

HOUSE BILL No. 4787

April 2, 2009, Introduced by Reps. Melton and Johnson and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5 and 1280 (MCL 380.5 and 380.1280), section 5 as amended by 2005 PA 61 and section 1280 as amended by 2006 PA 123, and by adding sections 1280c and 1320 and part 6d.

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
4 district board" as used in article 3 include a local act school
5 district and a local act school district board.

6 (2) "Membership" means the number of full-time equivalent
7 pupils in a public school as determined by the number of pupils

1 registered for attendance plus pupils received by transfer and
2 minus pupils lost as defined by rules promulgated by the state
3 board.

4 (3) "Michigan election law" means the Michigan election law,
5 1954 PA 116, MCL 168.1 to 168.992.

6 (4) "Nonpublic school" means a private, denominational, or
7 parochial school.

8 (5) "Objectives" means measurable pupil academic skills and
9 knowledge.

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

22 (7) "Public school academy" means a public school academy
23 established under part 6a and, except as used in part 6a, also
24 includes an urban high school academy established under part 6c, **A**
25 **TURNAROUND SCHOOL ESTABLISHED UNDER PART 6D**, and a strict
26 discipline academy established under sections 1311b to 1311f.

27 (8) "Pupil membership count day" of a school district means

1 that term as defined in section 6 of the state school aid act of
2 1979, MCL 388.1606.

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

9 (10) "Reorganized intermediate school district" means an
10 intermediate school district formed by consolidation or annexation
11 of 2 or more intermediate school districts under sections 701 and
12 702.

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

15 PART 6D

16 TURNAROUND SCHOOLS

17 SEC. 531. (1) A TURNAROUND SCHOOL IS A PUBLIC SCHOOL UNDER
18 SECTION 2 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, IS A
19 SCHOOL DISTRICT FOR THE PURPOSES OF SECTION 11 OF ARTICLE IX OF THE
20 STATE CONSTITUTION OF 1963 AND FOR THE PURPOSES OF SECTIONS 1225
21 AND 1351A, AND IS SUBJECT TO THE LEADERSHIP AND GENERAL SUPERVISION
22 OF THE STATE BOARD OVER ALL PUBLIC EDUCATION UNDER SECTION 3 OF
23 ARTICLE VIII OF THE STATE CONSTITUTION OF 1963. A TURNAROUND SCHOOL
24 IS A BODY CORPORATE AND IS A GOVERNMENTAL AGENCY. THE POWERS
25 GRANTED TO A TURNAROUND SCHOOL UNDER THIS PART CONSTITUTE THE
26 PERFORMANCE OF ESSENTIAL PUBLIC PURPOSES AND GOVERNMENTAL FUNCTIONS
27 OF THIS STATE.

1 (2) AS USED IN THIS PART:

2 (A) "AUTHORIZING BODY" MEANS ANY OF THE FOLLOWING:

3 (i) THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY THAT
4 ISSUES A CONTRACT AS PROVIDED IN THIS PART.

5 (ii) THE BOARD OF A COMMUNITY COLLEGE ESTABLISHED UNDER THE
6 COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1 TO 389.195.

7 (iii) THE INTERMEDIATE BOARD OF AN INTERMEDIATE SCHOOL DISTRICT.

8 (iv) THE BOARD OF A SCHOOL DISTRICT.

9 (B) "CERTIFICATED TEACHER" MEANS AN INDIVIDUAL WHO HOLDS A
10 VALID TEACHING CERTIFICATE ISSUED BY THE SUPERINTENDENT OF PUBLIC
11 INSTRUCTION UNDER THIS ACT.

12 (C) "CONTRACT" MEANS THE EXECUTIVE ACT TAKEN BY AN AUTHORIZING
13 BODY THAT EVIDENCES THE AUTHORIZATION OF A TURNAROUND SCHOOL AND
14 THAT ESTABLISHES, SUBJECT TO THE CONSTITUTIONAL POWERS OF THE STATE
15 BOARD AND APPLICABLE LAW, THE WRITTEN INSTRUMENT EXECUTED BY AN
16 AUTHORIZING BODY CONFERRING CERTAIN RIGHTS, FRANCHISES, PRIVILEGES,
17 AND OBLIGATIONS ON A TURNAROUND SCHOOL, AS PROVIDED BY THIS PART,
18 AND CONFIRMING THE STATUS OF A TURNAROUND SCHOOL AS A PUBLIC SCHOOL
19 IN THIS STATE.

20 (D) "EDUCATIONAL MANAGEMENT ORGANIZATION" MEANS AN ENTITY THAT
21 ENTERS INTO AN AGREEMENT WITH THE GOVERNING BOARD OF A PUBLIC
22 SCHOOL TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE,
23 MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO THE PUBLIC
24 SCHOOL.

25 (E) "ENTITY" MEANS THAT TERM AS DEFINED IN PART 6A.

26 (F) "FAILING PUBLIC SCHOOL" MEANS A SCHOOL THAT IS DETERMINED
27 BY THE DEPARTMENT TO BE SUBJECT TO THE MEASURES UNDER SECTION

1 1280(14).

2 (G) "QUALIFIED ENTITY" MEANS AN ENTITY THAT IS DETERMINED BY
3 THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MEET ALL OF THE
4 FOLLOWING:

5 (i) HAS BEEN ISSUED AND IS CURRENTLY A PARTY TO A CONTRACT WITH
6 AN AUTHORIZING BODY TO ORGANIZE AND OPERATE AT LEAST 1 PUBLIC
7 SCHOOL ACADEMY UNDER PART 6A.

8 (ii) FOR EACH PUBLIC SCHOOL ACADEMY THAT IT OPERATES, THE
9 SCORES OF THE PUBLIC SCHOOL ACADEMY'S PUPILS ON MICHIGAN
10 EDUCATIONAL ASSESSMENT PROGRAM TESTS AND, IF THE PUBLIC SCHOOL
11 ACADEMY IS A HIGH SCHOOL, ON THE MICHIGAN MERIT EXAMINATION ARE ON
12 AVERAGE AT LEAST 10% HIGHER THAN THE SCORES OF THE PUPILS OF THE
13 SCHOOL DISTRICT IN WHICH THE PUBLIC SCHOOL ACADEMY IS LOCATED.

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

17 SEC. 532. (1) A TURNAROUND SCHOOL SHALL BE ORGANIZED AND
18 ADMINISTERED UNDER THE DIRECTION OF A BOARD OF DIRECTORS IN
19 ACCORDANCE WITH THIS PART AND WITH BYLAWS ADOPTED BY THE BOARD OF
20 DIRECTORS. A TURNAROUND SCHOOL CORPORATION SHALL BE ORGANIZED UNDER
21 THE NONPROFIT CORPORATION ACT, 1982 PA 162, MCL 450.2101 TO
22 450.3192, EXCEPT THAT A TURNAROUND SCHOOL CORPORATION IS NOT
23 REQUIRED TO COMPLY WITH SECTIONS 170 TO 177 OF 1931 PA 327, MCL
24 450.170 TO 450.177. TO THE EXTENT DISQUALIFIED UNDER THE STATE OR
25 FEDERAL CONSTITUTION, A TURNAROUND SCHOOL SHALL NOT BE ORGANIZED BY
26 A CHURCH OR OTHER RELIGIOUS ORGANIZATION AND SHALL NOT HAVE ANY
27 ORGANIZATIONAL OR CONTRACTUAL AFFILIATION WITH OR CONSTITUTE A

1 CHURCH OR OTHER RELIGIOUS ORGANIZATION.

2 (2) AN AUTHORIZING BODY MAY ISSUE A CONTRACT FOR THE
3 ORGANIZATION AND OPERATION OF A TURNAROUND SCHOOL UNDER THIS PART.
4 HOWEVER, AN AUTHORIZING BODY THAT IS THE BOARD OF A SCHOOL
5 DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR COMMUNITY COLLEGE SHALL
6 NOT ISSUE A CONTRACT FOR A TURNAROUND SCHOOL TO OPERATE OUTSIDE OF
7 ITS GEOGRAPHIC BOUNDARIES. FURTHER, AN AUTHORIZING BODY SHALL NOT
8 ISSUE A CONTRACT WITHOUT THE APPROVAL OF THE SUPERINTENDENT OF
9 PUBLIC INSTRUCTION. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL
10 NOT GRANT APPROVAL FOR MORE THAN 1 TURNAROUND SCHOOL CONTRACT FOR
11 EACH FAILING PUBLIC SCHOOL AND SHALL NOT GRANT THIS APPROVAL MORE
12 THAN 2 YEARS AFTER THE PUBLIC SCHOOL HAS BEEN DETERMINED TO BE A
13 FAILING PUBLIC SCHOOL. IN THE ORDER APPROVING THE ISSUANCE OF THE
14 CONTRACT, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL IDENTIFY
15 THE FAILING PUBLIC SCHOOL THAT CORRESPONDS TO THE APPROVAL OF THE
16 TURNAROUND SCHOOL. A TURNAROUND SCHOOL MUST BE LOCATED WITHIN 4.9
17 MILES OF THE FAILING PUBLIC SCHOOL THAT CORRESPONDS TO THE
18 TURNAROUND SCHOOL AND WITHIN THE SAME SCHOOL DISTRICT AS THAT
19 FAILING PUBLIC SCHOOL IS LOCATED.

20 (3) A CONTRACT ISSUED UNDER THIS PART SHALL BE ISSUED FOR AN
21 INITIAL TERM OF 5 YEARS. IF AT THE END OF THE 5-YEAR PERIOD THE
22 TURNAROUND SCHOOL IS DETERMINED BY THE DEPARTMENT TO MEET ALL OF
23 THE FOLLOWING, THE AUTHORIZING BODY MAY RENEW THE CONTRACT FOR
24 SUBSEQUENT 5-YEAR TERMS:

25 (A) AT LEAST 80% OF THE SCHOOL'S PUPILS GRADUATE FROM HIGH
26 SCHOOL OR ARE DETERMINED BY THE DEPARTMENT TO BE ON TRACK TO
27 GRADUATE FROM HIGH SCHOOL, THE SCHOOL HAS AT LEAST 80% AVERAGE

1 ATTENDANCE, AND, IF THE SCHOOL IS A HIGH SCHOOL, THE SCHOOL'S
2 PUPILS HAVE AN AVERAGE SCORE OF AT LEAST 18 ON THE COLLEGE ENTRANCE
3 EXAMINATION COMPONENT OF THE MICHIGAN MERIT EXAMINATION.

4 (B) IS MEETING THE OTHER EDUCATIONAL GOALS SET FORTH IN THE
5 CONTRACT.

6 (C) IS OPERATING IN SUBSTANTIAL COMPLIANCE WITH THIS PART.

7 (4) TO OBTAIN A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE
8 TURNAROUND SCHOOLS, AN ENTITY MAY APPLY TO AN AUTHORIZING BODY
9 DESCRIBED IN SUBSECTION (2). THE CONTRACT SHALL BE ISSUED TO A
10 TURNAROUND SCHOOL CORPORATION DESIGNATED BY THE ENTITY APPLYING FOR
11 THE CONTRACT. THE APPLICATION SHALL INCLUDE AT LEAST ALL OF THE
12 FOLLOWING:

13 (A) NAME OF THE ENTITY APPLYING FOR THE CONTRACT.

14 (B) SUBJECT TO THE RESOLUTION ADOPTED BY THE AUTHORIZING BODY
15 UNDER SECTION 538, A LIST OF THE PROPOSED MEMBERS OF THE BOARD OF
16 DIRECTORS OF THE TURNAROUND SCHOOL AND A DESCRIPTION OF THE
17 QUALIFICATIONS AND METHOD FOR APPOINTMENT OR ELECTION OF MEMBERS OF
18 THE BOARD OF DIRECTORS.

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

21 (i) THE NAME OF THE PROPOSED TURNAROUND SCHOOL TO WHICH THE
22 CONTRACT WILL BE ISSUED.

23 (ii) THE PURPOSES FOR THE TURNAROUND SCHOOL CORPORATION. THIS
24 LANGUAGE SHALL PROVIDE THAT THE TURNAROUND SCHOOL IS INCORPORATED
25 PURSUANT TO THIS PART AND THAT THE TURNAROUND SCHOOL CORPORATION IS
26 A GOVERNMENTAL ENTITY AND POLITICAL SUBDIVISION OF THIS STATE.

27 (iii) THE NAME OF THE AUTHORIZING BODY.

