

# HOUSE BILL No. 5818

February 16, 2010, Introduced by Rep. Jackson and referred to the Committee on Appropriations.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending the title and section 1280c (MCL 380.1280c), the title  
as amended by 2003 PA 179 and section 1280c as added by 2009 PA  
204, and by adding section 1280d.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

### TITLE

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An act to provide a system of public instruction and  
elementary and secondary schools; to revise, consolidate, and  
clarify the laws relating to elementary and secondary education; to  
provide for the organization, regulation, and maintenance of  
schools, school districts, public school academies, intermediate  
school districts, and other public school entities; to prescribe

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1 rights, powers, duties, and privileges of schools, school  
2 districts, public school academies, intermediate school districts,  
3 and other public school entities; to provide for the regulation of  
4 school teachers and certain other school employees; to provide for  
5 school elections and to prescribe powers and duties with respect  
6 thereto; to provide for the levy and collection of taxes; to  
7 provide for the borrowing of money and issuance of bonds and other  
8 evidences of indebtedness; to establish a fund and provide for  
9 expenditures from that fund; to provide for and prescribe the  
10 powers and duties of certain state departments, the state board of  
11 education, and certain other boards and officials; to provide for  
12 licensure of boarding schools; **TO PROVIDE FOR AN APPROPRIATION;** to  
13 prescribe penalties; and to repeal acts and parts of acts.

14       Sec. 1280c. (1) Beginning in 2010, not later than September 1  
15 of each year, the superintendent of public instruction shall  
16 publish a list identifying the public schools in this state that  
17 the department has determined to be among the lowest achieving 5%  
18 of all public schools in this state, as defined for the purposes of  
19 the federal incentive grant program created under sections 14005  
20 and 14006 of title XIV of the American recovery and reinvestment  
21 act of 2009, Public Law 111-5.

22       (2) ~~The~~ **SUBJECT TO SUBSECTION (16), THE** superintendent of  
23 public instruction shall issue an order placing each public school  
24 that is included on the list under subsection (1) under the  
25 supervision of the state school reform/redesign officer described  
26 in subsection (9). Within 90 days after a public school is placed  
27 under the supervision of the state school reform/redesign officer

1 under this section, the school board or board of directors  
2 operating the public school shall submit a redesign plan to the  
3 state school reform/redesign officer. For a public school operated  
4 by a school board, the redesign plan shall be developed with input  
5 from the local teacher bargaining unit and the local superintendent  
6 or, if an emergency financial manager is in place under the local  
7 government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to  
8 141.1291, the emergency financial manager. The redesign plan shall  
9 require implementation of 1 of the 4 school intervention models  
10 that are provided for the lowest achieving schools under the  
11 federal incentive grant program created under sections 14005 and  
12 14006 of title XIV of the American recovery and reinvestment act of  
13 2009, Public Law 111-5, known as the "race to the top" grant  
14 program. These models are the turnaround model, restart model,  
15 school closure, and transformation model. The redesign plan shall  
16 include an executed addendum to each applicable collective  
17 bargaining agreement in effect for the public school that meets the  
18 requirements of subsection (8).

19 (3) Within 30 days after receipt of a redesign plan for a  
20 public school under subsection (2), the state school  
21 reform/redesign officer shall issue an order approving,  
22 disapproving, or making changes to the redesign plan. If the order  
23 makes changes to the redesign plan, the school board or board of  
24 directors has 30 days after the order to change the redesign plan  
25 to incorporate those changes into the redesign plan and resubmit it  
26 to the state school reform/redesign officer for approval or  
27 disapproval.

1           (4) The state school reform/redesign officer shall not  
2 disapprove a redesign plan that includes all of the elements  
3 required under federal law for the school intervention model  
4 included in the redesign plan. A school board or board of directors  
5 may appeal disapproval of a redesign plan on this basis to the  
6 superintendent of public instruction. The decision of the  
7 superintendent of public instruction on the appeal is final.

8           (5) If the state school reform/redesign officer approves a  
9 redesign plan under this section, the school board or board of  
10 directors shall implement the redesign plan for the public school  
11 beginning with the beginning of the next school year that begins  
12 after the approval. The school board or board of directors shall  
13 regularly submit monitoring reports to the state school  
14 reform/redesign officer on the implementation and results of the  
15 plan in the form and manner, and according to a schedule, as  
16 determined by the state school reform/redesign officer.

