

# HOUSE BILL No. 4241

February 9, 1999, Introduced by Reps. Van Woerkom, Birkholz, Bisbee, Sanborn, DeRossett, Law, Richardville, Mead, Kukuk, Cameron Brown, Pumford, Jelinek, Mortimer, LaSata, Pappageorge, Caul, Gilbert, Rick Johnson, Hager, Bishop, Shulman, Rocca, Kuipers, DeRossett, Ehardt, Allen, Gosselin, Julian, Hart, Garcia, Faunce, Toy, Byl, Patterson, Koetje, DeVuyst, Jansen, Stamas, Shackleton, Tabor, Bradstreet, DeWeese, Voorhees, Kowall, Howell, Jellema, Scranton, Richner, Green and Raczkowski and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1311 (MCL 380.1311), as amended by 1995 PA  
250, and by adding sections 1311b, 1311c, 1311d, 1311e, 1311f,  
1311g, 1311h, 1311i, 1311j, 1311k, 1311l, and 1311m.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1311. (1) Subject to subsection (2), the school board,  
2 or the school district superintendent, a school building princi-  
3 pal, or another school district official if designated by the  
4 school board, may authorize or order the suspension or expulsion  
5 from school of a pupil guilty of gross misdemeanor or persistent  
6 disobedience if, in the judgment of the school board or its des-  
7 ignee, as applicable, the interest of the school is served by the  
8 authorization or order. If there is reasonable cause to believe  
9 that the pupil is handicapped, and the school district has not

1 evaluated the pupil in accordance with rules of the state board  
2 to determine if the student is handicapped, the pupil shall be  
3 evaluated immediately by the intermediate school district of  
4 which the school district is constituent in accordance with sec-  
5 tion 1711.

6 (2) If a pupil possesses in a weapon free school zone a  
7 weapon that constitutes a dangerous weapon, commits arson in a  
8 school building or on school grounds, or commits criminal sexual  
9 conduct in a school building or on school grounds, the school  
10 board, or the designee of the school board as described in sub-  
11 section (1) on behalf of the school board, shall expel the pupil  
12 from the school district permanently, subject to possible rein-  
13 statement under subsection (5). However, a school board is not  
14 required to expel a pupil for possessing a weapon if the pupil  
15 establishes in a clear and convincing manner at least 1 of the  
16 following:

17 (a) The object or instrument possessed by the pupil was not  
18 possessed by the pupil for use as a weapon, or for direct or  
19 indirect delivery to another person for use as a weapon.

20 (b) The weapon was not knowingly possessed by the pupil.

21 (c) The pupil did not know or have reason to know that the  
22 object or instrument possessed by the pupil constituted a danger-  
23 ous weapon.

24 (d) The weapon was possessed by the pupil at the suggestion,  
25 request, or direction of, or with the express permission of,  
26 school or police authorities.

1 (3) If an individual is expelled pursuant to subsection (2),  
2 the expelling school district shall enter on the individual's  
3 permanent record that he or she has been expelled pursuant to  
4 subsection (2). Except if a school district operates or partici-  
5 pates cooperatively in an alternative education program appropri-  
6 ate for individuals expelled pursuant to subsection (2) and in  
7 its discretion admits the individual to that program, an individ-  
8 ual expelled pursuant to subsection (2) is expelled from all  
9 public schools in this state and the officials of a school dis-  
10 trict shall not allow the individual to enroll in the school dis-  
11 trict unless the individual has been reinstated under subsection  
12 (5). Except as otherwise provided by law, a program operated for  
13 individuals expelled pursuant to subsection (2) shall ensure that  
14 those individuals are physically separated at all times during  
15 the school day from the general pupil population. If an individ-  
16 ual expelled from a school district pursuant to subsection (2) is  
17 not placed in an alternative education program, the school dis-  
18 trict may provide, or may arrange for the intermediate school  
19 district to provide, appropriate instructional services to the  
20 individual at home. The type of services provided shall ~~be sim-~~  
21 ~~ilar to those provided to homebound or hospitalized pupils under~~  
22 ~~section 109 of the state school aid act of 1979, being section~~  
23 ~~388.1709 of the Michigan Compiled Laws~~ MEET THE REQUIREMENTS OF  
24 SECTION 6(4)(V)(i) TO (iv) OF THE STATE SCHOOL AID ACT OF 1979,  
25 MCL 388.1606, and the services may be contracted for in the same  
26 manner as ~~under that section~~ SERVICES FOR HOMEBOUND PUPILS  
27 UNDER SECTION 109 OF THE STATE SCHOOL AID ACT OF 1979, MCL

1 388.1709. This subsection does not require a school district to  
2 expend more money for providing services for a pupil expelled  
3 pursuant to subsection (2) than the amount of the foundation  
4 allowance the school district receives for the pupil under sec-  
5 tion 20 of the state school aid act of 1979, ~~being section~~  
6 ~~388.1620 of the Michigan Compiled Laws~~ MCL 388.1620.

7 (4) If a school board expels an individual pursuant to sub-  
8 section (2), the school board shall ensure that, within 3 days  
9 after the expulsion, an official of the school district refers  
10 the individual to the appropriate county department of social  
11 services or county community mental health agency and notifies  
12 the individual's parent or legal guardian or, if the individual  
13 is at least age 18 or is an emancipated minor, notifies the indi-  
14 vidual of the referral.

15 (5) The parent or legal guardian of an individual expelled  
16 pursuant to subsection (2) or, if the individual is at least age  
17 18 or is an emancipated minor, the individual may petition the  
18 expelling school board for reinstatement of the individual to  
19 public education in the school district. If the expelling school  
20 board denies a petition for reinstatement, the parent or legal  
21 guardian or, if the individual is at least age 18 or is an eman-  
22 cipated minor, the individual may petition another school board  
23 for reinstatement of the individual in that other school  
24 district. All of the following apply to reinstatement under this  
25 subsection:

26 (a) For an individual who was enrolled in grade 5 or below  
27 at the time of the expulsion and who has been expelled for

1 possessing a firearm or threatening another person with a  
2 dangerous weapon, the parent or legal guardian or, if the indi-  
3 vidual is at least age 18 or is an emancipated minor, the indi-  
4 vidual may initiate a petition for reinstatement at any time  
5 after the expiration of 60 school days after the date of  
6 expulsion. For an individual who was enrolled in grade 5 or  
7 below at the time of the expulsion and who has been expelled pur-  
8 suant to subsection (2) for a reason other than possessing a  
9 firearm or threatening another person with a dangerous weapon,  
10 the parent or legal guardian or, if the individual is at least  
11 age 18 or is an emancipated minor, the individual may initiate a  
12 petition for reinstatement at any time. For an individual who  
13 was in grade 6 or above at the time of expulsion, the parent or  
14 legal guardian or, if the individual is at least age 18 or is an  
15 emancipated minor, the individual may initiate a petition for  
16 reinstatement at any time after the expiration of 150 school days  
17 after the date of expulsion.

18 (b) An individual who was in grade 5 or below at the time of  
19 the expulsion and who has been expelled for possessing a firearm  
20 or threatening another person with a dangerous weapon shall not  
21 be reinstated before the expiration of 90 school days after the  
22 date of expulsion. An individual who was in grade 5 or below at  
23 the time of the expulsion and who has been expelled pursuant to  
24 subsection (2) for a reason other than possessing a firearm or  
25 threatening another person with a dangerous weapon shall not be  
26 reinstated before the expiration of 10 school days after the date  
27 of the expulsion. An individual who was in grade 6 or above at

1 the time of the expulsion shall not be reinstated before the  
2 expiration of 180 school days after the date of expulsion.

3 (c) It is the responsibility of the parent or legal guardian  
4 or, if the individual is at least age 18 or is an emancipated  
5 minor, of the individual to prepare and submit the petition. A  
6 school board is not required to provide any assistance in prepar-  
7 ing the petition. Upon request by a parent or legal guardian or,  
8 if the individual is at least age 18 or is an emancipated minor,  
9 by the individual, a school board shall make available a form for  
10 a petition.