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

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

5 (D) A COPY OF THE PROPOSED BYLAWS OF THE TURNAROUND SCHOOL.

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

8 (i) THE GOVERNANCE STRUCTURE OF THE TURNAROUND SCHOOL.

9 (ii) A COPY OF THE EDUCATIONAL GOALS OF THE TURNAROUND SCHOOL
10 AND THE CURRICULA TO BE OFFERED AND METHODS OF PUPIL ASSESSMENT TO
11 BE USED BY THE TURNAROUND SCHOOL. TO THE EXTENT APPLICABLE, THE
12 PROGRESS OF THE PUPILS IN THE TURNAROUND SCHOOL SHALL BE ASSESSED
13 USING AT LEAST A MICHIGAN EDUCATION ASSESSMENT PROGRAM (MEAP) TEST
14 OR THE MICHIGAN MERIT EXAMINATION DEVELOPED UNDER SECTION 1279G, AS
15 APPLICABLE. THE EDUCATIONAL GOALS SHALL INCLUDE THAT LEAST 80% OF
16 THE SCHOOL'S PUPILS GRADUATE FROM HIGH SCHOOL OR ARE DETERMINED BY
17 THE DEPARTMENT TO BE ON TRACK TO GRADUATE FROM HIGH SCHOOL, THE
18 SCHOOL HAS AT LEAST 80% AVERAGE ATTENDANCE, AND, IF THE SCHOOL IS A
19 HIGH SCHOOL, THE SCHOOL'S PUPILS HAVE AN AVERAGE SCORE OF AT LEAST
20 18 ON THE COLLEGE ENTRANCE EXAMINATION COMPONENT OF THE MICHIGAN
21 MERIT EXAMINATION.

22 (iii) THE ADMISSION POLICY AND CRITERIA TO BE MAINTAINED BY THE
23 TURNAROUND SCHOOL. THE ADMISSION POLICY AND CRITERIA SHALL COMPLY
24 WITH SECTION 534. THIS PART OF THE APPLICATION ALSO SHALL INCLUDE A
25 DESCRIPTION OF HOW THE APPLICANT WILL PROVIDE TO THE GENERAL PUBLIC
26 ADEQUATE NOTICE THAT A TURNAROUND SCHOOL IS BEING CREATED AND
27 ADEQUATE INFORMATION ON THE ADMISSION POLICY, CRITERIA, AND

1 PROCESS.

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

3 (v) THE AGE OR GRADE RANGE OF PUPILS TO BE ENROLLED. THE GRADE
4 RANGE SHALL INITIALLY INCLUDE AT LEAST THE LOWEST GRADE LEVEL OF
5 THE GRADE LEVELS OFFERED BY THE FAILING PUBLIC SCHOOL THAT IS
6 IDENTIFIED UNDER SUBSECTION (2) AS CORRESPONDING TO THE TURNAROUND
7 SCHOOL AND SHALL ADD 1 OR MORE ADDITIONAL GRADE LEVELS EACH YEAR TO
8 ENSURE THAT AT LEAST ALL OF THE GRADE LEVELS OFFERED BY THAT
9 FAILING SCHOOL ARE OFFERED BY THE TURNAROUND SCHOOL WITHIN 4 YEARS
10 AFTER BEGINNING OPERATIONS.

11 (F) DESCRIPTIONS OF STAFF RESPONSIBILITIES AND OF THE
12 TURNAROUND SCHOOL'S GOVERNANCE STRUCTURE.

13 (G) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED BUILDING OR
14 BUILDINGS IN WHICH THE TURNAROUND SCHOOL WILL BE LOCATED, AND A
15 FINANCIAL COMMITMENT BY THE ENTITY APPLYING FOR THE CONTRACT TO
16 CONSTRUCT OR RENOVATE THE BUILDING OR BUILDINGS THAT WILL BE
17 OCCUPIED BY THE TURNAROUND SCHOOL THAT IS ISSUED THE CONTRACT.

18 (5) IF THE STATE BOARD FINDS THAT AN AUTHORIZING BODY IS NOT
19 ENGAGING IN APPROPRIATE CONTINUING OVERSIGHT OF 1 OR MORE
20 TURNAROUND SCHOOLS OPERATING UNDER A CONTRACT ISSUED BY THE
21 AUTHORIZING BODY, THE STATE BOARD BY UNANIMOUS VOTE MAY SUSPEND THE
22 POWER OF THE AUTHORIZING BODY TO ISSUE NEW CONTRACTS TO ORGANIZE
23 AND OPERATE TURNAROUND SCHOOLS. A CONTRACT ISSUED BY THE
24 AUTHORIZING BODY DURING THE SUSPENSION IS VOID. A CONTRACT ISSUED
25 BY THE AUTHORIZING BODY BEFORE THE SUSPENSION IS NOT AFFECTED BY
26 THE SUSPENSION.

27 (6) AN AUTHORIZING BODY SHALL NOT CHARGE A FEE, OR REQUIRE

1 REIMBURSEMENT OF EXPENSES, FOR CONSIDERING AN APPLICATION FOR A
2 CONTRACT, FOR ISSUING A CONTRACT, OR FOR PROVIDING OVERSIGHT OF A
3 CONTRACT FOR A TURNAROUND SCHOOL IN AN AMOUNT THAT EXCEEDS A
4 COMBINED TOTAL OF 3% OF THE TOTAL STATE SCHOOL AID RECEIVED BY THE
5 TURNAROUND SCHOOL IN THE SCHOOL YEAR IN WHICH THE FEES OR EXPENSES
6 ARE CHARGED. ALL OF THE FOLLOWING APPLY TO THIS FEE:

7 (A) AN AUTHORIZING BODY MAY USE THIS FEE ONLY FOR THE
8 FOLLOWING PURPOSES:

9 (i) CONSIDERING APPLICATIONS AND ISSUING OR ADMINISTERING
10 CONTRACTS.

11 (ii) COMPLIANCE MONITORING AND OVERSIGHT OF TURNAROUND SCHOOLS.

12 (iii) TRAINING FOR TURNAROUND SCHOOL APPLICANTS, ADMINISTRATORS,
13 AND BOARDS OF DIRECTORS.

14 (iv) TECHNICAL ASSISTANCE TO TURNAROUND SCHOOLS.

15 (v) ACADEMIC SUPPORT TO TURNAROUND SCHOOLS OR TO PUPILS OR
16 GRADUATES OF TURNAROUND SCHOOLS.

17 (vi) EVALUATION OF TURNAROUND SCHOOL PERFORMANCE.

18 (vii) TRAINING OF TEACHERS, INCLUDING SUPERVISION OF TEACHER
19 INTERNS.

20 (viii) OTHER PURPOSES THAT ASSIST THE TURNAROUND SCHOOL OR
21 TRADITIONAL PUBLIC SCHOOLS IN ACHIEVING IMPROVED ACADEMIC
22 PERFORMANCE.

23 (B) AN AUTHORIZING BODY MAY PROVIDE OTHER SERVICES FOR A
24 TURNAROUND SCHOOL AND CHARGE A FEE FOR THOSE SERVICES, BUT SHALL
25 NOT REQUIRE SUCH AN ARRANGEMENT AS A CONDITION TO ISSUING THE
26 CONTRACT AUTHORIZING THE TURNAROUND SCHOOL.

27 (7) A TURNAROUND SCHOOL SHALL BE PRESUMED TO BE LEGALLY

1 ORGANIZED IF IT HAS EXERCISED THE FRANCHISES AND PRIVILEGES OF A
2 TURNAROUND SCHOOL FOR AT LEAST 2 YEARS.

3 SEC. 533. (1) AN AUTHORIZING BODY IS NOT REQUIRED TO ISSUE A
4 CONTRACT TO ANY ENTITY. TURNAROUND SCHOOL CONTRACTS SHALL BE ISSUED
5 ON A COMPETITIVE BASIS TAKING INTO CONSIDERATION THE RESOURCES
6 AVAILABLE FOR THE PROPOSED TURNAROUND SCHOOL, THE POPULATION TO BE
7 SERVED BY THE PROPOSED TURNAROUND SCHOOL, AND THE EDUCATIONAL GOALS
8 TO BE ACHIEVED BY THE PROPOSED TURNAROUND SCHOOL. IN EVALUATING IF
9 AN APPLICANT IS QUALIFIED, THE AUTHORIZING BODY SHALL EXAMINE THE
10 PROPOSED PERFORMANCE STANDARDS, PROPOSED ACADEMIC PROGRAM,
11 FINANCIAL VIABILITY OF THE APPLICANT, AND THE ABILITY OF THE
12 PROPOSED BOARD OF DIRECTORS TO MEET THE CONTRACT GOALS AND
13 OBJECTIVES. AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT UNLESS
14 THE CONTRACT REQUIRES THE TURNAROUND SCHOOL TO ENTER INTO AN
15 AGREEMENT FOR OPERATION OF THE SCHOOL BY AN ESTABLISHED EDUCATIONAL
16 MANAGEMENT ORGANIZATION APPROVED BY THE DEPARTMENT.

17 (2) A CONTRACT ISSUED TO ORGANIZE AND ADMINISTER A TURNAROUND
18 SCHOOL SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING:

19 (A) THE EDUCATIONAL GOALS THE TURNAROUND SCHOOL IS TO ACHIEVE
20 AND THE METHODS BY WHICH IT WILL BE HELD ACCOUNTABLE. TO THE EXTENT
21 APPLICABLE, THE PUPIL PERFORMANCE OF A TURNAROUND SCHOOL SHALL BE
22 ASSESSED USING AT LEAST A MICHIGAN EDUCATION ASSESSMENT PROGRAM
23 (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION DEVELOPED UNDER
24 SECTION 1279G, AS APPLICABLE. THE EDUCATIONAL GOALS SHALL INCLUDE
25 THAT AT LEAST 80% OF THE SCHOOL'S PUPILS GRADUATE FROM HIGH SCHOOL
26 OR ARE DETERMINED BY THE DEPARTMENT TO BE ON TRACK TO GRADUATE FROM
27 HIGH SCHOOL, THE SCHOOL HAS AT LEAST 80% AVERAGE ATTENDANCE, AND,

1 IF THE SCHOOL IS A HIGH SCHOOL, THE SCHOOL'S PUPILS HAVE AN AVERAGE
2 SCORE OF AT LEAST 18 ON THE COLLEGE ENTRANCE EXAMINATION COMPONENT
3 OF THE MICHIGAN MERIT EXAMINATION.

4 (B) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE
5 TURNAROUND SCHOOL'S COMPLIANCE WITH APPLICABLE LAW AND ITS
6 PERFORMANCE IN MEETING ITS TARGETED EDUCATIONAL OBJECTIVES.

7 (C) A DESCRIPTION OF THE PROCESS FOR AMENDING THE CONTRACT
8 DURING THE TERM OF THE CONTRACT. AN AUTHORIZING BODY MAY APPROVE
9 AMENDMENT OF THE CONTRACT WITH RESPECT TO ANY PROVISION CONTAINED
10 IN THE CONTRACT EXCEPT FOR THE LOCATION OF THE BUILDING OR
11 BUILDINGS TO BE OPERATED BY THE TURNAROUND SCHOOL.

12 (D) A CERTIFICATION, SIGNED BY AN AUTHORIZED MEMBER OF THE
13 TURNAROUND SCHOOL BOARD OF DIRECTORS, THAT THE TURNAROUND SCHOOL
14 WILL COMPLY WITH THE CONTRACT AND ALL APPLICABLE LAW.

15 (E) PROCEDURES FOR REVOKING THE CONTRACT AND GROUNDS FOR
16 REVOKING THE CONTRACT. THE GROUNDS SHALL INCLUDE, BUT ARE NOT
17 LIMITED TO, THE FAILURE TO MEET THE REQUIREMENTS FOR RENEWAL OF A
18 CONTRACT UNDER SECTION 532(3)(A) TO (C) WITHIN 5 YEARS.

19 (F) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED BUILDING OR
20 BUILDINGS IN WHICH THE TURNAROUND SCHOOL WILL BE LOCATED.

21 (G) REQUIREMENTS AND PROCEDURES FOR FINANCIAL AUDITS. THE
22 FINANCIAL AUDITS SHALL BE CONDUCTED AT LEAST ANNUALLY BY AN
23 INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT IN ACCORDANCE WITH
24 GENERALLY ACCEPTED GOVERNMENTAL AUDITING PRINCIPLES.

