ADDITIONAL 3 YEARS BEYOND THE

1 3-YEAR PERIODS UNDER SUBSECTION (7) (A) AND (C) IF THE STATE
2 SCHOOL REDESIGN OFFICER DETERMINES THAT THE PUBLIC SCHOOL MEETS
3 ALL OF THE FOLLOWING:

4 (A) THE PUBLIC SCHOOL HAS IN GOOD FAITH IMPLEMENTED THE
5 FOLLOWING COMPONENTS OF ITS REFORM MODEL:

6 (i) HAS REPLACED THE PRINCIPAL.

7 (ii) HAS REPLACED AT LEAST 50% OF THE INSTRUCTIONAL STAFF
8 UNDER THE PUBLIC SCHOOL'S TURNAROUND MODEL.

9 (iii) HAS INCREASED STUDENT LEARNING TIME AS PROVIDED IN THE
10 PUBLIC SCHOOL'S REFORM MODEL.

11 (iv) HAS INCREASED COLLABORATION TIME AS PROVIDED IN THE
12 PUBLIC SCHOOL'S REFORM MODEL.

13 (v) HAS INCREASED PROFESSIONAL DEVELOPMENT TIME AS PROVIDED
14 IN THE PUBLIC SCHOOL'S REFORM MODEL.

15 (vi) HAS IMPLEMENTED A TEACHER EVALUATION FORM AND PROTOCOL
16 AS PROVIDED IN THE PUBLIC SCHOOL'S REFORM MODEL.

17 (vii) HAS USED INDIVIDUAL STUDENT DATA TO INFORM AND
18 DIFFERENTIATE INSTRUCTION.

19 (viii) HAS ALIGNED INSTRUCTION TO COMMON CORE STATE STANDARDS.

20 (B) THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY THAT
21 OPERATES THE PUBLIC SCHOOL HAS DEMONSTRATED RESPONSIBLE FISCAL
22 MANAGEMENT AND GOVERNANCE AS EVIDENCED BY THE FOLLOWING:

23 (i) HAS MAINTAINED AT LEAST A 5% FUND BALANCE IN ITS
24 OPERATING FUND.

25 (ii) FOR THE IMMEDIATELY PRECEDING 3 YEARS, HAS RECEIVED FROM
26 ITS INDEPENDENT AUDITOR AN UNQUALIFIED OPINION REGARDING THE
27 SCHOOL DISTRICT'S OR PUBLIC SCHOOL ACADEMY'S FINANCIAL CONDITION.

1 (iii) HAS NO OPERATING DEFICIT.

2 (iv) HAS TIMELY PROVIDED ALL ANNUAL FINANCIAL REPORTS OR
3 AUDITS THAT CONFORM WITH THE MINIMUM PROCEDURES AND STANDARDS
4 PRESCRIBED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THAT
5 ARE REQUIRED UNDER THIS ACT.

6 (17) ~~(13) If the state school reform/redesign officer~~
7 CHANCELLOR determines that a public school that ~~is subject to the~~
8 ~~measures under subsection (6) or (7)~~ HAS BEEN PLACED IN THE STATE
9 REFORM DISTRICT AND UNDER THE CONTROL OF THE ACHIEVEMENT

10 AUTHORITY UNDER SUBSECTIONS (7) TO (9), OR THAT IS UNDER THE
11 CONTROL OF A CHIEF EXECUTIVE OFFICER UNDER SUBSECTION (10), has
12 made significant improvement in pupil achievement and should be
13 released from the measures that have been imposed under

14 ~~subsection (6) or (7), THIS SECTION, the state school~~

15 ~~reform/redesign officer~~ CHANCELLOR may recommend this to the
16 superintendent of public instruction. If the superintendent of
17 public instruction agrees with the determination and

18 recommendation, the superintendent of public instruction may
19 release the public school from the measures that have been

20 imposed under ~~subsection (6) or (7)~~. THIS SECTION AND THE PUBLIC

21 SCHOOL SHALL NO LONGER BE WITHIN THE STATE REFORM DISTRICT OR
22 SUBJECT TO THE CONTROL OF THE STATE SCHOOL REDESIGN OFFICER OR
23 THE CHANCELLOR. THE ACHIEVEMENT AUTHORITY SHALL ADOPT OBJECTIVE