11 (d) Not later than 10 school days after receiving a petition  
12 for reinstatement under this subsection, a school board shall  
13 appoint a committee to review the petition and any supporting  
14 information submitted by the parent or legal guardian or, if the  
15 individual is at least age 18 or is an emancipated minor, by the  
16 individual. The committee shall consist of 2 school board mem-  
17 bers, 1 school administrator, 1 teacher, and 1 parent of a pupil  
18 in the school district. During this time the superintendent of  
19 the school district may prepare and submit for consideration by  
20 the committee information concerning the circumstances of the  
21 expulsion and any factors mitigating for or against  
22 reinstatement.

23 (e) Not later than 10 school days after all members are  
24 appointed, the committee described in subdivision (d) shall  
25 review the petition and any supporting information and informa-  
26 tion provided by the school district and shall submit a  
27 recommendation to the school board on the issue of

1 reinstatement. The recommendation shall be for unconditional  
2 reinstatement, for conditional reinstatement, or against rein-  
3 statement, and shall be accompanied by an explanation of the rea-  
4 sons for the recommendation and of any recommended conditions for  
5 reinstatement. The recommendation shall be based on considera-  
6 tion of all of the following factors:

7 (i) The extent to which reinstatement of the individual  
8 would create a risk of harm to pupils or school personnel.

9 (ii) The extent to which reinstatement of the individual  
10 would create a risk of school district LIABILITY or individual  
11 liability for the school board or school district personnel.

12 (iii) The age and maturity of the individual.

13 (iv) The individual's school record before the incident that  
14 caused the expulsion.

15 (v) The individual's attitude concerning the incident that  
16 caused the expulsion.

17 (vi) The individual's behavior since the expulsion and the  
18 prospects for remediation of the individual.

19 (vii) If the petition was filed by a parent or legal guardi-  
20 an, the degree of cooperation and support that has been provided  
21 by the parent or legal guardian and that can be expected if the  
22 individual is reinstated, including, but not limited to, recep-  
23 tiveness toward possible conditions placed on the reinstatement.

24 (f) Not later than the next regularly scheduled board meet-  
25 ing after receiving the recommendation of the committee under  
26 subdivision (e), a school board shall make a decision to  
27 unconditionally reinstate the individual, conditionally reinstate

1 the individual, or deny reinstatement of the individual. The  
2 decision of the school board is final.

3 (g) A school board may require an individual and, if the  
4 petition was filed by a parent or legal guardian, his or her  
5 parent or legal guardian to agree in writing to specific condi-  
6 tions before reinstating the individual in a conditional  
7 reinstatement. The conditions may include, but are not limited  
8 to, agreement to a behavior contract, which may involve the indi-  
9 vidual, parent or legal guardian, and an outside agency; partici-  
10 pation in or completion of an anger management program or other  
11 appropriate counseling; periodic progress reviews; and specified  
12 immediate consequences for failure to abide by a condition. A  
13 parent or legal guardian or, if the individual is at least age 18  
14 or is an emancipated minor, the individual may include proposed  
15 conditions in a petition for reinstatement submitted under this  
16 subsection.

17 (6) A school board or school administrator that complies  
18 with subsection (2) is not liable for damages for expelling a  
19 pupil pursuant to subsection (2), and the authorizing body of a  
20 public school academy established under part 6a ~~or part 6b~~ is  
21 not liable for damages for expulsion of a pupil by the public  
22 school academy pursuant to subsection (2).

23 (7) The department shall develop and distribute to all  
24 school districts a form for a petition FOR REINSTATEMENT to be  
25 used under subsection (5).



1 (8) Subsections (2) to (7) do not diminish the due process  
2 rights under federal law of a pupil who has been determined to be  
3 eligible for special education programs and services.

4 (9) If a pupil expelled from a public school district pursu-  
5 ant to subsection (2) is enrolled by a public school sponsored  
6 alternative education program or a public school academy during  
7 the period of expulsion, the public school academy or the alter-  
8 native education program shall immediately become eligible for  
9 the prorated share of either the public academy foundation allow-  
10 ance or the expelling school district's foundation allowance,  
11 whichever is higher.

12 (10) IF AN INDIVIDUAL IS EXPELLED PURSUANT TO SUBSECTION  
13 (2), IT IS THE RESPONSIBILITY OF THAT INDIVIDUAL AND OF HIS OR  
14 HER PARENT OR LEGAL GUARDIAN TO LOCATE A SUITABLE ALTERNATIVE  
15 EDUCATIONAL PROGRAM AND TO ENROLL THE INDIVIDUAL IN SUCH A PRO-  
16 GRAM DURING THE EXPULSION. THE OFFICE OF SAFE SCHOOLS IN THE  
17 DEPARTMENT SHALL COMPILE INFORMATION ON AND CATALOG EXISTING  
18 ALTERNATIVE EDUCATION PROGRAMS OR SCHOOLS AND NONPUBLIC SCHOOLS  
19 THAT MAY BE OPEN TO ENROLLMENT OF INDIVIDUALS EXPELLED PURSUANT  
20 TO SUBSECTION (2) AND PURSUANT TO THE POLICY REQUIRED UNDER SEC-  
21 TION 1311A, AND SHALL PERIODICALLY DISTRIBUTE THIS INFORMATION TO  
22 SCHOOL DISTRICTS FOR DISTRIBUTION TO EXPELLED INDIVIDUALS. THE  
23 OFFICE OF SAFE SCHOOLS ALSO SHALL WORK WITH AND PROVIDE TECHNICAL  
24 ASSISTANCE TO SCHOOL DISTRICTS, AUTHORIZING BODIES FOR PUBLIC  
25 SCHOOL ACADEMIES, AND OTHER INTERESTED PARTIES IN DEVELOPING  
26 THESE TYPES OF ALTERNATIVE EDUCATION PROGRAMS OR SCHOOLS IN  
27 GEOGRAPHIC AREAS THAT ARE NOT BEING SERVED.

1 (11) ~~(10)~~ As used in this section:

2 (a) "Arson" means a felony violation of chapter X of the  
3 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
4 ~~being sections 750.71 to 750.80 of the Michigan Compiled Laws~~  
5 1931 PA 328, MCL 750.71 TO 750.80.

6 (b) "Criminal sexual conduct" means a violation of  
7 section 520b, 520c, 520d, 520e, or 520g of ~~Act No. 328 of the~~  
8 ~~Public Acts of 1931, being sections 750.520b, 750.520c, 750.520d,~~  
9 ~~750.520e, and 750.520g of the Michigan Compiled Laws~~ THE  
10 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C,  
11 750.520D, 750.520E, AND 750.520G.

12 (c) "Dangerous weapon" means that term as defined in  
13 section 1313.

14 (d) "Firearm" means that term as defined in ~~the federal~~  
15 ~~gun-free schools act of 1994, Public Law 103-227, 20 U.S.C. 3351-~~  
16 SECTION 921 OF TITLE 18 OF THE UNITED STATES CODE, 18  
17 U.S.C. 921.

18 (e) "School board" means a school board, intermediate school  
19 board, or the board of directors of a public school academy  
20 established under part 6a. ~~or 6b.~~

21 (f) "School district" means a school district, a local act  
22 school district, an intermediate school district, or a public  
23 school academy established under part 6a. ~~or 6b.~~

24 (g) "Weapon free school zone" means that term as defined in  
25 section 237a of the Michigan penal code, ~~Act No. 328 of the~~  
26 ~~Public Acts of 1931, being section 750.237a of the Michigan~~  
27 ~~Compiled Laws~~ 1931 PA 328, MCL 750.237A.