25 (H) A REQUIREMENT THAT THE BOARD OF DIRECTORS SHALL ENSURE
26 COMPLIANCE WITH THE REQUIREMENTS OF 1968 PA 317, MCL 15.321 TO
27 15.330.

1 (I) A REQUIREMENT THAT THE BOARD OF DIRECTORS SHALL PROHIBIT
2 SPECIFICALLY IDENTIFIED FAMILY RELATIONSHIPS BETWEEN MEMBERS OF THE
3 BOARD OF DIRECTORS, INDIVIDUALS WHO HAVE AN OWNERSHIP INTEREST IN
4 OR WHO ARE OFFICERS OR EMPLOYEES OF AN EDUCATIONAL MANAGEMENT
5 COMPANY INVOLVED IN THE OPERATION OF THE TURNAROUND SCHOOL, AND
6 EMPLOYEES OF THE TURNAROUND SCHOOL. THE CONTRACT SHALL IDENTIFY THE
7 SPECIFIC PROHIBITED RELATIONSHIPS CONSISTENT WITH APPLICABLE LAW.

8 (J) A REQUIREMENT THAT THE BOARD OF DIRECTORS OF THE
9 TURNAROUND SCHOOL SHALL MAKE INFORMATION CONCERNING ITS OPERATION
10 AND MANAGEMENT AVAILABLE TO THE PUBLIC AND TO THE AUTHORIZING BODY
11 IN THE SAME MANNER AS IS REQUIRED BY STATE LAW FOR SCHOOL
12 DISTRICTS.

13 (K) A REQUIREMENT THAT THE BOARD OF DIRECTORS OF THE
14 TURNAROUND SCHOOL SHALL COLLECT, MAINTAIN, AND MAKE AVAILABLE TO
15 THE PUBLIC AND THE AUTHORIZING BODY, IN ACCORDANCE WITH APPLICABLE
16 LAW AND THE CONTRACT, AT LEAST ALL OF THE FOLLOWING INFORMATION
17 CONCERNING THE OPERATION AND MANAGEMENT OF THE TURNAROUND SCHOOL:

18 (i) A COPY OF THE CONTRACT ISSUED BY THE AUTHORIZING BODY FOR
19 THE TURNAROUND SCHOOL.

20 (ii) A LIST OF CURRENTLY SERVING MEMBERS OF THE BOARD OF
21 DIRECTORS OF THE TURNAROUND SCHOOL, INCLUDING NAME, ADDRESS, AND
22 TERM OF OFFICE; COPIES OF POLICIES APPROVED BY THE BOARD OF
23 DIRECTORS; BOARD MEETING AGENDAS AND MINUTES; COPY OF THE BUDGET
24 APPROVED BY THE BOARD OF DIRECTORS AND OF ANY AMENDMENTS TO THE
25 BUDGET; AND COPIES OF BILLS PAID FOR AMOUNTS OF \$10,000.00 OR MORE
26 AS THEY WERE SUBMITTED TO THE BOARD OF DIRECTORS.

27 (iii) QUARTERLY FINANCIAL REPORTS SUBMITTED TO THE AUTHORIZING

1 BODY.

2 (iv) A CURRENT LIST OF TEACHERS WORKING AT THE TURNAROUND
3 SCHOOL THAT INCLUDES THEIR INDIVIDUAL SALARIES; COPIES OF THE
4 TEACHING CERTIFICATES OR PERMITS OF CURRENT TEACHING STAFF; AND
5 EVIDENCE OF COMPLIANCE WITH THE CRIMINAL BACKGROUND AND RECORDS
6 CHECKS AND UNPROFESSIONAL CONDUCT CHECK REQUIRED UNDER SECTIONS
7 1230, 1230A, AND 1230B FOR ALL TEACHERS AND ADMINISTRATORS WORKING
8 AT THE TURNAROUND SCHOOL.

9 (v) CURRICULUM DOCUMENTS AND MATERIALS GIVEN TO THE
10 AUTHORIZING BODY.

11 (vi) PROOF OF INSURANCE AS REQUIRED BY THE CONTRACT.

12 (vii) COPIES OF FACILITY LEASES OR DEEDS, OR BOTH, AND OF ANY
13 EQUIPMENT LEASES.

14 (viii) COPIES OF ANY MANAGEMENT CONTRACTS OR SERVICES CONTRACTS
15 APPROVED BY THE BOARD OF DIRECTORS.

16 (ix) ALL HEALTH AND SAFETY REPORTS AND CERTIFICATES, INCLUDING
17 THOSE RELATING TO FIRE SAFETY, ENVIRONMENTAL MATTERS, ASBESTOS
18 INSPECTION, BOILER INSPECTION, AND FOOD SERVICE.

19 (x) ANY MANAGEMENT LETTERS ISSUED AS PART OF THE ANNUAL
20 FINANCIAL AUDIT UNDER SUBDIVISION (G).

21 (xi) ANY OTHER INFORMATION SPECIFICALLY REQUIRED UNDER THIS
22 ACT.

23 (l) A REQUIREMENT THAT THE AUTHORIZING BODY MUST REVIEW AND MAY
24 DISAPPROVE ANY AGREEMENT BETWEEN THE BOARD OF DIRECTORS AND AN
25 EDUCATIONAL MANAGEMENT ORGANIZATION BEFORE THE AGREEMENT IS FINAL
26 AND VALID. AN AUTHORIZING BODY MAY DISAPPROVE AN AGREEMENT
27 DESCRIBED IN THIS SUBDIVISION ONLY IF THE AGREEMENT IS CONTRARY TO

1 THE CONTRACT OR APPLICABLE LAW.

2 (M) A REQUIREMENT THAT THE BOARD OF DIRECTORS SHALL
3 DEMONSTRATE ALL OF THE FOLLOWING TO THE SATISFACTION OF THE
4 AUTHORIZING BODY WITH REGARD TO ITS PUPIL ADMISSION PROCESS:

5 (i) THAT THE TURNAROUND SCHOOL HAS MADE A REASONABLE EFFORT TO
6 ADVERTISE ITS ENROLLMENT OPENINGS IN A NEWSPAPER OF GENERAL
7 CIRCULATION IN THE INTERMEDIATE SCHOOL DISTRICT IN WHICH THE
8 TURNAROUND SCHOOL IS LOCATED.

9 (ii) THAT THE TURNAROUND SCHOOL HAS MADE THE FOLLOWING
10 ADDITIONAL EFFORTS TO RECRUIT PUPILS WHO ARE ELIGIBLE FOR SPECIAL
11 EDUCATION PROGRAMS AND SERVICES TO APPLY FOR ADMISSION:

12 (A) REASONABLE EFFORTS TO ADVERTISE ALL ENROLLMENT OPENINGS TO
13 ORGANIZATIONS AND MEDIA THAT REGULARLY SERVE AND ADVOCATE FOR
14 INDIVIDUALS WITH DISABILITIES WITHIN THE BOUNDARIES OF THE
15 INTERMEDIATE SCHOOL DISTRICT IN WHICH THE TURNAROUND SCHOOL IS
16 LOCATED.

17 (B) INCLUSION IN ALL PUPIL RECRUITMENT MATERIALS OF A
18 STATEMENT THAT APPROPRIATE SPECIAL EDUCATION SERVICES WILL BE MADE
19 AVAILABLE TO PUPILS ATTENDING THE SCHOOL AS REQUIRED BY LAW.

20 (iii) THAT THE OPEN ENROLLMENT PERIOD FOR THE TURNAROUND SCHOOL
21 IS FOR A DURATION OF AT LEAST 2 WEEKS AND THAT THE ENROLLMENT TIMES
22 INCLUDE SOME EVENING AND WEEKEND TIMES.

23 (N) A REQUIREMENT THAT THE BOARD OF DIRECTORS SHALL PROHIBIT
24 ANY INDIVIDUAL FROM BEING EMPLOYED BY THE TURNAROUND SCHOOL IN MORE
25 THAN 1 FULL-TIME POSITION AND SIMULTANEOUSLY BEING COMPENSATED AT A
26 FULL-TIME RATE FOR EACH OF THOSE POSITIONS.

27 (O) A REQUIREMENT THAT, IF REQUESTED, THE BOARD OF DIRECTORS

1 SHALL REPORT TO THE AUTHORIZING BODY THE TOTAL COMPENSATION FOR
2 EACH INDIVIDUAL WORKING AT THE TURNAROUND SCHOOL.

3 (3) A TURNAROUND SCHOOL SHALL COMPLY WITH ALL APPLICABLE LAW,
4 INCLUDING ALL OF THE FOLLOWING:

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

6 (B) THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
7 15.246.

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

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

10 (E) 1978 PA 566, MCL 15.181 TO 15.185.

11 (F) 1968 PA 317, MCL 15.321 TO 15.330.

12 (G) THE UNIFORM BUDGETING AND ACCOUNTING ACT, 1968 PA 2, MCL
13 141.421 TO 141.440A.

14 (H) THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL
15 141.2101 TO 141.2821.

16 (I) THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW
17 107-110.

18 (J) SECTIONS 1134, 1135, 1146, 1153, 1263, 1267, 1274, AND
19 1280.

20 (4) A TURNAROUND SCHOOL AND ITS INCORPORATORS, BOARD MEMBERS,
21 OFFICERS, EMPLOYEES, AND VOLUNTEERS HAVE GOVERNMENTAL IMMUNITY AS
22 PROVIDED IN SECTION 7 OF 1964 PA 170, MCL 691.1407. AN AUTHORIZING
23 BODY AND ITS BOARD MEMBERS, OFFICERS, AND EMPLOYEES ARE IMMUNE FROM
24 CIVIL LIABILITY, BOTH PERSONALLY AND PROFESSIONALLY, FOR ANY ACTS
25 OR OMISSIONS IN AUTHORIZING OR OVERSIGHT OF A TURNAROUND SCHOOL IF
26 THE AUTHORIZING BODY OR THE PERSON ACTED OR REASONABLY BELIEVED HE
27 OR SHE ACTED WITHIN THE AUTHORIZING BODY'S OR THE PERSON'S SCOPE OF

1 AUTHORITY.

2 (5) A TURNAROUND SCHOOL IS EXEMPT FROM ALL TAXATION ON ITS
3 EARNINGS AND PROPERTY. INSTRUMENTS OF CONVEYANCE TO OR FROM A
4 TURNAROUND SCHOOL ARE EXEMPT FROM ALL TAXATION, INCLUDING TAXES
5 IMPOSED BY 1966 PA 134, MCL 207.501 TO 207.513. A TURNAROUND SCHOOL
6 MAY NOT LEVY AD VALOREM PROPERTY TAXES OR ANY OTHER TAX FOR ANY
7 PURPOSE.

8 (6) A TURNAROUND SCHOOL MAY ACQUIRE BY PURCHASE, GIFT, DEVISE,
9 LEASE, SUBLEASE, INSTALLMENT PURCHASE AGREEMENT, LAND CONTRACT,
10 OPTION, OR ANY OTHER MEANS, HOLD, AND OWN IN ITS OWN NAME BUILDINGS
11 AND OTHER PROPERTY FOR SCHOOL PURPOSES, AND INTERESTS THEREIN, AND
12 OTHER REAL AND PERSONAL PROPERTY, INCLUDING, BUT NOT LIMITED TO,
13 INTERESTS IN PROPERTY SUBJECT TO MORTGAGES, SECURITY INTERESTS, OR
14 OTHER LIENS, NECESSARY OR CONVENIENT TO FULFILL ITS PURPOSES. FOR
15 THE PURPOSES OF CONDEMNATION, A TURNAROUND SCHOOL MAY PROCEED UNDER
16 THE UNIFORM CONDEMNATION PROCEDURES ACT, 1980 PA 87, MCL 213.51 TO
17 213.75, EXCLUDING SECTIONS 6 TO 9 OF THAT ACT, MCL 213.56 TO
18 213.59, OR OTHER APPLICABLE STATUTES, BUT ONLY WITH THE EXPRESS,
19 WRITTEN PERMISSION OF THE AUTHORIZING BODY IN EACH INSTANCE OF
20 CONDEMNATION AND ONLY AFTER JUST COMPENSATION HAS BEEN DETERMINED
21 AND PAID.