24 CRITERIA FOR THE CHANCELLOR TO USE IN DETERMINING WHETHER A

25 PUBLIC SCHOOL SHALL BE RELEASED FROM THE STATE REFORM DISTRICT
26 UNDER THIS SUBSECTION, INCLUDING PUPIL ACHIEVEMENT, EDUCATIONAL

27 OUTCOMES, PUPIL ATTENDANCE, AND PARENTAL SUPPORT AND INVOLVEMENT.

(18) IF A PUBLIC SCHOOL HAS BEEN PLACED IN THE STATE REFORM DISTRICT AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY UNDER SUBSECTIONS (7) TO (9), OR IS UNDER THE CONTROL OF A CHIEF EXECUTIVE OFFICER UNDER SUBSECTION (10), AND THE PUBLIC SCHOOL HAS NOT BEEN ON THE LIST OF THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE UNDER SUBSECTION (1) FOR 4 CONSECUTIVE YEARS, THE PUBLIC SCHOOL SHALL NO LONGER BE WITHIN THE STATE REFORM DISTRICT OR SUBJECT TO THE CONTROL OF THE STATE SCHOOL REDESIGN OFFICER OR THE CHANCELLOR.

(19) ~~(14)~~ At least annually, the state school ~~reform/redesign~~ REDESIGN officer AND THE CHANCELLOR shall submit a report to THE GOVERNOR, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND the standing committees of the senate and house of representatives having jurisdiction over education legislation on the progress being made in improving pupil proficiency due to the measures under this section.

(20) ~~(15)~~ As soon as practicable after the federal department of education has adopted the final work rules and formula for identifying the lowest achieving 5% of all public schools in this state for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5, known as the "race to the top" grant program, **EFFECTIVE DATE OF THE 2013 AMENDATORY ACT THAT AMENDED THIS SECTION**, the department shall post all of the following on its website:

(a) The ~~federal work rules and formula~~ OR **METHODOLOGY FOR IDENTIFYING THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS**

1 STATE UNDER SUBSECTION (1) .

2 (b) ~~A THE list of the public schools in this state that have~~
3 ~~been identified for these purposes as being among the lowest~~
4 ~~achieving 5% of all public schools in this state. The department~~
5 ~~shall update this list as it considers appropriate.~~ **PUBLISHED AND**
6 **UPDATED EACH YEAR UNDER SUBSECTION (1) .**

7 ~~—— (16) If a school that is included on the list under~~
8 ~~subsection (1) is operated by a school district in which an~~
9 ~~emergency manager is in place under the local government and~~
10 ~~school district fiscal accountability act, then the~~
11 ~~superintendent of public instruction shall not issue an order~~
12 ~~placing the school under the supervision of the state school~~
13 ~~reform/redesign officer.~~

14 (21) **THE MEMBERS OF A BOARD OF A SCHOOL DISTRICT OR MEMBERS**
15 **OF A BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL NOT TAKE**
16 **ANY ACTION THAT IS INCONSISTENT WITH OR INTERFERES WITH THE**
17 **POWERS AND DUTIES UNDER THIS ACT OF THE ACHIEVEMENT AUTHORITY,**
18 **THE STATE REFORM DISTRICT, THE STATE SCHOOL REDESIGN OFFICER, THE**
19 **CHANCELLOR, OR A CHIEF EXECUTIVE OFFICER UNDER THIS SECTION.**

20 (22) **IF A PUBLIC SCHOOL IS PLACED IN THE STATE REFORM**
21 **DISTRICT AND UNDER THE CONTROL OF THE ACHIEVEMENT AUTHORITY,**
22 **OWNERSHIP OF THE REAL PROPERTY OCCUPIED BY THE PUBLIC SCHOOL AND**
23 **THE PERSONAL PROPERTY AT THE PUBLIC SCHOOL, AS OF THE TIME THE**
24 **PUBLIC SCHOOL IS PLACED IN THE STATE REFORM DISTRICT AND UNDER**
25 **THE CONTROL OF THE ACHIEVEMENT AUTHORITY, DOES NOT TRANSFER TO**
26 **THE ACHIEVEMENT AUTHORITY UNLESS PURCHASED BY THE ACHIEVEMENT**
27 **AUTHORITY FROM THE SCHOOL BOARD OR BOARD OF DIRECTORS. THE**