1           SEC. 1311B. (1) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
2 IS A PUBLIC SCHOOL UNDER SECTION 2 OF ARTICLE VIII OF THE STATE  
3 CONSTITUTION OF 1963, IS A SCHOOL DISTRICT FOR THE PURPOSES OF  
4 SECTION 11 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963 AND  
5 FOR THE PURPOSES OF SECTION 1225, AND IS SUBJECT TO THE LEADER-  
6 SHIP AND GENERAL SUPERVISION OF THE STATE BOARD OVER ALL PUBLIC  
7 EDUCATION UNDER SECTION 3 OF ARTICLE VIII OF THE STATE CONSTITU-  
8 TION OF 1963. A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IS A  
9 BODY CORPORATE AND IS A GOVERNMENTAL AGENCY. THE POWERS GRANTED  
10 TO A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY UNDER SECTIONS 1311B  
11 TO 1311M CONSTITUTE THE PERFORMANCE OF ESSENTIAL PUBLIC PURPOSES  
12 AND GOVERNMENTAL FUNCTIONS OF THIS 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           (B) "CERTIFICATED TEACHER" MEANS AN INDIVIDUAL WHO HOLDS A  
22 VALID TEACHING CERTIFICATE ISSUED BY THE STATE BOARD UNDER  
23 SECTION 1531.

24           (C) "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE ORGANIZED  
25 UNDER THE COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1  
26 TO 389.195, OR A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE  
27 THAT IS RECOGNIZED UNDER THE TRIBALLY CONTROLLED COMMUNITY

1 COLLEGE ASSISTANCE ACT OF 1978, PUBLIC LAW 95-471, AND IS  
2 DETERMINED BY THE DEPARTMENT TO MEET THE REQUIREMENTS FOR ACCRED-  
3 ITATION BY A RECOGNIZED REGIONAL ACCREDITING BODY.

4 (D) "CONTRACT" MEANS THE EXECUTIVE ACT TAKEN BY AN AUTHORIZ-  
5 ING BODY THAT EVIDENCES THE AUTHORIZATION OF A STRICT DISCIPLINE  
6 PUBLIC SCHOOL ACADEMY AND THAT ESTABLISHES, SUBJECT TO THE CON-  
7 STITUTIONAL POWERS OF THE STATE BOARD AND APPLICABLE LAW, THE  
8 WRITTEN INSTRUMENT EXECUTED BY AN AUTHORIZING BODY CONFERRING  
9 CERTAIN RIGHTS, FRANCHISES, PRIVILEGES, AND OBLIGATIONS ON A  
10 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY, AS PROVIDED BY THIS  
11 PART, AND CONFIRMING THE STATUS OF A STRICT DISCIPLINE PUBLIC  
12 SCHOOL ACADEMY AS A PUBLIC SCHOOL IN THIS STATE.

13 (E) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS COR-  
14 PORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION, CORPORA-  
15 TION, TRUST, OR OTHER LEGAL ENTITY.

16 (F) "STATE PUBLIC UNIVERSITY" MEANS A UNIVERSITY DESCRIBED  
17 IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE CONSTITUTION  
18 OF 1963.

19 SEC. 1311C. NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE  
20 OF THIS SECTION, AND AT LEAST ANNUALLY THEREAFTER, THE STATE  
21 BOARD SHALL SUBMIT A COMPREHENSIVE REPORT, WITH FINDINGS AND REC-  
22 OMMENDATIONS, TO THE HOUSE AND SENATE COMMITTEES ON EDUCATION.  
23 THE REPORT SHALL EVALUATE STRICT DISCIPLINE PUBLIC SCHOOL ACADE-  
24 MIES GENERALLY, INCLUDING, BUT NOT LIMITED TO, AN EVALUATION OF  
25 WHETHER STRICT DISCIPLINE PUBLIC SCHOOL ACADEMIES ARE FULFILLING  
26 THE PURPOSES SPECIFIED IN FORMER SECTION 511(1). THE REPORT ALSO  
27 SHALL CONTAIN, FOR EACH STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY,

1 A COPY OF THE ACADEMY'S MISSION STATEMENT, ATTENDANCE STATISTICS  
2 AND DROPOUT RATE, AGGREGATE ASSESSMENT TEST SCORES, PROJECTIONS  
3 OF FINANCIAL STABILITY, AND NUMBER OF AND COMMENTS ON SUPERVISORY  
4 VISITS BY THE AUTHORIZING BODY.

5 SEC. 1311D. (1) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
6 SHALL BE ORGANIZED AND ADMINISTERED UNDER THE DIRECTION OF A  
7 BOARD OF DIRECTORS IN ACCORDANCE WITH SECTIONS 1311B TO 1311M AND  
8 WITH BYLAWS ADOPTED BY THE BOARD OF DIRECTORS. A PUBLIC SCHOOL  
9 ACADEMY CORPORATION CREATED TO OPERATE A STRICT DISCIPLINE PUBLIC  
10 SCHOOL ACADEMY SHALL BE ORGANIZED UNDER THE NONPROFIT CORPORATION  
11 ACT, 1982 PA 162, MCL 450.2101 TO 450.3192, EXCEPT THAT A PUBLIC  
12 SCHOOL ACADEMY CORPORATION IS NOT REQUIRED TO COMPLY WITH SEC-  
13 TIONS 170 TO 177 OF 1931 PA 327, MCL 450.170 TO 450.177. TO THE  
14 EXTENT DISQUALIFIED UNDER THE STATE OR FEDERAL CONSTITUTION, A  
15 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL NOT BE ORGANIZED BY  
16 A CHURCH OR OTHER RELIGIOUS ORGANIZATION AND SHALL NOT HAVE ANY  
17 ORGANIZATIONAL OR CONTRACTUAL AFFILIATION WITH OR CONSTITUTE A  
18 CHURCH OR OTHER RELIGIOUS ORGANIZATION.

19 (2) ANY OF THE FOLLOWING MAY ACT AS AN AUTHORIZING BODY TO  
20 ISSUE A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE STRICT DISCI-  
21 PLINE PUBLIC SCHOOL ACADEMIES UNDER SECTIONS 1311B TO 1311M:

22 (A) THE BOARD OF A SCHOOL DISTRICT THAT OPERATES GRADES K TO  
23 12. HOWEVER, THE BOARD OF A SCHOOL DISTRICT SHALL NOT ISSUE A  
24 CONTRACT FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY TO OPERATE  
25 OUTSIDE THE SCHOOL DISTRICT'S BOUNDARIES, AND A STRICT DISCIPLINE  
26 PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE BOARD OF A SCHOOL

1 DISTRICT SHALL NOT OPERATE OUTSIDE THAT SCHOOL DISTRICT'S  
2 BOUNDARIES.

3 (B) AN INTERMEDIATE SCHOOL BOARD. HOWEVER, THE BOARD OF AN  
4 INTERMEDIATE SCHOOL DISTRICT SHALL NOT ISSUE A CONTRACT FOR A  
5 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY TO OPERATE OUTSIDE THE  
6 INTERMEDIATE SCHOOL DISTRICT'S BOUNDARIES, AND A STRICT DISCI-  
7 PLINE PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE BOARD OF AN INTER-  
8 MEDIATE SCHOOL DISTRICT SHALL NOT OPERATE OUTSIDE THAT INTERMEDI-  
9 ATE SCHOOL DISTRICT'S BOUNDARIES.

