

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4787**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 5, 6, 449, 504, 507, 1246, 1280, 1311, and
1536 (MCL 380.5, 380.6, 380.449, 380.504, 380.507, 380.1246,
380.1280, 380.1311, and 380.1536), section 5 as amended by 2005 PA
61, sections 6, 504, and 1311 as amended by 2008 PA 1, section 449
as amended by 2004 PA 303, section 507 as amended by 1995 PA 289,
section 1246 as amended by 2004 PA 148, section 1280 as amended by
2006 PA 123, and section 1536 as added by 2006 PA 335, and by
adding sections 11c, 1249, 1280c, and 1280d and part 6e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) "Local act school district" or "special act school
2 district" means a district governed by a special or local act or
3 chapter of a local act. "Local school district" and "local school

1 district board" as used in article 3 include a local act school
2 district and a local act school district board.

3 (2) "Membership" means the number of full-time equivalent
4 pupils in a public school as determined by the number of pupils
5 registered for attendance plus pupils received by transfer and
6 minus pupils lost as defined by rules promulgated by the state
7 board.

8 (3) "Michigan election law" means the Michigan election law,
9 1954 PA 116, MCL 168.1 to 168.992.

10 (4) "Nonpublic school" means a private, denominational, or
11 parochial school.

12 (5) "Objectives" means measurable pupil academic skills and
13 knowledge.

14 (6) "Public school" means a public elementary or secondary
15 educational entity or agency that is established under this act,
16 has as its primary mission the teaching and learning of academic
17 and vocational-technical skills and knowledge, and is operated by a
18 school district, local act school district, special act school
19 district, intermediate school district, **SCHOOL OF EXCELLENCE**,
20 public school academy corporation, strict discipline academy
21 corporation, urban high school academy corporation, or by the
22 department or state board. Public school also includes a laboratory
23 school or other elementary or secondary school that is controlled
24 and operated by a state public university described in section 4,
25 5, or 6 of article VIII of the state constitution of 1963.

26 (7) "Public school academy" means a public school academy
27 established under part 6a and, except as used in part 6a, also

1 includes an urban high school academy established under part 6c, **A**
2 **SCHOOL OF EXCELLENCE ESTABLISHED UNDER PART 6E**, and a strict
3 discipline academy established under sections 1311b to 1311/.

4 (8) "Pupil membership count day" of a school district means
5 that term as defined in section 6 of the state school aid act of
6 1979, MCL 388.1606.

7 (9) "Regular school election" or "regular election" means the
8 election held in a school district, local act school district, or
9 intermediate school district to elect a school board member in the
10 regular course of the terms of that office and held on the school
11 district's regular election date as determined under section 642 or
12 642a of the Michigan election law, MCL 168.642 and 168.642a.

13 (10) "Reorganized intermediate school district" means an
14 intermediate school district formed by consolidation or annexation
15 of 2 or more intermediate school districts under sections 701 and
16 702.

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

19 Sec. 6. (1) "School district" or "local school district" means
20 a general powers school district organized under this act,
21 regardless of previous classification, or a school district of the
22 first class.

23 (2) "School district filing official" means the school
24 district election coordinator as defined in section 4 of the
25 Michigan election law, MCL 168.4, or an authorized agent of the
26 school district election coordinator.

27 (3) "School elector" means a person qualified as an elector

1 under section 492 of the Michigan election law, MCL 168.492, and
2 resident of the school district or intermediate school district on
3 or before the thirtieth day before the next ensuing regular or
4 special school election.

5 (4) "School month" means a 4-week period of 5 days each unless
6 otherwise specified in the teacher's contract.

7 (5) **"SCHOOL OF EXCELLENCE" MEANS A SCHOOL OF EXCELLENCE**
8 **ESTABLISHED UNDER PART 6E.**

9 (6) ~~(5)~~—"Special education building and equipment" means a
10 structure or portion of a structure or personal property accepted,
11 leased, purchased, or otherwise acquired, prepared, or used for
12 special education programs and services.

13 (7) ~~(6)~~—"Special education personnel" means persons engaged in
14 and having professional responsibility for students with a
15 disability in special education programs and services including,
16 but not limited to, teachers, aides, school social workers,
17 diagnostic personnel, physical therapists, occupational therapists,
18 audiologists, teachers of speech and language, instructional media-
19 curriculum specialists, mobility specialists, teacher consultants,
20 supervisors, and directors.

21 (8) ~~(7)~~—"Special education programs and services" means
22 educational and training services designed for students with a
23 disability and operated by local school districts, local act school
24 districts, intermediate school districts, the Michigan schools for
25 the deaf and blind, the department of community health, the
26 department of human services, or a combination of these, and
27 ancillary professional services for students with a disability

1 rendered by agencies approved by the state board. The programs
2 shall include vocational training, but need not include academic
3 programs of college or university level.

4 (9) ~~(8)~~—"Special school election" or "special election" means
5 a school district election to fill a vacancy on the school board or
6 submit a ballot question to the school electors that is held on a
7 regular election date established under section 641 of the Michigan
8 election law, MCL 168.641.

9 (10) ~~(9)~~—"State approved nonpublic school" means a nonpublic
10 school that complies with 1921 PA 302, MCL 388.551 to 388.558.

11 (11) ~~(10)~~—"State board" means the state board of education
12 unless clearly otherwise stated.

13 (12) ~~(11)~~—"Student with a disability" means that term as
14 defined in R 340.1702 of the Michigan administrative code.

15 (13) ~~(12)~~—"Department" means the department of education
16 created and operating under sections 300 to 305 of the executive
17 organization act of 1965, 1965 PA 380, MCL 16.400 to 16.405.

18 (14) ~~(13)~~—"State school aid" means allotments from the general
19 appropriating act for the purpose of aiding in the support of the
20 public schools of the state.

21 (15) ~~(14)~~—"The state school aid act of 1979" means the state
22 school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

23 **SEC. 11C. ALL POWERS AND DUTIES OF THE SCHOOL BOARD OF A**
24 **GENERAL POWERS SCHOOL DISTRICT AND OF ITS OFFICERS ARE SUBJECT TO**
25 **SECTIONS 1280, 1280C, AND 1280D.**

26 Sec. 449. (1) All powers and duties of the school board of the
27 first class school district and of its officers are subject to part

1 5a until January 1 following the expiration of 5 years after the
2 initial appointment of a school reform board in the school district
3 under part 5a.

4 **(2) ALL POWERS AND DUTIES OF THE SCHOOL BOARD OF THE FIRST**
5 **CLASS SCHOOL DISTRICT AND OF ITS OFFICERS ARE SUBJECT TO SECTIONS**
6 **1280, 1280C, AND 1280D.**

7 Sec. 504. (1) A public school academy may be located in all or
8 part of an existing public school building. A public school academy
9 shall not operate at a site other than the single site requested
10 for the configuration of grades that will use the site, as
11 specified in the application required under section 502 and in the
12 contract.

13 (2) A public school academy shall not charge tuition and shall
14 not discriminate in its pupil admissions policies or practices on
15 the basis of intellectual or athletic ability, measures of
16 achievement or aptitude, status as a student with a disability, or
17 any other basis that would be illegal if used by a school district.
18 However, a public school academy may limit admission to pupils who
19 are within a particular range of age or grade level or on any other
20 basis that would be legal if used by a school district **AND MAY GIVE**
21 **ENROLLMENT PRIORITY AS PROVIDED IN SUBSECTION (4). AT LEAST**
22 **ANNUALLY, A PUBLIC SCHOOL ACADEMY SHALL REPORT TO ITS AUTHORIZING**
23 **BODY AND THE DEPARTMENT THE NUMBER OF STUDENTS WITH A DISABILITY**
24 **ENROLLED IN THE PUBLIC SCHOOL ACADEMY AND THE SERVICES THAT ARE**
25 **BEING PROVIDED TO THEM.**

26 (3) Except for a foreign exchange student who is not a United
27 States citizen, a public school academy shall not enroll a pupil

1 who is not a resident of this state. Enrollment in the public
2 school academy may be open to all individuals who reside in this
3 state who meet the admission policy and shall be open to all pupils
4 who reside within the geographic boundaries, if any, of the
5 authorizing body as described in section 502(2)(a) to (c) who meet
6 the admission policy, except that admission to a public school
7 academy authorized by the board of a community college to operate,
8 or operated by the board of a community college, on the grounds of
9 a federal military installation, as described in section 502(2)(c),
10 shall be open to all pupils who reside in the county in which the
11 federal military installation is located. For a public school
12 academy authorized by a state public university, enrollment shall
13 be open to all pupils who reside in this state who meet the
14 admission policy. ~~If~~ **SUBJECT TO SUBSECTION (4), IF** there are more
15 applications to enroll in the public school academy than there are
16 spaces available, pupils shall be selected to ~~attend~~ **ENROLL** using a
17 random selection process. ~~However, a public school academy may give~~
18 ~~enrollment priority to a sibling of a pupil enrolled in the public~~
19 ~~school academy.~~ A public school academy shall allow any pupil who
20 was enrolled in the public school academy in the immediately
21 preceding school year to enroll in the public school academy in the
22 appropriate grade unless the appropriate grade is not offered at
23 that public school academy.

24 **(4) A PUBLIC SCHOOL ACADEMY MAY GIVE ENROLLMENT PRIORITY TO 1**
25 **OR MORE OF THE FOLLOWING:**

26 **(A) A SIBLING OF A PUPIL ENROLLED IN THE PUBLIC SCHOOL**
27 **ACADEMY.**

1 (B) A PUPIL WHO TRANSFERS TO THE PUBLIC SCHOOL ACADEMY FROM
2 ANOTHER PUBLIC SCHOOL ACADEMY PURSUANT TO AN AGREEMENT BETWEEN THE
3 PUBLIC SCHOOL ACADEMIES THAT PROVIDES FOR THIS ENROLLMENT PRIORITY.

4 (5) ~~(4)~~—A public school academy may include any grade up to
5 grade 12 or any configuration of those grades, including
6 kindergarten and early childhood education, as specified in its
7 contract. If specified in its contract, a public school academy may
8 also operate an adult basic education program, adult high school
9 completion program, or general education development testing
10 preparation program. The authorizing body may approve amendment of
11 a contract with respect to ages of pupils or grades offered.

12 Sec. 507. (1) The authorizing body for a public school academy
13 is the fiscal agent for the public school academy. A state school
14 aid payment for a public school academy shall be paid to the
15 authorizing body that is the fiscal agent for that public school
16 academy, which shall then forward the payment to the public school
17 academy. An authorizing body has the responsibility to oversee a
18 public school academy's compliance with the contract and all
19 applicable law. A contract issued under this part may be revoked by
20 the authorizing body that issued the contract if the authorizing
21 body determines that 1 or more of the following has occurred:

22 (a) Failure of the public school academy to abide by and meet
23 the educational goals set forth in the contract.

24 (b) Failure of the public school academy to comply with all
25 applicable law.

26 (c) Failure of the public school academy to meet generally
27 accepted public sector accounting principles.

1 (d) The existence of 1 or more other grounds for revocation as
2 specified in the contract.

3 (2) IF AN AUTHORIZING BODY RECEIVES NOTICE FROM THE
4 SUPERINTENDENT OF PUBLIC INSTRUCTION THAT A PUBLIC SCHOOL ACADEMY
5 THAT IT AUTHORIZED HAS BEEN DETERMINED BY THE SUPERINTENDENT OF
6 PUBLIC INSTRUCTION TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL
7 PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF THE
8 FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005 AND
9 14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
10 2009, PUBLIC LAW 111-5, THE AUTHORIZING BODY MAY REVOKE THE PUBLIC
11 SCHOOL ACADEMY'S CONTRACT AND THE PUBLIC SCHOOL ACADEMY MAY BE
12 CLOSED.

13 (3) ~~(2)~~—The decision of an authorizing body to revoke a
14 contract under this section is solely within the discretion of the
15 authorizing body, is final, and is not subject to review by a court
16 or any state agency.

17 (4) An authorizing body that revokes a contract under this
18 section is not liable for that action to the public school academy,
19 public school academy corporation, a pupil of the public school
20 academy, the parent or guardian of a pupil of the public school
21 academy, or any other person.

22 PART 6E

23 SCHOOLS OF EXCELLENCE

24 SEC. 551. (1) A SCHOOL OF EXCELLENCE IS A PUBLIC SCHOOL UNDER
25 SECTION 2 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, IS A
26 SCHOOL DISTRICT FOR THE PURPOSES OF SECTION 11 OF ARTICLE IX OF THE
27 STATE CONSTITUTION OF 1963 AND FOR THE PURPOSES OF SECTION 1225 AND

1 SECTION 1351A, AND IS SUBJECT TO THE LEADERSHIP AND GENERAL
2 SUPERVISION OF THE STATE BOARD OVER ALL PUBLIC EDUCATION UNDER
3 SECTION 3 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963. A
4 SCHOOL OF EXCELLENCE IS A BODY CORPORATE AND IS A GOVERNMENTAL
5 AGENCY. THE POWERS GRANTED TO A SCHOOL OF EXCELLENCE UNDER THIS
6 PART CONSTITUTE THE PERFORMANCE OF ESSENTIAL PUBLIC PURPOSES AND
7 GOVERNMENTAL FUNCTIONS OF THIS STATE.

8 (2) AS USED IN THIS PART:

9 (A) "AUTHORIZING BODY" MEANS ANY OF THE FOLLOWING THAT ISSUES
10 A CONTRACT AS PROVIDED IN THIS PART:

11 (i) THE BOARD OF A SCHOOL DISTRICT THAT OPERATES GRADES K TO
12 12.

13 (ii) AN INTERMEDIATE SCHOOL BOARD.

14 (iii) THE BOARD OF A COMMUNITY COLLEGE.

15 (iv) THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY.

16 (B) "CERTIFICATED TEACHER" MEANS AN INDIVIDUAL WHO HOLDS A
17 VALID TEACHING CERTIFICATE ISSUED BY THE SUPERINTENDENT OF PUBLIC
18 INSTRUCTION UNDER SECTION 1531.

19 (C) "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE ORGANIZED
20 UNDER THE COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1 TO
21 389.195, OR A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE THAT IS
22 RECOGNIZED UNDER THE TRIBALLY CONTROLLED COMMUNITY COLLEGE
23 ASSISTANCE ACT OF 1978, PUBLIC LAW 95-471, AND IS DETERMINED BY THE
24 DEPARTMENT TO MEET THE REQUIREMENTS FOR ACCREDITATION BY A
25 RECOGNIZED REGIONAL ACCREDITING BODY.

26 (D) "CONTRACT" MEANS THE EXECUTIVE ACT TAKEN BY AN AUTHORIZING
27 BODY THAT EVIDENCES THE AUTHORIZATION OF A SCHOOL OF EXCELLENCE AND

1 THAT ESTABLISHES, SUBJECT TO THE CONSTITUTIONAL POWERS OF THE STATE
2 BOARD AND APPLICABLE LAW, THE WRITTEN INSTRUMENT EXECUTED BY AN
3 AUTHORIZING BODY CONFERRING CERTAIN RIGHTS, FRANCHISES, PRIVILEGES,
4 AND OBLIGATIONS ON A SCHOOL OF EXCELLENCE, AS PROVIDED BY THIS
5 PART, AND CONFIRMING THE STATUS OF A SCHOOL OF EXCELLENCE AS A
6 PUBLIC SCHOOL IN THIS STATE.

7 (E) "CYBER SCHOOL" MEANS A SCHOOL OF EXCELLENCE ESTABLISHED
8 UNDER THIS PART THAT HAS BEEN ISSUED A CONTRACT TO BE ORGANIZED AND
9 OPERATED AS A CYBER SCHOOL UNDER SECTION 553A AND THAT PROVIDES
10 FULL-TIME INSTRUCTION TO PUPILS THROUGH ONLINE LEARNING OR
11 OTHERWISE ON A COMPUTER OR OTHER TECHNOLOGY, WHICH INSTRUCTION AND
12 LEARNING MAY BE REMOTE FROM A SCHOOL FACILITY.

13 (F) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS
14 CORPORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION,
15 CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

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

19 SEC. 552. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2)
20 AND (3), AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT TO ORGANIZE
21 AND OPERATE A SCHOOL OF EXCELLENCE TO A PERSON OR ENTITY UNLESS THE
22 PERSON OR ENTITY HAS, FOR AT LEAST THE 3 SCHOOL YEARS IMMEDIATELY
23 PRECEDING THE DATE OF THE APPLICATION, OPERATED A PUBLIC SCHOOL
24 ACADEMY THAT HAS BEEN GIVEN THE HIGHEST DESIGNATION BY THE
25 DEPARTMENT UNDER THE STATE ACCOUNTABILITY SYSTEM IN EFFECT IN THIS
26 STATE FOR EACH OF THE 3 YEARS IMMEDIATELY PRECEDING THE DATE OF THE
27 APPLICATION.