22 SEC. 533A. (1) AN AGREEMENT, MORTGAGE, LOAN, OR OTHER
23 INSTRUMENT OF INDEBTEDNESS ENTERED INTO BY A TURNAROUND SCHOOL AND
24 A THIRD PARTY DOES NOT CONSTITUTE AN OBLIGATION, EITHER GENERAL,
25 SPECIAL, OR MORAL, OF THIS STATE OR AN AUTHORIZING BODY. THE FULL
26 FAITH AND CREDIT OR THE TAXING POWER OF THIS STATE OR ANY AGENCY OF
27 THIS STATE, OR THE FULL FAITH AND CREDIT OF AN AUTHORIZING BODY,

1 MAY NOT BE PLEDGED FOR THE PAYMENT OF ANY TURNAROUND SCHOOL BOND,
2 NOTE, AGREEMENT, MORTGAGE, LOAN, OR OTHER INSTRUMENT OF
3 INDEBTEDNESS.

4 (2) THIS PART DOES NOT IMPOSE ANY LIABILITY ON THIS STATE OR
5 ON AN AUTHORIZING BODY FOR ANY DEBT INCURRED BY A TURNAROUND
6 SCHOOL.

7 SEC. 534. (1) A TURNAROUND SCHOOL MAY BE LOCATED IN ALL OR
8 PART OF AN EXISTING PUBLIC SCHOOL BUILDING. A TURNAROUND SCHOOL
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 CONTRACT. A TURNAROUND SCHOOL SHALL NOT RELOCATE
12 TO A DIFFERENT LOCATION THAN THE SITE OR SITES SPECIFIED IN THE
13 CONTRACT. A TURNAROUND SCHOOL MUST BE LOCATED WITHIN 4.9 MILES OF
14 THE FAILING PUBLIC SCHOOL THAT IS IDENTIFIED UNDER SECTION 532(2)
15 AS CORRESPONDING TO THE TURNAROUND SCHOOL AND WITHIN THE SAME
16 SCHOOL DISTRICT AS THAT FAILING PUBLIC SCHOOL IS LOCATED.

17 (2) A TURNAROUND SCHOOL SHALL NOT CHARGE TUITION. EXCEPT AS
18 OTHERWISE PROVIDED IN THIS SECTION, A TURNAROUND SCHOOL SHALL NOT
19 DISCRIMINATE IN ITS PUPIL ADMISSIONS POLICIES OR PRACTICES ON THE
20 BASIS OF INTELLECTUAL OR ATHLETIC ABILITY, MEASURES OF ACHIEVEMENT
21 OR APTITUDE, STATUS AS A HANDICAPPED PERSON, OR ANY OTHER BASIS
22 THAT WOULD BE ILLEGAL IF USED BY A SCHOOL DISTRICT. HOWEVER, A
23 TURNAROUND SCHOOL MAY LIMIT ADMISSION TO PUPILS WHO ARE WITHIN A
24 PARTICULAR RANGE OF AGE OR GRADE LEVEL OR ON ANY OTHER BASIS THAT
25 WOULD BE LEGAL IF USED BY A SCHOOL DISTRICT AND MAY GIVE ENROLLMENT
26 PRIORITY AS PROVIDED IN SUBSECTION (4).

27 (3) EXCEPT FOR A FOREIGN EXCHANGE STUDENT WHO IS NOT A UNITED

1 STATES CITIZEN, A TURNAROUND SCHOOL SHALL NOT ENROLL A PUPIL WHO IS
2 NOT A RESIDENT OF THIS STATE. ENROLLMENT IN A TURNAROUND SCHOOL
3 SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN THIS STATE WHO MEET THE
4 ADMISSION POLICY. SUBJECT TO SUBSECTION (4), IF THERE ARE MORE
5 APPLICATIONS TO ENROLL IN THE TURNAROUND SCHOOL THAN THERE ARE
6 SPACES AVAILABLE, PUPILS SHALL BE SELECTED TO ATTEND USING A RANDOM
7 SELECTION PROCESS. A TURNAROUND SCHOOL SHALL ALLOW ANY PUPIL WHO
8 WAS ENROLLED IN THE TURNAROUND SCHOOL IN THE IMMEDIATELY PRECEDING
9 SCHOOL YEAR TO ENROLL IN THE TURNAROUND SCHOOL IN THE APPROPRIATE
10 GRADE UNLESS THE APPROPRIATE GRADE IS NOT OFFERED AT THAT
11 TURNAROUND SCHOOL.

12 (4) A TURNAROUND SCHOOL SHALL GIVE ENROLLMENT PRIORITY TO A
13 CHILD WHO WAS PREVIOUSLY ENROLLED IN THE FAILING PUBLIC SCHOOL THAT
14 IS IDENTIFIED UNDER SECTION 532(2) AS CORRESPONDING TO THE
15 TURNAROUND SCHOOL. A TURNAROUND SCHOOL ALSO MAY GIVE ENROLLMENT
16 PRIORITY TO 1 OR MORE OF THE FOLLOWING:

17 (A) A SIBLING OF A PUPIL ENROLLED IN THE TURNAROUND SCHOOL.

18 (B) A CHILD OF A PERSON WHO IS EMPLOYED BY OR AT THE
19 TURNAROUND SCHOOL OR WHO IS ON THE BOARD OF DIRECTORS OF THE
20 TURNAROUND SCHOOL. AS USED IN THIS SUBDIVISION, "CHILD" INCLUDES AN
21 ADOPTED CHILD OR A LEGAL WARD.

22 (5) A TURNAROUND SCHOOL SHALL INITIALLY INCLUDE AT LEAST THE
23 LOWEST GRADE LEVEL OF THE GRADE LEVELS OFFERED BY THE FAILING
24 PUBLIC SCHOOL THAT IS IDENTIFIED UNDER SECTION 532(2) AS
25 CORRESPONDING TO THE TURNAROUND SCHOOL AND SHALL ADD 1 OR MORE
26 ADDITIONAL GRADE LEVELS EACH YEAR TO ENSURE THAT AT LEAST ALL OF
27 THE GRADE LEVELS OFFERED BY THAT FAILING SCHOOL ARE OFFERED BY THE

1 TURNAROUND SCHOOL WITHIN 4 YEARS AFTER BEGINNING OPERATIONS. A
2 TURNAROUND SCHOOL ALSO MAY INCLUDE OTHER GRADES OR ANY
3 CONFIGURATION OF THOSE GRADES, INCLUDING KINDERGARTEN AND EARLY
4 CHILDHOOD EDUCATION, AS SPECIFIED IN ITS CONTRACT. IF SPECIFIED IN
5 ITS CONTRACT, A TURNAROUND SCHOOL MAY ALSO OPERATE AN ADULT BASIC
6 EDUCATION PROGRAM, ADULT HIGH SCHOOL COMPLETION PROGRAM, OR GENERAL
7 EDUCATION DEVELOPMENT TESTING PREPARATION PROGRAM.

8 SEC. 535. IN ADDITION TO OTHER POWERS SET FORTH IN THIS PART,
9 A TURNAROUND SCHOOL MAY TAKE ACTION TO CARRY OUT THE PURPOSES FOR
10 WHICH IT WAS INCORPORATED UNDER THIS PART, INCLUDING, BUT NOT
11 LIMITED TO, ALL OF THE FOLLOWING:

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

13 (B) SUBJECT TO SECTION 533A, TO ACQUIRE, HOLD, AND OWN IN ITS
14 OWN NAME REAL AND PERSONAL PROPERTY, OR INTERESTS IN REAL OR
15 PERSONAL PROPERTY, FOR EDUCATIONAL PURPOSES BY PURCHASE, GIFT,
16 GRANT, DEVISE, BEQUEST, LEASE, SUBLEASE, INSTALLMENT PURCHASE
17 AGREEMENT, LAND CONTRACT, OPTION, OR CONDEMNATION, AND SUBJECT TO
18 MORTGAGES, SECURITY INTERESTS, OR OTHER LIENS; AND TO SELL OR
19 CONVEY THE PROPERTY AS THE INTERESTS OF THE TURNAROUND SCHOOL
20 REQUIRE.

21 (C) TO RECEIVE, DISBURSE, AND PLEDGE FUNDS FOR LAWFUL
22 PURPOSES.

23 (D) TO ENTER INTO BINDING LEGAL AGREEMENTS WITH PERSONS OR
24 ENTITIES AS NECESSARY FOR THE OPERATION, MANAGEMENT, FINANCING, AND
25 MAINTENANCE OF THE TURNAROUND SCHOOL.

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

27 (F) TO SOLICIT AND ACCEPT ANY GRANTS OR GIFTS FOR EDUCATIONAL

1 PURPOSES AND TO ESTABLISH OR PERMIT TO BE ESTABLISHED ON ITS BEHALF
2 1 OR MORE NONPROFIT CORPORATIONS THE PURPOSE OF WHICH IS TO ASSIST
3 THE TURNAROUND SCHOOL IN THE FURTHERANCE OF ITS PUBLIC PURPOSES.

4 (G) TO BORROW MONEY AND ISSUE BONDS IN ACCORDANCE WITH SECTION
5 1351A AND IN ACCORDANCE WITH PART VI OF THE REVISED MUNICIPAL
6 FINANCE ACT, 2001 PA 34, MCL 141.2601 TO 141.2613, EXCEPT THAT THE
7 BORROWING OF MONEY AND ISSUANCE OF BONDS BY A TURNAROUND SCHOOL ARE
8 NOT SUBJECT TO SECTION 1351A(4) OR SECTION 1351(2) TO (4). BONDS
9 ISSUED UNDER THIS SECTION SHALL BE FULL FAITH AND CREDIT
10 OBLIGATIONS OF THE TURNAROUND SCHOOL, PLEDGING THE GENERAL FUNDS OR
11 ANY OTHER MONEY AVAILABLE FOR SUCH A PURPOSE. BONDS ISSUED UNDER
12 THIS SECTION ARE SUBJECT TO THE REVISED MUNICIPAL FINANCE ACT, 2001
13 PA 34, MCL 141.2101 TO 141.2821.

14 SEC. 536. (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, A
15 TURNAROUND SCHOOL SHALL USE CERTIFICATED TEACHERS ACCORDING TO
16 STATE BOARD RULE.

17 (2) A TURNAROUND SCHOOL MAY USE NONCERTIFICATED INDIVIDUALS TO
18 TEACH AS FOLLOWS:

19 (A) IF THE AUTHORIZING BODY IS A STATE PUBLIC UNIVERSITY, THE
20 TURNAROUND SCHOOL MAY USE AS A CLASSROOM TEACHER IN ANY GRADE A
21 FACULTY MEMBER WHO IS EMPLOYED FULL-TIME BY THE STATE PUBLIC
22 UNIVERSITY THAT IS THE AUTHORIZING BODY AND WHO HAS BEEN GRANTED
23 INSTITUTIONAL TENURE, OR HAS BEEN DESIGNATED AS BEING ON TENURE
24 TRACK, BY THAT STATE PUBLIC UNIVERSITY.

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

27 (3) A TURNAROUND SCHOOL MAY DEVELOP AND IMPLEMENT NEW TEACHING

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

6 SEC. 537. A TURNAROUND SCHOOL, WITH THE APPROVAL OF THE
7 AUTHORIZING BODY, MAY EMPLOY OR CONTRACT WITH PERSONNEL, OR ENTER
8 INTO A CONTRACT WITH ANOTHER PARTY TO FURNISH TEACHERS OR OTHER
9 PERSONNEL, AS NECESSARY FOR THE OPERATION OF THE TURNAROUND SCHOOL,
10 PRESCRIBE THEIR DUTIES, AND FIX THEIR COMPENSATION.

11 SEC. 537A. IF THE BOARD OF DIRECTORS OF A TURNAROUND SCHOOL
12 PROVIDES MEDICAL, OPTICAL, OR DENTAL BENEFITS TO EMPLOYEES AND
13 THEIR DEPENDENTS, THE BOARD OF DIRECTORS SHALL PROVIDE THOSE
14 BENEFITS IN ACCORDANCE WITH THE PUBLIC EMPLOYEES HEALTH BENEFIT
15 ACT, 2007 PA 106, MCL 124.71 TO 124.85, AND SHALL COMPLY WITH THAT
16 ACT.

17 SEC. 538. (1) AN AUTHORIZING BODY THAT ISSUES A CONTRACT FOR A
18 TURNAROUND SCHOOL UNDER THIS PART SHALL DO ALL OF THE FOLLOWING:

19 (A) ENSURE THAT THE CONTRACT AND THE APPLICATION FOR THE
20 CONTRACT COMPLY WITH THE REQUIREMENTS OF THIS PART.