1 ACHIEVEMENT AUTHORITY OR THE CHANCELLOR SHALL NOT SELL OR
2 OTHERWISE CONVEY THAT REAL OR PERSONAL PROPERTY WITHOUT THE
3 WRITTEN APPROVAL OF THE SCHOOL BOARD OR BOARD OF DIRECTORS THAT
4 PREVIOUSLY OPERATED THE SCHOOL UNLESS IT WAS PREVIOUSLY PURCHASED
5 BY THE ACHIEVEMENT AUTHORITY FROM THE SCHOOL BOARD OR BOARD OF
6 DIRECTORS.

7 (23) THE VALIDITY OF AN ORDER UNDER THIS SECTION PLACING A
8 PUBLIC SCHOOL IN THE STATE REFORM DISTRICT AND UNDER THE CONTROL
9 OF THE ACHIEVEMENT AUTHORITY SHALL BE CONCLUSIVELY PRESUMED
10 UNLESS HELD TO BE INVALID BY THE COURT OF APPEALS IN AN ORIGINAL
11 ACTION FILED IN THE COURT OF APPEALS WITHIN 60 DAYS AFTER THE
12 ISSUANCE OF THE ORDER. THE COURT OF APPEALS HAS ORIGINAL
13 JURISDICTION TO HEAR AN ACTION UNDER THIS SUBSECTION. THE COURT
14 SHALL HEAR THE ACTION IN AN EXPEDITED MANNER.

15 (24) THE MEASURES UNDER THIS SECTION DO NOT APPLY TO A
16 CENTER PROGRAM.

17 (25) AS USED IN THIS SECTION:

18 (A) "ACHIEVEMENT AUTHORITY" MEANS THE EDUCATION ACHIEVEMENT
19 AUTHORITY DESCRIBED IN PART 7C.

20 (B) "CENTER PROGRAM" MEANS A PUBLIC EDUCATIONAL PROGRAM
21 OPERATED BY A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
22 THAT PROVIDES SPECIAL EDUCATION SERVICES TO PUPILS RESIDING IN
23 MORE THAN 1 SCHOOL DISTRICT, IN WHICH EACH PUPIL WITHIN THE
24 PROGRAM IS PROVIDED WITH THOSE SERVICES PURSUANT TO AN
25 INDIVIDUALIZED EDUCATION PROGRAM FOR THE PUPIL UNDER SECTION 614
26 OF PART B OF TITLE VI OF THE INDIVIDUALS WITH DISABILITIES
27 EDUCATION ACT, PUBLIC LAW 91-230, 20 USC 1414, AND IN WHICH EACH

1 PUPIL WITHIN THE PROGRAM ALSO HAS 1 OR MORE OF THE FOLLOWING:

2 (i) AUTISM SPECTRUM DISORDER.

3 (ii) SEVERE COGNITIVE IMPAIRMENT.

4 (iii) MODERATE COGNITIVE IMPAIRMENT.

5 (iv) SEVERE MULTIPLE COGNITIVE OR OTHER PHYSICAL IMPAIRMENT.

6 (v) HEARING IMPAIRMENT.

7 (vi) VISUAL IMPAIRMENT.

8 (vii) OTHER PHYSICAL OR HEALTH IMPAIRMENT IMPACTING THE
9 PUPIL'S EDUCATION.

10 (viii) EMOTIONAL IMPAIRMENT, IF THE SERVICES ARE PROVIDED IN A
11 SCHOOL BUILDING THAT DOES NOT SERVE REGULAR EDUCATION PUPILS.

12 (C) "CHANCELLOR" MEANS THE CHANCELLOR OF THE ACHIEVEMENT
13 AUTHORITY.

14 SEC. 1701B. FOR THE PURPOSES OF ENSURING THAT A STUDENT WITH
15 A DISABILITY ENROLLED IN AN ACHIEVEMENT SCHOOL IS PROVIDED WITH
16 SPECIAL EDUCATION PROGRAMS AND SERVICES, THE ACHIEVEMENT
17 AUTHORITY IS CONSIDERED TO BE A LOCAL SCHOOL DISTRICT UNDER THIS
18 ARTICLE.