10 (C) THE BOARD OF A COMMUNITY COLLEGE. HOWEVER, EXCEPT AS  
11 OTHERWISE PROVIDED IN THIS SUBDIVISION, THE BOARD OF A COMMUNITY  
12 COLLEGE SHALL NOT ISSUE A CONTRACT FOR A STRICT DISCIPLINE PUBLIC  
13 SCHOOL ACADEMY TO OPERATE IN A SCHOOL DISTRICT ORGANIZED AS A  
14 SCHOOL DISTRICT OF THE FIRST CLASS, A STRICT DISCIPLINE PUBLIC  
15 SCHOOL ACADEMY AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE  
16 SHALL NOT OPERATE IN A SCHOOL DISTRICT ORGANIZED AS A SCHOOL DIS-  
17 TRICT OF THE FIRST CLASS, THE BOARD OF A COMMUNITY COLLEGE SHALL  
18 NOT ISSUE A CONTRACT FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACAD-  
19 EMY TO OPERATE OUTSIDE THE BOUNDARIES OF THE COMMUNITY COLLEGE  
20 DISTRICT, AND A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AUTHO-  
21 RIZED BY THE BOARD OF A COMMUNITY COLLEGE SHALL NOT OPERATE OUT-  
22 SIDE THE BOUNDARIES OF THE COMMUNITY COLLEGE DISTRICT. THE BOARD  
23 OF A COMMUNITY COLLEGE ALSO MAY ISSUE A CONTRACT FOR NOT MORE  
24 THAN 1 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY TO OPERATE ON THE  
25 GROUNDS OF AN ACTIVE OR CLOSED FEDERAL MILITARY INSTALLATION  
26 LOCATED OUTSIDE THE BOUNDARIES OF THE COMMUNITY COLLEGE DISTRICT,  
27 OR MAY OPERATE A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY ITSELF

1 ON THE GROUNDS OF SUCH A FEDERAL MILITARY INSTALLATION, IF THE  
2 FEDERAL MILITARY INSTALLATION IS NOT LOCATED WITHIN THE BOUNDA-  
3 RIES OF ANY COMMUNITY COLLEGE DISTRICT AND THE COMMUNITY COLLEGE  
4 HAS PREVIOUSLY OFFERED COURSES ON THE GROUNDS OF THE FEDERAL MIL-  
5 ITARY 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 PUBLIC SCHOOL ACADEMIES, 1 OR MORE PERSONS OR  
9 AN ENTITY MAY APPLY TO AN AUTHORIZING BODY DESCRIBED IN SUBSEC-  
10 TION (2). THE APPLICATION SHALL INCLUDE AT LEAST ALL OF THE  
11 FOLLOWING:

12 (A) IDENTIFICATION OF THE APPLICANT FOR THE CONTRACT.

13 (B) SUBJECT TO THE RESOLUTION ADOPTED BY THE AUTHORIZING  
14 BODY UNDER SECTION 1311E(4), A LIST OF THE PROPOSED MEMBERS OF  
15 THE BOARD OF DIRECTORS OF THE STRICT DISCIPLINE PUBLIC SCHOOL  
16 ACADEMY AND A DESCRIPTION OF THE QUALIFICATIONS AND METHOD FOR  
17 APPOINTMENT OR ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS.

18 (C) THE PROPOSED ARTICLES OF INCORPORATION, WHICH SHALL  
19 INCLUDE AT LEAST ALL OF THE FOLLOWING:

20 (i) THE NAME OF THE PROPOSED STRICT DISCIPLINE PUBLIC SCHOOL  
21 ACADEMY.

22 (ii) THE PURPOSES FOR THE PUBLIC SCHOOL ACADEMY CORPORATION  
23 THAT WILL OPERATE THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY.  
24 THIS LANGUAGE SHALL PROVIDE THAT THE STRICT DISCIPLINE PUBLIC  
25 SCHOOL ACADEMY IS ESTABLISHED PURSUANT TO SECTIONS 1311B TO 1311M  
26 AND THAT THE PUBLIC SCHOOL ACADEMY CORPORATION IS A GOVERNMENTAL  
27 ENTITY.

1           (iii) THE NAME OF THE AUTHORIZING BODY.

2           (iv) THE PROPOSED TIME WHEN THE ARTICLES OF INCORPORATION  
3 WILL BE EFFECTIVE.

4           (v) OTHER MATTERS CONSIDERED EXPEDIENT TO BE IN THE ARTICLES  
5 OF INCORPORATION.

6           (D) A COPY OF THE PROPOSED BYLAWS OF THE STRICT DISCIPLINE  
7 PUBLIC SCHOOL ACADEMY.

8           (E) DOCUMENTATION MEETING THE APPLICATION REQUIREMENTS OF  
9 THE AUTHORIZING BODY, INCLUDING AT LEAST ALL OF THE FOLLOWING:

10          (i) THE GOVERNANCE STRUCTURE OF THE STRICT DISCIPLINE PUBLIC  
11 SCHOOL ACADEMY.

12          (ii) A COPY OF THE EDUCATIONAL GOALS OF THE STRICT DISCI-  
13 PLINE PUBLIC SCHOOL ACADEMY AND THE CURRICULA TO BE OFFERED AND  
14 METHODS OF PUPIL ASSESSMENT TO BE USED BY THE STRICT DISCIPLINE  
15 PUBLIC SCHOOL ACADEMY. TO THE EXTENT APPLICABLE, THE PROGRESS OF  
16 THE PUPILS IN THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL  
17 BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION ASSESSMENT PRO-  
18 GRAM (MEAP) TEST OR AN ASSESSMENT INSTRUMENT DEVELOPED UNDER SEC-  
19 TION 1279 FOR A STATE-ENDORSED HIGH SCHOOL DIPLOMA.

20          (iii) THE ADMISSION POLICY AND CRITERIA TO BE MAINTAINED BY  
21 THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY. THE ADMISSION  
22 POLICY AND CRITERIA SHALL COMPLY WITH SECTION 1311G. THIS PART  
23 OF THE APPLICATION ALSO SHALL INCLUDE A DESCRIPTION OF HOW THE  
24 APPLICANT WILL PROVIDE TO THE GENERAL PUBLIC ADEQUATE NOTICE THAT  
25 A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IS BEING CREATED AND  
26 ADEQUATE INFORMATION ON THE ADMISSION POLICY, CRITERIA, AND  
27 PROCESS.



1 (iv) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE.

2 (v) THE AGE OR GRADE RANGE OF PUPILS TO BE ENROLLED.

3 (F) DESCRIPTIONS OF STAFF RESPONSIBILITIES AND OF THE STRICT  
4 DISCIPLINE PUBLIC SCHOOL ACADEMY'S GOVERNANCE STRUCTURE.

5 (G) FOR AN APPLICATION TO THE BOARD OF A SCHOOL DISTRICT, AN  
6 INTERMEDIATE SCHOOL BOARD, OR BOARD OF A COMMUNITY COLLEGE, IDEN-  
7 TIFICATION OF THE LOCAL AND INTERMEDIATE SCHOOL DISTRICTS IN  
8 WHICH THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY WILL BE  
9 LOCATED.

10 (H) AN AGREEMENT THAT THE STRICT DISCIPLINE PUBLIC SCHOOL  
11 ACADEMY WILL COMPLY WITH THE PROVISIONS OF SECTIONS 1311B TO  
12 1311M AND, SUBJECT TO THE PROVISIONS OF THESE SECTIONS, WITH ALL  
13 OTHER STATE LAW APPLICABLE TO PUBLIC BODIES AND WITH FEDERAL LAW  
14 APPLICABLE TO PUBLIC BODIES OR SCHOOL DISTRICTS.

15 (I) FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AUTHORIZED  
16 BY A SCHOOL DISTRICT, AN ASSURANCE THAT EMPLOYEES OF THE STRICT  
17 DISCIPLINE PUBLIC SCHOOL ACADEMY WILL BE COVERED BY THE COLLEC-  
18 TIVE BARGAINING AGREEMENTS THAT APPLY TO OTHER EMPLOYEES OF THE  
19 SCHOOL DISTRICT EMPLOYED IN SIMILAR CLASSIFICATIONS IN SCHOOLS  
20 THAT ARE NOT PUBLIC SCHOOL ACADEMIES.

21 (J) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL  
22 PLANT IN WHICH THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY WILL  
23 BE LOCATED.

24 (4) AN AUTHORIZING BODY SHALL OVERSEE, OR SHALL CONTRACT  
25 WITH AN INTERMEDIATE SCHOOL DISTRICT, COMMUNITY COLLEGE, OR STATE  
26 PUBLIC UNIVERSITY TO OVERSEE, EACH STRICT DISCIPLINE PUBLIC  
27 SCHOOL ACADEMY OPERATING UNDER A CONTRACT ISSUED BY THE

1 AUTHORIZING BODY. THE OVERSIGHT SHALL BE SUFFICIENT TO ENSURE  
2 THAT THE AUTHORIZING BODY CAN CERTIFY THAT THE STRICT DISCIPLINE  
3 PUBLIC SCHOOL ACADEMY IS IN COMPLIANCE WITH STATUTE, RULES, AND  
4 THE TERMS OF THE CONTRACT.