21 (B) WITHIN 10 DAYS AFTER ISSUING THE CONTRACT, SUBMIT TO THE
22 DEPARTMENT A COPY OF THE CONTRACT.

23 (C) ADOPT A RESOLUTION ESTABLISHING THE METHOD OF SELECTION,
24 LENGTH OF TERM, AND NUMBER OF MEMBERS OF THE BOARD OF DIRECTORS OF
25 EACH TURNAROUND SCHOOL THAT IT AUTHORIZES.

26 (D) OVERSEE THE OPERATIONS OF EACH TURNAROUND SCHOOL OPERATING
27 UNDER A CONTRACT ISSUED BY THE AUTHORIZING BODY. THE OVERSIGHT

1 SHALL BE SUFFICIENT TO ENSURE THAT THE TURNAROUND SCHOOL IS IN
2 COMPLIANCE WITH THE TERMS OF THE CONTRACT AND WITH APPLICABLE LAW.
3 AN AUTHORIZING BODY MAY ENTER INTO AN AGREEMENT WITH 1 OR MORE
4 OTHER AUTHORIZING BODIES TO OVERSEE A TURNAROUND SCHOOL OPERATING
5 UNDER A CONTRACT ISSUED BY THE AUTHORIZING BODY.

6 (E) DEVELOP AND IMPLEMENT A PROCESS FOR HOLDING A TURNAROUND
7 SCHOOL BOARD OF DIRECTORS ACCOUNTABLE FOR MEETING APPLICABLE
8 ACADEMIC PERFORMANCE STANDARDS SET FORTH IN THE CONTRACT AND FOR
9 IMPLEMENTING CORRECTIVE ACTION FOR A TURNAROUND SCHOOL THAT DOES
10 NOT MEET THOSE STANDARDS.

11 (F) TAKE NECESSARY MEASURES TO ENSURE THAT A TURNAROUND SCHOOL
12 BOARD OF DIRECTORS OPERATES INDEPENDENTLY OF ANY EDUCATIONAL
13 MANAGEMENT COMPANY INVOLVED IN THE OPERATIONS OF THE TURNAROUND
14 SCHOOL.

15 (G) OVERSEE AND ENSURE THAT THE PUPIL ADMISSION PROCESS USED
16 BY THE TURNAROUND SCHOOL IS OPERATED IN A FAIR AND OPEN MANNER AND
17 IS IN COMPLIANCE WITH THE CONTRACT AND THIS PART.

18 (H) ENSURE THAT THE BOARD OF DIRECTORS OF THE TURNAROUND
19 SCHOOL MAINTAINS AND RELEASES INFORMATION AS NECESSARY TO COMPLY
20 WITH APPLICABLE LAW.

21 (2) AN AUTHORIZING BODY MAY ENTER INTO AN AGREEMENT WITH 1 OR
22 MORE OTHER AUTHORIZING BODIES TO CARRY OUT ANY FUNCTION OF AN
23 AUTHORIZING BODY UNDER THIS ACT.

24 (3) THE AUTHORIZING BODY FOR A TURNAROUND SCHOOL IS THE FISCAL
25 AGENT FOR THE TURNAROUND SCHOOL. A STATE SCHOOL AID PAYMENT FOR A
26 TURNAROUND SCHOOL SHALL BE PAID TO THE AUTHORIZING BODY THAT IS THE
27 FISCAL AGENT FOR THAT TURNAROUND SCHOOL, WHICH SHALL THEN FORWARD

1 THE PAYMENT TO THE TURNAROUND SCHOOL. WITHIN 30 DAYS AFTER A
2 CONTRACT IS SUBMITTED TO THE DEPARTMENT BY AN AUTHORIZING BODY
3 UNDER SUBSECTION (1), THE DEPARTMENT SHALL ISSUE A DISTRICT CODE TO
4 THE TURNAROUND SCHOOL FOR WHICH THE CONTRACT WAS ISSUED. IF THE
5 DEPARTMENT DOES NOT ISSUE A DISTRICT CODE WITHIN 30 DAYS AFTER A
6 CONTRACT IS FILED, THE STATE TREASURER SHALL ASSIGN A TEMPORARY
7 DISTRICT CODE IN ORDER FOR THE TURNAROUND SCHOOL TO RECEIVE FUNDING
8 UNDER THE STATE SCHOOL AID ACT OF 1979.

9 (4) A CONTRACT ISSUED UNDER THIS PART MAY BE REVOKED BY THE
10 AUTHORIZING BODY THAT ISSUED THE CONTRACT IF THE AUTHORIZING BODY
11 DETERMINES THAT 1 OR MORE OF THE FOLLOWING HAVE OCCURRED:

12 (A) FAILURE OF THE TURNAROUND SCHOOL TO ABIDE BY AND MEET THE
13 EDUCATIONAL GOALS SET FORTH IN THE CONTRACT.

14 (B) FAILURE OF THE TURNAROUND SCHOOL TO COMPLY WITH ALL
15 APPLICABLE LAW.

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

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

20 (5) THE DECISION OF AN AUTHORIZING BODY TO ISSUE, REISSUE, OR
21 RECONSTITUTE A CONTRACT UNDER THIS PART, OR TO REVOKE A CONTRACT
22 UNDER THIS SECTION, IS SOLELY WITHIN THE DISCRETION OF THE
23 AUTHORIZING BODY, IS FINAL, AND IS NOT SUBJECT TO REVIEW BY A COURT
24 OR ANY STATE AGENCY. AN AUTHORIZING BODY THAT DOES NOT ISSUE,
25 REISSUE, OR RECONSTITUTE A CONTRACT UNDER THIS PART, OR THAT
26 REVOKES A CONTRACT UNDER THIS SECTION, IS NOT LIABLE FOR THAT
27 ACTION TO THE TURNAROUND SCHOOL, THE TURNAROUND SCHOOL CORPORATION,

1 A PUPIL OF THE TURNAROUND SCHOOL, THE PARENT OR GUARDIAN OF A PUPIL
2 OF THE TURNAROUND SCHOOL, OR ANY OTHER PERSON.

3 (6) BEFORE AN AUTHORIZING BODY REVOKES A CONTRACT, THE
4 AUTHORIZING BODY SHALL CONSIDER AND TAKE CORRECTIVE MEASURES TO
5 AVOID REVOCATION. AN AUTHORIZING BODY SHALL RECONSTITUTE THE
6 TURNAROUND SCHOOL IN A FINAL ATTEMPT TO IMPROVE STUDENT EDUCATIONAL
7 PERFORMANCE OR TO AVOID INTERRUPTION OF THE EDUCATIONAL PROCESS. AN
8 AUTHORIZING BODY SHALL INCLUDE A RECONSTITUTING PROVISION IN THE
9 CONTRACT THAT IDENTIFIES THESE CORRECTIVE MEASURES, INCLUDING, BUT
10 NOT LIMITED TO, REMOVING 1 OR MORE MEMBERS OF THE BOARD OF
11 DIRECTORS, WITHDRAWING APPROVAL TO CONTRACT UNDER SECTION 535 FOR
12 AN AGREEMENT DESCRIBED IN SECTION 1320, OR APPOINTING A NEW BOARD
13 OF DIRECTORS OR A TRUSTEE TO TAKE OVER OPERATION OF THE TURNAROUND
14 SCHOOL.

15 (7) IF AN AUTHORIZING BODY REVOKES A CONTRACT, THE AUTHORIZING
16 BODY SHALL WORK WITH A SCHOOL DISTRICT OR ANOTHER PUBLIC SCHOOL, OR
17 WITH A COMBINATION OF THESE ENTITIES, TO ENSURE A SMOOTH TRANSITION
18 FOR THE AFFECTED PUPILS. IF THE REVOCATION OCCURS DURING THE SCHOOL
19 YEAR, THE AUTHORIZING BODY, AS THE FISCAL AGENT FOR THE TURNAROUND
20 SCHOOL UNDER THIS PART, SHALL RETURN ANY SCHOOL AID FUNDS RECEIVED
21 BY THE AUTHORIZING BODY THAT ARE ATTRIBUTABLE TO THE AFFECTED
22 PUPILS TO THE STATE TREASURER FOR DEPOSIT INTO THE STATE SCHOOL AID
23 FUND. THE STATE TREASURER SHALL DISTRIBUTE FUNDS TO THE PUBLIC
24 SCHOOL IN WHICH THE PUPILS ENROLL AFTER THE REVOCATION PURSUANT TO
25 A METHODOLOGY ESTABLISHED BY THE DEPARTMENT AND THE CENTER FOR
26 EDUCATIONAL PERFORMANCE AND INFORMATION.

27 (8) IF AN AUTHORIZING BODY REVOKES A CONTRACT ISSUED UNDER

1 THIS PART, THE AUTHORIZING BODY MAY ISSUE A NEW CONTRACT WITHIN THE
2 1-YEAR PERIOD FOLLOWING THE REVOCATION WITHOUT THE NEW CONTRACT
3 COUNTING TOWARD THE MAXIMUM NUMBER OF CONTRACTS THAT MAY BE ISSUED
4 UNDER THIS PART.

5 (9) NOT MORE THAN 10 DAYS AFTER A TURNAROUND SCHOOL'S CONTRACT
6 TERMINATES OR IS REVOKED, THE AUTHORIZING BODY SHALL NOTIFY THE
7 SUPERINTENDENT OF PUBLIC INSTRUCTION IN WRITING OF THE NAME OF THE
8 TURNAROUND SCHOOL WHOSE CONTRACT HAS TERMINATED OR BEEN REVOKED AND
9 THE DATE OF CONTRACT TERMINATION OR REVOCATION.

10 (10) IF A TURNAROUND SCHOOL'S CONTRACT TERMINATES OR IS
11 REVOKED, TITLE TO ALL REAL AND PERSONAL PROPERTY, INTEREST IN REAL
12 OR PERSONAL PROPERTY, AND OTHER ASSETS OWNED BY THE TURNAROUND
13 SCHOOL SHALL REVERT TO THE STATE. THIS PROPERTY SHALL BE
14 DISTRIBUTED IN ACCORDANCE WITH THE FOLLOWING:

15 (A) WITHIN 30 DAYS FOLLOWING THE TERMINATION OR REVOCATION,
16 THE BOARD OF DIRECTORS OF A TURNAROUND SCHOOL SHALL HOLD A PUBLIC
17 MEETING TO ADOPT A PLAN OF DISTRIBUTION OF ASSETS AND TO APPROVE
18 THE DISSOLUTION OF THE TURNAROUND SCHOOL CORPORATION, ALL IN
19 ACCORDANCE WITH CHAPTER 8 OF THE NONPROFIT CORPORATION ACT, 1982 PA
20 162, MCL 450.2801 TO 450.2864.

21 (B) THE TURNAROUND SCHOOL SHALL FILE A CERTIFICATE OF
22 DISSOLUTION WITH THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC
23 GROWTH WITHIN 10 BUSINESS DAYS FOLLOWING BOARD APPROVAL.

24 (C) SIMULTANEOUSLY WITH THE FILING OF THE CERTIFICATE OF
25 DISSOLUTION UNDER SUBDIVISION (B), THE TURNAROUND SCHOOL BOARD OF
26 DIRECTORS SHALL PROVIDE A COPY OF THE BOARD OF DIRECTORS' PLAN OF
27 DISTRIBUTION OF ASSETS TO THE STATE TREASURER FOR APPROVAL. WITHIN

1 30 DAYS, THE STATE TREASURER, OR HIS OR HER DESIGNEE, SHALL REVIEW
2 AND APPROVE THE BOARD OF DIRECTORS' PLAN OF DISTRIBUTION OF ASSETS.
3 IF THE PROPOSED PLAN OF DISTRIBUTION OF ASSETS IS NOT APPROVED
4 WITHIN 30 DAYS, THE STATE TREASURER, OR HIS OR HER DESIGNEE, SHALL
5 PROVIDE THE BOARD OF DIRECTORS WITH AN ACCEPTABLE PLAN OF
6 DISTRIBUTION OF ASSETS.

7 (D) THE STATE TREASURER, OR HIS OR HER DESIGNEE, SHALL MONITOR
8 THE TURNAROUND SCHOOL'S WINDING UP OF THE DISSOLVED CORPORATION IN
9 ACCORDANCE WITH THE PLAN OF DISTRIBUTION OF ASSETS APPROVED OR
10 PROVIDED UNDER SUBDIVISION (C).