1 (2) FOR A PERSON OR ENTITY THAT DOES NOT MEET THE REQUIREMENTS
2 OF SUBSECTION (1) BUT HAS OPERATED A PUBLIC SCHOOL IN ANOTHER
3 STATE, AN AUTHORIZING BODY MAY ISSUE A CONTRACT TO ORGANIZE AND
4 OPERATE A SCHOOL OF EXCELLENCE TO THE PERSON OR ENTITY IF THE
5 PERSON OR ENTITY HAS OPERATED A PUBLIC SCHOOL IN ANOTHER STATE THAT
6 HAS BEEN GIVEN THE HIGHEST DESIGNATION UNDER THAT STATE'S
7 ACCOUNTABILITY SYSTEM FOR AT LEAST 3 CONSECUTIVE YEARS.

8 (3) FOR A PERSON OR ENTITY THAT DOES NOT MEET THE REQUIREMENTS
9 OF SUBSECTION (1) OR (2), AN AUTHORIZING BODY MAY ISSUE UP TO 5
10 CONTRACTS PER CALENDAR YEAR TO A PERSON OR ENTITY THAT DOES NOT
11 MEET THE REQUIREMENTS OF SUBSECTION (1) OR (2). HOWEVER, ALL OF THE
12 FOLLOWING APPLY TO CONTRACTS ISSUED UNDER THIS SUBSECTION:

13 (A) THE COMBINED TOTAL OF CONTRACTS ISSUED BY ALL AUTHORIZING
14 BODIES UNDER THIS SUBSECTION SHALL NOT EXCEED A COMBINED TOTAL OF
15 25.

16 (B) AT LEAST 3 OF THE CONTRACTS ISSUED UNDER THIS SUBSECTION
17 SHALL BE FOR SCHOOLS OF EXCELLENCE THAT ARE CYBER SCHOOLS AND THAT
18 MEET ALL OF THE FOLLOWING ADDITIONAL REQUIREMENTS:

19 (i) ARE AVAILABLE FOR ENROLLMENT TO ALL PUPILS IN THIS STATE.

20 (ii) OFFER ALL OF GRADES K TO 12.

21 (iii) THE ENTITY ORGANIZING THE SCHOOL OF EXCELLENCE THAT IS A
22 CYBER SCHOOL SHALL ITSELF, OR THROUGH A CONTRACT WITH ANOTHER
23 ENTITY, DEMONSTRATE THE SUCCESSFUL MANAGEMENT AND OPERATION OF A
24 CYBER SCHOOL IN AT LEAST 5 OTHER STATES, AND BE CURRENTLY UNDER
25 CONTRACT TO MANAGE OR OPERATE, OR BOTH, OTHER CYBER SCHOOLS IN THE
26 UNITED STATES THAT HAVE A TOTAL OF AT LEAST 10,000 STUDENTS
27 ENROLLED.

1 (iv) THE ENTITY ORGANIZING THE SCHOOL OF EXCELLENCE THAT IS A
2 CYBER SCHOOL SHALL DEMONSTRATE EXPERIENCE IN SERVING URBAN AND AT-
3 RISK STUDENT POPULATIONS THROUGH AN EDUCATIONAL MODEL INVOLVING A
4 SIGNIFICANT CYBER COMPONENT.

5 (C) IT IS THE INTENT OF THE LEGISLATURE THAT AT LEAST 2
6 CONTRACTS SHALL BE ISSUED UNDER THIS SUBSECTION FOR SCHOOLS OF
7 EXCELLENCE THAT ARE CYBER SCHOOLS TO BEGIN OPERATING IN THE 2010-
8 2011 SCHOOL YEAR.

9 (4) A SCHOOL OF EXCELLENCE SHALL BE ORGANIZED AND ADMINISTERED
10 UNDER THE DIRECTION OF A BOARD OF DIRECTORS IN ACCORDANCE WITH THIS
11 PART AND WITH BYLAWS ADOPTED BY THE BOARD OF DIRECTORS. A SCHOOL OF
12 EXCELLENCE SHALL BE ORGANIZED UNDER THE NONPROFIT CORPORATION ACT,
13 1982 PA 162, MCL 450.2101 TO 450.3192, EXCEPT THAT A SCHOOL OF
14 EXCELLENCE IS NOT REQUIRED TO COMPLY WITH SECTIONS 170 TO 177 OF
15 1931 PA 327, MCL 450.170 TO 450.177. TO THE EXTENT DISQUALIFIED
16 UNDER THE STATE OR FEDERAL CONSTITUTION, A SCHOOL OF EXCELLENCE
17 SHALL NOT BE ORGANIZED BY A CHURCH OR OTHER RELIGIOUS ORGANIZATION
18 AND SHALL NOT HAVE ANY ORGANIZATIONAL OR CONTRACTUAL AFFILIATION
19 WITH OR CONSTITUTE A CHURCH OR OTHER RELIGIOUS ORGANIZATION.

20 (5) ANY OF THE FOLLOWING MAY ACT AS AN AUTHORIZING BODY TO
21 ISSUE A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE SCHOOLS OF
22 EXCELLENCE UNDER THIS PART:

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

1 DISTRICT'S BOUNDARIES.

2 (B) AN INTERMEDIATE SCHOOL BOARD. HOWEVER, THE BOARD OF AN
3 INTERMEDIATE SCHOOL DISTRICT SHALL NOT ISSUE A CONTRACT FOR A
4 SCHOOL OF EXCELLENCE TO OPERATE OUTSIDE THE INTERMEDIATE SCHOOL
5 DISTRICT'S BOUNDARIES, AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE
6 BOARD OF AN INTERMEDIATE SCHOOL DISTRICT SHALL NOT OPERATE OUTSIDE
7 THAT INTERMEDIATE SCHOOL DISTRICT'S BOUNDARIES.

8 (C) THE BOARD OF A COMMUNITY COLLEGE. HOWEVER, EXCEPT AS
9 OTHERWISE PROVIDED IN THIS SUBDIVISION, THE BOARD OF A COMMUNITY
10 COLLEGE SHALL NOT ISSUE A CONTRACT FOR A SCHOOL OF EXCELLENCE TO
11 OPERATE IN A SCHOOL DISTRICT OF THE FIRST CLASS, A SCHOOL OF
12 EXCELLENCE AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE SHALL NOT
13 OPERATE IN A SCHOOL DISTRICT OF THE FIRST CLASS, THE BOARD OF A
14 COMMUNITY COLLEGE SHALL NOT ISSUE A CONTRACT FOR A SCHOOL OF
15 EXCELLENCE TO OPERATE OUTSIDE THE BOUNDARIES OF THE COMMUNITY
16 COLLEGE DISTRICT, AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE
17 BOARD OF A COMMUNITY COLLEGE SHALL NOT OPERATE OUTSIDE THE
18 BOUNDARIES OF THE COMMUNITY COLLEGE DISTRICT. THE BOARD OF A
19 COMMUNITY COLLEGE ALSO MAY ISSUE A CONTRACT FOR NOT MORE THAN 1
20 SCHOOL OF EXCELLENCE TO OPERATE ON THE GROUNDS OF AN ACTIVE OR
21 CLOSED FEDERAL MILITARY INSTALLATION LOCATED OUTSIDE THE BOUNDARIES
22 OF THE COMMUNITY COLLEGE DISTRICT, OR MAY OPERATE A SCHOOL OF
23 EXCELLENCE ITSELF ON THE GROUNDS OF SUCH A FEDERAL MILITARY
24 INSTALLATION, IF THE FEDERAL MILITARY INSTALLATION IS NOT LOCATED
25 WITHIN THE BOUNDARIES OF ANY COMMUNITY COLLEGE DISTRICT AND THE
26 COMMUNITY COLLEGE HAS PREVIOUSLY OFFERED COURSES ON THE GROUNDS OF
27 THE FEDERAL MILITARY INSTALLATION FOR AT LEAST 10 YEARS.

1 (D) THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY.

2 (6) TO OBTAIN A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE
3 SCHOOLS OF EXCELLENCE, 1 OR MORE PERSONS OR AN ENTITY MAY APPLY TO
4 AN AUTHORIZING BODY DESCRIBED IN SUBSECTION (5). THE APPLICATION
5 SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

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

7 (B) SUBJECT TO THE RESOLUTION ADOPTED BY THE AUTHORIZING BODY
8 UNDER SECTION 553(4), A LIST OF THE PROPOSED MEMBERS OF THE BOARD
9 OF DIRECTORS OF THE SCHOOL OF EXCELLENCE AND A DESCRIPTION OF THE
10 QUALIFICATIONS AND METHOD FOR APPOINTMENT OR ELECTION OF MEMBERS OF
11 THE BOARD OF DIRECTORS.

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

14 (i) THE NAME OF THE PROPOSED SCHOOL OF EXCELLENCE.

15 (ii) THE PURPOSES FOR THE SCHOOL OF EXCELLENCE CORPORATION.

16 THIS LANGUAGE SHALL PROVIDE THAT THE SCHOOL OF EXCELLENCE IS
17 INCORPORATED PURSUANT TO THIS PART AND THAT THE SCHOOL OF
18 EXCELLENCE IS A GOVERNMENTAL ENTITY.

19 (iii) THE NAME OF THE AUTHORIZING BODY.

20 (iv) THE PROPOSED TIME WHEN THE ARTICLES OF INCORPORATION WILL
21 BE EFFECTIVE.

22 (v) OTHER MATTERS CONSIDERED EXPEDIENT TO BE IN THE ARTICLES
23 OF INCORPORATION.

24 (D) A COPY OF THE PROPOSED BYLAWS OF THE SCHOOL OF EXCELLENCE.

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

27 (i) THE GOVERNANCE STRUCTURE OF THE SCHOOL OF EXCELLENCE.

1 (ii) A COPY OF THE EDUCATIONAL GOALS OF THE SCHOOL OF
2 EXCELLENCE AND THE CURRICULA TO BE OFFERED AND METHODS OF PUPIL
3 ASSESSMENT TO BE USED BY THE SCHOOL OF EXCELLENCE. TO THE EXTENT
4 APPLICABLE, THE PROGRESS OF THE PUPILS IN THE SCHOOL OF EXCELLENCE
5 SHALL BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION ASSESSMENT
6 PROGRAM (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION UNDER SECTION
7 1279G.

8 (iii) THE ADMISSION POLICY AND CRITERIA TO BE MAINTAINED BY THE
9 SCHOOL OF EXCELLENCE. THE ADMISSION POLICY AND CRITERIA SHALL
10 COMPLY WITH SECTION 556. THIS PART OF THE APPLICATION ALSO SHALL
11 INCLUDE A DESCRIPTION OF HOW THE APPLICANT WILL PROVIDE TO THE
12 GENERAL PUBLIC ADEQUATE NOTICE THAT A SCHOOL OF EXCELLENCE IS BEING
13 CREATED AND ADEQUATE INFORMATION ON THE ADMISSION POLICY, CRITERIA,
14 AND PROCESS.

15 (iv) EXCEPT FOR AN APPLICATION FOR A CYBER SCHOOL, THE SCHOOL
16 CALENDAR AND SCHOOL DAY SCHEDULE.

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

18 (F) DESCRIPTIONS OF STAFF RESPONSIBILITIES AND OF THE SCHOOL
19 OF EXCELLENCE 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 SCHOOL OF EXCELLENCE WILL BE LOCATED.

24 (H) AN AGREEMENT THAT THE SCHOOL OF EXCELLENCE WILL COMPLY
25 WITH THE PROVISIONS OF THIS PART AND, SUBJECT TO THE PROVISIONS OF
26 THIS PART, WITH ALL OTHER STATE LAW APPLICABLE TO PUBLIC BODIES AND
27 WITH FEDERAL LAW APPLICABLE TO PUBLIC BODIES OR SCHOOL DISTRICTS.

1 (I) FOR A SCHOOL OF EXCELLENCE AUTHORIZED BY A SCHOOL
2 DISTRICT, AN ASSURANCE THAT EMPLOYEES OF THE SCHOOL OF EXCELLENCE
3 WILL BE COVERED BY THE COLLECTIVE BARGAINING AGREEMENTS THAT APPLY
4 TO OTHER EMPLOYEES OF THE SCHOOL DISTRICT EMPLOYED IN SIMILAR
5 CLASSIFICATIONS IN SCHOOLS THAT ARE NOT SCHOOLS OF EXCELLENCE.

6 (J) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL
7 PLANT IN WHICH THE SCHOOL OF EXCELLENCE WILL BE LOCATED.

8 (7) AN AUTHORIZING BODY SHALL OVERSEE, OR SHALL CONTRACT WITH
9 AN INTERMEDIATE SCHOOL DISTRICT, COMMUNITY COLLEGE, OR STATE PUBLIC
10 UNIVERSITY TO OVERSEE, EACH SCHOOL OF EXCELLENCE OPERATING UNDER A
11 CONTRACT ISSUED BY THE AUTHORIZING BODY. THE OVERSIGHT SHALL BE
12 SUFFICIENT TO ENSURE THAT THE AUTHORIZING BODY CAN CERTIFY THAT THE
13 SCHOOL OF EXCELLENCE IS IN COMPLIANCE WITH STATUTE, RULES, AND THE
14 TERMS OF THE CONTRACT.

15 (8) IF THE STATE BOARD FINDS THAT AN AUTHORIZING BODY IS NOT
16 ENGAGING IN APPROPRIATE CONTINUING OVERSIGHT OF 1 OR MORE SCHOOLS
17 OF EXCELLENCE OPERATING UNDER A CONTRACT ISSUED BY THE AUTHORIZING
18 BODY, THE STATE BOARD MAY SUSPEND THE POWER OF THE AUTHORIZING BODY
19 TO ISSUE NEW CONTRACTS TO ORGANIZE AND OPERATE SCHOOLS OF
20 EXCELLENCE. A CONTRACT ISSUED BY THE AUTHORIZING BODY DURING THE
21 SUSPENSION IS VOID. A CONTRACT ISSUED BY THE AUTHORIZING BODY
22 BEFORE THE SUSPENSION IS NOT AFFECTED BY THE SUSPENSION.

23 (9) AN AUTHORIZING BODY SHALL NOT CHARGE A FEE, OR REQUIRE
24 REIMBURSEMENT OF EXPENSES, FOR CONSIDERING AN APPLICATION FOR A
25 CONTRACT, FOR ISSUING A CONTRACT, OR FOR PROVIDING OVERSIGHT OF A
26 CONTRACT FOR A SCHOOL OF EXCELLENCE IN AN AMOUNT THAT EXCEEDS A
27 COMBINED TOTAL OF 3% OF THE TOTAL STATE SCHOOL AID RECEIVED BY THE

1 SCHOOL OF EXCELLENCE IN THE SCHOOL YEAR IN WHICH THE FEES OR
2 EXPENSES ARE CHARGED. AN AUTHORIZING BODY MAY PROVIDE OTHER
3 SERVICES FOR A SCHOOL OF EXCELLENCE AND CHARGE A FEE FOR THOSE
4 SERVICES, BUT SHALL NOT REQUIRE SUCH AN ARRANGEMENT AS A CONDITION
5 TO ISSUING THE CONTRACT AUTHORIZING THE SCHOOL OF EXCELLENCE.

6 (10) A SCHOOL OF EXCELLENCE SHALL BE PRESUMED TO BE LEGALLY
7 ORGANIZED IF IT HAS EXERCISED THE FRANCHISES AND PRIVILEGES OF A
8 PUBLIC SCHOOL ACADEMY FOR AT LEAST 2 YEARS.

9 SEC. 553. (1) AN AUTHORIZING BODY IS NOT REQUIRED TO ISSUE A
10 CONTRACT TO ANY PERSON OR ENTITY. SCHOOLS OF EXCELLENCE CONTRACTS
11 SHALL BE ISSUED ON A COMPETITIVE BASIS TAKING INTO CONSIDERATION
12 THE RESOURCES AVAILABLE FOR THE PROPOSED SCHOOL OF EXCELLENCE, THE
13 POPULATION TO BE SERVED BY THE PROPOSED SCHOOL OF EXCELLENCE, AND
14 THE EDUCATIONAL GOALS TO BE ACHIEVED BY THE PROPOSED SCHOOL OF
15 EXCELLENCE. AN AUTHORIZING BODY MAY GIVE PRIORITY TO A PERSON OR
16 ENTITY THAT APPLIES TO ORGANIZE AND OPERATE A CYBER SCHOOL.

