

HOUSE BILL NO. 4945

June 01, 2021, Introduced by Rep. Hornberger and referred to the Committee on Education.

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

of the state constitution of 1963 and for the purposes of section 1225 and section 1351a, and is subject to the leadership and general supervision of the state board over all public education 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 to ~~1311f~~-**1311m** constitute the performance of essential public purposes and governmental functions of this state.

(2) As used in sections 1311b to ~~1311f~~-**1311m**:

(a) "Authorizing body" means any of the following that issues a contract as provided in sections 1311b to ~~1311f~~-**1311m**:

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

(ii) An intermediate school board.

(iii) The board of a community college.

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

(d) "Contract" means the executive act taken by an authorizing body that evidences the authorization of a strict discipline

1 academy and that establishes, subject to the constitutional powers
2 of the state board and applicable law, the written instrument
3 executed by an authorizing body conferring certain rights,
4 franchises, privileges, and obligations on a strict discipline
5 academy, as provided by sections 1311b to ~~1311l~~, **1311m**, and
6 confirming the status of a strict discipline academy as a public
7 school in this state.

8 (e) "Entity" means a partnership, nonprofit or business
9 corporation, labor organization, or any other association,
10 corporation, trust, or other legal entity.

11 (f) "State public university" means a university described in
12 section 4, 5, or 6 of article VIII of the state constitution of
13 1963.

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

28 (2) Any of the following may act as an authorizing body to
29 issue a contract to organize and operate 1 or more strict

1 discipline academies under sections 1311b to ~~1311f~~:**1311m**:

2 (a) The board of a school district. ~~that operates grades K to~~
3 ~~12.~~ However, the board of a school district shall not issue a
4 contract for a strict discipline academy to operate outside the
5 school district's boundaries, and a strict discipline academy
6 authorized by the board of a school district shall not operate
7 outside that school district's boundaries.

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

14 (c) The board of a community college. However, except as
15 otherwise provided in this subdivision, the board of a community
16 college shall not issue a contract for a strict discipline academy
17 to operate in a school district organized as a school district of
18 the first class, a strict discipline academy authorized by the
19 board of a community college shall not operate in a school district
20 organized as a school district of the first class, the board of a
21 community college shall not issue a contract for a strict
22 discipline academy to operate outside the boundaries of the
23 community college district, and a strict discipline academy
24 authorized by the board of a community college shall not operate
25 outside the boundaries of the community college district. The board
26 of a community college also may issue a contract for not more than
27 1 strict discipline academy to operate on the grounds of an active
28 or closed federal military installation located outside the
29 boundaries of the community college district, or may operate a

1 strict discipline academy itself on the grounds of such a federal
2 military installation, if the federal military installation is not
3 located within the boundaries of any community college district and
4 the community college has previously offered courses on the grounds
5 of the federal military installation for at least 10 years.

6 (d) The governing board of a state public university.

7 (3) To obtain a contract to organize and operate 1 or more
8 strict discipline academies, 1 or more persons or an entity may
9 apply to an authorizing body described in subsection (2). The
10 application ~~shall~~**must** include at least all of the following:

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

12 (b) Subject to the resolution adopted by the authorizing body
13 under section 1311e, a list of the proposed members of the board of
14 directors of the strict discipline academy and a description of the
15 qualifications and method for appointment or election of members of
16 the board of directors.

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

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

20 (ii) The purposes for the strict discipline academy corporation
21 that will operate the strict discipline academy. This language
22 ~~shall~~**must** provide that the strict discipline academy is
23 established ~~pursuant to~~**under** sections 1311b to ~~1311f~~**1311m** and that
24 the strict discipline academy corporation is a governmental entity.

25 (iii) The name of the authorizing body.

26 (iv) The proposed time when the articles of incorporation will
27 be effective.

28 (v) Other matters considered expedient to be in the articles
29 of incorporation.

1 (d) A copy of the proposed bylaws of the strict discipline
2 academy.

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

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

6 (ii) A copy of the educational goals of the strict discipline
7 academy and the curricula to be offered and methods of pupil
8 assessment to be used by the strict discipline academy. To the
9 extent applicable, the progress of the pupils in the strict
10 discipline academy ~~shall~~**must** be assessed using at least ~~a the~~
11 ~~Michigan education assessment program (MEAP) test~~**student test of**
12 **educational progress (M-STEP)** or ~~an assessment instrument developed~~
13 ~~under section 1279 for a state-endorse high school diploma.~~**the**
14 **Michigan merit examination under section 1279g, as applicable.**

15 (iii) The admission policy and criteria to be maintained by the
16 strict discipline academy. The admission policy and criteria ~~shall~~
17 **must** comply with section 1311g. This part of the application also
18 ~~shall~~**must** include a description of how the applicant will provide
19 to the general public adequate notice that a strict discipline
20 academy is being created and adequate information on the admission
21 policy, criteria, and process.

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

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

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

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

28 (g) For an application to the board of a school district, an
29 intermediate school board, or board of a community college,

1 identification of the local and intermediate school districts in
2 which the strict discipline academy will be located.

3 (h) An agreement that the strict discipline academy will
4 comply with the provisions of sections 1311b to ~~1311l~~ **1311m** and,
5 subject to the provisions of these sections, with all other state
6 law applicable to public bodies and with federal law applicable to
7 public bodies or school districts.

8 (i) For a strict discipline academy authorized by a school
9 district, an assurance that employees of the strict discipline
10 academy will be covered by the collective bargaining agreements
11 that apply to other employees of the school district employed in
12 similar classifications in schools that are not strict discipline
13 academies.

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

16 (4) An authorizing body shall oversee, or shall contract with
17 an intermediate school district, community college, or state public
18 university to oversee, each strict discipline academy operating
19 under a contract issued by the authorizing body. The oversight
20 ~~shall~~ **must** be sufficient to ensure that the authorizing body can
21 certify that the strict discipline academy is in compliance with
22 statute, rules, and the terms of the contract.

23 (5) If the state board finds that an authorizing body is not
24 engaging in appropriate continuing oversight of 1 or more strict
25 discipline academies operating under a contract issued by the
26 authorizing body, the state board may suspend the power of the
27 authorizing body to issue new contracts to organize and operate
28 strict discipline academies. A contract issued by the authorizing
29 body during the suspension is void. A contract issued by the

1 authorizing body before the suspension is not affected by the
2 suspension.

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

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