11 (E) AS PART OF THE PLAN OF DISTRIBUTION OF ASSETS, THE
12 TURNAROUND SCHOOL BOARD OF DIRECTORS SHALL DESIGNATE THE DIRECTOR
13 OF THE DEPARTMENT OF MANAGEMENT AND BUDGET, OR HIS OR HER DESIGNEE,
14 TO DISPOSE OF ALL REAL PROPERTY OF THE TURNAROUND SCHOOL
15 CORPORATION IN ACCORDANCE WITH THE DIRECTIVES DEVELOPED FOR
16 DISPOSITION OF SURPLUS LAND AND FACILITIES UNDER SECTION 251 OF THE
17 MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1251.

18 (F) IF THE BOARD OF DIRECTORS OF A TURNAROUND SCHOOL FAILS TO
19 TAKE ANY NECESSARY ACTION UNDER THIS SECTION, THE STATE TREASURER,
20 OR HIS OR HER DESIGNEE, MAY SUSPEND THE TURNAROUND SCHOOL BOARD OF
21 DIRECTORS AND APPOINT A TRUSTEE TO CARRY OUT THE BOARD'S PLAN OF
22 DISTRIBUTION OF ASSETS. UPON APPOINTMENT, THE TRUSTEE SHALL HAVE
23 ALL THE RIGHTS, POWERS, AND PRIVILEGES UNDER LAW THAT THE
24 TURNAROUND SCHOOL BOARD OF DIRECTORS HAD BEFORE BEING SUSPENDED.

25 (G) FOLLOWING THE SALE OF THE REAL OR PERSONAL PROPERTY OR
26 INTERESTS IN THE REAL OR PERSONAL PROPERTY, AND AFTER PAYMENT OF
27 ANY TURNAROUND SCHOOL DEBT SECURED BY THE PROPERTY OR INTEREST IN

1 PROPERTY, WHETHER REAL OR PERSONAL, THE TURNAROUND SCHOOL BOARD OF
2 DIRECTORS, OR A TRUSTEE APPOINTED UNDER THIS SECTION, SHALL FORWARD
3 ANY REMAINING MONEY TO THE STATE TREASURER. FOLLOWING RECEIPT, THE
4 STATE TREASURER, OR HIS OR HER DESIGNEE, SHALL DEPOSIT THIS
5 REMAINING MONEY IN THE STATE SCHOOL AID FUND.

6 SEC. 539. AN AUTHORIZING BODY AND TURNAROUND SCHOOL MAY
7 INCLUDE PROVISIONS IN THE CONTRACT THAT PERMIT THE ENTITY THAT
8 APPLIED FOR THE CONTRACT TO DO ANY OF THE FOLLOWING:

9 (A) PARTICIPATE IN THE RECRUITING, INTERVIEWING, AND
10 NOMINATING PROCESS FOR TURNAROUND SCHOOL BOARD MEMBERS.

11 (B) CONDUCT AN INDEPENDENT EDUCATIONAL REVIEW, ON A PERIODIC
12 BASIS, TO DETERMINE WHETHER THE TURNAROUND SCHOOL IS SUCCESSFUL IN
13 IMPLEMENTING THE EDUCATIONAL GOALS SET FORTH IN THE CONTRACT.

14 (C) SERVE AS CONTRACT ADMINISTRATOR BETWEEN THE TURNAROUND
15 SCHOOL BOARD OF DIRECTORS AND ANY EDUCATIONAL MANAGEMENT COMPANY
16 CONTRACTED TO OPERATE THE TURNAROUND SCHOOL.

17 (D) MAKE RECOMMENDATIONS TO THE AUTHORIZING BODY AND
18 TURNAROUND SCHOOL ON HOW TO IMPROVE THE TURNAROUND SCHOOL'S
19 OPERATION.

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

24 (2) As used in subsection (1), and subject to subsection (6),
25 "accredited" means certified by the superintendent of public
26 instruction as having met or exceeded standards established under
27 this section for 6 areas of school operation: administration and

1 school organization, curricula, staff, school plant and facilities,
2 school and community relations, and school improvement plans and
3 student performance. The building-level evaluation used in the
4 accreditation process shall include, but is not limited to, school
5 data collection, self-study, visitation and validation,
6 determination of performance data to be used, and the development
7 of a school improvement plan.

8 (3) The department shall develop and distribute to all public
9 schools proposed accreditation standards. Upon distribution of the
10 proposed standards, the department shall hold statewide public
11 hearings for the purpose of receiving testimony concerning the
12 standards. After a review of the testimony, the department shall
13 revise and submit the proposed standards to the superintendent of
14 public instruction. After a review and revision, if appropriate, of
15 the proposed standards, the superintendent of public instruction
16 shall submit the proposed standards to the senate and house
17 committees that have the responsibility for education legislation.
18 Upon approval by these committees, the department shall distribute
19 to all public schools the standards to be applied to each school
20 for accreditation purposes. The superintendent of public
21 instruction shall review and update the accreditation standards
22 annually using the process prescribed under this subsection.

23 (4) The superintendent of public instruction shall develop and
24 distribute to all public schools standards for determining that a
25 school is eligible for summary accreditation under subsection (6).
26 The standards shall be developed, reviewed, approved, and
27 distributed using the same process as prescribed in subsection (3)

1 for accreditation standards, and shall be finally distributed and
2 implemented not later than December 31, 1994.

3 (5) The standards for accreditation or summary accreditation
4 under this section shall include as criteria pupil performance on
5 Michigan education assessment program (MEAP) tests and on the
6 Michigan merit examination under section 1279g, ~~and, until the~~
7 ~~Michigan merit examination has been fully implemented, the~~
8 ~~percentage of pupils achieving state endorsement under section~~
9 ~~1279,~~ but shall not be based solely on pupil performance on MEAP
10 tests or the Michigan merit examination. ~~or on the percentage of~~
11 ~~pupils achieving state endorsement under section 1279.~~ The
12 standards shall also include as criteria multiple year change in
13 pupil performance on MEAP tests and the Michigan merit examination.
14 ~~and, until after the Michigan merit examination is fully~~
15 ~~implemented, multiple year change in the percentage of pupils~~
16 ~~achieving state endorsement under section 1279.~~ If it is necessary
17 for the superintendent of public instruction to revise
18 accreditation or summary accreditation standards established under
19 subsection (3) or (4) to comply with this subsection, the revised
20 standards shall be developed, reviewed, approved, and distributed
21 using the same process as prescribed in subsection (3).

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

27 (7) If the superintendent of public instruction determines

1 that a school has not met the standards established under
2 subsection (4) or (5) for summary accreditation but that the school
3 is making progress toward meeting those standards, or if, based on
4 a full building-level evaluation under subsection (2), the
5 superintendent of public instruction determines that a school has
6 not met the standards for accreditation but is making progress
7 toward meeting those standards, the school is in interim status and
8 is subject to a full building-level evaluation as provided in this
9 section.

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

14 (9) ~~Beginning with the 2002-2003 school year, if~~ **IF** at least
15 5% of a public school's answer sheets from the administration of
16 the Michigan educational assessment program (MEAP) tests are lost
17 by the department or by a state contractor and if the public school
18 can verify that the answer sheets were collected from pupils and
19 forwarded to the department or the contractor, the department shall
20 not assign an accreditation score or school report card grade to
21 the public school for that subject area for the corresponding year
22 for the purposes of determining state accreditation under this
23 section. The department shall not assign an accreditation score or
24 school report card grade to the public school for that subject area
25 until the results of all tests for the next year are available.

26 (10) Subsection (9) does not preclude the department from
27 determining whether a public school or a school district has

1 achieved adequate yearly progress for the school year in which the
2 answer sheets were lost for the purposes of the no child left
3 behind act of 2001, Public Law 107-110. However, the department
4 shall ensure that a public school or the school district is not
5 penalized when determining adequate yearly progress status due to
6 the fact that the public school's MEAP answer sheets were lost by
7 the department or by a state contractor, but shall not require a
8 public school or school district to retest pupils or produce scores
9 from another test for this purpose.

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

14 (12) The superintendent of public instruction shall, and the
15 intermediate school district to which a school district is
16 constituent, a consortium of intermediate school districts, or any
17 combination thereof may, provide technical assistance, as
18 appropriate, to a school that is unaccredited or that is in interim
19 status upon request of the board of the school district in which
20 the school is located. If requests to the superintendent of public
21 instruction for technical assistance exceed the capacity, priority
22 shall be given to unaccredited schools.

23 (13) ~~A-IF THE DEPARTMENT DETERMINES THAT A~~ school ~~that~~ has
24 been unaccredited for ~~3-4~~ consecutive years ~~is subject to~~ **OR HAS**
25 **FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD FOR 4 OR**
26 **MORE CONSECUTIVE YEARS AND THAT THE PERCENTAGE OF ALL PUPILS**
27 **ENROLLED IN THE SCHOOL WHO SCORED AT LEAST "PROFICIENT" ON THE MOST**

1 RECENT MICHIGAN EDUCATION ASSESSMENT PROGRAM ASSESSMENTS OR
2 MICHIGAN MERIT EXAMINATION, AS APPLICABLE, FOR WHICH RESULTS ARE
3 AVAILABLE WAS LESS THAN 35% IN BOTH MATHEMATICS AND ENGLISH
4 LANGUAGE ARTS, THEN THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL
5 ISSUE AN ORDER PLACING THE PUBLIC SCHOOL UNDER THE CONTROL AND
6 SUPERVISION OF THE STATE SCHOOL REFORM/REDESIGN OFFICER. WITHIN 30
7 DAYS AFTER THIS ORDER, THE STATE SCHOOL REFORM/REDESIGN OFFICER
8 SHALL APPOINT A REVIEW TEAM TO CONDUCT AN EVALUATION OF THE PUBLIC
9 SCHOOL. WITHIN 30 DAYS AFTER BEING APPOINTED, THE REVIEW TEAM SHALL
10 SUBMIT A REPORT TO THE STATE SCHOOL REFORM/REDESIGN OFFICER THAT
11 IDENTIFIES THE REASONS FOR THE PUBLIC SCHOOL'S FAILURES AND
12 CONTAINS RECOMMENDATIONS ON THE MEASURES THAT THE STATE SCHOOL
13 REFORM/REDESIGN OFFICER SHOULD TAKE UNDER THIS SECTION WITH REGARD
14 TO THE PUBLIC SCHOOL. UPON REQUEST, THE STATE SCHOOL
15 REFORM/REDESIGN OFFICER MAY GRANT 1 SIXTY-DAY EXTENSION OF THIS
16 TIME LIMIT. THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF
17 A PUBLIC SCHOOL ACADEMY SHALL COOPERATE FULLY WITH A REVIEW TEAM
18 APPOINTED UNDER THIS SUBSECTION.

19 (14) AFTER RECEIVING THE REPORT OF THE REVIEW TEAM UNDER
20 SUBSECTION (13), THE STATE SCHOOL REFORM/REDESIGN OFFICER MAY ISSUE
21 AN ORDER IMPOSING 1 or more of the following measures, as
22 determined by the ~~superintendent of public instruction~~ STATE SCHOOL
23 REFORM/REDESIGN OFFICER:

24 (a) The ~~superintendent of public instruction or his or her~~
25 ~~designee~~ STATE SCHOOL REFORM/REDESIGN OFFICER shall appoint at the
26 expense of the affected school district an administrator of the
27 school until the school becomes accredited.

1 (b) A parent, legal guardian, or person in loco parentis of a
2 child who attends the school may send his or her child to any
3 ~~accredited~~ public school with an appropriate grade level within the
4 school district **THAT IS EITHER ACCREDITED OR HAS ACHIEVED THE**
5 **FEDERAL PUPIL PERFORMANCE STANDARD, AS DETERMINED BY THE**
6 **DEPARTMENT, FOR THE MOST RECENT YEAR FOR WHICH A DETERMINATION HAS**
7 **BEEN MADE. IF THE SCHOOL RECEIVES FEDERAL FUNDS UNDER TITLE I OF**
8 **THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, 20 USC 6301 TO**
9 **6578, CHAPTER 1 OF TITLE I OF THE HAWKINS-STAFFORD ELEMENTARY AND**
10 **SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988, PUBLIC LAW 100-**
11 **297, THEN THE BOARD OR BOARD OF DIRECTORS THAT OPERATES THE SCHOOL**
12 **SHALL PROVIDE TRANSPORTATION FOR A PUPIL WHO EXERCISES CHOICE UNDER**
13 **THIS SUBDIVISION.**

14 (c) The **BOARD OR BOARD OF DIRECTORS THAT OPERATES THE** school,
15 with the approval of the ~~superintendent of public instruction~~ **STATE**
16 **SCHOOL REFORM/REDESIGN OFFICER,** shall align ~~itself~~ **THE SCHOOL** with
17 an existing research-based school improvement model, **CONTRACT WITH**
18 **AN ESTABLISHED EDUCATIONAL MANAGEMENT ORGANIZATION FOR OPERATION OF**
19 **THE SCHOOL BY THE EDUCATIONAL MANAGEMENT ORGANIZATION,** or establish
20 an affiliation for providing assistance to the school with a
21 college or university located in this state.

