

Legislative Analysis



STRICT DISCIPLINE ACADEMY AUTHORIZERS

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House Bill 4945 as enrolled
Sponsor: Rep. Pamela Hornberger
House Committee: Education
Senate Committee: Education and Career Readiness
Complete to 12-28-21

Analysis available at
<http://www.legislature.mi.gov>

(Vetoed by the Governor 7-1-21)

SUMMARY:

House Bill 4945 would amend the Revised School Code to modify the allowable authorizers for a strict discipline academy (SDA).

Currently, the board of a school district that operates grades K to 12, an intermediate school board (ISD), the board of a community college, or the governing board of a state public university can authorize an SDA.

The bill would retain those categories and add that, for three years following the bill's effective date, the board of a school district that does *not* operate grades K to 12 also may act as an authorizer. A contract issued in that instance would not be effective after those three years.

MCL 380.1311b and 380.1311d

BACKGROUND:

ACE Academy

The bill was seen as providing the Highland Park School District the ability to authorize ACE Academy, an SDA located in Highland Park. Central Michigan University (CMU) authorized ACE Academy beginning in 2007 but ended authorization of the school effective June 30, 2021. Reportedly, a series of corrective measures to address apparent deficiencies in the school were developed, but CMU was not satisfied by the progress. The Highland Park School Board approved authorization of ACE Academy conditioned on revision of the statute to allow it to be an authorizer. Members of the school board and representatives of ACE Academy testified that they were taking steps to implement those corrective measures.

Highland Park closed its only high school in 2015 and (with the closure of ACE Academy) currently has three schools within its boundaries.¹ Barber Preparatory Academy is the only school operated by the district. George Washington Carver Academy and Sigma Academy for Leadership and Early Middle College are operated by charter entities within the boundaries of Highland Park.

Strict Discipline Academies

Strict discipline academies, a type of public school academy (PSA) or charter school, were incorporated into Michigan law as part of a push for school safety measures following the Columbine High School shooting in 1999. Other such measures include zero tolerance

¹ <https://cepi.state.mi.us/eem/EntitySearchQuick.aspx> (search "located in city: Highland Park")

suspension and expulsion policies for certain offenses. The goal of SDAs is largely to provide education in a more controlled environment to a population that may be unable to participate in a traditional school setting. SDAs typically require metal detector checks at the school door, uniforms, and strict adherence to behavior policies.

Most recently, 2018 PA 42 expanded the criteria for enrollment at SDAs to include unaccompanied or resettled minors as well as students referred by their schools or placed there by their parents (replacing the previous requirement that both occur). It also allowed students to remain at SDAs after the expiration of their suspensions or expulsions.²

The following students are eligible for enrollment at a strict discipline academy:

- A student placed in an SDA by a court or by the Department of Health and Human Services (DHHS) or a county juvenile agency under the direction of a court.
- A student who was expelled for possessing a dangerous weapon in a weapon-free school zone or committing arson or criminal sexual conduct at school.
- A student in grade six or above who was expelled for committing a physical or verbal assault against a school employee, volunteer or contractor; for making a bomb threat or similar threat against the school; or under another provision of the Revised School Code.
- Other students who were expelled from school, or suspended for more than 10 days, and who were referred to the SDA by the student's school or placed in the SDA by the student's parent or legal guardian.
- A special education student who was not suspended or expelled, but whose individualized education program (IEP) team recommended placement in an SDA.
- A student who was not suspended or expelled, but who was placed in a high- or medium-security juvenile facility, mental health facility, or child caring institution that was operated by a private company.
- A student who became a resident of the state as an unaccompanied or resettled minor under the care of DHHS and who was under 22 years old as of September 1 of the current school year.

BRIEF DISCUSSION:

Representatives of the Highland Park School Board and ACE Academy advanced the bill as a way to continue the education of a vulnerable population of students. They asked who would educate these students if the school lost authorization and was forced to close. In response, some wondered how the school district, which struggles with low performance and other challenges in its existing school, would be able to ensure the quality education of students in an SDA when CMU, an experienced authorizer with greater resources, was unable to do so.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or on school districts, ISDs, or PSAs.

² House Fiscal Agency analysis of 2018 PA 42 (HB 4665): <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-4665-5FBF550A.pdf>

Vetoed 7-1-21:

In her veto letter, Governor Whitmer stated that, while she believes that each Michigan child is entitled to phenomenal public education, the bill would not further that promise. She went on to argue that “ACE Academy has struggled to maintain the standards of quality that every child deserves—so much so that Central Michigan University chose not to continue its authorization. Moreover, as the Highland Park School District Board of Education President acknowledged in committee testimony, it makes little sense for a school district that does not currently serve any high school students to take on the responsibility of authorizing a strict discipline academy.”

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.