17           (6) The state school reform/redesign school district is  
18 created. The state school reform/redesign school district is a  
19 school district for the purposes of section 11 of article IX of the  
20 state constitution of 1963 and for receiving state school aid under  
21 the state school aid act of 1979 and is subject to the leadership  
22 and general supervision of the state board over all public  
23 education under section 3 of article VIII of the state constitution  
24 of 1963. The state school reform/redesign school district is a body  
25 corporate and is a governmental agency. Except as otherwise  
26 provided in subsection (7), if the state school reform/redesign  
27 officer does not approve the redesign plan, or if the state school

1 reform/redesign officer determines that the redesign plan is not  
2 achieving satisfactory results, the state school reform/redesign  
3 officer shall issue an order placing the public school in the state  
4 school reform/redesign school district, imposing for the public  
5 school implementation of 1 of the 4 school intervention models  
6 described in subsection (2) beginning with the beginning of the  
7 next school year, and imposing an addendum to each applicable  
8 collective bargaining agreement in effect for the public school as  
9 necessary to implement the school intervention model and that meets  
10 the requirements of subsection (8). All of the following apply to  
11 the state school reform/redesign school district:

12 (a) The state school reform/redesign school district shall  
13 consist of schools that are placed in the state school  
14 reform/redesign school district.

15 (b) The state school reform/redesign officer shall act as the  
16 superintendent of the state school reform/redesign school district.  
17 With respect to schools placed in the state school reform/redesign  
18 school district, the state school reform/redesign officer has all  
19 of the powers and duties described in this section; all of the  
20 provisions of this act that would otherwise apply to the school  
21 board that previously operated a school placed in the state school  
22 reform/redesign school district apply to the state school  
23 reform/redesign officer with respect to that school, except those  
24 relating to taxation or borrowing; except as otherwise provided in  
25 this section, the state school reform/redesign officer may exercise  
26 all the powers and duties otherwise vested by law in the school  
27 board that previously operated a school placed in the state school

1 reform/redesign school district and in its officers, except those  
2 relating to taxation or borrowing, and may exercise all additional  
3 powers and duties provided under this section; and, except as  
4 otherwise provided in this section, the state school  
5 reform/redesign officer accedes to all the rights, duties, and  
6 obligations of the school board with respect to that school. These  
7 powers, rights, duties, and obligations include, but are not  
8 limited to, all of the following:

9 (i) Authority over the expenditure of all funds attributable to  
10 pupils at that school, including that portion of proceeds from  
11 bonded indebtedness and other funds dedicated to capital projects  
12 that would otherwise be apportioned to that school by the school  
13 board that previously operated the school according to the terms of  
14 the bond issue or financing documents.

15 (ii) Subject to subsection (8), rights and obligations under  
16 collective bargaining agreements and employment contracts entered  
17 into by the school board for employees at the school.

18 (iii) Rights to prosecute and defend litigation.

19 (iv) Rights and obligations under statute, rule, and common  
20 law.

21 (v) Authority to delegate any of the state school  
22 reform/redesign officer's powers and duties to 1 or more designees,  
23 with proper supervision by the state school reform/redesign  
24 officer.

25 (vi) Power to terminate any contract or portion of a contract  
26 entered into by the school board that applies to that school.

27 However, this subsection does not allow any termination or

1   diminishment of obligations to pay debt service on legally  
2   authorized bonds and does not allow a collective bargaining  
3   agreement to be affected except as provided under subsection (8). A  
4   contract terminated by the state school reform/redesign officer  
5   under this subsection is void.

6       (7) If the state school reform/redesign officer determines  
7   that better educational results are likely to be achieved by  
8   appointing a chief executive officer to take control of multiple  
9   public schools, the state school reform/redesign officer may make a  
10   recommendation to the superintendent of public instruction for  
11   appointment of a chief executive officer to take control over those  
12   multiple schools. If the superintendent of public instruction  
13   appoints a chief executive officer to take control of multiple  
14   public schools under this subsection, the chief executive officer  
15   shall impose for those public schools implementation of 1 of the 4  
16   school intervention models described in subsection (2) and impose  
17   an addendum to each applicable collective bargaining agreement in  
18   effect for those public schools as necessary to implement the  
19   school intervention model and that meets the requirements of  
20   subsection (8). With respect to those public schools, the chief  
21   executive officer has all of the same powers and duties that the  
22   state school reform/redesign officer has for public schools placed  
23   in the state school reform/redesign school district under  
24   subsection (6). The chief executive officer shall regularly submit  
25   monitoring reports to the state school reform/redesign officer on  
26   the implementation and results of the intervention model in the  
27   form and manner, and according to a schedule, as determined by the

1 state school reform/redesign officer. The chief executive officer  
2 shall exercise any other powers or duties over the public schools  
3 as may be directed by the superintendent of public instruction.