17 (2) IF A PERSON OR ENTITY APPLIES TO THE BOARD OF A SCHOOL
18 DISTRICT FOR A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE SCHOOLS
19 OF EXCELLENCE WITHIN THE BOUNDARIES OF THE SCHOOL DISTRICT AND THE
20 BOARD DOES NOT ISSUE THE CONTRACT, THE PERSON OR ENTITY MAY
21 PETITION THE BOARD TO PLACE THE QUESTION OF ISSUING THE CONTRACT ON
22 THE BALLOT TO BE DECIDED BY THE SCHOOL ELECTORS OF THE SCHOOL
23 DISTRICT. THE PETITION SHALL CONTAIN ALL OF THE INFORMATION
24 REQUIRED TO BE IN THE CONTRACT APPLICATION UNDER SECTION 552 AND
25 SHALL BE SIGNED BY A NUMBER OF SCHOOL ELECTORS OF THE SCHOOL
26 DISTRICT EQUAL TO AT LEAST 15% OF THE TOTAL NUMBER OF SCHOOL
27 ELECTORS OF THAT SCHOOL DISTRICT. THE PETITION SHALL BE FILED WITH

1 THE SCHOOL DISTRICT FILING OFFICIAL. IF THE BOARD RECEIVES A
2 PETITION MEETING THE REQUIREMENTS OF THIS SUBSECTION, THE BOARD
3 SHALL HAVE THE QUESTION OF ISSUING THE CONTRACT PLACED ON THE
4 BALLOT AT ITS NEXT REGULAR SCHOOL ELECTION HELD AT LEAST 60 DAYS
5 AFTER RECEIVING THE PETITION. IF A MAJORITY OF THE SCHOOL ELECTORS
6 OF THE SCHOOL DISTRICT VOTING ON THE QUESTION VOTE TO ISSUE THE
7 CONTRACT, THE BOARD SHALL ISSUE THE CONTRACT.

8 (3) WITHIN 10 DAYS AFTER ISSUING A CONTRACT FOR A SCHOOL OF
9 EXCELLENCE, THE AUTHORIZING BODY SHALL SUBMIT TO THE SUPERINTENDENT
10 OF PUBLIC INSTRUCTION A COPY OF THE CONTRACT AND OF THE APPLICATION
11 UNDER SECTION 552.

12 (4) AN AUTHORIZING BODY SHALL ADOPT A RESOLUTION ESTABLISHING
13 THE METHOD OF SELECTION, LENGTH OF TERM, AND NUMBER OF MEMBERS OF
14 THE BOARD OF DIRECTORS OF EACH SCHOOL OF EXCELLENCE SUBJECT TO ITS
15 JURISDICTION.

16 (5) A CONTRACT ISSUED TO ORGANIZE AND ADMINISTER A SCHOOL OF
17 EXCELLENCE SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING:

18 (A) THE EDUCATIONAL GOALS THE SCHOOL OF EXCELLENCE IS TO
19 ACHIEVE AND THE METHODS BY WHICH IT WILL BE HELD ACCOUNTABLE. TO
20 THE EXTENT APPLICABLE, THE PUPIL PERFORMANCE OF A SCHOOL OF
21 EXCELLENCE SHALL BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION
22 ASSESSMENT PROGRAM (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION
23 UNDER SECTION 1279G.

24 (B) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE
25 SCHOOL OF EXCELLENCE'S COMPLIANCE WITH APPLICABLE LAW AND ITS
26 PERFORMANCE IN MEETING ITS TARGETED EDUCATIONAL OBJECTIVES.

27 (C) A DESCRIPTION OF THE PROCESS FOR AMENDING THE CONTRACT

1 DURING THE TERM OF THE CONTRACT.

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

4 (E) FOR A SCHOOL OF EXCELLENCE AUTHORIZED BY A SCHOOL
5 DISTRICT, AN AGREEMENT THAT EMPLOYEES OF THE SCHOOL OF EXCELLENCE
6 WILL BE COVERED BY THE COLLECTIVE BARGAINING AGREEMENTS THAT APPLY
7 TO EMPLOYEES OF THE SCHOOL DISTRICT EMPLOYED IN SIMILAR
8 CLASSIFICATIONS IN SCHOOLS THAT ARE NOT SCHOOLS OF EXCELLENCE.

9 (F) PROCEDURES FOR REVOKING THE CONTRACT AND GROUNDS FOR
10 REVOKING THE CONTRACT, INCLUDING AT LEAST THE GROUNDS LISTED IN
11 SECTION 561.

12 (G) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL
13 PLANT IN WHICH THE SCHOOL OF EXCELLENCE WILL BE LOCATED.

14 (H) REQUIREMENTS AND PROCEDURES FOR FINANCIAL AUDITS. THE
15 FINANCIAL AUDITS SHALL BE CONDUCTED AT LEAST ANNUALLY BY A
16 CERTIFIED PUBLIC ACCOUNTANT IN ACCORDANCE WITH GENERALLY ACCEPTED
17 GOVERNMENTAL AUDITING PRINCIPLES.

18 (6) A SCHOOL OF EXCELLENCE SHALL COMPLY WITH ALL APPLICABLE
19 LAW, INCLUDING ALL OF THE FOLLOWING:

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

21 (B) THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
22 15.246.

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

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

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

26 (7) A SCHOOL OF EXCELLENCE AND ITS INCORPORATORS, BOARD
27 MEMBERS, OFFICERS, EMPLOYEES, AND VOLUNTEERS HAVE GOVERNMENTAL

1 IMMUNITY AS PROVIDED IN SECTION 7 OF 1964 PA 170, MCL 691.1407. AN
2 AUTHORIZING BODY AND ITS BOARD MEMBERS, OFFICERS, AND EMPLOYEES ARE
3 IMMUNE FROM CIVIL LIABILITY, BOTH PERSONALLY AND PROFESSIONALLY,
4 FOR AN ACT OR OMISSION IN AUTHORIZING A SCHOOL OF EXCELLENCE IF THE
5 AUTHORIZING BODY OR THE PERSON ACTED OR REASONABLY BELIEVED HE OR
6 SHE ACTED WITHIN THE AUTHORIZING BODY'S OR THE PERSON'S SCOPE OF
7 AUTHORITY.

8 (8) A SCHOOL OF EXCELLENCE IS EXEMPT FROM ALL TAXATION ON ITS
9 EARNINGS AND PROPERTY. INSTRUMENTS OF CONVEYANCE TO OR FROM A
10 SCHOOL OF EXCELLENCE ARE EXEMPT FROM ALL TAXATION INCLUDING TAXES
11 IMPOSED BY 1966 PA 134, MCL 207.501 TO 207.513. A SCHOOL OF
12 EXCELLENCE MAY NOT LEVY AD VALOREM PROPERTY TAXES OR ANOTHER TAX
13 FOR ANY PURPOSE. HOWEVER, OPERATION OF 1 OR MORE SCHOOLS OF
14 EXCELLENCE BY A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
15 DOES NOT AFFECT THE ABILITY OF THE SCHOOL DISTRICT OR INTERMEDIATE
16 SCHOOL DISTRICT TO LEVY AD VALOREM PROPERTY TAXES OR ANOTHER TAX.

17 (9) A SCHOOL OF EXCELLENCE MAY ACQUIRE BY PURCHASE, GIFT,
18 DEVISE, LEASE, SUBLEASE, INSTALLMENT PURCHASE AGREEMENT, LAND
19 CONTRACT, OPTION, OR BY ANY OTHER MEANS, HOLD, AND OWN IN ITS OWN
20 NAME BUILDINGS AND OTHER PROPERTY FOR SCHOOL PURPOSES, AND
21 INTERESTS THEREIN, AND OTHER REAL AND PERSONAL PROPERTY, INCLUDING,
22 BUT NOT LIMITED TO, INTERESTS IN PROPERTY SUBJECT TO MORTGAGES,
23 SECURITY INTERESTS, OR OTHER LIENS, NECESSARY OR CONVENIENT TO
24 FULFILL ITS PURPOSES. FOR THE PURPOSES OF CONDEMNATION, A SCHOOL OF
25 EXCELLENCE MAY PROCEED UNDER THE UNIFORM CONDEMNATION PROCEDURES
26 ACT, 1980 PA 87, MCL 213.51 TO 213.75, EXCLUDING SECTIONS 6 TO 9 OF
27 THAT ACT, MCL 213.56 TO 213.59, OR OTHER APPLICABLE STATUTES, BUT

1 ONLY WITH THE EXPRESS, WRITTEN PERMISSION OF THE AUTHORIZING BODY
2 IN EACH INSTANCE OF CONDEMNATION AND ONLY AFTER JUST COMPENSATION
3 HAS BEEN DETERMINED AND PAID.

4 SEC. 553A. (1) AN AUTHORIZING BODY MAY ISSUE A CONTRACT TO
5 ESTABLISH A SCHOOL OF EXCELLENCE THAT IS A CYBER SCHOOL. A CYBER
6 SCHOOL SHALL PROVIDE FULL-TIME INSTRUCTION TO PUPILS THROUGH ONLINE
7 LEARNING OR OTHERWISE ON A COMPUTER OR OTHER TECHNOLOGY, AND THIS
8 INSTRUCTION AND LEARNING MAY OCCUR REMOTE FROM A SCHOOL FACILITY.

9 (2) A CONTRACT FOR A SCHOOL OF EXCELLENCE THAT IS A CYBER
10 SCHOOL SHALL INCLUDE ALL OF THE PROVISIONS REQUIRED UNDER SECTION
11 553 AND ALL OF THE FOLLOWING:

12 (A) A REQUIREMENT THAT A TEACHER WHO HOLDS APPROPRIATE
13 CERTIFICATION ACCORDING TO STATE BOARD RULE WILL BE RESPONSIBLE FOR
14 ALL OF THE FOLLOWING FOR EACH COURSE IN WHICH A PUPIL IS ENROLLED:

15 (i) IMPROVING LEARNING BY PLANNED INSTRUCTION.

16 (ii) DIAGNOSING THE PUPIL'S LEARNING NEEDS.

17 (iii) ASSESSING LEARNING, ASSIGNING GRADES, AND DETERMINING
18 ADVANCEMENT.

19 (iv) REPORTING OUTCOMES TO ADMINISTRATORS AND PARENTS OR LEGAL
20 GUARDIANS.

21 (B) A REQUIREMENT THAT THE CYBER SCHOOL WILL MAKE EDUCATIONAL
22 SERVICES AVAILABLE TO PUPILS FOR A MINIMUM OF AT LEAST 1,098 HOURS
23 DURING A SCHOOL YEAR AND WILL ENSURE THAT EACH PUPIL PARTICIPATES
24 IN THE EDUCATIONAL PROGRAM FOR AT LEAST 1,098 HOURS DURING A SCHOOL
25 YEAR.

26 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR ANY
27 RULE, IF A SCHOOL OF EXCELLENCE THAT IS A CYBER SCHOOL IS IN

1 COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION (2) (A) REGARDING A
2 CERTIFICATED TEACHER, ANY OTHER ADULT ASSISTING WITH THE OVERSIGHT
3 OF A PUPIL DURING THE PUPIL'S PARTICIPATION IN THE CYBER SCHOOL'S
4 EDUCATION PROGRAM IS NOT REQUIRED TO BE A CERTIFICATED TEACHER OR
5 AN EMPLOYEE OF THE AUTHORIZING BODY.

6 (4) NOTWITHSTANDING ANY RULE TO THE CONTRARY, A CYBER SCHOOL
7 IS NOT REQUIRED TO COMPLY WITH ANY RULE THAT WOULD REQUIRE A
8 PUPIL'S PHYSICAL PRESENCE OR ATTENDANCE IN A CLASSROOM OR THAT IS
9 OTHERWISE INCONSISTENT WITH A PUPIL'S PARTICIPATION IN AN ONLINE,
10 REMOTE EDUCATION PROGRAM, INCLUDING, BUT NOT LIMITED TO, R 340.10
11 AND R 340.11 OF THE MICHIGAN ADMINISTRATIVE CODE. FURTHER, THE
12 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL WAIVE ANY OTHER
13 PROVISION OF THIS ACT, OF THE STATE SCHOOL AID ACT OF 1979, OR OF
14 THE MICHIGAN ADMINISTRATIVE CODE THAT WOULD OTHERWISE INTERFERE
15 WITH THE OPERATION OR FUNDING OF A CYBER SCHOOL AS DESCRIBED IN
16 THIS SECTION.

17 (5) AT THE END OF A CYBER SCHOOL'S SECOND FULL SCHOOL YEAR OF
18 OPERATIONS, THE AUTHORIZING BODY OF A SCHOOL OF EXCELLENCE THAT IS
19 A CYBER SCHOOL SHALL SUBMIT TO THE SUPERINTENDENT OF PUBLIC
20 INSTRUCTION AND THE LEGISLATURE, IN THE FORM AND MANNER PRESCRIBED
21 BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION, A REPORT DETAILING THE
22 OPERATION OF THE CYBER SCHOOL, PROVIDING STATISTICS ON PUPIL
23 PARTICIPATION AND ACADEMIC PERFORMANCE, AND MAKING RECOMMENDATIONS
24 FOR ANY FURTHER STATUTORY OR RULE CHANGES RELATED TO CYBER SCHOOLS
25 AND ONLINE LEARNING IN THIS STATE.

26 SEC. 554. IF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
27 APPLIES FOR AND OBTAINS A CONTRACT TO OPERATE 1 OR MORE SCHOOLS OF

1 EXCELLENCE UNDER THIS PART, THE POWER OF THE SCHOOL DISTRICT OR
2 INTERMEDIATE SCHOOL DISTRICT TO LEVY TAXES FOR ANY PURPOSE UNDER
3 THIS ACT IS NOT AFFECTED BY THE OPERATION OF A SCHOOL OF EXCELLENCE
4 BY THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT. REVENUE
5 FROM TAXES LEVIED BY A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
6 DISTRICT UNDER THIS ACT OR BONDS ISSUED BY A SCHOOL DISTRICT OR
7 INTERMEDIATE SCHOOL DISTRICT UNDER THIS ACT MAY BE USED TO SUPPORT
8 THE OPERATION OR FACILITIES OF A SCHOOL OF EXCELLENCE OPERATED BY
9 THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT IN THE SAME
10 MANNER AS THAT REVENUE MAY BE USED UNDER THIS ACT BY THE SCHOOL
11 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO SUPPORT SCHOOL DISTRICT
12 OR INTERMEDIATE SCHOOL DISTRICT OPERATIONS AND FACILITIES. THIS
13 SECTION DOES NOT AUTHORIZE A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
14 DISTRICT TO LEVY TAXES OR TO ISSUE BONDS FOR ANY PURPOSE THAT IS
15 NOT OTHERWISE AUTHORIZED UNDER THIS ACT.

16 SEC. 555. (1) AN AGREEMENT, MORTGAGE, LOAN, OR OTHER
17 INSTRUMENT OF INDEBTEDNESS ENTERED INTO BY A SCHOOL OF EXCELLENCE
18 AND A THIRD PARTY DOES NOT CONSTITUTE AN OBLIGATION, EITHER
19 GENERAL, SPECIAL, OR MORAL, OF THIS STATE OR AN AUTHORIZING BODY.
20 THE FULL FAITH AND CREDIT OR THE TAXING POWER OF THIS STATE OR ANY
21 AGENCY OF THIS STATE, OR THE FULL FAITH AND CREDIT OF AN
22 AUTHORIZING BODY, MAY NOT BE PLEDGED FOR THE PAYMENT OF ANY SCHOOL
23 OF EXCELLENCE BOND, NOTE, AGREEMENT, MORTGAGE, LOAN, OR OTHER
24 INSTRUMENT OF INDEBTEDNESS.

25 (2) THIS PART DOES NOT IMPOSE ANY LIABILITY ON THIS STATE OR
26 ON AN AUTHORIZING BODY FOR ANY DEBT INCURRED BY A SCHOOL OF
27 EXCELLENCE.

1 SEC. 556. (1) A SCHOOL OF EXCELLENCE MAY BE LOCATED IN ALL OR
2 PART OF AN EXISTING PUBLIC SCHOOL BUILDING. A SCHOOL OF EXCELLENCE,
3 OTHER THAN A CYBER SCHOOL OPERATED UNDER SECTION 553A, SHALL NOT
4 OPERATE AT A SITE OTHER THAN THE SINGLE SITE REQUESTED FOR THE
5 CONFIGURATION OF GRADES THAT WILL USE THE SITE, AS SPECIFIED IN THE
6 APPLICATION REQUIRED UNDER SECTION 552 AND IN THE CONTRACT.

7 (2) A SCHOOL OF EXCELLENCE SHALL NOT CHARGE TUITION AND SHALL
8 NOT DISCRIMINATE IN ITS PUPIL ADMISSIONS POLICIES OR PRACTICES ON
9 THE BASIS OF INTELLECTUAL OR ATHLETIC ABILITY, MEASURES OF
10 ACHIEVEMENT OR APTITUDE, STATUS AS A STUDENT WITH A DISABILITY, OR
11 ANY OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A SCHOOL DISTRICT.
12 HOWEVER, A SCHOOL OF EXCELLENCE MAY LIMIT ADMISSION TO PUPILS WHO
13 ARE WITHIN A PARTICULAR RANGE OF AGE OR GRADE LEVEL OR ON ANY OTHER
14 BASIS THAT WOULD BE LEGAL IF USED BY A SCHOOL DISTRICT.

