

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4945**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1311b and 1311d (MCL 380.1311b and 380.1311d),
section 1311b as amended by 2012 PA 620 and section 1311d as added
by 1999 PA 23.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1311b. (1) A strict discipline academy is a public school
2 under section 2 of article VIII of the state constitution of 1963,
3 is a school district for the purposes of section 11 of article IX
4 of the state constitution of 1963 and for the purposes of section
5 1225 and section 1351a, and is subject to the leadership and
6 general supervision of the state board over all public education
7 under section 3 of article VIII of the state constitution of 1963.

A strict discipline academy is a body corporate and is a governmental agency. The powers granted to a strict discipline academy under ~~sections 1311b~~ **this section and sections 1311d** to ~~1311l~~ **1311m** constitute the performance of essential public purposes and governmental functions of this state.

(2) As used in ~~sections 1311b~~ **this section and sections 1311d** to ~~1311l~~ **1311m**:

(a) "Authorizing body" means any of the following that issues a contract as provided in ~~sections 1311b~~ **this section and sections 1311d** to ~~1311l~~ **1311m**:

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

(ii) Beginning on the effective date of the amendatory act that added this sentence and before 3 years after the effective date of the amendatory act that added this sentence, the board of a school district that does not operate grades K to 12. A contract issued by the board of a school district described in this subparagraph as provided in this section and sections 1311d to 1311m is not effective after 3 years after the effective date of the amendatory act that added this sentence.

(iii) ~~(ii)~~ An intermediate school board.

(iv) ~~(iii)~~ The board of a community college.

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

(b) "Certificated teacher" means an individual who holds a valid teaching certificate issued by the ~~state board~~ **superintendent of public instruction** under section 1531.

(c) "Community college" means a community college organized under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or a federal tribally controlled community college that is

1 recognized under the tribally controlled colleges and universities
 2 assistance act of 1978, 25 USC 1801 to ~~1852~~, **1864**, and is
 3 determined by the department to meet the requirements for
 4 accreditation by a recognized regional accrediting body.

5 (d) "Contract" means the executive act taken by an authorizing
 6 body that evidences the authorization of a strict discipline
 7 academy and that establishes, subject to the constitutional powers
 8 of the state board and applicable law, the written instrument
 9 executed by an authorizing body conferring certain rights,
 10 franchises, privileges, and obligations on a strict discipline
 11 academy, as provided by ~~sections 1311b~~ **this section and sections**
 12 **1311d** to ~~1311l~~, **1311m**, and confirming the status of a strict
 13 discipline academy as a public school in this state.

14 (e) "Entity" means a partnership, nonprofit or business
 15 corporation, labor organization, or any other association,
 16 corporation, trust, or other legal entity.

17 (f) "State public university" means a university described in
 18 section 4, 5, or 6 of article VIII of the state constitution of
 19 1963.

20 Sec. 1311d. (1) A strict discipline academy ~~shall~~ **must** be
 21 organized and administered under the direction of a board of
 22 directors in accordance with sections 1311b to ~~1311l~~ **1311m** and with
 23 bylaws adopted by the board of directors. A strict discipline
 24 academy corporation created to operate a strict discipline academy
 25 ~~shall~~ **must** be organized under the nonprofit corporation act, 1982
 26 PA 162, MCL 450.2101 to 450.3192, except that the strict discipline
 27 academy corporation is not required to comply with sections 170 to
 28 177 of 1931 PA 327, MCL 450.170 to 450.177. To the extent
 29 disqualified under the state or federal constitution, a strict

1 discipline academy ~~shall~~**must** not be organized by a church or other
 2 religious organization and ~~shall~~**must** not have any organizational
 3 or contractual affiliation with or constitute a church or other
 4 religious organization.

5 (2) Any of the following may act as an authorizing body to
 6 issue a contract to organize and operate 1 or more strict
 7 discipline academies under sections 1311b to ~~1311f~~**1311m**:

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

14 (b) **Beginning on the effective date of the amendatory act that**
 15 **added this sentence and before 3 years after the effective date of**
 16 **the amendatory act that added this sentence, the board of a school**
 17 **district that does not operate grades K to 12. Both of the**
 18 **following apply:**

19 (i) The board of a school district described in this
 20 subdivision shall not issue a contract for a strict discipline
 21 academy to operate outside the school district's boundaries, and a
 22 strict discipline academy authorized by the board of a school
 23 district shall not operate outside that school district's
 24 boundaries.

25 (ii) A contract issued by the board of a school district
 26 described in this subdivision as provided in sections 1311b to
 27 1311m is not effective after 3 years after the effective date of
 28 the amendatory act that added this sentence.

29 (c) ~~(b)~~—An intermediate school board. However, the board of an

1 intermediate school district shall not issue a contract for a
2 strict discipline academy to operate outside the intermediate
3 school district's boundaries, and a strict discipline academy
4 authorized by the board of an intermediate school district shall
5 not operate outside that intermediate school district's boundaries.