4 (8) An addendum to a collective bargaining agreement under  
5 this section shall provide for any of the following that are  
6 necessary for the applicable school intervention model to be  
7 implemented at each affected public school:

8 (a) That any contractual or other seniority system that would  
9 otherwise be applicable shall not apply at the public school. This  
10 subdivision does not allow unilateral changes in pay scales or  
11 benefits.

12 (b) That any contractual or other work rules that are  
13 impediments to implementing the redesign plan shall not apply at  
14 the public school. This subdivision does not allow unilateral  
15 changes in pay scales or benefits.

16 (c) That the state school reform/redesign officer shall direct  
17 the expenditure of all funds attributable to pupils at the public  
18 school and the principal or other school leader designated by the  
19 state school reform/redesign officer shall have full autonomy and  
20 control over curriculum and discretionary spending at the public  
21 school.

22 (9) The superintendent of public instruction shall hire a  
23 state school reform/redesign officer to carry out the functions  
24 under this section and as otherwise prescribed by law. The state  
25 school reform/redesign officer shall be chosen solely on the basis  
26 of his or her competence and experience in educational reform and  
27 redesign. The state school reform/redesign officer is exempt from



1 civil service. The state school reform/redesign officer is  
2 responsible directly to the superintendent of public instruction to  
3 ensure that the purposes of this section are carried out, and  
4 accordingly the position of state school reform/redesign officer  
5 should be a position within the department that is exempt from the  
6 classified state civil service. The department shall request that  
7 the civil service commission establish the position of state school  
8 reform/redesign officer as a position that is exempt from the  
9 classified state civil service.

10 (10) If the state school reform/redesign officer imposes the  
11 restart model for a public school in the state school  
12 reform/redesign school district, or a chief executive officer under  
13 subsection (7) imposes the restart model for multiple public  
14 schools under that subsection, all of the following apply:

15 (a) The state school reform/redesign officer or chief  
16 executive officer shall enter into an agreement with an educational  
17 management organization to manage and operate the public school or  
18 schools. The state school reform/redesign officer or chief  
19 executive officer shall provide sufficient oversight to ensure that  
20 the public school or schools will be operated according to all of  
21 the requirements for a restart model.

22 (b) There shall be considered to be no collective bargaining  
23 agreement in effect that applies to employees working at the public  
24 school or schools under this model at the time of imposition of the  
25 model.

26 (11) If the state school reform/redesign officer imposes the  
27 turnaround model for a public school in the state school

1 reform/redesign school district, or a chief executive officer under  
2 subsection (7) imposes the turnaround model for multiple public  
3 schools under that subsection, all of the following apply:

4 (a) A collective bargaining agreement that applies to  
5 employees working at the public school or schools under this model  
6 at the time of imposition of the model, and any successor  
7 collective bargaining agreement, continues to apply with respect to  
8 pay scales and benefits.

9 (b) Subject to any addendum to the collective bargaining  
10 agreement that applies to the public school or schools, an employee  
11 who is working at the public school or schools and who was  
12 previously employed in the same school district that previously  
13 operated that school shall continue to retain and accrue seniority  
14 rights in that school district according to the collective  
15 bargaining agreement that applies to employees of that school  
16 district.

17 (12) If more than 9 public schools operated by a school  
18 district are on the list under subsection (1), the transformation  
19 model may not be implemented for more than 50% of those schools.

20 (13) If the state school reform/redesign officer determines  
21 that a public school that is subject to the measures under  
22 subsection (6) or (7) has made significant improvement in pupil  
23 achievement and should be released from the measures that have been  
24 imposed under subsection (6) or (7), the state school  
25 reform/redesign officer may recommend this to the superintendent of  
26 public instruction. If the superintendent of public instruction  
27 agrees with the determination and recommendation, the

1 superintendent of public instruction may release the public school  
2 from the measures that have been imposed under subsection (6) or  
3 (7).

4 (14) At least annually, the state school reform/redesign  
5 officer shall submit a report to the standing committees of the  
6 senate and house of representatives having jurisdiction over  
7 education legislation on the progress being made in improving pupil  
8 proficiency due to the measures under this section.