15 (3) EXCEPT FOR A FOREIGN EXCHANGE STUDENT WHO IS NOT A UNITED
16 STATES CITIZEN, A SCHOOL OF EXCELLENCE SHALL NOT ENROLL A PUPIL WHO
17 IS NOT A RESIDENT OF THIS STATE. ENROLLMENT IN THE SCHOOL OF
18 EXCELLENCE MAY BE OPEN TO ALL INDIVIDUALS WHO RESIDE IN THIS STATE
19 WHO MEET THE ADMISSION POLICY AND SHALL BE OPEN TO ALL PUPILS WHO
20 RESIDE WITHIN THE GEOGRAPHIC BOUNDARIES, IF ANY, OF THE AUTHORIZING
21 BODY AS DESCRIBED IN SECTION 552(5) (A) TO (C) WHO MEET THE
22 ADMISSION POLICY, EXCEPT THAT ADMISSION TO A SCHOOL OF EXCELLENCE
23 AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE TO OPERATE, OR
24 OPERATED BY THE BOARD OF A COMMUNITY COLLEGE, ON THE GROUNDS OF A
25 FEDERAL MILITARY INSTALLATION, AS DESCRIBED IN SECTION 552(5) (C),
26 SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN THE COUNTY IN WHICH THE
27 FEDERAL MILITARY INSTALLATION IS LOCATED. FOR A SCHOOL OF

1 EXCELLENCE AUTHORIZED BY A STATE PUBLIC UNIVERSITY, ENROLLMENT
2 SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN THIS STATE WHO MEET THE
3 ADMISSION POLICY. IF THERE ARE MORE APPLICATIONS TO ENROLL IN THE
4 SCHOOL OF EXCELLENCE THAN THERE ARE SPACES AVAILABLE, PUPILS SHALL
5 BE SELECTED TO ATTEND USING A RANDOM SELECTION PROCESS. HOWEVER, A
6 SCHOOL OF EXCELLENCE MAY GIVE ENROLLMENT PRIORITY TO A SIBLING OF A
7 PUPIL ENROLLED IN THE SCHOOL OF EXCELLENCE. A SCHOOL OF EXCELLENCE
8 SHALL ALLOW ANY PUPIL WHO WAS ENROLLED IN THE SCHOOL OF EXCELLENCE
9 IN THE IMMEDIATELY PRECEDING SCHOOL YEAR TO ENROLL IN THE SCHOOL OF
10 EXCELLENCE IN THE APPROPRIATE GRADE UNLESS THE APPROPRIATE GRADE IS
11 NOT OFFERED AT THAT SCHOOL OF EXCELLENCE.

12 (4) IF A SCHOOL OF EXCELLENCE IS A CYBER SCHOOL AND ITS
13 AUTHORIZING BODY IS A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
14 DISTRICT, THE SCHOOL OF EXCELLENCE SHALL GIVE ENROLLMENT PRIORITY
15 TO PUPILS WHO RESIDE IN THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
16 DISTRICT THAT IS THE AUTHORIZING BODY.

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

25 SEC. 557. IN ADDITION TO OTHER POWERS SET FORTH IN THIS PART,
26 A SCHOOL OF EXCELLENCE MAY TAKE ACTION TO CARRY OUT THE PURPOSES
27 FOR WHICH IT WAS INCORPORATED UNDER THIS PART, INCLUDING, BUT NOT

1 LIMITED TO, ALL OF THE FOLLOWING:

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

3 (B) SUBJECT TO SECTION 555, TO ACQUIRE, HOLD, AND OWN IN ITS
4 OWN NAME REAL AND PERSONAL PROPERTY, OR INTERESTS IN REAL OR
5 PERSONAL PROPERTY, FOR EDUCATIONAL PURPOSES BY PURCHASE, GIFT,
6 GRANT, DEVISE, BEQUEST, LEASE, SUBLEASE, INSTALLMENT PURCHASE
7 AGREEMENT, LAND CONTRACT, OPTION, OR CONDEMNATION, AND SUBJECT TO
8 MORTGAGES, SECURITY INTERESTS, OR OTHER LIENS; AND TO SELL OR
9 CONVEY THE PROPERTY AS THE INTERESTS OF THE SCHOOL OF EXCELLENCE
10 REQUIRE.

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

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

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

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

21 (G) TO BORROW MONEY AND ISSUE BONDS IN ACCORDANCE WITH SECTION
22 1351A AND IN ACCORDANCE WITH PART VI OF THE REVISED MUNICIPAL
23 FINANCE ACT, 2001 PA 34, MCL 141.2601 TO 141.2613, EXCEPT THAT THE
24 BORROWING OF MONEY AND ISSUANCE OF BONDS BY A SCHOOL OF EXCELLENCE
25 IS NOT SUBJECT TO SECTION 1351A(4) OR SECTION 1351(2) TO (4). BONDS
26 ISSUED UNDER THIS SECTION SHALL BE FULL FAITH AND CREDIT
27 OBLIGATIONS OF THE SCHOOL OF EXCELLENCE, PLEDGING THE GENERAL FUNDS

1 OR ANY OTHER MONEY AVAILABLE FOR SUCH A PURPOSE. BONDS ISSUED UNDER
2 THIS SECTION ARE SUBJECT TO THE REVISED MUNICIPAL FINANCE ACT, 2001
3 PA 34, MCL 141.2101 TO 141.2821.

4 SEC. 558. IF A SCHOOL OF EXCELLENCE IS OPERATED BY A SCHOOL
5 DISTRICT THAT IS SUBJECT TO A COURT DESEGREGATION ORDER, PUPIL
6 SELECTION AT THE SCHOOL OF EXCELLENCE IS SUBJECT TO THAT ORDER.

7 SEC. 559. (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, AND EXCEPT
8 AS OTHERWISE PROVIDED UNDER SECTION 553A FOR A CYBER SCHOOL, A
9 SCHOOL OF EXCELLENCE SHALL USE CERTIFICATED TEACHERS ACCORDING TO
10 STATE BOARD RULE.

11 (2) A SCHOOL OF EXCELLENCE OPERATED BY A STATE PUBLIC
12 UNIVERSITY OR COMMUNITY COLLEGE MAY USE NONCERTIFICATED INDIVIDUALS
13 TO TEACH AS FOLLOWS:

14 (A) IF THE SCHOOL OF EXCELLENCE IS OPERATED BY A STATE PUBLIC
15 UNIVERSITY, THE SCHOOL OF EXCELLENCE MAY USE AS A CLASSROOM TEACHER
16 IN ANY GRADE A FACULTY MEMBER WHO IS EMPLOYED FULL-TIME BY THE
17 STATE PUBLIC UNIVERSITY AND WHO HAS BEEN GRANTED INSTITUTIONAL
18 TENURE, OR HAS BEEN DESIGNATED AS BEING ON TENURE TRACK, BY THE
19 STATE PUBLIC UNIVERSITY.

20 (B) FOR A SCHOOL OF EXCELLENCE OPERATED BY A COMMUNITY
21 COLLEGE, THE SCHOOL OF EXCELLENCE MAY USE AS A CLASSROOM TEACHER A
22 FULL-TIME MEMBER OF THE COMMUNITY COLLEGE FACULTY WHO HAS AT LEAST
23 5 YEARS' EXPERIENCE AT THAT COMMUNITY COLLEGE IN TEACHING THE
24 SUBJECT MATTER THAT HE OR SHE IS TEACHING AT THE SCHOOL OF
25 EXCELLENCE.

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

1 (3) A SCHOOL OF EXCELLENCE MAY DEVELOP AND IMPLEMENT NEW
2 TEACHING TECHNIQUES OR METHODS OR SIGNIFICANT REVISIONS TO KNOWN
3 TEACHING TECHNIQUES OR METHODS, AND SHALL REPORT THOSE TO THE
4 AUTHORIZING BODY AND STATE BOARD TO BE MADE AVAILABLE TO THE
5 PUBLIC. A SCHOOL OF EXCELLENCE MAY USE ANY INSTRUCTIONAL TECHNIQUE
6 OR DELIVERY METHOD THAT MAY BE USED BY A SCHOOL DISTRICT.

7 SEC. 560. A SCHOOL OF EXCELLENCE, WITH THE APPROVAL OF THE
8 AUTHORIZING BODY, MAY EMPLOY OR CONTRACT WITH PERSONNEL AS
9 NECESSARY FOR THE OPERATION OF THE SCHOOL OF EXCELLENCE, PRESCRIBE
10 THEIR DUTIES, AND FIX THEIR COMPENSATION. A SCHOOL OF EXCELLENCE
11 MAY IMPLEMENT AND MAINTAIN A METHOD OF COMPENSATION FOR ITS
12 EMPLOYEES THAT IS BASED ON JOB PERFORMANCE, JOB ACCOMPLISHMENTS,
13 AND JOB ASSIGNMENT IN A SUBJECT AREA OR SCHOOL THAT IS DIFFICULT TO
14 FIND EMPLOYEES TO STAFF.

15 SEC. 560A. IF THE BOARD OF DIRECTORS OF A SCHOOL OF EXCELLENCE
16 PROVIDES MEDICAL, OPTICAL, OR DENTAL BENEFITS TO EMPLOYEES AND
17 THEIR DEPENDENTS, THE BOARD OF DIRECTORS SHALL PROVIDE THOSE
18 BENEFITS IN ACCORDANCE WITH THE PUBLIC EMPLOYEES HEALTH BENEFIT
19 ACT, 2007 PA 106, MCL 124.71 TO 124.85, AND SHALL COMPLY WITH THAT
20 ACT.

21 SEC. 561. (1) THE AUTHORIZING BODY FOR A SCHOOL OF EXCELLENCE
22 IS THE FISCAL AGENT FOR THE SCHOOL OF EXCELLENCE. A STATE SCHOOL
23 AID PAYMENT FOR A SCHOOL OF EXCELLENCE SHALL BE PAID TO THE
24 AUTHORIZING BODY THAT IS THE FISCAL AGENT FOR THAT SCHOOL OF
25 EXCELLENCE, WHICH SHALL THEN FORWARD THE PAYMENT TO THE SCHOOL OF
26 EXCELLENCE. AN AUTHORIZING BODY HAS THE RESPONSIBILITY TO OVERSEE A
27 SCHOOL OF EXCELLENCE'S COMPLIANCE WITH THE CONTRACT AND ALL

1 APPLICABLE LAW. A CONTRACT ISSUED UNDER THIS PART MAY BE REVOKED BY
2 THE AUTHORIZING BODY THAT ISSUED THE CONTRACT IF THE AUTHORIZING
3 BODY DETERMINES THAT 1 OR MORE OF THE FOLLOWING HAVE OCCURRED:

4 (A) FAILURE OF THE SCHOOL OF EXCELLENCE TO ABIDE BY AND MEET
5 THE EDUCATIONAL GOALS SET FORTH IN THE CONTRACT.

6 (B) FAILURE OF THE SCHOOL OF EXCELLENCE TO COMPLY WITH ALL
7 APPLICABLE LAW.

8 (C) FAILURE OF THE SCHOOL OF EXCELLENCE TO MEET GENERALLY
9 ACCEPTED PUBLIC SECTOR ACCOUNTING PRINCIPLES.

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

12 (2) IF AN AUTHORIZING BODY RECEIVES NOTICE FROM THE
13 SUPERINTENDENT OF PUBLIC INSTRUCTION THAT A SCHOOL OF EXCELLENCE
14 THAT IT AUTHORIZED HAS BEEN DETERMINED BY THE SUPERINTENDENT OF
15 PUBLIC INSTRUCTION TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL
16 PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF THE
17 FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005 AND
18 14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF
19 2009, PUBLIC LAW 111-5, THE AUTHORIZING BODY MAY REVOKE THE SCHOOL
20 OF EXCELLENCE'S CONTRACT AND THE SCHOOL OF EXCELLENCE MAY BE
21 CLOSED.

22 (3) THE DECISION OF AN AUTHORIZING BODY TO REVOKE A CONTRACT
23 UNDER THIS SECTION IS SOLELY WITHIN THE DISCRETION OF THE
24 AUTHORIZING BODY, IS FINAL, AND IS NOT SUBJECT TO REVIEW BY A COURT
25 OR ANY STATE AGENCY.

26 (4) AN AUTHORIZING BODY THAT REVOKES A CONTRACT UNDER THIS
27 SECTION IS NOT LIABLE FOR THAT ACTION TO THE SCHOOL OF EXCELLENCE,

1 SCHOOL OF EXCELLENCE CORPORATION, A PUPIL OF THE SCHOOL OF
2 EXCELLENCE, THE PARENT OR GUARDIAN OF A PUPIL OF THE SCHOOL OF
3 EXCELLENCE, OR ANY OTHER PERSON.

4 Sec. 1246. (1) A school district, public school academy, or
5 intermediate school district shall not continue to employ a person
6 as a superintendent, principal, assistant principal, or other
7 person whose primary responsibility is administering instructional
8 programs or as a chief business official unless the person **MEETS 1**
9 **OR MORE OF THE FOLLOWING REQUIREMENTS, AS APPLICABLE:**

10 (A) FOR A SUPERINTENDENT, PRINCIPAL, ASSISTANT PRINCIPAL, OR
11 OTHER PERSON WHOSE PRIMARY RESPONSIBILITY IS ADMINISTERING
12 INSTRUCTIONAL PROGRAMS, OR A CHIEF BUSINESS OFFICIAL, WHO WAS
13 EMPLOYED AS A SCHOOL ADMINISTRATOR IN THIS STATE ON OR BEFORE THE
14 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION,
15 has completed the continuing education requirements prescribed by
16 rule under subsection (2).

17 (B) SUBJECT TO SUBSECTION (3), FOR A SUPERINTENDENT,
18 PRINCIPAL, ASSISTANT PRINCIPAL, OR OTHER PERSON WHOSE PRIMARY
19 RESPONSIBILITY IS ADMINISTERING INSTRUCTIONAL PROGRAMS AND WHO IS
20 INITIALLY EMPLOYED AS A SCHOOL ADMINISTRATOR IN THIS STATE AFTER
21 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
22 SUBDIVISION, MEETS 1 OF THE FOLLOWING:

23 (i) POSSESSES A VALID MICHIGAN SCHOOL ADMINISTRATOR'S
24 CERTIFICATE ISSUED UNDER SECTION 1536.

25 (ii) POSSESSES AN EARNED ADVANCED DEGREE IN A SUBJECT AREA
26 APPROVED BY THE STATE BOARD.

27 (2) The superintendent of public instruction shall promulgate

1 rules establishing continuing education requirements as a condition
2 for continued employment for persons ~~employed in positions~~
3 described in subsection ~~(1)~~—(1) (A). The rules shall prescribe a
4 minimum amount of continuing education that shall be completed
5 within 5 years after initial employment and shall be completed each
6 subsequent 5-year period to meet the requirements of subsection ~~(1)~~
7 (1) (A) for continued employment.

8 (3) A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE
9 SCHOOL DISTRICT MAY EMPLOY AS A SUPERINTENDENT, PRINCIPAL,
10 ASSISTANT PRINCIPAL, OR OTHER PERSON WHOSE PRIMARY RESPONSIBILITY
11 IS ADMINISTERING INSTRUCTIONAL PROGRAMS A PERSON WHO IS ENROLLED IN
12 A PROGRAM LEADING TO CERTIFICATION AS A SCHOOL ADMINISTRATOR UNDER
13 SECTION 1536 NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF
14 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION OR 6 MONTHS AFTER HE
15 OR SHE BEGINS THE EMPLOYMENT, WHICHEVER IS LATER. A PERSON EMPLOYED
16 AS A SCHOOL ADMINISTRATOR PURSUANT TO THIS SUBSECTION HAS 3 YEARS
17 TO MEET THE CERTIFICATION REQUIREMENTS OF SECTION 1536, OR THE
18 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL
19 DISTRICT SHALL NOT CONTINUE TO EMPLOY THE PERSON AS A SCHOOL
20 ADMINISTRATOR DESCRIBED IN THIS SUBSECTION.

21 SEC. 1249. THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE
22 SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY
23 SHALL ADOPT AND IMPLEMENT FOR ALL TEACHERS AND SCHOOL
24 ADMINISTRATORS A RIGOROUS, TRANSPARENT, AND FAIR PERFORMANCE
25 EVALUATION SYSTEM THAT DOES ALL OF THE FOLLOWING:

26 (A) DIFFERENTIATES EFFECTIVENESS USING MULTIPLE RATING
27 CATEGORIES THAT TAKE INTO ACCOUNT DATA ON STUDENT GROWTH AS A

1 **SIGNIFICANT FACTOR.**

2 **(B) IS DESIGNED AND DEVELOPED WITH TEACHER AND PRINCIPAL**
3 **INVOLVEMENT.**

4 Sec. 1280. (1) The board of a school district that does not
5 want to be subject to the measures described in this section shall
6 ensure that each public school within the school district is
7 accredited.