5 (5) IF THE STATE BOARD FINDS THAT AN AUTHORIZING BODY IS NOT  
6 ENGAGING IN APPROPRIATE CONTINUING OVERSIGHT OF 1 OR MORE STRICT  
7 DISCIPLINE PUBLIC SCHOOL ACADEMIES OPERATING UNDER A CONTRACT  
8 ISSUED BY THE AUTHORIZING BODY, THE STATE BOARD MAY SUSPEND THE  
9 POWER OF THE AUTHORIZING BODY TO ISSUE NEW CONTRACTS TO ORGANIZE  
10 AND OPERATE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMIES. A CON-  
11 TRACT ISSUED BY THE AUTHORIZING BODY DURING THE SUSPENSION IS  
12 VOID. A CONTRACT ISSUED BY THE AUTHORIZING BODY BEFORE THE SUS-  
13 PENSION IS NOT AFFECTED BY THE SUSPENSION.

14 (6) AN AUTHORIZING BODY SHALL NOT CHARGE A FEE, OR REQUIRE  
15 REIMBURSEMENT OF EXPENSES, FOR CONSIDERING AN APPLICATION FOR A  
16 CONTRACT, FOR ISSUING A CONTRACT, OR FOR PROVIDING OVERSIGHT OF A  
17 CONTRACT FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IN AN  
18 AMOUNT THAT EXCEEDS A COMBINED TOTAL OF 3% OF THE TOTAL STATE  
19 SCHOOL AID RECEIVED BY THE STRICT DISCIPLINE PUBLIC SCHOOL ACAD-  
20 EMY IN THE SCHOOL YEAR IN WHICH THE FEES OR EXPENSES ARE  
21 CHARGED. AN AUTHORIZING BODY MAY PROVIDE OTHER SERVICES FOR A  
22 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AND CHARGE A FEE FOR  
23 THOSE SERVICES, BUT SHALL NOT REQUIRE SUCH AN ARRANGEMENT AS A  
24 CONDITION TO ISSUING THE CONTRACT AUTHORIZING THE STRICT DISCI-  
25 PLINE PUBLIC SCHOOL ACADEMY.

26 (7) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL BE  
27 PRESUMED TO BE LEGALLY ORGANIZED IF IT HAS EXERCISED THE

1 FRANCHISES AND PRIVILEGES OF A STRICT DISCIPLINE PUBLIC SCHOOL  
2 ACADEMY FOR AT LEAST 2 YEARS.

3 SEC. 1311E. (1) AN AUTHORIZING BODY IS NOT REQUIRED TO  
4 ISSUE A CONTRACT TO ANY PERSON OR ENTITY. CONTRACTS FOR STRICT  
5 DISCIPLINE PUBLIC SCHOOL ACADEMIES SHALL BE ISSUED ON A COMPETI-  
6 TIVE BASIS TAKING INTO CONSIDERATION THE RESOURCES AVAILABLE FOR  
7 THE PROPOSED STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY, THE POPULA-  
8 TION TO BE SERVED BY THE PROPOSED STRICT DISCIPLINE PUBLIC SCHOOL  
9 ACADEMY, AND THE EDUCATIONAL GOALS TO BE ACHIEVED BY THE PROPOSED  
10 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY.

11 (2) IF A PERSON OR ENTITY APPLIES TO THE BOARD OF A SCHOOL  
12 DISTRICT FOR A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE STRICT  
13 DISCIPLINE PUBLIC SCHOOL ACADEMIES WITHIN THE BOUNDARIES OF THE  
14 SCHOOL DISTRICT AND THE BOARD DOES NOT ISSUE THE CONTRACT, THE  
15 PERSON OR ENTITY MAY PETITION THE BOARD TO PLACE THE QUESTION OF  
16 ISSUING THE CONTRACT ON THE BALLOT TO BE DECIDED BY THE SCHOOL  
17 ELECTORS OF THE SCHOOL DISTRICT. THE PETITION SHALL CONTAIN ALL  
18 OF THE INFORMATION REQUIRED TO BE IN THE CONTRACT APPLICATION  
19 UNDER SECTION 1311D(3) AND SHALL BE SIGNED BY A NUMBER OF SCHOOL  
20 ELECTORS OF THE SCHOOL DISTRICT EQUAL TO AT LEAST 15% OF THE  
21 TOTAL NUMBER OF SCHOOL ELECTORS OF THAT SCHOOL DISTRICT. THE  
22 PETITION SHALL BE FILED WITH THE SECRETARY OF THE BOARD. IF THE  
23 BOARD RECEIVES A PETITION MEETING THE REQUIREMENTS OF THIS SUB-  
24 SECTION, THE BOARD SHALL PLACE THE QUESTION OF ISSUING THE CON-  
25 TRACT ON THE BALLOT AT ITS NEXT ANNUAL SCHOOL ELECTION HELD AT  
26 LEAST 60 DAYS AFTER RECEIVING THE PETITION. IF A MAJORITY OF THE

1 SCHOOL ELECTORS OF THE SCHOOL DISTRICT VOTING ON THE QUESTION  
2 VOTE TO ISSUE THE CONTRACT, THE BOARD SHALL ISSUE THE CONTRACT.

3 (3) WITHIN 10 DAYS AFTER ISSUING A CONTRACT FOR A STRICT  
4 DISCIPLINE PUBLIC SCHOOL ACADEMY, THE BOARD OF THE AUTHORIZING  
5 BODY SHALL SUBMIT TO THE STATE BOARD A COPY OF THE CONTRACT AND  
6 OF THE APPLICATION UNDER SECTION 1311D.

7 (4) AN AUTHORIZING BODY SHALL ADOPT A RESOLUTION ESTABLISH-  
8 ING THE METHOD OF SELECTION, LENGTH OF TERM, AND NUMBER OF MEM-  
9 BERS OF THE BOARD OF DIRECTORS OF EACH STRICT DISCIPLINE PUBLIC  
10 SCHOOL ACADEMY SUBJECT TO ITS JURISDICTION.

11 (5) A CONTRACT ISSUED TO ORGANIZE AND ADMINISTER A STRICT  
12 DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL CONTAIN AT LEAST ALL OF  
13 THE FOLLOWING:

14 (A) THE EDUCATIONAL GOALS THE STRICT DISCIPLINE PUBLIC  
15 SCHOOL ACADEMY IS TO ACHIEVE AND THE METHODS BY WHICH IT WILL BE  
16 HELD ACCOUNTABLE. TO THE EXTENT APPLICABLE, THE PUPIL PER-  
17 FORMANCE OF A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL BE  
18 ASSESSED USING AT LEAST A MICHIGAN EDUCATION ASSESSMENT PROGRAM  
19 (MEAP) TEST OR AN ASSESSMENT INSTRUMENT DEVELOPED UNDER SECTION  
20 1279 FOR A STATE-ENDORSED HIGH SCHOOL DIPLOMA.

21 (B) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE  
22 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY'S COMPLIANCE WITH APPLI-  
23 CABLE LAW AND ITS PERFORMANCE IN MEETING ITS TARGETED EDUCATIONAL  
24 OBJECTIVES.

25 (C) A DESCRIPTION OF THE PROCESS FOR AMENDING THE CONTRACT  
26 DURING THE TERM OF THE CONTRACT.

1 (D) ALL OF THE MATTERS SET FORTH IN THE APPLICATION FOR THE  
2 CONTRACT.

3 (E) FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AUTHORIZED  
4 BY A SCHOOL DISTRICT, AN AGREEMENT THAT EMPLOYEES OF THE STRICT  
5 DISCIPLINE PUBLIC SCHOOL ACADEMY WILL BE COVERED BY THE COLLEC-  
6 TIVE BARGAINING AGREEMENTS THAT APPLY TO EMPLOYEES OF THE SCHOOL  
7 DISTRICT EMPLOYED IN SIMILAR CLASSIFICATIONS IN SCHOOLS THAT ARE  
8 NOT PUBLIC SCHOOL ACADEMIES.