22 (D) **THE BOARD OR BOARD OF DIRECTORS THAT OPERATES THE SCHOOL**
23 **SHALL HIRE A NEW PRINCIPAL USING A PERFORMANCE CONTRACT TO**
24 **ADMINISTER THE SCHOOL.**

25 (E) **THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL ENTER INTO**
26 **A PERFORMANCE CONTRACT WITH AN ESTABLISHED EDUCATIONAL MANAGEMENT**
27 **ORGANIZATION FOR OPERATION OF THE SCHOOL BY THE EDUCATIONAL**

1 MANAGEMENT ORGANIZATION.

2 (F) THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL DESIGNATE
3 THE SCHOOL AS A FAILING SCHOOL TO BE PLACED UNDER THE OVERSIGHT OF
4 THE STATE SCHOOL REFORM/REDESIGN OFFICER AND OPERATED UNDER SECTION
5 1280C.

6 (G) ~~(d)~~—The school shall be closed.

7 (15) AT LEAST ANNUALLY, THE DEPARTMENT SHALL PUBLISH A WATCH
8 LIST OF SCHOOLS THAT ARE IN DANGER OF MEETING THE CRITERIA UNDER
9 SUBSECTION (13) AND SHALL NOTIFY THE BOARD OR BOARD OF DIRECTORS
10 THAT OPERATES A SCHOOL ON THIS LIST. THE DEPARTMENT SHALL INCLUDE A
11 SCHOOL ON THIS WATCH LIST IF THE DEPARTMENT DETERMINES THAT A
12 SCHOOL HAS FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD
13 FOR 3 OR MORE CONSECUTIVE YEARS AND THAT THE PERCENTAGE OF ALL
14 PUPILS ENROLLED IN THE SCHOOL WHO SCORED AT LEAST "PROFICIENT" ON
15 THE MOST RECENT MICHIGAN EDUCATION ASSESSMENT PROGRAM ASSESSMENTS
16 OR MICHIGAN MERIT EXAMINATION, AS APPLICABLE, FOR WHICH RESULTS ARE
17 AVAILABLE WAS LESS THAN 40% IN BOTH MATHEMATICS AND ENGLISH
18 LANGUAGE ARTS, AND MAY INCLUDE OTHER SCHOOLS IF THE DEPARTMENT
19 DETERMINES THAT THERE ARE OTHER REASONS WHY THEY ARE IN DANGER OF
20 MEETING THE CRITERIA UNDER SUBSECTION (13).

21 (16) ~~(14)~~—The superintendent of public instruction shall
22 evaluate the school accreditation program and the status of schools
23 under this section and shall submit an annual report based upon the
24 evaluation to the senate and house committees that have the
25 responsibility for education legislation. The report shall address
26 the reasons each unaccredited school is not accredited and shall
27 recommend legislative action that will result in the accreditation

1 of all public schools in this state.

2 (17) ~~(15)~~ Beginning with the 2008-2009 school year, a high
3 school shall not be accredited by the department unless the
4 department determines that the high school is providing or has
5 otherwise ensured that all pupils have access to all of the
6 elements of the curriculum required under sections 1278a and 1278b.
7 If it is necessary for the superintendent of public instruction to
8 revise accreditation or summary accreditation standards established
9 under subsection (3) or (4) to comply with the changes made to this
10 section by the amendatory act that added this subsection, the
11 revised standards shall be developed, reviewed, approved, and
12 distributed using the same process as prescribed in subsection (3).

13 (18) AS USED IN THIS SECTION:

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

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

1 GOVERNMENT THAT IS BASED ON PUPIL PERFORMANCE AND IS REQUIRED TO BE
2 MET IN ORDER TO RECEIVE FULL FEDERAL FUNDING.

3 SEC. 1280C. (1) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL
4 HIRE A STATE SCHOOL REFORM/REDESIGN OFFICER TO CARRY OUT THE
5 FUNCTIONS UNDER THIS SECTION AND SECTION 1280(13) AND (14). THE
6 STATE SCHOOL REFORM/REDESIGN OFFICER SHALL BE CHOSEN SOLELY ON THE
7 BASIS OF HIS OR HER COMPETENCE AND EXPERIENCE IN EDUCATIONAL REFORM
8 AND REDESIGN.

9 (2) IF A PUBLIC SCHOOL IS DETERMINED BY THE DEPARTMENT TO MEET
10 THE CRITERIA UNDER SECTION 1280(13) AND IS DESIGNATED BY THE STATE
11 SCHOOL REFORM/REDESIGN OFFICER AS A FAILING PUBLIC SCHOOL UNDER
12 SECTION 1280(14)(F), THEN ALL OF THE FOLLOWING APPLY TO THE PUBLIC
13 SCHOOL:

14 (A) THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL DO 1 OF THE
15 FOLLOWING, AT HIS OR HER OPTION:

16 (i) THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL ENTER INTO A
17 MEMORANDUM OF UNDERSTANDING DESCRIBED IN SUBSECTION (3) WITH THE
18 BOARD OR BOARD OF DIRECTORS THAT OPERATES THE SCHOOL.

19 (ii) THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL ASSUME
20 AUTONOMOUS CONTROL AND OVERSIGHT OF THE PUBLIC SCHOOL THROUGH A
21 PERFORMANCE CONTRACT WITH A QUALIFIED ENTITY TO OPERATE THE SCHOOL
22 AS DESCRIBED IN SUBSECTIONS (4) AND (5).

23 (3) IF THE STATE SCHOOL REFORM/REDESIGN OFFICER ENTERS INTO A
24 MEMORANDUM OF UNDERSTANDING WITH THE BOARD OR BOARD OF DIRECTORS
25 THAT OPERATES THE SCHOOL, THE MEMORANDUM OF UNDERSTANDING SHALL
26 PROVIDE FOR ALL OF THE FOLLOWING:

27 (A) GENERAL OVERSIGHT AND SUPERVISION OF THE PUBLIC SCHOOL BY

1 THE STATE SCHOOL REFORM/REDESIGN OFFICER.

2 (B) CONTINUED DAY-TO-DAY OPERATION OF THE PUBLIC SCHOOL BY THE
3 BOARD OR BOARD OF DIRECTORS, BUT ONLY AFTER MODIFICATION OF SCHOOL
4 DISTRICT OR PUBLIC SCHOOL ACADEMY POLICIES AND RENEGOTIATION OF
5 APPLICABLE COLLECTIVE BARGAINING AGREEMENTS TO PROVIDE FOR ANY OF
6 THE FOLLOWING THAT ARE DETERMINED BY THE STATE SCHOOL
7 REFORM/REDESIGN OFFICER TO BE NECESSARY TO ACHIEVE THE EDUCATIONAL
8 GOALS ESTABLISHED BY THE STATE SCHOOL REFORM/REDESIGN OFFICER:

9 (i) THAT THE PRINCIPAL OR OTHER SCHOOL LEADER DESIGNATED BY THE
10 STATE SCHOOL REFORM/REDESIGN OFFICER MAY REMOVE A STAFF MEMBER FROM
11 A JOB ASSIGNMENT AT THE SCHOOL AND DIRECT THAT HE OR SHE BE
12 ASSIGNED ELSEWHERE; MAY REQUIRE AN EMPLOYEE WHO WORKS AT THE SCHOOL
13 AT THE TIME IT IS DESIGNATED AS A FAILING SCHOOL BY THE STATE
14 SCHOOL REFORM/REDESIGN OFFICER TO REAPPLY AND BE REHIRED FOR
15 ASSIGNMENT AT THE SCHOOL; AND MAY HIRE AND ASSIGN EMPLOYEES TO WORK
16 AT THE SCHOOL. HOWEVER, THIS SUBPARAGRAPH APPLIES ONLY TO
17 ASSIGNMENT AT THAT SCHOOL AND DOES NOT ALLOW A STAFF MEMBER TO BE
18 TERMINATED FROM HIS OR HER EMPLOYMENT WITH THE SCHOOL DISTRICT OR
19 PUBLIC SCHOOL ACADEMY THAT OWNS THE SCHOOL, AND THIS SUBPARAGRAPH
20 DOES NOT ALLOW UNILATERAL CHANGES IN PAY SCALES OR BENEFITS.

21 (ii) THAT ANY CONTRACTUAL OR OTHER SENIORITY SYSTEM THAT WOULD
22 OTHERWISE BE APPLICABLE SHALL NOT APPLY AT THE SCHOOL.

23 (iii) THAT ANY CONTRACTUAL OR OTHER WORK RULES THE STATE SCHOOL
24 REFORM/REDESIGN OFFICER DETERMINES TO BE IMPEDIMENTS TO ACHIEVING
25 SATISFACTORY PUPIL PERFORMANCE SHALL NOT APPLY AT THE SCHOOL.

26 (iv) THAT THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL DIRECT
27 THE EXPENDITURE OF ALL STATE SCHOOL AID ATTRIBUTABLE TO PUPILS AT

1 THE SCHOOL AND THE PRINCIPAL OR OTHER SCHOOL LEADER DESIGNATED BY
2 THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL HAVE FULL AUTONOMY
3 AND CONTROL OVER CURRICULUM AND DISCRETIONARY SPENDING AT THE
4 SCHOOL.

5 (4) IF THE STATE SCHOOL REFORM/REDESIGN OFFICER DECIDES TO
6 ASSUME AUTONOMOUS CONTROL AND OVERSIGHT OF THE PUBLIC SCHOOL
7 THROUGH A PERFORMANCE CONTRACT WITH A QUALIFIED ENTITY TO OPERATE
8 THE SCHOOL, THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL PUBLISH
9 A REQUEST FOR PROPOSALS FOR QUALIFIED ENTITIES, AS DESCRIBED IN
10 SUBSECTION (6), TO ENTER INTO A PERFORMANCE CONTRACT WITH THE STATE
11 SCHOOL REFORM/REDESIGN OFFICER TO OPERATE THE SCHOOL. THE STATE
12 SCHOOL REFORM/REDESIGN OFFICER SHALL SELECT A QUALIFIED ENTITY AND
13 ENTER INTO A CONTRACT WITH THE QUALIFIED ENTITY TO OPERATE THE
14 SCHOOL AS A REDESIGNED PUBLIC SCHOOL. A CONTRACT SHALL CONTAIN AT
15 LEAST ALL OF THE FOLLOWING:

16 (A) THE EDUCATIONAL GOALS THE REDESIGNED PUBLIC SCHOOL IS TO
17 ACHIEVE AND THE METHODS BY WHICH IT WILL BE HELD ACCOUNTABLE. TO
18 THE EXTENT APPLICABLE, THE PUPIL PERFORMANCE OF A REDESIGNED PUBLIC
19 SCHOOL SHALL BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION
20 ASSESSMENT PROGRAM (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION,
21 AS APPLICABLE. THE EDUCATIONAL GOALS SHALL INCLUDE THAT AT LEAST
22 80% OF THE SCHOOL'S PUPILS GRADUATE FROM HIGH SCHOOL OR ARE
23 DETERMINED BY THE DEPARTMENT TO BE ON TRACK TO GRADUATE FROM HIGH
24 SCHOOL, THE SCHOOL HAS AT LEAST 80% AVERAGE ATTENDANCE, AND, IF THE
25 SCHOOL IS A HIGH SCHOOL, THE SCHOOL'S PUPILS HAVE AN AVERAGE SCORE
26 OF AT LEAST 18 ON THE COLLEGE ENTRANCE EXAMINATION COMPONENT OF THE
27 MICHIGAN MERIT EXAMINATION.

1 (B) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE
2 REDESIGNED PUBLIC SCHOOL'S COMPLIANCE WITH APPLICABLE LAW AND ITS
3 PERFORMANCE IN MEETING ITS TARGETED EDUCATIONAL OBJECTIVES.