8 (2) As used in subsection (1), and subject to subsection (6),
9 "accredited" means certified by the superintendent of public
10 instruction as having met or exceeded standards established under
11 this section for 6 areas of school operation: administration and
12 school organization, curricula, staff, school plant and facilities,
13 school and community relations, and school improvement plans and
14 student performance. The building-level evaluation used in the
15 accreditation process shall include, but is not limited to, school
16 data collection, self-study, visitation and validation,
17 determination of performance data to be used, and the development
18 of a school improvement plan.

19 (3) The department shall develop and distribute to all public
20 schools proposed accreditation standards. Upon distribution of the
21 proposed standards, the department shall hold statewide public
22 hearings for the purpose of receiving testimony concerning the
23 standards. After a review of the testimony, the department shall
24 revise and submit the proposed standards to the superintendent of
25 public instruction. After a review and revision, if appropriate, of
26 the proposed standards, the superintendent of public instruction
27 shall submit the proposed standards to the senate and house

1 committees that have the responsibility for education legislation.
2 Upon approval by these committees, the department shall distribute
3 to all public schools the standards to be applied to each school
4 for accreditation purposes. The superintendent of public
5 instruction shall review and update the accreditation standards
6 annually using the process prescribed under this subsection.

7 (4) The superintendent of public instruction shall develop and
8 distribute to all public schools standards for determining that a
9 school is eligible for summary accreditation under subsection (6).
10 The standards shall be developed, reviewed, approved, and
11 distributed using the same process as prescribed in subsection (3)
12 for accreditation standards, and shall be finally distributed and
13 implemented not later than December 31, 1994.

14 (5) The standards for accreditation or summary accreditation
15 under this section shall include as criteria pupil performance on
16 Michigan education assessment program (MEAP) tests and on the
17 Michigan merit examination under section 1279g, ~~and, until the~~
18 ~~Michigan merit examination has been fully implemented, the~~
19 ~~percentage of pupils achieving state endorsement under section~~
20 ~~1279, but shall not be based solely on pupil performance on MEAP~~
21 ~~tests or the Michigan merit examination. or on the percentage of~~
22 ~~pupils achieving state endorsement under section 1279.~~ The
23 standards shall also include as criteria multiple year change in
24 pupil performance on MEAP tests and the Michigan merit examination.
25 ~~and, until after the Michigan merit examination is fully~~
26 ~~implemented, multiple year change in the percentage of pupils~~
27 ~~achieving state endorsement under section 1279.~~ If it is necessary

1 for the superintendent of public instruction to revise
2 accreditation or summary accreditation standards established under
3 subsection (3) or (4) to comply with this subsection, the revised
4 standards shall be developed, reviewed, approved, and distributed
5 using the same process as prescribed in subsection (3).

6 (6) If the superintendent of public instruction determines
7 that a public school has met the standards established under
8 subsection (4) or (5) for summary accreditation, the school is
9 considered to be accredited without the necessity for a full
10 building-level evaluation under subsection (2).

11 (7) If the superintendent of public instruction determines
12 that a school has not met the standards established under
13 subsection (4) or (5) for summary accreditation but that the school
14 is making progress toward meeting those standards, or if, based on
15 a full building-level evaluation under subsection (2), the
16 superintendent of public instruction determines that a school has
17 not met the standards for accreditation but is making progress
18 toward meeting those standards, the school is in interim status and
19 is subject to a full building-level evaluation as provided in this
20 section.

21 (8) If a school has not met the standards established under
22 subsection (4) or (5) for summary accreditation and is not eligible
23 for interim status under subsection (7), the school is unaccredited
24 and subject to the measures provided in this section.

25 ~~(9) Beginning with the 2002-2003 school year, if~~ **IF** at least
26 5% of a public school's answer sheets from the administration of
27 the Michigan educational assessment program (MEAP) tests are lost

1 by the department or by a state contractor and if the public school
2 can verify that the answer sheets were collected from pupils and
3 forwarded to the department or the contractor, the department shall
4 not assign an accreditation score or school report card grade to
5 the public school for that subject area for the corresponding year
6 for the purposes of determining state accreditation under this
7 section. The department shall not assign an accreditation score or
8 school report card grade to the public school for that subject area
9 until the results of all tests for the next year are available.

10 (10) Subsection (9) does not preclude the department from
11 determining whether a public school or a school district has
12 achieved adequate yearly progress for the school year in which the
13 answer sheets were lost for the purposes of the no child left
14 behind act of 2001, Public Law 107-110. However, the department
15 shall ensure that a public school or the school district is not
16 penalized when determining adequate yearly progress status due to
17 the fact that the public school's MEAP answer sheets were lost by
18 the department or by a state contractor, but shall not require a
19 public school or school district to retest pupils or produce scores
20 from another test for this purpose.

21 (11) The superintendent of public instruction shall annually
22 review and evaluate for accreditation purposes the performance of
23 each school that is unaccredited and as many of the schools that
24 are in interim status as permitted by the department's resources.

25 (12) The superintendent of public instruction shall, and the
26 intermediate school district to which a school district is
27 constituent, a consortium of intermediate school districts, or any

1 combination thereof may, provide technical assistance, as
2 appropriate, to a school that is unaccredited or that is in interim
3 status upon request of the board of the school district in which
4 the school is located. If requests to the superintendent of public
5 instruction for technical assistance exceed the capacity, priority
6 shall be given to unaccredited schools.

7 (13) ~~A school that~~ **IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION**
8 **DETERMINES THAT A PUBLIC SCHOOL** has been unaccredited for 3
9 consecutive years ~~is subject to~~ **OR IS AMONG THE LOWEST ACHIEVING 5%**
10 **OF ALL PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF**
11 **THE FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005**
12 **AND 14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT**
13 **ACT OF 2009, PUBLIC LAW 111-5, KNOWN AS THE "RACE TO THE TOP" GRANT**
14 **PROGRAM, THEN THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY ISSUE AN**
15 **ORDER IMPOSING** 1 or more of the following measures, as determined
16 by the superintendent of public instruction:

17 (a) The superintendent of public instruction or his or her
18 designee ~~shall~~ **MAY** appoint at the expense of the affected school
19 district an administrator of the school until the school becomes
20 accredited.

21 (b) A parent, legal guardian, or person in loco parentis of a
22 child who attends the school may send his or her child to any
23 accredited public school with an appropriate grade level within the
24 school district.

25 (c) The **SUPERINTENDENT OF PUBLIC INSTRUCTION MAY ORDER THE**
26 **BOARD OR BOARD OF DIRECTORS THAT OPERATES THE** school, ~~with the~~
27 ~~approval of the superintendent of public instruction,~~ **shall TO**

1 align ~~itself~~ **THE SCHOOL** with an existing research-based school
2 improvement model or establish an affiliation for providing
3 assistance to the school with a college or university located in
4 this state, **AS APPROVED BY THE SUPERINTENDENT OF PUBLIC**
5 **INSTRUCTION.**

6 (d) ~~The school shall be closed.~~ **THE SUPERINTENDENT OF PUBLIC**
7 **INSTRUCTION MAY TAKE ACTION TO IMPLEMENT FOR THE SCHOOL ANY OF THE**
8 **4 SCHOOL INTERVENTION MODELS THAT ARE PROVIDED FOR THE LOWEST**
9 **ACHIEVING SCHOOLS UNDER THE FEDERAL INCENTIVE GRANT PROGRAM CREATED**
10 **UNDER SECTIONS 14005 AND 14006 OF TITLE XIV OF THE AMERICAN**
11 **RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5, KNOWN AS**
12 **THE "RACE TO THE TOP" GRANT PROGRAM. THESE MODELS ARE THE**
13 **TURNAROUND MODEL, RESTART MODEL, SCHOOL CLOSURE, AND TRANSFORMATION**
14 **MODEL.**

15 (14) The superintendent of public instruction shall evaluate
16 the school accreditation program and the status of schools under
17 this section and shall submit an annual report based upon the
18 evaluation to the senate and house committees that have the
19 responsibility for education legislation. The report shall address
20 the reasons each unaccredited school is not accredited and shall
21 recommend legislative action that will result in the accreditation
22 of all public schools in this state.

23 (15) Beginning with the 2008-2009 school year, a high school
24 shall not be accredited by the department unless the department
25 determines that the high school is providing or has otherwise
26 ensured that all pupils have access to all of the elements of the
27 curriculum required under sections 1278a and 1278b. If it is

1 necessary for the superintendent of public instruction to revise
2 accreditation or summary accreditation standards established under
3 subsection (3) or (4) to comply with the changes made to this
4 section by the amendatory act that added this subsection, the
5 revised standards shall be developed, reviewed, approved, and
6 distributed using the same process as prescribed in subsection (3).

7 (16) AS SOON AS PRACTICABLE AFTER THE FEDERAL DEPARTMENT OF
8 EDUCATION HAS ADOPTED THE FINAL WORK RULES AND FORMULA FOR
9 IDENTIFYING THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS
10 STATE FOR THE PURPOSES OF THE FEDERAL INCENTIVE GRANT PROGRAM
11 CREATED UNDER SECTIONS 14005 AND 14006 OF TITLE XIV OF THE AMERICAN
12 RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5, KNOWN AS
13 THE "RACE TO THE TOP" GRANT PROGRAM, THE DEPARTMENT SHALL POST ALL
14 OF THE FOLLOWING ON ITS WEBSITE:

15 (A) THE FEDERAL WORK RULES AND FORMULA.

16 (B) A LIST OF THE PUBLIC SCHOOLS IN THIS STATE THAT HAVE BEEN
17 IDENTIFIED FOR THESE PURPOSES AS BEING AMONG THE LOWEST ACHIEVING
18 5% OF ALL PUBLIC SCHOOLS IN THIS STATE. THE DEPARTMENT SHALL UPDATE
19 THIS LIST AS IT CONSIDERS APPROPRIATE.

20 (17) IF A SCHOOL ON THE LIST POSTED BY THE SUPERINTENDENT OF
21 PUBLIC INSTRUCTION UNDER SUBSECTION (16) IS A PUBLIC SCHOOL
22 ACADEMY, THE SUPERINTENDENT OF PUBLIC INSTRUCTION IMMEDIATELY SHALL
23 NOTIFY THE PUBLIC SCHOOL ACADEMY'S AUTHORIZING BODY THAT THE SCHOOL
24 HAS BEEN IDENTIFIED FOR THESE PURPOSES AS BEING AMONG THE LOWEST
25 ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE. THE PUBLIC SCHOOL
26 ACADEMY'S AUTHORIZING BODY MAY REVOKE THE PUBLIC SCHOOL ACADEMY'S
27 CONTRACT, AND THE PUBLIC SCHOOL ACADEMY MAY BE CLOSED.

1 SEC. 1280C. (1) BEGINNING AFTER THE 2010-2011 SCHOOL YEAR, IF
2 THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT 25% OR
3 MORE OF THE PUPILS IN MEMBERSHIP IN A SCHOOL DISTRICT ARE ENROLLED
4 IN 1 OR MORE SCHOOLS THAT HAVE BEEN DETERMINED BY THE
5 SUPERINTENDENT OF PUBLIC INSTRUCTION TO BE AMONG THE LOWEST
6 ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR
7 THE PURPOSES OF THE FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER
8 SECTIONS 14005 AND 14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND
9 REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5, THEN THE SUPERINTENDENT
10 OF PUBLIC INSTRUCTION SHALL ISSUE AN ORDER DESIGNATING THE SCHOOL
11 DISTRICT AS A TURNAROUND SCHOOL DISTRICT AND SHALL TAKE MEASURES
12 UNDER SUBSECTION (3) WITH RESPECT TO THE SCHOOL DISTRICT, AS
13 APPLICABLE. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ISSUE
14 THE ORDER DESIGNATING A SCHOOL DISTRICT AS A TURNAROUND SCHOOL
15 DISTRICT WITHIN 15 DAYS AFTER HE OR SHE DETERMINES THAT THE PUBLIC
16 SCHOOL MEETS THE CRITERIA UNDER THIS SUBSECTION.

17 (2) WITHIN 15 DAYS AFTER ISSUING AN ORDER UNDER SUBSECTION
18 (1), THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL APPOINT A
19 REVIEW TEAM TO CONDUCT AN EVALUATION OF THE TURNAROUND SCHOOL
20 DISTRICT. ALL OF THE FOLLOWING APPLY TO THIS REVIEW TEAM:

21 (A) THE REVIEW TEAM SHALL CONSIST OF AT LEAST A TEACHER WHO IS
22 NOT EMPLOYED BY THE TURNAROUND SCHOOL DISTRICT, A SUPPORT STAFF
23 MEMBER WHO IS NOT EMPLOYED BY THE TURNAROUND SCHOOL DISTRICT, A
24 PARENT WHO DOES NOT HAVE A CHILD ENROLLED IN THE TURNAROUND SCHOOL
25 DISTRICT, A SCHOOL ADMINISTRATOR WHO IS NOT EMPLOYED BY THE
26 TURNAROUND SCHOOL DISTRICT, A SCHOOL BOARD MEMBER, A TEACHER
27 EMPLOYED BY THE TURNAROUND SCHOOL DISTRICT, A REPRESENTATIVE OF THE

1 INTERMEDIATE SCHOOL DISTRICT IN WHICH THE TURNAROUND SCHOOL
2 DISTRICT IS LOCATED, A MEMBER OF THE LOCAL COMMUNITY, AND ANOTHER
3 DESIGNEE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION. A MEMBER OF
4 THE REVIEW TEAM SERVES AT THE PLEASURE OF THE SUPERINTENDENT OF
5 PUBLIC INSTRUCTION AND MAY BE REMOVED AND REPLACED BY THE
6 SUPERINTENDENT OF PUBLIC INSTRUCTION.

7 (B) THE REVIEW TEAM'S EVALUATION SHALL FOCUS ON ISSUES AT BOTH
8 THE SCHOOL DISTRICT LEVEL AND SCHOOL BUILDING LEVEL AND SHALL
9 COVER, AT A MINIMUM, PUPIL PERFORMANCE ON STATE ASSESSMENTS,
10 STANDARDS AND EXPECTATIONS, CURRICULUM, INSTRUCTION, TIME ON TASK,
11 LEARNING ENVIRONMENT, PREVALENCE OF TRANSIENT PUPILS, PARENTAL
12 INVOLVEMENT, COMMUNITY INVOLVEMENT, STAFF DEVELOPMENT, PLANNING AND
13 ASSESSMENT, AND GOVERNANCE AND LEADERSHIP.

14 (C) WITHIN 30 DAYS AFTER BEING APPOINTED, THE REVIEW TEAM
15 SHALL SUBMIT A REPORT TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION
16 BASED ON ITS EVALUATION THAT IDENTIFIES THE REASONS FOR THE LOW
17 ACHIEVEMENT WITHIN THE SCHOOL DISTRICT AND CONTAINS RECOMMENDATIONS
18 ON THE MEASURES THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND
19 THE CHIEF EDUCATIONAL OFFICER APPOINTED UNDER SUBSECTION (3) SHOULD
20 TAKE UNDER THIS SECTION WITH REGARD TO THE TURNAROUND SCHOOL
21 DISTRICT.

22 (D) THE REVIEW TEAM SHALL REEVALUATE THE TURNAROUND SCHOOL
23 DISTRICT AT LEAST ANNUALLY TO MONITOR THE PROGRESS BEING MADE IN
24 IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE REVIEW TEAM'S
25 EVALUATION REPORT.

26 (E) THE BOARD OF A TURNAROUND SCHOOL DISTRICT SHALL COOPERATE
27 FULLY WITH A REVIEW TEAM APPOINTED UNDER THIS SUBSECTION.

1 (3) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION ISSUES AN
2 ORDER DESIGNATING A SCHOOL DISTRICT AS A TURNAROUND SCHOOL DISTRICT
3 UNDER SUBSECTION (1), THEN WITHIN 60 DAYS AFTER RECEIVING THE
4 EVALUATION REPORT FROM THE REVIEW TEAM UNDER SUBSECTION (2), THE
5 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ISSUE AN ORDER
6 APPOINTING A CHIEF EDUCATIONAL OFFICER FOR THE TURNAROUND SCHOOL
7 DISTRICT. THE CHIEF EDUCATIONAL OFFICER SHALL TAKE CONTROL OF THE
8 TURNAROUND SCHOOL DISTRICT AND OPERATE IT AS PROVIDED UNDER THIS
9 SECTION.