9 (F) PROCEDURES FOR REVOKING THE CONTRACT AND GROUNDS FOR  
10 REVOKING THE CONTRACT, INCLUDING AT LEAST THE GROUNDS LISTED IN  
11 SECTION 1311M.

12 (G) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL  
13 PLANT IN WHICH THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY WILL  
14 BE LOCATED.

15 (H) REQUIREMENTS AND PROCEDURES FOR FINANCIAL AUDITS. THE  
16 FINANCIAL AUDITS SHALL BE CONDUCTED AT LEAST ANNUALLY BY A CERTI-  
17 FIED PUBLIC ACCOUNTANT IN ACCORDANCE WITH GENERALLY ACCEPTED GOV-  
18 ERNMENTAL AUDITING PRINCIPLES.

19 (6) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL COMPLY  
20 WITH ALL APPLICABLE LAW, INCLUDING ALL OF THE FOLLOWING:

21 (A) THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO  
22 15.275.

23 (B) THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231  
24 TO 15.246.

25 (C) 1947 PA 336, MCL 423.201 TO 423.217.

26 (D) 1965 PA 166, MCL 408.551 TO 408.558.

1 (E) SECTIONS 1134, 1135, 1146, 1153, 1263(3), 1267, AND  
2 1274.

3 (7) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AND ITS INCOR-  
4 PORATORS, BOARD MEMBERS, OFFICERS, EMPLOYEES, AND VOLUNTEERS HAVE  
5 GOVERNMENTAL IMMUNITY AS PROVIDED IN SECTION 7 OF 1964 PA 170,  
6 MCL 691.1407. AN AUTHORIZING BODY AND ITS BOARD MEMBERS, OFFI-  
7 CERS, AND EMPLOYEES ARE IMMUNE FROM CIVIL LIABILITY, BOTH PERSON-  
8 ALLY AND PROFESSIONALLY, FOR ANY ACTS OR OMISSIONS IN AUTHORIZING  
9 A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IF THE AUTHORIZING BODY  
10 OR THE PERSON ACTED OR REASONABLY BELIEVED HE OR SHE ACTED WITHIN  
11 THE AUTHORIZING BODY'S OR THE PERSON'S SCOPE OF AUTHORITY.

12 (8) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IS EXEMPT FROM  
13 ALL TAXATION ON ITS EARNINGS AND PROPERTY. INSTRUMENTS OF CON-  
14 VEYANCE TO OR FROM A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY ARE  
15 EXEMPT FROM ALL TAXATION INCLUDING TAXES IMPOSED BY 1966 PA 134,  
16 MCL 207.501 TO 207.513. A STRICT DISCIPLINE PUBLIC SCHOOL ACAD-  
17 EMY MAY NOT LEVY AD VALOREM PROPERTY TAXES OR ANY OTHER TAX FOR  
18 ANY PURPOSE. HOWEVER, OPERATION OF 1 OR MORE STRICT DISCIPLINE  
19 PUBLIC SCHOOL ACADEMIES BY A SCHOOL DISTRICT OR INTERMEDIATE  
20 SCHOOL DISTRICT DOES NOT AFFECT THE ABILITY OF THE SCHOOL DIS-  
21 TRICT OR INTERMEDIATE SCHOOL DISTRICT TO LEVY AD VALOREM PROPERTY  
22 TAXES OR ANY OTHER TAX.

23 (9) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY ACQUIRE BY  
24 PURCHASE, GIFT, DEVISE, LEASE, SUBLEASE, INSTALLMENT PURCHASE  
25 AGREEMENT, LAND CONTRACT, OPTION, OR BY ANY OTHER MEANS, HOLD AND  
26 OWN IN ITS OWN NAME BUILDINGS AND OTHER PROPERTY FOR SCHOOL  
27 PURPOSES, AND INTERESTS THEREIN, AND OTHER REAL AND PERSONAL

1 PROPERTY, INCLUDING, BUT NOT LIMITED TO, INTERESTS IN PROPERTY  
2 SUBJECT TO MORTGAGES, SECURITY INTERESTS, OR OTHER LIENS, NECES-  
3 SARY OR CONVENIENT TO FULFILL ITS PURPOSES. FOR THE PURPOSES OF  
4 CONDEMNATION, A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY PRO-  
5 CEED UNDER THE UNIFORM CONDEMNATION PROCEDURES ACT, 1980 PA 87,  
6 MCL 213.51 TO 213.75, EXCLUDING SECTIONS 6 TO 9 OF THAT ACT, MCL  
7 213.56 TO 213.59, OR OTHER APPLICABLE STATUTES, BUT ONLY WITH THE  
8 EXPRESS, WRITTEN PERMISSION OF THE AUTHORIZING BODY IN EACH  
9 INSTANCE OF CONDEMNATION AND ONLY AFTER JUST COMPENSATION HAS  
10 BEEN DETERMINED AND PAID.

11 SEC. 1311F. IF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
12 DISTRICT APPLIES FOR AND OBTAINS A CONTRACT TO OPERATE 1 OR MORE  
13 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMIES UNDER SECTIONS 1311B TO  
14 1311M, THE POWER OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
15 DISTRICT TO LEVY TAXES FOR ANY PURPOSE UNDER THIS ACT IS NOT  
16 AFFECTED BY THE OPERATION OF A STRICT DISCIPLINE PUBLIC SCHOOL  
17 ACADEMY BY THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT.  
18 REVENUE FROM TAXES LEVIED BY A SCHOOL DISTRICT OR INTERMEDIATE  
19 SCHOOL DISTRICT UNDER THIS ACT OR BONDS ISSUED BY A SCHOOL DIS-  
20 TRICT OR INTERMEDIATE SCHOOL DISTRICT UNDER THIS ACT MAY BE USED  
21 TO SUPPORT THE OPERATION OR FACILITIES OF A STRICT DISCIPLINE  
22 PUBLIC SCHOOL ACADEMY OPERATED BY THE SCHOOL DISTRICT OR INTERME-  
23 DIATE SCHOOL DISTRICT IN THE SAME MANNER AS THAT REVENUE MAY BE  
24 USED UNDER THIS ACT BY THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
25 DISTRICT TO SUPPORT SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DIS-  
26 TRICT OPERATIONS AND FACILITIES. THIS SECTION DOES NOT AUTHORIZE  
27 A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO LEVY TAXES

1 OR TO ISSUE BONDS FOR ANY PURPOSE THAT IS NOT OTHERWISE  
2 AUTHORIZED UNDER THIS ACT.

3 SEC. 1311G. (1) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
4 MAY BE LOCATED IN ALL OR PART OF AN EXISTING PUBLIC SCHOOL  
5 BUILDING. A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL NOT  
6 OPERATE AT A SITE OTHER THAN THE SINGLE SITE REQUESTED FOR THE  
7 CONFIGURATION OF GRADES THAT WILL USE THE SITE, AS SPECIFIED IN  
8 THE APPLICATION REQUIRED UNDER SECTION 1311D AND IN THE  
9 CONTRACT.

10 (2) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL NOT  
11 CHARGE TUITION. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4),  
12 A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL NOT DISCRIMINATE  
13 IN ITS PUPIL ADMISSIONS POLICIES OR PRACTICES ON THE BASIS OF  
14 INTELLECTUAL OR ATHLETIC ABILITY, MEASURES OF ACHIEVEMENT OR  
15 APTITUDE, STATUS AS A HANDICAPPED PERSON, OR ANY OTHER BASIS THAT  
16 WOULD BE ILLEGAL IF USED BY A SCHOOL DISTRICT. HOWEVER, A STRICT  
17 DISCIPLINE PUBLIC SCHOOL ACADEMY MAY LIMIT ADMISSION TO PUPILS  
18 WHO ARE WITHIN A PARTICULAR RANGE OF AGE OR GRADE LEVEL OR ON ANY  
19 OTHER BASIS THAT WOULD BE LEGAL IF USED BY A SCHOOL DISTRICT.