4 (C) A DESCRIPTION OF THE PROCESS FOR AMENDING THE CONTRACT
5 DURING THE TERM OF THE CONTRACT.

6 (D) PROCEDURES FOR REVOKING THE CONTRACT AND GROUNDS FOR
7 REVOKING THE CONTRACT. THE GROUNDS SHALL INCLUDE, BUT ARE NOT
8 LIMITED TO, THE FAILURE TO MEET THE EDUCATIONAL GOALS OF THE
9 REDESIGNED PUBLIC SCHOOL.

10 (E) A PROVISION THAT REQUIRES THE QUALIFIED ENTITY TO PROVIDE
11 TO THE STATE SCHOOL REFORM/REDESIGN OFFICER THE SAME INFORMATION
12 THAT AN EDUCATIONAL MANAGEMENT COMPANY IS REQUIRED TO PROVIDE TO A
13 GOVERNING BOARD UNDER SECTION 1320(2).

14 (5) ALL OF THE FOLLOWING APPLY TO OPERATION OF A REDESIGNED
15 PUBLIC SCHOOL BY A QUALIFIED ENTITY PURSUANT TO A PERFORMANCE
16 CONTRACT UNDER SUBSECTION (4):

17 (A) THE QUALIFIED ENTITY OPERATING THE SCHOOL OR A SCHOOL
18 LEADER DESIGNATED BY THE QUALIFIED ENTITY MAY REMOVE A STAFF MEMBER
19 FROM A JOB ASSIGNMENT AT THE SCHOOL AND DIRECT THAT HE OR SHE BE
20 ASSIGNED ELSEWHERE. HOWEVER, THIS SUBDIVISION APPLIES ONLY TO
21 ASSIGNMENT AT THAT SCHOOL AND DOES NOT ALLOW A STAFF MEMBER TO BE
22 TERMINATED FROM HIS OR HER EMPLOYMENT WITH THE SCHOOL DISTRICT OR
23 PUBLIC SCHOOL ACADEMY THAT OWNS THE SCHOOL.

24 (B) THE PRINCIPAL OR OTHER SCHOOL LEADER DESIGNATED BY THE
25 QUALIFIED ENTITY MAY HIRE AND ASSIGN EMPLOYEES TO WORK AT THE
26 SCHOOL. AN EMPLOYEE WHO WORKS AT THE SCHOOL AT THE TIME IT IS
27 DESIGNATED AS A FAILING SCHOOL BY THE STATE SCHOOL REFORM/REDESIGN

1 OFFICER MUST REAPPLY AND BE REHIRED FOR ASSIGNMENT AT THE SCHOOL.
2 HOWEVER, THIS SUBDIVISION APPLIES ONLY TO ASSIGNMENT AT THAT SCHOOL
3 AND DOES NOT ALLOW A STAFF MEMBER TO BE TERMINATED FROM HIS OR HER
4 EMPLOYMENT WITH THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY THAT
5 OWNS THE SCHOOL.

6 (C) WITH THE APPROVAL OF THE STATE SCHOOL REFORM/REDESIGN
7 OFFICER, CONTRACTUAL OR OTHER WORK RULES THAT THAT WOULD OTHERWISE
8 BE APPLICABLE SHALL NOT APPLY AT THE SCHOOL. THIS SUBDIVISION DOES
9 NOT ALLOW UNILATERAL CHANGES IN PAY SCALES OR BENEFITS.

10 (D) WITH THE APPROVAL OF THE STATE SCHOOL REFORM/REDESIGN
11 OFFICER, ANY CONTRACTUAL OR OTHER SENIORITY SYSTEM THAT WOULD
12 OTHERWISE BE APPLICABLE SHALL NOT APPLY AT THE SCHOOL.

13 (E) THE PRINCIPAL OR OTHER SCHOOL LEADER DESIGNATED BY THE
14 QUALIFIED ENTITY SHALL HAVE FULL AUTONOMY AND CONTROL OVER
15 CURRICULUM AND DISCRETIONARY SPENDING AT THE SCHOOL.

16 (6) THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL COMPILE AND
17 MAINTAIN A LIST OF QUALIFIED ENTITIES THAT MAY APPLY FOR AND BE A
18 PARTY TO A PERFORMANCE CONTRACT UNDER SUBSECTION (4). IF THE STATE
19 SCHOOL REFORM/REDESIGN OFFICER DETERMINES THAT AN ENTITY MEETS AND
20 IS CONTINUING TO MEET ALL OF THE FOLLOWING, THE STATE SCHOOL
21 REFORM/REDESIGN OFFICER SHALL PLACE AND MAINTAIN THE ENTITY ON THE
22 LIST OF QUALIFIED ENTITIES:

23 (A) HAS BEEN ISSUED AND IS CURRENTLY A PARTY TO A CONTRACT
24 WITH AN AUTHORIZING BODY TO ORGANIZE AND OPERATE AT LEAST 1 PUBLIC
25 SCHOOL ACADEMY UNDER PART 6A.

26 (B) FOR EACH PUBLIC SCHOOL ACADEMY THAT IT OPERATES, THE
27 SCORES OF THE PUBLIC SCHOOL ACADEMY'S PUPILS ON MICHIGAN

1 EDUCATIONAL ASSESSMENT PROGRAM TESTS AND, IF THE PUBLIC SCHOOL
2 ACADEMY IS A HIGH SCHOOL, ON THE MICHIGAN MERIT EXAMINATION ARE ON
3 AVERAGE AT LEAST 10% HIGHER THAN THE SCORES OF THE PUPILS OF THE
4 SCHOOL DISTRICT IN WHICH THE PUBLIC SCHOOL ACADEMY IS LOCATED.

5 SEC. 1320. (1) BEGINNING WITH CONTRACTS DESCRIBED IN THIS
6 SECTION THAT ARE ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS
7 SECTION, IF THE GOVERNING BOARD OF A PUBLIC SCHOOL ENTERS INTO A
8 CONTRACT WITH AN EDUCATIONAL MANAGEMENT COMPANY TO CARRY OUT THE
9 OPERATIONS OF A PUBLIC SCHOOL UNDER THIS ACT, THE GOVERNING BOARD
10 SHALL ENSURE ALL OF THE FOLLOWING:

11 (A) THAT THE GOVERNING BOARD HAS CONDUCTED SUFFICIENT DUE
12 DILIGENCE TO CONCLUDE THAT THE EDUCATIONAL MANAGEMENT COMPANY HAS
13 SUFFICIENT EDUCATIONAL EXPERTISE AND MANAGEMENT EXPERIENCE TO
14 PROVIDE THE AGREED SERVICES.

15 (B) THAT THE GOVERNING BOARD WILL OBTAIN INDEPENDENT LEGAL
16 COUNSEL IN ALL NEGOTIATIONS WITH THE EDUCATIONAL MANAGEMENT
17 COMPANY.

18 (C) IF THE GOVERNING BOARD IS THE BOARD OF DIRECTORS OF A
19 PUBLIC SCHOOL ACADEMY, THAT, PURSUANT TO THE CONTRACT BETWEEN THE
20 BOARD OF DIRECTORS AND THE EDUCATIONAL MANAGEMENT COMPANY OR
21 EDUCATIONAL MANAGEMENT ORGANIZATION, THE EDUCATIONAL MANAGEMENT
22 COMPANY WILL PROVIDE TO THE BOARD OF DIRECTORS ALL FINANCIAL AND
23 OTHER INFORMATION REQUIRED TO COMPLY WITH THE REQUIREMENTS
24 CONCERNING REPORTING THAT ARE CONTAINED IN THE CONTRACT BETWEEN THE
25 BOARD OF DIRECTORS AND ITS AUTHORIZING BODY UNDER SECTION 503 OR
26 533, AS APPLICABLE.

27 (2) BEGINNING WITH CONTRACTS DESCRIBED IN THIS SECTION THAT

1 ARE ENTERED INTO AFTER THE EFFECTIVE DATE OF THIS SECTION, IF THE
2 GOVERNING BOARD OF A PUBLIC SCHOOL ENTERS INTO A CONTRACT WITH AN
3 EDUCATIONAL MANAGEMENT COMPANY TO CARRY OUT THE OPERATIONS OF A
4 PUBLIC SCHOOL UNDER THIS ACT, THE CONTRACT BETWEEN THE GOVERNING
5 BOARD AND THE EDUCATIONAL MANAGEMENT COMPANY SHALL CONTAIN AT LEAST
6 ALL OF THE FOLLOWING PROVISIONS:

7 (A) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT COMPANY
8 TO PROVIDE TO THE GOVERNING BOARD INFORMATION REGARDING ANY
9 TEACHERS, ADMINISTRATORS, AND SUPPORT STAFF EMPLOYED BY THE
10 EDUCATIONAL MANAGEMENT COMPANY AND ASSIGNED TO WORK AT THE PUBLIC
11 SCHOOL, INCLUDING AT LEAST ALL OF THE FOLLOWING PERSONAL
12 INFORMATION:

13 (i) NAME.

14 (ii) EDUCATION, INCLUDING HIGHEST DEGREE ATTAINED.

15 (iii) SALARY.

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

18 (v) DESCRIPTION OF RELEVANT EXPERIENCE.

19 (vi) EMPLOYMENT RECORD.

20 (B) A PROVISION REQUIRING THE EDUCATIONAL MANAGEMENT COMPANY
21 TO PROVIDE TO THE GOVERNING BOARD INFORMATION REGARDING THE
22 BUSINESS OPERATIONS OF THE PUBLIC SCHOOL, INCLUDING AT LEAST ALL OF
23 THE FOLLOWING:

24 (i) FINANCIAL RECORDS AND INFORMATION CONCERNING THE OPERATION
25 OF THE SCHOOL, INCLUDING, BUT NOT LIMITED TO, BUDGETS AND DETAILED
26 RECORDS OF FUNDS RECEIVED FROM THIS STATE AND OTHER ENTITIES,
27 EXPENDITURE OF THOSE FUNDS, INVESTMENT OF THOSE FUNDS, CARRYOVER,

1 AND CONTRACTUAL ARRANGEMENTS OR AGREEMENTS ENTERED INTO BY THE
2 EDUCATIONAL MANAGEMENT COMPANY AS AN AGENT OF THE GOVERNING BOARD.

3 (ii) FINANCIAL RECORDS AND INFORMATION CONCERNING LEASES TO
4 WHICH THE GOVERNING BOARD IS A PARTY, INCLUDING, BUT NOT LIMITED
5 TO, LEASES FOR EQUIPMENT, PHYSICAL FACILITY SPACE, OR INSTITUTIONAL
6 AND EDUCATIONAL MATERIALS.

7 (iii) FINANCIAL RECORDS AND INFORMATION CONCERNING MORTGAGES AND
8 LOANS TO WHICH THE GOVERNING BOARD IS A PARTY.

9 (C) IF THE GOVERNING BOARD IS THE BOARD OF DIRECTORS OF A
10 PUBLIC SCHOOL ACADEMY, A PROVISION REQUIRING THE EDUCATIONAL
11 MANAGEMENT COMPANY TO MAKE INFORMATION AVAILABLE TO THE BOARD OF
12 DIRECTORS CONCERNING THE OPERATION AND MANAGEMENT OF THE PUBLIC
13 SCHOOL ACADEMY, INCLUDING AT LEAST ALL OF THE INFORMATION NECESSARY
14 TO COMPLY WITH THE REQUIREMENTS CONCERNING REPORTING THAT ARE
15 CONTAINED IN THE CONTRACT BETWEEN THE BOARD OF DIRECTORS AND ITS
16 AUTHORIZING BODY UNDER SECTION 503 OR 533, AS APPLICABLE.

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

19 (4) AS USED IN THIS SECTION:

20 (A) "EDUCATIONAL MANAGEMENT COMPANY" MEANS AN ENTITY THAT
21 ENTERS INTO AN AGREEMENT WITH THE GOVERNING BOARD OF A PUBLIC
22 SCHOOL TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE,
23 MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO THE PUBLIC
24 SCHOOL. EDUCATIONAL MANAGEMENT COMPANY INCLUDES AN EDUCATIONAL
25 MANAGEMENT ORGANIZATION AS THAT TERM IS DEFINED AND USED IN PART
26 6D.

27 (B) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS

1 CORPORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION,
2 CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

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

6 (a) Senate Bill No. _____ or House Bill No. 4788 (request no.
7 02345'09 a).

8 (b) Senate Bill No. _____ or House Bill No. 4789 (request no.
9 02345'09 b).