10 (4) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION APPOINTS A
11 CHIEF EDUCATIONAL OFFICER FOR A TURNAROUND SCHOOL DISTRICT UNDER
12 SUBSECTION (3), ALL OF THE FOLLOWING APPLY:

13 (A) THE CHIEF EDUCATIONAL OFFICER SHALL CARRY OUT THE
14 FUNCTIONS UNDER THIS SECTION AND AS OTHERWISE PRESCRIBED BY LAW.
15 ALL OF THE FOLLOWING APPLY TO THE APPOINTMENT:

16 (i) THE CHIEF EDUCATIONAL OFFICER SHALL BE CHOSEN SOLELY ON THE
17 BASIS OF HIS OR HER COMPETENCE AND EXPERIENCE EITHER IN EDUCATIONAL
18 REFORM AND REDESIGN AND IMPROVING PUPIL ACHIEVEMENT OR IN BUSINESS
19 AND FISCAL MATTERS. IF THE CHIEF EDUCATIONAL OFFICER IS CHOSEN
20 BASED ON HIS OR HER EXPERIENCE AND COMPETENCE IN BUSINESS AND
21 FISCAL MATTERS, THE CHIEF EDUCATIONAL OFFICER, WITH THE APPROVAL OF
22 THE SUPERINTENDENT OF PUBLIC INSTRUCTION, SHALL HIRE AN EXPERT IN
23 EDUCATIONAL REFORM AND REDESIGN WITH A PROVEN RECORD OF IMPROVING
24 PUPIL ACHIEVEMENT TO ASSIST THE CHIEF EDUCATIONAL OFFICER IN
25 OPERATING THE TURNAROUND SCHOOL DISTRICT.

26 (ii) THE CHIEF EDUCATIONAL OFFICER OR AN ASSISTANT DESCRIBED IN
27 SUBPARAGRAPH (i) SHALL NOT HAVE BEEN EITHER AN ELECTED OR APPOINTED

1 OFFICIAL OR EMPLOYEE OF THE SCHOOL DISTRICT FOR WHICH HE OR SHE IS
2 APPOINTED FOR NOT LESS THAN 5 YEARS BEFORE THE APPOINTMENT.

3 (iii) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOT SERVE
4 AS A CHIEF EDUCATIONAL OFFICER UNDER THIS SECTION.

5 (iv) THE CHIEF EDUCATIONAL OFFICER NEED NOT BE A RESIDENT OF
6 THE SCHOOL DISTRICT FOR WHICH HE OR SHE IS APPOINTED.

7 (v) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ENTER INTO
8 A CONTRACT WITH THE CHIEF EDUCATIONAL OFFICER APPOINTING THE CHIEF
9 EDUCATIONAL OFFICER FOR A TERM OF AT LEAST 1 BUT NOT MORE THAN 3
10 YEARS, AS DETERMINED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.
11 SUBJECT TO SUBDIVISION (K), THE SUPERINTENDENT OF PUBLIC
12 INSTRUCTION MAY RENEW THE APPOINTMENT FOR 1 OR MORE SUBSEQUENT
13 TERMS OF NOT MORE THAN 3 YEARS, AS DETERMINED BY THE SUPERINTENDENT
14 OF PUBLIC INSTRUCTION.

15 (B) WITH RESPECT TO THE TURNAROUND SCHOOL DISTRICT, THE CHIEF
16 EDUCATIONAL OFFICER HAS ALL OF THE POWERS AND DUTIES DESCRIBED IN
17 THIS SECTION. ALL PROVISIONS OF THIS ACT THAT WOULD OTHERWISE APPLY
18 TO THE SCHOOL BOARD THAT PREVIOUSLY OPERATED THE TURNAROUND SCHOOL
19 DISTRICT APPLY TO THE CHIEF EDUCATIONAL OFFICER WITH RESPECT TO
20 THAT SCHOOL DISTRICT, EXCEPT THOSE RELATING TO TAXATION OR
21 BORROWING. SUBJECT TO THIS SECTION, THE CHIEF EDUCATIONAL OFFICER
22 MAY EXERCISE ALL THE POWERS AND DUTIES OTHERWISE VESTED BY LAW IN
23 THE SCHOOL BOARD THAT PREVIOUSLY OPERATED THE TURNAROUND SCHOOL
24 DISTRICT AND IN ITS OFFICERS, EXCEPT THOSE RELATING TO TAXATION OR
25 BORROWING, AND MAY EXERCISE ALL ADDITIONAL POWERS AND DUTIES
26 PROVIDED UNDER THIS SECTION. SUBJECT TO THIS SECTION, THE CHIEF
27 EDUCATIONAL OFFICER ACCEDES TO ALL THE RIGHTS, DUTIES, AND

1 OBLIGATIONS OF THE SCHOOL BOARD. OTHER THAN TAXATION AND BORROWING
2 AND SPECIFIC POWERS AND DUTIES GIVEN TO THE SCHOOL BOARD UNDER THIS
3 SECTION, THE SCHOOL BOARD'S ROLE IS LIMITED TO ACTING AS AN
4 ADVISORY BOARD TO THE CHIEF EDUCATIONAL OFFICER. THE CHIEF
5 EDUCATIONAL OFFICER'S POWERS, RIGHTS, DUTIES, AND OBLIGATIONS
6 INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

7 (i) AUTHORITY OVER EXPENDITURE OF ALL FUNDS OF THE SCHOOL
8 DISTRICT, INCLUDING PROCEEDS FROM BONDED INDEBTEDNESS AND OTHER
9 FUNDS DEDICATED TO CAPITAL PROJECTS.

10 (ii) SUBJECT TO THIS SECTION, RIGHTS AND OBLIGATIONS UNDER
11 COLLECTIVE BARGAINING AGREEMENTS AND EMPLOYMENT CONTRACTS ENTERED
12 INTO BY THE SCHOOL BOARD FOR EMPLOYEES OF THE SCHOOL DISTRICT.

13 (iii) RIGHTS TO PROSECUTE AND DEFEND LITIGATION.

14 (iv) RIGHTS AND OBLIGATIONS UNDER STATUTE, RULE, AND COMMON
15 LAW.

16 (v) SUBJECT TO SUBSECTION (7), AUTHORITY TO DELEGATE ANY OF
17 THE CHIEF EDUCATIONAL OFFICER'S POWERS AND DUTIES TO 1 OR MORE
18 DESIGNEES, WITH PROPER SUPERVISION BY THE CHIEF EDUCATIONAL
19 OFFICER.

20 (vi) POWER TO TERMINATE ANY CONTRACT OR PORTION OF A CONTRACT
21 ENTERED INTO BY THE SCHOOL BOARD. HOWEVER, THIS SUBPARAGRAPH DOES
22 NOT ALLOW ANY TERMINATION OR DIMINISHMENT OF OBLIGATIONS TO PAY
23 DEBT SERVICE ON LEGALLY AUTHORIZED BONDS AND DOES NOT ALLOW A
24 COLLECTIVE BARGAINING AGREEMENT TO BE AFFECTED EXCEPT AS PROVIDED
25 UNDER THIS SECTION. A CONTRACT TERMINATED BY THE CHIEF EDUCATIONAL
26 OFFICER UNDER THIS SUBPARAGRAPH IS VOID.

27 (C) THE CHIEF EDUCATIONAL OFFICER SHALL TAKE CONTROL OF THE

1 CONTINUED DAY-TO-DAY OPERATION OF THE TURNAROUND SCHOOL DISTRICT.
2 THE CHIEF EDUCATIONAL OFFICER MAY MODIFY SCHOOL DISTRICT POLICIES
3 AND RENEGOTIATE APPLICABLE COLLECTIVE BARGAINING AGREEMENTS TO
4 PROVIDE FOR ANY MEASURES THAT THE CHIEF EDUCATIONAL OFFICER
5 DETERMINES TO BE NECESSARY TO ACHIEVE THE EDUCATIONAL GOALS
6 ESTABLISHED BY THE CHIEF EDUCATIONAL OFFICER. THE POLICIES THAT MAY
7 BE MODIFIED OR COLLECTIVE BARGAINING AGREEMENT PROVISIONS THAT MAY
8 BE RENEGOTIATED UNDER THIS SUBSECTION INCLUDE, BUT ARE NOT LIMITED
9 TO, ALL OF THE FOLLOWING:

10 (i) THAT ANY CONTRACTUAL OR OTHER SENIORITY SYSTEM THAT WOULD
11 OTHERWISE BE APPLICABLE SHALL NOT APPLY. THIS SUBPARAGRAPH DOES NOT
12 ALLOW UNILATERAL CHANGES IN PAY SCALES OR BENEFITS.

13 (ii) THAT ANY CONTRACTUAL OR OTHER WORK RULES THE CHIEF
14 EDUCATIONAL OFFICER DETERMINES TO BE IMPEDIMENTS TO ACHIEVING
15 SATISFACTORY PUPIL PERFORMANCE SHALL NOT APPLY. THIS SUBPARAGRAPH
16 DOES NOT ALLOW UNILATERAL CHANGES IN PAY SCALES OR BENEFITS.

17 (iii) THAT THE CHIEF EDUCATIONAL OFFICER SHALL DIRECT THE
18 EXPENDITURE OF ALL FUNDS OF THE SCHOOL DISTRICT, AND THE CHIEF
19 EDUCATIONAL OFFICER SHALL HAVE FULL AUTONOMY AND CONTROL OVER
20 CURRICULUM AND DISCRETIONARY SPENDING FOR THE SCHOOL DISTRICT.

21 (D) FOR THE PURPOSES OF COLLECTIVE BARGAINING UNDER 1947 PA
22 336, MCL 423.201 TO 423.217, THE CHIEF EDUCATIONAL OFFICER IS THE
23 PUBLIC EMPLOYER OF THE EMPLOYEES OF THE SCHOOL DISTRICT FOR AS LONG
24 AS THE SCHOOL DISTRICT IS OPERATED BY THE CHIEF EDUCATIONAL
25 OFFICER.

26 (E) EXCEPT AS OTHERWISE PROVIDED BY LAW, AN INDIVIDUAL MAY BE
27 EMPLOYED TO TEACH IN THE SCHOOL DISTRICT ONLY IF HE OR SHE HOLDS A

1 VALID MICHIGAN TEACHING CERTIFICATE.

2 (F) THE CHIEF EDUCATIONAL OFFICER SHALL REPORT ALL OF THE
3 FOLLOWING TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION:

4 (i) THE EDUCATIONAL GOALS THE TURNAROUND SCHOOL DISTRICT IS TO
5 ACHIEVE AND THE METHODS BY WHICH IT WILL BE HELD ACCOUNTABLE. TO
6 THE EXTENT APPLICABLE, THE PUPIL PERFORMANCE OF A TURNAROUND SCHOOL
7 DISTRICT SHALL BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION
8 ASSESSMENT PROGRAM (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION,
9 AS APPLICABLE. AT A MINIMUM, THE EDUCATIONAL GOALS SHALL INCLUDE
10 THAT AT LEAST 80% OF THE SCHOOL DISTRICT'S PUPILS GRADUATE FROM
11 HIGH SCHOOL OR ARE DETERMINED BY THE DEPARTMENT TO BE ON TRACK TO
12 GRADUATE FROM HIGH SCHOOL, THE SCHOOL DISTRICT HAS AT LEAST 80%
13 AVERAGE ATTENDANCE, AND, FOR A SCHOOL DISTRICT THAT OPERATES A HIGH
14 SCHOOL, ITS PUPILS HAVE AN AVERAGE SCORE OF AT LEAST 18 ON THE
15 COLLEGE ENTRANCE EXAMINATION COMPONENT OF THE MICHIGAN MERIT
16 EXAMINATION.

17 (ii) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE
18 TURNAROUND SCHOOL DISTRICT'S COMPLIANCE WITH APPLICABLE LAW AND ITS
19 PERFORMANCE IN MEETING ITS TARGETED EDUCATIONAL OBJECTIVES.

20 (G) THE FOLLOWING POWERS CONCERNING EMPLOYEES:

21 (i) THE CHIEF EDUCATIONAL OFFICER MAY REMOVE A STAFF MEMBER
22 FROM A JOB ASSIGNMENT IN THE SCHOOL DISTRICT IN ACCORDANCE WITH ANY
23 APPLICABLE COLLECTIVE BARGAINING AGREEMENT, AFTER ANY MODIFICATION
24 OF THE COLLECTIVE BARGAINING AGREEMENT UNDER THIS SECTION, AND
25 DIRECT THAT HE OR SHE BE ASSIGNED ELSEWHERE IN THE SCHOOL DISTRICT.

26 (ii) THE CHIEF EDUCATIONAL OFFICER OR OTHER SCHOOL LEADER
27 DESIGNATED BY THE CHIEF EDUCATIONAL OFFICER MAY HIRE AND ASSIGN

1 EMPLOYEES TO WORK IN THE SCHOOL DISTRICT.

2 (H) THE SCHOOL BOARD OF THE TURNAROUND SCHOOL DISTRICT SHALL
3 ENSURE THAT ALL OF ITS SCHOOL OFFICIALS AND EMPLOYEES COOPERATE
4 WITH THE CHIEF EDUCATIONAL OFFICER AND WITH ANY EDUCATIONAL
5 MANAGEMENT ENTITY MANAGING THE TURNAROUND SCHOOL DISTRICT.

6 (I) THE CHIEF EDUCATIONAL OFFICER SHALL ADOPT AND IMPLEMENT
7 FOR THE TURNAROUND SCHOOL DISTRICT A PARENT INVOLVEMENT PLAN
8 DESIGNED TO ENCOURAGE PARENTAL PARTICIPATION. THIS PARENT
9 INVOLVEMENT PLAN MAY BE, BUT IS NOT REQUIRED TO BE, BASED ON THE
10 PARENT INVOLVEMENT PLAN PREVIOUSLY IMPLEMENTED IN THE SCHOOL
11 DISTRICT UNDER SECTION 1294. THE CHIEF EDUCATIONAL OFFICER SHALL
12 PROVIDE A COPY OF THE PARENT INVOLVEMENT PLAN TO THE PARENT OR
13 LEGAL GUARDIAN OF EACH PUPIL ENROLLED IN THE SCHOOL DISTRICT AND TO
14 THE SUPERINTENDENT OF PUBLIC INSTRUCTION. THE CHIEF EDUCATIONAL
15 OFFICER MAY PROVIDE THE COPY OF THE PLAN BY INCLUDING THE PLAN IN
16 THE STUDENT HANDBOOK OR A SIMILAR PUBLICATION THAT IS DISTRIBUTED
17 TO ALL PUPILS AND PARENTS.

18 (J) THE CHIEF EDUCATIONAL OFFICER SHALL ESTABLISH A SCHOOL
19 ADVISORY COUNCIL FOR THE TURNAROUND SCHOOL DISTRICT, AS APPLICABLE,
20 CONSISTING OF PARENTS AND COMMUNITY LEADERS AND SHALL MEET WITH THE
21 SCHOOL ADVISORY COUNCIL PERIODICALLY TO RECEIVE THEIR INPUT. THE
22 INTERMEDIATE SCHOOL DISTRICT IN WHICH THE TURNAROUND SCHOOL
23 DISTRICT IS LOCATED SHALL APPOINT A REPRESENTATIVE TO THE SCHOOL
24 ADVISORY COUNCIL. THE CHIEF EDUCATIONAL OFFICER MAY ALSO INCLUDE ON
25 THE ADVISORY COUNCIL 1 OR MORE PUPILS; REPRESENTATIVES OF LOCAL
26 COMMUNITY ORGANIZATIONS THAT OFFER HEALTH, SOCIAL, OR EDUCATIONAL
27 SERVICES; OR REPRESENTATIVES OF LOCAL WORKFORCE DEVELOPMENT BOARDS

1 OR POSTSECONDARY INSTITUTIONS THAT SERVE THE LOCAL COMMUNITY.

2 (K) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES
3 THAT THE TURNAROUND SCHOOL DISTRICT HAS NOT MET AT LEAST ALL OF THE
4 FOLLOWING AFTER 3 FULL SCHOOL YEARS OF BEING OPERATED BY A
5 PARTICULAR CHIEF EDUCATIONAL OFFICER, THE SUPERINTENDENT OF PUBLIC
6 INSTRUCTION SHALL APPOINT A NEW CHIEF EDUCATIONAL OFFICER FOR THE
7 SCHOOL DISTRICT AS PROVIDED UNDER THIS SECTION:

8 (i) AT LEAST 1 OF THE FOLLOWING:

9 (A) THE PERCENTAGE OF ALL PUPILS ENROLLED IN THE TURNAROUND
10 SCHOOL DISTRICT WHO SCORED AT LEAST "PROFICIENT" ON THE MOST RECENT
11 MICHIGAN EDUCATION ASSESSMENT PROGRAM ASSESSMENTS OR MICHIGAN MERIT
12 EXAMINATION, AS APPLICABLE, FOR WHICH RESULTS ARE AVAILABLE WAS AT
13 LEAST 30% IN EITHER MATHEMATICS OR ENGLISH LANGUAGE ARTS.