20 (3) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY BE ESTAB-  
21 LISHED UNDER SECTIONS 1311B TO 1311M SPECIFICALLY FOR ENROLLING 1  
22 OR MORE OF THE FOLLOWING TYPES OF PUPILS:

23 (A) PUPILS PLACED IN THE STRICT DISCIPLINE PUBLIC SCHOOL  
24 ACADEMY BY A COURT OR BY THE FAMILY INDEPENDENCE AGENCY UNDER THE  
25 DIRECTION OF A COURT.

26 (B) PUPILS WHO HAVE BEEN EXPELLED UNDER SECTION 1311(2).



1 (C) PUPILS WHO HAVE BEEN EXPELLED UNDER ANOTHER PROVISION OF  
2 THIS ACT.

3 (4) NOTWITHSTANDING SUBSECTION (2), IF IT IS STATED IN THE  
4 CONTRACT AUTHORIZING A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
5 DESCRIBED IN SUBSECTION (3) THAT THE STRICT DISCIPLINE PUBLIC  
6 SCHOOL ACADEMY IS ESTABLISHED SPECIFICALLY FOR ENROLLING 1 OR  
7 MORE OF THE TYPES OF PUPILS DESCRIBED IN SUBSECTION (3), THE  
8 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY LIMIT ENROLLMENT ONLY  
9 TO THOSE PUPILS. A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY THAT  
10 LIMITS ENROLLMENT AS DESCRIBED IN THIS SUBSECTION IS NOT REQUIRED  
11 TO KEEP ANY GROUP OF PUPILS DESCRIBED IN SUBSECTION (3)(A), (B),  
12 OR (C) PHYSICALLY SEPARATED FROM ANOTHER GROUP OF THOSE PUPILS,  
13 AS MIGHT OTHERWISE BE REQUIRED UNDER SECTION 1311(3) OR ANOTHER  
14 PROVISION OF THIS ACT.

15 (5) EXCEPT FOR A FOREIGN EXCHANGE STUDENT WHO IS NOT A  
16 UNITED STATES CITIZEN, A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
17 SHALL NOT ENROLL A PUPIL WHO IS NOT A RESIDENT OF THIS STATE.  
18 ENROLLMENT IN THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY BE  
19 OPEN TO ALL INDIVIDUALS WHO RESIDE IN THIS STATE WHO MEET THE  
20 ADMISSION POLICY AND SHALL BE OPEN TO ALL PUPILS WHO RESIDE  
21 WITHIN THE GEOGRAPHIC BOUNDARIES, IF ANY, OF THE AUTHORIZING BODY  
22 AS DESCRIBED IN SECTION 1311D(2)(A) TO (C) WHO MEET THE ADMISSION  
23 POLICY, EXCEPT THAT ADMISSION TO A STRICT DISCIPLINE PUBLIC  
24 SCHOOL ACADEMY AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE TO  
25 OPERATE, OR OPERATED BY THE BOARD OF A COMMUNITY COLLEGE, ON THE  
26 GROUNDS OF A FEDERAL MILITARY INSTALLATION, AS DESCRIBED IN  
27 SECTION 1311D(2)(C), SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN

1 THE COUNTY IN WHICH THE FEDERAL MILITARY INSTALLATION IS  
2 LOCATED. FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AUTHO-  
3 RIZED BY A STATE PUBLIC UNIVERSITY, ENROLLMENT SHALL BE OPEN TO  
4 ALL PUPILS WHO RESIDE IN THIS STATE WHO MEET THE ADMISSION  
5 POLICY. IF THERE ARE MORE APPLICATIONS TO ENROLL IN THE STRICT  
6 DISCIPLINE PUBLIC SCHOOL ACADEMY THAN THERE ARE SPACES AVAILABLE,  
7 PUPILS SHALL BE SELECTED TO ATTEND USING A RANDOM SELECTION  
8 PROCESS. HOWEVER, A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY  
9 GIVE ENROLLMENT PRIORITY TO A SIBLING OF A PUPIL ENROLLED IN THE  
10 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY. A STRICT DISCIPLINE  
11 PUBLIC SCHOOL ACADEMY SHALL ALLOW ANY PUPIL WHO WAS ENROLLED IN  
12 THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IN THE IMMEDIATELY  
13 PRECEDING SCHOOL YEAR TO ENROLL IN THE STRICT DISCIPLINE PUBLIC  
14 SCHOOL ACADEMY IN THE APPROPRIATE GRADE UNLESS THE APPROPRIATE  
15 GRADE IS NOT OFFERED AT THAT STRICT DISCIPLINE PUBLIC SCHOOL  
16 ACADEMY.

17 (6) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY INCLUDE  
18 ANY GRADE UP TO GRADE 12 OR ANY CONFIGURATION OF THOSE GRADES,  
19 INCLUDING KINDERGARTEN AND EARLY CHILDHOOD EDUCATION, AS SPECI-  
20 FIED IN ITS CONTRACT. IF SPECIFIED IN ITS CONTRACT, A STRICT  
21 DISCIPLINE PUBLIC SCHOOL ACADEMY MAY ALSO OPERATE AN ADULT BASIC  
22 EDUCATION PROGRAM, ADULT HIGH SCHOOL COMPLETION PROGRAM, OR GEN-  
23 ERAL EDUCATION DEVELOPMENT TESTING PREPARATION PROGRAM. THE  
24 AUTHORIZING BODY MAY APPROVE AMENDMENT OF A CONTRACT WITH RESPECT  
25 TO AGES OF PUPILS OR GRADES OFFERED.

26 SEC. 1311H. IN ADDITION TO OTHER POWERS SET FORTH IN THIS  
27 PART, A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY TAKE ACTION

1 TO CARRY OUT THE PURPOSES FOR WHICH IT WAS INCORPORATED UNDER  
2 THIS PART, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

3 (A) TO SUE AND BE SUED IN ITS NAME.

4 (B) TO ACQUIRE, HOLD, AND OWN IN ITS OWN NAME REAL AND PER-  
5 SONAL PROPERTY, OR INTERESTS IN REAL OR PERSONAL PROPERTY, FOR  
6 EDUCATIONAL PURPOSES BY PURCHASE, GIFT, GRANT, DEVISE, BEQUEST,  
7 LEASE, SUBLEASE, INSTALLMENT PURCHASE AGREEMENT, LAND CONTRACT,  
8 OPTION, OR CONDEMNATION, AND SUBJECT TO MORTGAGES, SECURITY  
9 INTERESTS, OR OTHER LIENS; AND TO SELL OR CONVEY THE PROPERTY AS  
10 THE INTERESTS OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
11 REQUIRE.

12 (C) TO RECEIVE AND DISBURSE FUNDS FOR LAWFUL PURPOSES.

13 (D) TO ENTER INTO BINDING LEGAL AGREEMENTS WITH PERSONS OR  
14 ENTITIES AS NECESSARY FOR THE OPERATION, MANAGEMENT, AND MAINTENANCE  
15 OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY.

16 (E) TO INCUR TEMPORARY DEBT IN ACCORDANCE WITH  
17 SECTION 1225.

18 (F) TO SOLICIT AND ACCEPT ANY GRANTS OR GIFTS FOR EDUCATIONAL  
19 PURPOSES AND TO ESTABLISH OR PERMIT TO BE ESTABLISHED ON  
20 ITS BEHALF 1 OR MORE NONPROFIT CORPORATIONS THE PURPOSE OF WHICH  
21 IS TO ASSIST THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IN THE  
22 FURTHERANCE OF ITS PUBLIC PURPOSES.

23 SEC. 1311I. IF A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IS  
24 OPERATED BY A SCHOOL DISTRICT THAT IS SUBJECT TO A COURT DESEGREGATION  
25 ORDER, PUPIL SELECTION AT THE STRICT DISCIPLINE PUBLIC  
26 SCHOOL ACADEMY IS SUBJECT TO THAT ORDER.