6 (d) ~~(e)~~—The board of a community college. However, except as
7 otherwise provided in this subdivision, the board of a community
8 college shall not issue a contract for a strict discipline academy
9 to operate in a school district organized as a school district of
10 the first class, a strict discipline academy authorized by the
11 board of a community college shall not operate in a school district
12 organized as a school district of the first class, the board of a
13 community college shall not issue a contract for a strict
14 discipline academy to operate outside the boundaries of the
15 community college district, and a strict discipline academy
16 authorized by the board of a community college shall not operate
17 outside the boundaries of the community college district. The board
18 of a community college also may issue a contract for not more than
19 1 strict discipline academy to operate on the grounds of an active
20 or closed federal military installation located outside the
21 boundaries of the community college district, or may operate a
22 strict discipline academy itself on the grounds of such a federal
23 military installation, if the federal military installation is not
24 located within the boundaries of any community college district and
25 the community college has previously offered courses on the grounds
26 of the federal military installation for at least 10 years.

27 (e) ~~(d)~~—The governing board of a state public university.

28 (3) To obtain a contract to organize and operate 1 or more
29 strict discipline academies, 1 or more persons or an entity may

1 apply to an authorizing body described in subsection (2). The
 2 application ~~shall~~**must** include at least all of the following:

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

4 (b) Subject to the resolution adopted by the authorizing body
 5 under section 1311e, a list of the proposed members of the board of
 6 directors of the strict discipline academy and a description of the
 7 qualifications and method for appointment or election of members of
 8 the board of directors.

9 (c) The proposed articles of incorporation ~~, which shall~~**that**
 10 **must** include at least all of the following:

11 (i) The name of the proposed strict discipline academy.

12 (ii) The purposes for the strict discipline academy corporation
 13 that will operate the strict discipline academy. This language
 14 ~~shall~~**must** provide that the strict discipline academy is
 15 established ~~pursuant to~~**under** sections 1311b to ~~1311f~~**1311m** and that
 16 the strict discipline academy corporation is a governmental entity.

17 (iii) The name of the authorizing body.

18 (iv) The proposed time when the articles of incorporation will
 19 be effective.

20 (v) Other matters considered expedient to be in the articles
 21 of incorporation.

22 (d) A copy of the proposed bylaws of the strict discipline
 23 academy.

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

26 (i) The governance structure of the strict discipline academy.

27 (ii) A copy of the educational goals of the strict discipline
 28 academy and the curricula to be offered and methods of pupil
 29 assessment to be used by the strict discipline academy. To the

1 extent applicable, the progress of the pupils in the strict
 2 discipline academy ~~shall~~**must** be assessed using at least ~~a the~~
 3 Michigan ~~education assessment program (MEAP) test~~**student test of**
 4 **educational progress (M-STEP)** or an ~~assessment instrument developed~~
 5 ~~under section 1279 for a state-endorsed high school diploma.~~**the**
 6 **Michigan merit examination under section 1279g, as applicable.**

7 (iii) The admission policy and criteria to be maintained by the
 8 strict discipline academy. The admission policy and criteria ~~shall~~
 9 **must** comply with section 1311g. This part of the application also
 10 ~~shall~~**must** include a description of how the applicant will provide
 11 to the general public adequate notice that a strict discipline
 12 academy is being created and adequate information on the admission
 13 policy, criteria, and process.

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

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

16 (vi) The type of pupils to be enrolled in the strict discipline
 17 academy, as described in section 1311g. ~~(3) and (4).~~

18 (f) Descriptions of staff responsibilities and of the strict
 19 discipline academy's governance structure.

20 (g) For an application to the board of a school district, an
 21 intermediate school board, or board of a community college,
 22 identification of the local and intermediate school districts in
 23 which the strict discipline academy will be located.

24 (h) An agreement that the strict discipline academy will
 25 comply with the provisions of sections 1311b to ~~1311l~~**1311m** and,
 26 subject to the provisions of these sections, with all other state
 27 law applicable to public bodies and with federal law applicable to
 28 public bodies or school districts.

29 (i) For a strict discipline academy authorized by a school

1 district, an assurance that employees of the strict discipline
2 academy will be covered by the collective bargaining agreements
3 that apply to other employees of the school district employed in
4 similar classifications in schools that are not strict discipline
5 academies.

6 (j) A description of and address for the proposed physical
7 plant in which the strict discipline academy will be located.

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

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

24 (6) An authorizing body shall not charge a fee, or require
25 reimbursement of expenses, for considering an application for a
26 contract, for issuing a contract, or for providing oversight of a
27 contract for a strict discipline academy in an amount that exceeds
28 a combined total of 3% of the total state school aid received by
29 the strict discipline academy in the school year in which the fees

1 or expenses are charged. An authorizing body may provide other
2 services for a strict discipline academy and charge a fee for those
3 services, but shall not require such an arrangement as a condition
4 to issuing the contract authorizing the strict discipline academy.

5 (7) A strict discipline academy ~~shall be~~**is** presumed to be
6 legally organized if it has exercised the franchises and privileges
7 of a strict discipline academy for at least 2 years.