14 (B) THE PERCENTAGE OF ALL PUPILS BELOW THE PROFICIENT
15 ACHIEVEMENT LEVEL USED FOR THE FEDERAL PUPIL PERFORMANCE STANDARD
16 DECREASED BY AT LEAST 10% FROM THE PRECEDING YEAR. SCORES LABELED
17 "PROVISIONALLY PROFICIENT" ARE CONSIDERED AS PROFICIENT FOR THESE
18 PURPOSES.

19 (ii) ALL OF THE FOLLOWING EDUCATIONAL GOALS:

20 (A) AT LEAST 80% OF THE SCHOOL DISTRICT'S PUPILS GRADUATE FROM
21 HIGH SCHOOL OR ARE DETERMINED BY THE DEPARTMENT TO BE ON TRACK TO
22 GRADUATE FROM HIGH SCHOOL.

23 (B) THE SCHOOL DISTRICT HAS AT LEAST 80% AVERAGE ATTENDANCE.

24 (C) FOR A SCHOOL DISTRICT THAT OPERATES A HIGH SCHOOL, ITS
25 PUPILS HAVE AN AVERAGE SCORE OF AT LEAST 18 ON THE COLLEGE ENTRANCE
26 EXAMINATION COMPONENT OF THE MICHIGAN MERIT EXAMINATION.

27 (iii) THE REVIEW TEAM APPOINTED UNDER SUBSECTION (2) DETERMINES

1 IN ITS ANNUAL REEVALUATIONS THAT THE CHIEF EDUCATIONAL OFFICER IS
2 MAKING SATISFACTORY PROGRESS IN IMPLEMENTING THE RECOMMENDATIONS IN
3 THE REVIEW TEAM'S INITIAL EVALUATION REPORT.

4 (5) THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY DETERMINE AND
5 CERTIFY THAT THE CONDITIONS FOR REVOKING THE DESIGNATION OF A
6 SCHOOL DISTRICT AS A TURNAROUND SCHOOL DISTRICT HAVE BEEN MET AFTER
7 RECEIVING A RECOMMENDATION FROM THE CHIEF EDUCATIONAL OFFICER. THE
8 CHIEF EDUCATIONAL OFFICER MAY CONDITION HIS OR HER RECOMMENDATION
9 TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION UPON THE SCHOOL BOARD'S
10 ADOPTION OF A RESOLUTION THAT WILL ENSURE THAT THE GOALS AND
11 METHODS OF THE CHIEF EDUCATIONAL OFFICER, AS REPORTED TO THE
12 SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER SUBSECTION (4) (F), WILL
13 BE CONTINUED IN THE SCHOOL DISTRICT.

14 (6) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DO 1 OF THE
15 FOLLOWING:

16 (A) CREATE A HIGH-PERFORMING SCHOOL REVIEW TEAM THAT EVALUATES
17 PUBLIC SCHOOL ACADEMIES IN THIS STATE AND SIMILAR PUBLIC SCHOOLS IN
18 OTHER STATES TO IDENTIFY PERSONS OR ENTITIES THAT OPERATE HIGH-
19 PERFORMING PUBLIC SCHOOLS. THE HIGH-PERFORMING SCHOOL REVIEW TEAM
20 SHALL CONSIST OF AT LEAST TEACHERS, SCHOOL ADMINISTRATORS, AND
21 OTHER EDUCATIONAL EXPERTS. IN IDENTIFYING HIGH-PERFORMING PUBLIC
22 SCHOOLS, THE HIGH-PERFORMING SCHOOL REVIEW TEAM SHALL TAKE INTO
23 ACCOUNT THE PAST ACADEMIC PERFORMANCE OF PUPILS AT THE SCHOOL, PAST
24 GRADE OFFERINGS AT THE SCHOOL, AND THE DEMOGRAPHICS OF PUPILS AT
25 THE SCHOOL.

26 (B) CONTRACT WITH AN ENTITY TO PERFORM THE FUNCTIONS UNDER
27 SUBDIVISION (A).

1 (7) SUBJECT TO SECTION 1280D, A CHIEF EDUCATIONAL OFFICER MAY
2 CONTRACT WITH AN EDUCATIONAL MANAGEMENT ENTITY FOR THE MANAGEMENT
3 OF THE TURNAROUND SCHOOL DISTRICT THAT THE CHIEF EDUCATIONAL
4 OFFICER OPERATES, AT THE DISCRETION OF THE CHIEF EDUCATIONAL
5 OFFICER. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL USE THE
6 EVALUATIONS OF THE HIGH-PERFORMING SCHOOL REVIEW TEAM OR THE
7 CONTRACTING ENTITY UNDER SUBSECTION (6) TO SOLICIT PROPOSALS FROM
8 EDUCATIONAL MANAGEMENT ENTITIES TO MANAGE TURNAROUND SCHOOL
9 DISTRICTS. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL SHARE
10 THESE PROPOSALS WITH THE CHIEF EDUCATIONAL OFFICERS APPOINTED BY
11 THE SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER THIS SECTION.

12 (8) UNLESS THE LEGISLATURE PROVIDES SPECIAL FUNDING, A CHIEF
13 EDUCATIONAL OFFICER APPOINTED UNDER THIS SECTION SHALL RECEIVE
14 COMPENSATION AS ESTABLISHED BY THE SUPERINTENDENT OF PUBLIC
15 INSTRUCTION, AND REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES,
16 FROM THE TURNAROUND SCHOOL DISTRICT, AS APPROVED BY THE
17 SUPERINTENDENT OF PUBLIC INSTRUCTION. IN ADDITION TO STAFF
18 OTHERWISE AUTHORIZED BY LAW, WITH THE APPROVAL OF THE
19 SUPERINTENDENT OF PUBLIC INSTRUCTION, THE CHIEF EDUCATIONAL OFFICER
20 MAY APPOINT ADDITIONAL STAFF AND SECURE PROFESSIONAL ASSISTANCE
21 CONSIDERED NECESSARY TO IMPLEMENT THIS SECTION. IF THE CHIEF
22 EDUCATIONAL OFFICER WAS CHOSEN BASED ON HIS OR HER EXPERIENCE AND
23 COMPETENCE IN BUSINESS AND FISCAL MATTERS, THE CHIEF EDUCATIONAL
24 OFFICER, WITH THE APPROVAL OF THE SUPERINTENDENT OF PUBLIC
25 INSTRUCTION, SHALL HIRE AN EXPERT IN EDUCATIONAL REFORM AND
26 REDESIGN WITH A PROVEN RECORD OF IMPROVING PUPIL ACHIEVEMENT TO
27 ASSIST THE CHIEF EDUCATIONAL OFFICER IN OPERATING THE TURNAROUND

1 SCHOOL DISTRICT.

2 (9) AT LEAST ANNUALLY, THE DEPARTMENT SHALL PUBLISH A WATCH
3 LIST OF PUBLIC SCHOOLS THAT ARE IN DANGER OF BEING DETERMINED TO BE
4 AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE,
5 AS DEFINED FOR THE PURPOSES OF THE FEDERAL INCENTIVE GRANT PROGRAM
6 CREATED UNDER SECTIONS 14005 AND 14006 OF TITLE XIV OF THE AMERICAN
7 RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW 111-5. THE
8 DEPARTMENT SHALL INCLUDE A PUBLIC SCHOOL ON THIS WATCH LIST IF THE
9 DEPARTMENT DETERMINES THAT A PUBLIC SCHOOL HAS BEEN UNACCREDITED
10 UNDER SECTION 1280 FOR 2 OR MORE CONSECUTIVE YEARS OR HAS FAILED TO
11 ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD FOR 3 OR MORE
12 CONSECUTIVE YEARS, AND THAT THE PERCENTAGE OF ALL PUPILS ENROLLED
13 IN THE PUBLIC SCHOOL WHO SCORED AT LEAST "PROFICIENT" ON THE MOST
14 RECENT MICHIGAN EDUCATION ASSESSMENT PROGRAM ASSESSMENTS OR
15 MICHIGAN MERIT EXAMINATION, AS APPLICABLE, FOR WHICH RESULTS ARE
16 AVAILABLE WAS LESS THAN 45% IN BOTH MATHEMATICS AND ENGLISH
17 LANGUAGE ARTS, AND MAY INCLUDE OTHER PUBLIC SCHOOLS IF THE
18 DEPARTMENT DETERMINES THAT THERE ARE OTHER REASONS WHY THEY ARE IN
19 DANGER OF BEING DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF
20 ALL PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF
21 THE FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005
22 AND 14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT
23 ACT OF 2009, PUBLIC LAW 111-5.

24 (10) IF A PUBLIC SCHOOL IS INCLUDED ON THE WATCH LIST UNDER
25 SUBSECTION (9), THE DEPARTMENT SHALL NOTIFY THE SCHOOL BOARD OR
26 BOARD OF DIRECTORS THAT OPERATES THE PUBLIC SCHOOL, THE COLLECTIVE
27 BARGAINING REPRESENTATIVES OF ALL COLLECTIVE BARGAINING UNITS WITH

1 MEMBERS WHO WORK AT THE SCHOOL OR WHO ARE EMPLOYED BY THAT SCHOOL
2 BOARD OR BOARD OF DIRECTORS, AND THE INTERMEDIATE SCHOOL DISTRICT
3 IN WHICH THE PUBLIC SCHOOL IS LOCATED. THE SCHOOL BOARD OR BOARD OF
4 DIRECTORS SHALL NOTIFY EMPLOYEES AND PARENT ORGANIZATIONS OF THE
5 SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY THAT THE SCHOOL HAS BEEN
6 PLACED ON THIS WATCH LIST AND SHALL PUBLISH A NOTICE TO THIS EFFECT
7 ON ITS WEBSITE. THE SCHOOL BOARD OR BOARD OF DIRECTORS SHALL ENSURE
8 THAT APPROPRIATE PERSONNEL OF THE SCHOOL DISTRICT OR SCHOOL MEET
9 WITH THE INTERMEDIATE SCHOOL DISTRICT IN WHICH THE PUBLIC SCHOOL IS
10 LOCATED TO DEVELOP A PLAN TO IMPLEMENT MEASURES AT THE PUBLIC
11 SCHOOL THAT ARE DESIGNED TO ENABLE THE PUBLIC SCHOOL TO MAKE THE
12 NECESSARY IMPROVEMENT TO BE REMOVED FROM THE WATCH LIST.

13 (11) FOR THE PURPOSES OF THIS SECTION, THE SUPERINTENDENT OF
14 PUBLIC INSTRUCTION IS ENCOURAGED TO CONSIDER TAKING MEASURES TO
15 INCREASE THE NUMBER OF QUALIFIED SCHOOL COUNSELORS SERVING A
16 TURNAROUND SCHOOL DISTRICT TO ENSURE THAT THERE IS AT LEAST 1
17 QUALIFIED SCHOOL COUNSELOR FOR EVERY 250 PUPILS. IF FEDERAL FUNDS
18 BECOME AVAILABLE TO SUPPORT THE PLACEMENT OF ADDITIONAL QUALIFIED
19 SCHOOL COUNSELORS FOR A TURNAROUND SCHOOL DISTRICT, THE DEPARTMENT
20 SHALL NOTIFY THE CHIEF EDUCATIONAL OFFICER OPERATING THE TURNAROUND
21 SCHOOL DISTRICT ABOUT THESE FUNDS AND SHALL TAKE STEPS AS NECESSARY
22 TO FACILITATE THE PROCUREMENT OF THESE FUNDS FOR THE TURNAROUND
23 SCHOOL DISTRICT.

24 (12) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES
25 THAT THE RESOURCES AVAILABLE TO THE DEPARTMENT ARE INSUFFICIENT TO
26 ADDRESS ALL OF THE SCHOOL DISTRICTS DESCRIBED IN SUBSECTION (1),
27 THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PRIORITIZE HIS OR

1 HER EFFORTS BY ADDRESSING THE 30 LOWEST-PERFORMING SCHOOL DISTRICTS
2 DURING THE 2011-2012 SCHOOL YEAR AND 30 ADDITIONAL SCHOOL DISTRICTS
3 EACH SUBSEQUENT SCHOOL YEAR UNTIL ALL OF THE SCHOOL DISTRICTS
4 DESCRIBED IN SUBSECTION (1) HAVE BEEN ADDRESSED.

5 (13) AT LEAST QUARTERLY, THE SUPERINTENDENT OF PUBLIC
6 INSTRUCTION SHALL SUBMIT A REPORT TO THE STANDING COMMITTEES OF THE
7 SENATE AND HOUSE OF REPRESENTATIVES HAVING JURISDICTION OVER
8 EDUCATION LEGISLATION ON THE PROGRESS BEING MADE IN IMPROVING PUPIL
9 PROFICIENCY DUE TO THE MEASURES UNDER THIS SECTION.

10 (14) THIS STATE, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND
11 A CHIEF EDUCATIONAL OFFICER APPOINTED UNDER THIS SECTION ARE NOT
12 LIABLE FOR ANY OBLIGATION OF OR CLAIM AGAINST A SCHOOL DISTRICT
13 RESULTING FROM ACTIONS TAKEN IN ACCORDANCE WITH THIS SECTION.

14 (15) AS USED IN THIS SECTION:

15 (A) "ACHIEVED THE FEDERAL PUPIL PERFORMANCE STANDARD" MEANS
16 THAT THE DEPARTMENT HAS DETERMINED THAT THE SCHOOL HAS ACHIEVED
17 ADEQUATE YEARLY PROGRESS UNDER THE NO CHILD LEFT BEHIND ACT OF
18 2001, PUBLIC LAW 107-110, OR HAS MET A SUCCESSOR FEDERAL STANDARD
19 THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION HAS IDENTIFIED AS
20 BEING A STANDARD ESTABLISHED BY THE FEDERAL GOVERNMENT THAT IS
21 BASED ON PUPIL PERFORMANCE AND IS REQUIRED TO BE MET IN ORDER TO
22 RECEIVE FULL FEDERAL FUNDING.

23 (B) "FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD"
24 MEANS THAT THE DEPARTMENT HAS DETERMINED THAT THE SCHOOL HAS FAILED
25 TO ACHIEVE ADEQUATE YEARLY PROGRESS UNDER THE NO CHILD LEFT BEHIND
26 ACT OF 2001, PUBLIC LAW 107-110, OR HAS FAILED TO MEET A SUCCESSOR
27 FEDERAL STANDARD THAT THE SUPERINTENDENT OF PUBLIC INSTRUCTION HAS

1 IDENTIFIED AS BEING A STANDARD ESTABLISHED BY THE FEDERAL
2 GOVERNMENT THAT IS BASED ON PUPIL PERFORMANCE AND IS REQUIRED TO BE
3 MET IN ORDER TO RECEIVE FULL FEDERAL FUNDING.

4 SEC. 1280D. (1) IF A CHIEF EDUCATIONAL OFFICER OPERATING A
5 TURNAROUND SCHOOL DISTRICT UNDER SECTION 1280C ENTERS INTO A
6 CONTRACT WITH AN EDUCATIONAL MANAGEMENT ENTITY FOR THE MANAGEMENT
7 OF THE TURNAROUND SCHOOL DISTRICT, THE CHIEF EDUCATIONAL OFFICER
8 SHALL ENSURE ALL OF THE FOLLOWING:

9 (A) THAT THE CHIEF EDUCATIONAL OFFICER HAS CONDUCTED
10 SUFFICIENT DUE DILIGENCE TO CONCLUDE THAT THE EDUCATIONAL
11 MANAGEMENT ENTITY HAS SUFFICIENT EDUCATIONAL EXPERTISE AND
12 MANAGEMENT EXPERIENCE TO PROVIDE THE AGREED SERVICES.

13 (B) THAT THE CHIEF EDUCATIONAL OFFICER WILL OBTAIN INDEPENDENT
14 LEGAL COUNSEL IN ALL NEGOTIATIONS WITH THE EDUCATIONAL MANAGEMENT
15 ENTITY.

16 (C) THAT, PURSUANT TO THE CONTRACT BETWEEN THE CHIEF
17 EDUCATIONAL OFFICER AND THE EDUCATIONAL MANAGEMENT ENTITY, THE
18 EDUCATIONAL MANAGEMENT ENTITY WILL PROVIDE TO THE CHIEF EDUCATIONAL
19 OFFICER ALL FINANCIAL AND OTHER INFORMATION REQUIRED TO COMPLY WITH
20 THE REQUIREMENTS CONCERNING REPORTING UNDER SECTION 1280C.