1 SEC. 1311J. (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, A  
2 STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL USE CERTIFICATED  
3 TEACHERS ACCORDING TO STATE BOARD OR SUPERINTENDENT OF PUBLIC  
4 INSTRUCTION RULE.

5 (2) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY OPERATED BY A  
6 STATE PUBLIC UNIVERSITY OR COMMUNITY COLLEGE MAY USE NONCERTIFI-  
7 CATED INDIVIDUALS TO TEACH AS FOLLOWS:

8 (A) IF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY IS OPER-  
9 ATED BY A STATE PUBLIC UNIVERSITY, THE STRICT DISCIPLINE PUBLIC  
10 SCHOOL ACADEMY MAY USE AS A CLASSROOM TEACHER IN ANY GRADE A FAC-  
11 ULTY MEMBER WHO IS EMPLOYED FULL-TIME BY THE STATE PUBLIC UNIVER-  
12 SITY AND WHO HAS BEEN GRANTED INSTITUTIONAL TENURE, OR HAS BEEN  
13 DESIGNATED AS BEING ON TENURE TRACK, BY THE STATE PUBLIC  
14 UNIVERSITY.

15 (B) FOR A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY OPERATED  
16 BY A COMMUNITY COLLEGE, THE STRICT DISCIPLINE PUBLIC SCHOOL ACAD-  
17 EMY MAY USE AS A CLASSROOM TEACHER A FULL-TIME MEMBER OF THE COM-  
18 MUNITY COLLEGE FACULTY WHO HAS AT LEAST 5 YEARS' EXPERIENCE AT  
19 THAT COMMUNITY COLLEGE IN TEACHING THE SUBJECT MATTER THAT HE OR  
20 SHE IS TEACHING AT THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY.

21 (C) IN ANY OTHER SITUATION IN WHICH A SCHOOL DISTRICT IS  
22 PERMITTED UNDER THIS ACT TO USE NONCERTIFICATED TEACHERS.

23 (3) A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY MAY DEVELOP  
24 AND IMPLEMENT NEW TEACHING TECHNIQUES OR METHODS OR SIGNIFICANT  
25 REVISIONS TO KNOWN TEACHING TECHNIQUES OR METHODS, AND SHALL  
26 REPORT THOSE TO THE AUTHORIZING BODY AND STATE BOARD TO BE MADE  
27 AVAILABLE TO THE PUBLIC. A STRICT DISCIPLINE PUBLIC SCHOOL

1 ACADEMY MAY USE ANY INSTRUCTIONAL TECHNIQUE OR DELIVERY METHOD  
2 THAT MAY BE USED BY A SCHOOL DISTRICT.

3 SEC. 1311K. THE BOARD OF A SCHOOL DISTRICT MAY GRANT A  
4 CHARTER TO AN ELIGIBLE ENTITY FOR A CHARTERED STRICT DISCIPLINE  
5 EDUCATIONAL CLINIC. THE APPLICATION REQUIREMENTS AND PROCEDURES  
6 FOR SUCH A CONTRACT FOR A CHARTERED STRICT DISCIPLINE EDUCATIONAL  
7 CLINIC ARE THE SAME AS FOR A CONTRACT FOR ANOTHER PUBLIC SCHOOL  
8 ACADEMY. A CHARTERED STRICT DISCIPLINE EDUCATIONAL CLINIC IS A  
9 SPECIALTY STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY AND SHALL ONLY  
10 SERVE PUBLIC SCHOOL PUPILS DESCRIBED IN THIS SECTION DURING HOURS  
11 OUTSIDE THE PUPIL'S NORMAL CLASS HOURS BY PROVIDING SPECIAL  
12 ASSISTANCE FOR UP TO 3 HOURS PER WEEK, PURSUANT TO A WRITTEN PRE-  
13 SCRIPTON BY THE PRINCIPAL OF THE PUBLIC SCHOOL IN WHICH THE  
14 PUPIL IS REGULARLY ENROLLED ON RECOMMENDATION OF A TEACHER OF THE  
15 PUPIL. A PUBLIC SCHOOL PUPIL ENROLLED IN GRADES K-12 WHO IS IN  
16 EDUCATIONAL DIFFICULTY OR IS AT RISK OF FALLING SERIOUSLY BEHIND  
17 OTHER PUPILS OF HIS OR HER AGE LEVEL, OF NOT BEING ADVANCED IN  
18 GRADE LEVEL, OR OF DROPPING OUT OR BEING EXPELLED FROM SCHOOL MAY  
19 BE SERVED BY A CHARTERED STRICT DISCIPLINE EDUCATIONAL CLINIC.

20 SEC. 1311L. A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY, WITH  
21 THE APPROVAL OF THE AUTHORIZING BODY, MAY EMPLOY OR CONTRACT WITH  
22 PERSONNEL AS NECESSARY FOR THE OPERATION OF THE STRICT DISCIPLINE  
23 PUBLIC SCHOOL ACADEMY, PRESCRIBE THEIR DUTIES, AND FIX THEIR  
24 COMPENSATION.

25 SEC. 1311M. (1) THE AUTHORIZING BODY FOR A STRICT DISCI-  
26 PLINE PUBLIC SCHOOL ACADEMY IS THE FISCAL AGENT FOR THE STRICT  
27 DISCIPLINE PUBLIC SCHOOL ACADEMY. A STATE SCHOOL AID PAYMENT FOR

1 A STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY SHALL BE PAID TO THE  
2 AUTHORIZING BODY THAT IS THE FISCAL AGENT FOR THAT STRICT DISCI-  
3 PLINE PUBLIC SCHOOL ACADEMY, WHICH SHALL THEN FORWARD THE PAYMENT  
4 TO THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY. AN AUTHORIZING  
5 BODY HAS THE RESPONSIBILITY TO OVERSEE A STRICT DISCIPLINE PUBLIC  
6 SCHOOL ACADEMY'S COMPLIANCE WITH THE CONTRACT AND ALL APPLICABLE  
7 LAW. A CONTRACT ISSUED UNDER SECTIONS 1311B TO 1311M MAY BE  
8 REVOKED BY THE AUTHORIZING BODY THAT ISSUED THE CONTRACT IF THE  
9 AUTHORIZING BODY DETERMINES THAT 1 OR MORE OF THE FOLLOWING HAS  
10 OCCURRED:

11 (A) FAILURE OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
12 TO ABIDE BY AND MEET THE EDUCATIONAL GOALS SET FORTH IN THE  
13 CONTRACT.

14 (B) FAILURE OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
15 TO COMPLY WITH ALL APPLICABLE LAW.

16 (C) FAILURE OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY  
17 TO MEET GENERALLY ACCEPTED PUBLIC SECTOR ACCOUNTING PRINCIPLES.

18 (D) THE EXISTENCE OF 1 OR MORE OTHER GROUNDS FOR REVOCATION  
19 AS SPECIFIED IN THE CONTRACT.

20 (2) THE DECISION OF AN AUTHORIZING BODY TO REVOKE A CONTRACT  
21 UNDER THIS SECTION IS SOLELY WITHIN THE DISCRETION OF THE AUTHO-  
22 RIZING BODY, IS FINAL, AND IS NOT SUBJECT TO REVIEW BY A COURT OR  
23 ANY STATE AGENCY. AN AUTHORIZING BODY THAT REVOKES A CONTRACT  
24 UNDER THIS SECTION IS NOT LIABLE FOR THAT ACTION TO THE STRICT  
25 DISCIPLINE PUBLIC SCHOOL ACADEMY, PUBLIC SCHOOL ACADEMY CORPORA-  
26 TION, A PUPIL OF THE STRICT DISCIPLINE PUBLIC SCHOOL ACADEMY, THE

1 PARENT OR GUARDIAN OF A PUPIL OF THE STRICT DISCIPLINE PUBLIC

2 SCHOOL ACADEMY, OR ANY OTHER PERSON.

3 Enacting section 1. This amendatory act shall be known and

4 may be cited as the "safe schools and communities act".