21 (2) IF A CHIEF EDUCATIONAL OFFICER OPERATING A TURNAROUND
22 SCHOOL DISTRICT UNDER SECTION 1280C ENTERS INTO A CONTRACT WITH AN
23 EDUCATIONAL MANAGEMENT ENTITY FOR THE MANAGEMENT OF THE TURNAROUND
24 SCHOOL DISTRICT, THE CONTRACT BETWEEN THE CHIEF EDUCATIONAL OFFICER
25 AND THE EDUCATIONAL MANAGEMENT ENTITY SHALL CONTAIN AT LEAST ALL OF
26 THE FOLLOWING PROVISIONS:

27 (A) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT ENTITY TO

1 PROVIDE TO THE CHIEF EDUCATIONAL OFFICER INFORMATION REGARDING ANY
2 TEACHERS, ADMINISTRATORS, AND SUPPORT STAFF EMPLOYED BY THE
3 EDUCATIONAL MANAGEMENT ENTITY AND ASSIGNED TO WORK IN THE SCHOOL
4 DISTRICT, INCLUDING AT LEAST ALL OF THE FOLLOWING PERSONAL
5 INFORMATION:

6 (i) NAME.

7 (ii) EDUCATION, INCLUDING HIGHEST DEGREE ATTAINED.

8 (iii) SALARY.

9 (iv) COPY OF TEACHING CERTIFICATE OR OTHER REQUIRED PERMIT OR
10 CREDENTIAL, IF REQUIRED FOR THE POSITION.

11 (v) DESCRIPTION OF RELEVANT EXPERIENCE.

12 (vi) EMPLOYMENT RECORD.

13 (B) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT ENTITY TO
14 PROVIDE TO THE CHIEF EDUCATIONAL OFFICER INFORMATION REGARDING THE
15 BUSINESS OPERATIONS OF THE TURNAROUND SCHOOL DISTRICT, INCLUDING AT
16 LEAST ALL OF THE FOLLOWING:

17 (i) FINANCIAL RECORDS AND INFORMATION CONCERNING THE OPERATION
18 OF THE SCHOOL DISTRICT, INCLUDING, BUT NOT LIMITED TO, BUDGETS AND
19 DETAILED RECORDS OF FUNDS RECEIVED FROM THIS STATE AND OTHER
20 ENTITIES, EXPENDITURE OF THOSE FUNDS, INVESTMENT OF THOSE FUNDS,
21 CARRYOVER, AND CONTRACTUAL ARRANGEMENTS OR AGREEMENTS ENTERED INTO
22 BY THE EDUCATIONAL MANAGEMENT ENTITY AS AN AGENT OF THE CHIEF
23 EDUCATIONAL OFFICER.

24 (ii) FINANCIAL RECORDS AND INFORMATION CONCERNING LEASES TO
25 WHICH THE CHIEF EDUCATIONAL OFFICER IS A PARTY, INCLUDING, BUT NOT
26 LIMITED TO, LEASES FOR EQUIPMENT, PHYSICAL FACILITY SPACE, OR
27 INSTITUTIONAL AND EDUCATIONAL MATERIALS.

1 (iii) FINANCIAL RECORDS AND INFORMATION CONCERNING MORTGAGES AND
2 LOANS TO WHICH THE CHIEF EDUCATIONAL OFFICER IS A PARTY.

3 (C) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT ENTITY TO
4 MAKE INFORMATION AVAILABLE TO THE CHIEF EDUCATIONAL OFFICER
5 CONCERNING THE OPERATION AND MANAGEMENT OF THE TURNAROUND SCHOOL
6 DISTRICT, INCLUDING AT LEAST ALL OF THE INFORMATION NECESSARY TO
7 COMPLY WITH THE REQUIREMENTS CONCERNING REPORTING UNDER SECTION
8 1280C.

9 (3) THIS SECTION DOES NOT APPLY TO A CONTRACT TO FURNISH
10 SUBSTITUTE TEACHERS ENTERED INTO UNDER SECTION 1236A.

11 (4) AS USED IN THIS SECTION:

12 (A) "EDUCATIONAL MANAGEMENT ENTITY" MEANS AN ENTITY THAT
13 ENTERS INTO AN AGREEMENT WITH THE CHIEF EDUCATIONAL OFFICER
14 OPERATING A TURNAROUND SCHOOL DISTRICT UNDER SECTION 1280C TO
15 PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR
16 INSTRUCTIONAL SERVICES OR STAFF TO THE TURNAROUND SCHOOL DISTRICT.

17 (B) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS
18 CORPORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION,
19 CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

20 Sec. 1311. (1) Subject to subsection (2), the school board, or
21 the school district superintendent, a school building principal, or
22 another school district official if designated by the school board,
23 may authorize or order the suspension or expulsion from school of a
24 pupil guilty of gross misdemeanor or persistent disobedience if, in
25 the judgment of the school board or its designee, as applicable,
26 the interest of the school is served by the authorization or order.
27 If there is reasonable cause to believe that the pupil is a student

1 with a disability, and the school district has not evaluated the
2 pupil in accordance with rules of the superintendent of public
3 instruction to determine if the pupil is a student with a
4 disability, the pupil shall be evaluated immediately by the
5 intermediate school district of which the school district is
6 constituent in accordance with section 1711.

7 (2) ~~IF~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (11), IF** a
8 pupil possesses in a weapon free school zone a weapon that
9 constitutes a dangerous weapon, commits arson in a school building
10 or on school grounds, or commits criminal sexual conduct in a
11 school building or on school grounds, the school board, or the
12 designee of the school board as described in subsection (1) on
13 behalf of the school board, shall expel the pupil from the school
14 district permanently, subject to possible reinstatement under
15 subsection (5). However, a school board is not required to expel a
16 pupil for possessing a weapon if the pupil establishes in a clear
17 and convincing manner at least 1 of the following:

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

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

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

25 (d) The weapon was possessed by the pupil at the suggestion,
26 request, or direction of, or with the express permission of, school
27 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
5 participates cooperatively in an alternative education program
6 appropriate for individuals expelled pursuant to subsection (2) and
7 in its discretion admits the individual to that program, and except
8 for a strict discipline academy established under sections 1311b to
9 1311l, an individual expelled pursuant to subsection (2) is expelled
10 from all public schools in this state and the officials of a school
11 district shall not allow the individual to enroll in the school
12 district unless the individual has been reinstated under subsection
13 (5). Except as otherwise provided by law, a program operated for
14 individuals expelled pursuant to subsection (2) shall ensure that
15 those individuals are physically separated at all times during the
16 school day from the general pupil population. If an individual
17 expelled from a school district pursuant to subsection (2) is not
18 placed in an alternative education program or strict discipline
19 academy, the school district may provide, or may arrange for the
20 intermediate school district to provide, appropriate instructional
21 services to the individual at home. The type of services provided
22 shall meet the requirements of section 6(4)(u) of the state school
23 aid act of 1979, MCL 388.1606, and the services may be contracted
24 for in the same manner as services for homebound pupils under
25 section 109 of the state school aid act of 1979, MCL 388.1709. This
26 subsection does not require a school district to expend more money
27 for providing services for a pupil expelled pursuant to subsection

1 (2) than the amount of the foundation allowance the school district
2 receives for the pupil as calculated under section 20 of the state
3 school aid act of 1979, MCL 388.1620.

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

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

22 (a) For an individual who was enrolled in grade 5 or below at
23 the time of the expulsion and who has been expelled for possessing
24 a firearm or threatening another person with a dangerous weapon,
25 the parent or legal guardian or, if the individual is at least age
26 18 or is an emancipated minor, the individual may initiate a
27 petition for reinstatement at any time after the expiration of 60

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

13 (b) An individual who was in grade 5 or below at the time of
14 the expulsion and who has been expelled for possessing a firearm or
15 threatening another person with a dangerous weapon shall not be
16 reinstated before the expiration of 90 school days after the date
17 of expulsion. An individual who was in grade 5 or below at the time
18 of the expulsion and who has been expelled pursuant to subsection
19 (2) for a reason other than possessing a firearm or threatening
20 another person with a dangerous weapon shall not be reinstated
21 before the expiration of 10 school days after the date of the
22 expulsion. An individual who was in grade 6 or above at the time of
23 the expulsion shall not be reinstated before the expiration of 180
24 school days after the date of expulsion.

25 (c) It is the responsibility of the parent or legal guardian
26 or, if the individual is at least age 18 or is an emancipated
27 minor, of the individual to prepare and submit the petition. A

1 school board is not required to provide any assistance in preparing
2 the petition. Upon request by a parent or legal guardian or, if the
3 individual is at least age 18 or is an emancipated minor, by the
4 individual, a school board shall make available a form for a
5 petition.

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

17 (e) Not later than 10 school days after all members are
18 appointed, the committee described in subdivision (d) shall review
19 the petition and any supporting information and information
20 provided by the school district and shall submit a recommendation
21 to the school board on the issue of reinstatement. The
22 recommendation shall be for unconditional reinstatement, for
23 conditional reinstatement, or against reinstatement, and shall be
24 accompanied by an explanation of the reasons for the recommendation
25 and of any recommended conditions for reinstatement. The
26 recommendation shall be based on consideration of all of the
27 following factors:

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

3 (ii) The extent to which reinstatement of the individual would
4 create a risk of school district liability or individual liability
5 for the school board or school district personnel.

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

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

9 (v) The individual's attitude concerning the incident that
10 caused the expulsion.

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

13 (vii) If the petition was filed by a parent or legal guardian,
14 the degree of cooperation and support that has been provided by the
15 parent or legal guardian and that can be expected if the individual
16 is reinstated, including, but not limited to, receptiveness toward
17 possible conditions placed on the reinstatement.

18 (f) Not later than the next regularly scheduled board meeting
19 after receiving the recommendation of the committee under
20 subdivision (e), a school board shall make a decision to
21 unconditionally reinstate the individual, conditionally reinstate
22 the individual, or deny reinstatement of the individual. The
23 decision of the school board is final.

24 (g) A school board may require an individual and, if the
25 petition was filed by a parent or legal guardian, his or her parent
26 or legal guardian to agree in writing to specific conditions before
27 reinstating the individual in a conditional reinstatement. The

1 conditions may include, but are not limited to, agreement to a
2 behavior contract, which may involve the individual, parent or
3 legal guardian, and an outside agency; participation in or
4 completion of an anger management program or other appropriate
5 counseling; periodic progress reviews; and specified immediate
6 consequences for failure to abide by a condition. A parent or legal
7 guardian or, if the individual is at least age 18 or is an
8 emancipated minor, the individual may include proposed conditions
9 in a petition for reinstatement submitted under this subsection.

10 (6) A school board or school administrator that complies with
11 subsection (2) is not liable for damages for expelling a pupil
12 pursuant to subsection (2), and the authorizing body of a public
13 school academy is not liable for damages for expulsion of a pupil
14 by the public school academy pursuant to subsection (2).

15 (7) The department shall develop and distribute to all school
16 districts a form for a petition for reinstatement to be used under
17 subsection (5).

18 (8) This section does not diminish any rights under federal
19 law of a pupil who has been determined to be eligible for special
20 education programs and services.

21 (9) If a pupil expelled from a public school district pursuant
22 to subsection (2) is enrolled by a public school district sponsored
23 alternative education program or a public school academy during the
24 period of expulsion, the public school academy or alternative
25 education program shall immediately become eligible for the
26 prorated share of either the public school academy or operating
27 school district's foundation allowance or the expelling school

1 district's foundation allowance, whichever is higher.

2 (10) If an individual is expelled pursuant to subsection (2),
3 it is the responsibility of that individual and of his or her
4 parent or legal guardian to locate a suitable alternative
5 educational program and to enroll the individual in such a program
6 during the expulsion. The office of safe schools in the department
7 shall compile information on and catalog existing alternative
8 education programs or schools and nonpublic schools that may be
9 open to enrollment of individuals expelled pursuant to subsection
10 (2) and pursuant to section 1311a, and shall periodically
11 distribute this information to school districts for distribution to
12 expelled individuals. A school board that establishes an
13 alternative education program or school described in this
14 subsection shall notify the office of safe schools about the
15 program or school and the types of pupils it serves. The office of
16 safe schools also shall work with and provide technical assistance
17 to school districts, authorizing bodies for public school
18 academies, and other interested parties in developing these types
19 of alternative education programs or schools in geographic areas
20 that are not being served.

21 (11) **SUBSECTION (2) DOES NOT APPLY TO A PUPIL WHO IS ENGAGED**
22 **SOLELY IN REMOTE INSTRUCTION AND LEARNING FROM THE PUPIL'S HOME,**
23 **PROVIDED BY A SCHOOL OF EXCELLENCE THAT IS A CYBER SCHOOL, AS**
24 **DEFINED IN SECTION 551.**

25 (12) ~~(11)~~As used in this section:

26 (a) "Arson" means a felony violation of chapter X of the
27 Michigan penal code, 1931 PA 328, MCL 750.71 to 750.80.

1 (b) "Criminal sexual conduct" means a violation of section
2 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA
3 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

4 (c) "Dangerous weapon" means that term as defined in section
5 1313.

6 (d) "Firearm" means that term as defined in section 921 of
7 title 18 of the United States Code, 18 USC 921.

8 (e) "School board" means a school board, intermediate school
9 board, or the board of directors of a public school academy.

10 (f) "School district" means a school district, a local act
11 school district, an intermediate school district, or a public
12 school academy.

13 (g) "Weapon free school zone" means that term as defined in
14 section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

15 Sec. 1536. (1) The state board shall develop a school
16 administrator's certificate that ~~may~~**SHALL** be issued to **ALL** school
17 district and intermediate school district superintendents, school
18 principals, assistant principals, and other administrators whose
19 primary responsibility is administering instructional programs **AND**
20 **WHO MEET THE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (3)**. An
21 individual **DESCRIBED IN SECTION 1246(1)(A)** is not required by this
22 section to have a school administrator's certificate under this
23 section or an endorsement under subsection (2) to be employed as a
24 school administrator by a school district, public school academy,
25 intermediate school district, or nonpublic school.

26 (2) The state board also ~~may~~**SHALL** develop appropriate
27 certificate endorsements for school administrators, by elementary,

1 secondary, and central office level.

2 (3) The state board shall develop standards, and **THE**
3 **SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DEVELOP** procedures, to
4 implement this section. The standards and procedures shall address
5 at least all of the following:

6 (a) The educational and professional experience requirements
7 for a certificate or endorsement under this section.

8 (b) Continuing education requirements for periodic
9 recertification. These requirements shall be consistent with the
10 continuing education requirements under section 1246.

11 (c) Procedures for application for and issuance of
12 certificates and endorsements under this section.

13 (d) Standards and procedures for suspension and revocation of
14 a certificate. These standards and procedures shall be based on the
15 standards and procedures for taking action against a person's
16 teaching certificate under section 1535a.

17 (4) The department shall consult and work with appropriate
18 professional organizations, primarily organizations representing
19 superintendents and building-level administrators, in developing
20 the standards required under this section.

21 (5) For the purposes of adding 1 or more enhancement or
22 specialty endorsements for a school administrator's certificate,
23 the department may recognize performance-based professional
24 learning programs offered by established state professional
25 organizations that represent school administrators described in
26 subsection (1). These programs must be approved by the department
27 based on alignment with state board-approved school administrator

1 program preparation standards.

2 (6) A SCHOOL ADMINISTRATOR'S CERTIFICATE ISSUED UNDER THIS
3 SECTION IS VALID FOR 5 YEARS AND SHALL BE RENEWED UPON COMPLETION
4 OF RENEWAL UNITS AS DETERMINED BY THE SUPERINTENDENT OF PUBLIC
5 INSTRUCTION.

6 (7) THE DEPARTMENT SHALL RECOGNIZE ALTERNATIVE PATHWAYS TO
7 EARNING THE BASIC SCHOOL ADMINISTRATOR'S CERTIFICATE BASED ON
8 EXPERIENCE OR ALTERNATIVE PREPARATION, OR BOTH, IF THE ALTERNATIVE
9 CERTIFICATION PROGRAM IS SUBMITTED BY AN ESTABLISHED STATE
10 PROFESSIONAL ORGANIZATION AND MEETS CRITERIA SET FORTH BY STATE
11 BOARD APPROVED SCHOOL ADMINISTRATOR PROGRAM PREPARATION STANDARDS.

12 (8) ~~(6)~~—As used in this section, "established state
13 professional organization" means an association that has served
14 members on a statewide basis for at least 10 years.

15 Enacting section 1. This amendatory act does not take effect
16 unless all of the following bills of the 95th Legislature are
17 enacted into law:

18 (a) Senate Bill No. 638.

19 (b) Senate Bill No. 926.

20 (c) Senate Bill No. 981.

21 (d) House Bill No. 4788.

22 (e) House Bill No. 5596.