9 (15) As soon as practicable after the federal department of  
10 education has adopted the final work rules and formula for  
11 identifying the lowest achieving 5% of all public schools in this  
12 state for the purposes of the federal incentive grant program  
13 created under sections 14005 and 14006 of title XIV of the American  
14 recovery and reinvestment act of 2009, Public Law 111-5, known as  
15 the "race to the top" grant program, the department shall post all  
16 of the following on its website:

17 (a) The federal work rules and formula.

18 (b) A list of the public schools in this state that have been  
19 identified for these purposes as being among the lowest achieving  
20 5% of all public schools in this state. The department shall update  
21 this list as it considers appropriate.

22 **(16) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES**  
23 **THAT AT LEAST 50% OF THE SCHOOLS OPERATED BY A SCHOOL DISTRICT HAVE**  
24 **FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD FOR 3 OR**  
25 **MORE CONSECUTIVE YEARS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
26 **SHALL NOTIFY THE GOVERNOR AND SHALL GIVE THE GOVERNOR 30 DAYS TO**  
27 **ACT UNDER SECTION 1280D BEFORE TAKING ACTION UNDER THIS SECTION**

1 WITH REGARD TO THE LOW-PERFORMING SCHOOLS IN THAT SCHOOL DISTRICT  
2 HAVE FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD FOR 3  
3 OR MORE CONSECUTIVE YEARS. IF THE GOVERNOR ACTS TO DECLARE THAT A  
4 SCHOOL DISTRICT HAS AN ACADEMIC EMERGENCY UNDER SECTION 1280D, THE  
5 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOT TAKE ACTION UNDER  
6 THIS SECTION WITH REGARD TO THE SCHOOLS IN THAT SCHOOL DISTRICT. AS  
7 USED IN THIS SUBSECTION, "FAILED TO ACHIEVE THE FEDERAL PUPIL  
8 PERFORMANCE STANDARD" MEANS THAT THE DEPARTMENT HAS DETERMINED THAT  
9 THE SCHOOL HAS FAILED TO ACHIEVE ADEQUATE YEARLY PROGRESS UNDER THE  
10 NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, OR HAS FAILED  
11 TO MEET A SUCCESSOR FEDERAL STANDARD THAT THE SUPERINTENDENT OF  
12 PUBLIC INSTRUCTION HAS IDENTIFIED AS BEING A STANDARD ESTABLISHED  
13 BY THE FEDERAL GOVERNMENT THAT IS BASED ON PUPIL PERFORMANCE AND IS  
14 REQUIRED TO BE MET IN ORDER TO RECEIVE FULL FEDERAL FUNDING.

15 SEC. 1280D. (1) IF THE GOVERNOR RECEIVES NOTIFICATION FROM THE  
16 SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER SECTION 1280C(16) THAT  
17 AT LEAST 50% OF THE SCHOOLS OPERATED BY A SCHOOL DISTRICT HAVE  
18 FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD FOR 3 OR  
19 MORE CONSECUTIVE YEARS, THE GOVERNOR MAY DECLARE THAT THE SCHOOL  
20 DISTRICT HAS AN ACADEMIC EMERGENCY AND ESTABLISH AN ACADEMIC  
21 DISTRESS COMMISSION FOR THE SCHOOL DISTRICT UNDER THIS SECTION TO  
22 ASSIST THE SCHOOL DISTRICT IN IMPROVING THE SCHOOL DISTRICT'S  
23 ACADEMIC PERFORMANCE. IF THE GOVERNOR CHOOSES TO DECLARE THAT A  
24 SCHOOL DISTRICT HAS AN ACADEMIC EMERGENCY UNDER THIS SECTION, THE  
25 GOVERNOR SHALL TAKE THAT ACTION WITHIN 30 DAYS AFTER RECEIVING THE  
26 NOTIFICATION UNDER SECTION 1280C(16). IF AN EMERGENCY FINANCIAL  
27 MANAGER IS IN PLACE IN THE SCHOOL DISTRICT UNDER THE LOCAL

1 GOVERNMENT FISCAL RESPONSIBILITY ACT, 1990 PA 72, MCL 141.1201 TO  
2 141.1291, THE GOVERNOR IN THE DECLARATION THAT THE DISTRICT HAS AN  
3 ACADEMIC EMERGENCY MAY INCLUDE AN ORDER GIVING THE EMERGENCY  
4 FINANCIAL MANAGER INTERIM AUTHORITY OVER DESIGN AND DELIVERY OF  
5 ACADEMIC IMPROVEMENTS IN THE SCHOOL DISTRICT AND ALL OTHER POWERS  
6 AND RESPONSIBILITIES PROVIDED UNDER THIS SECTION FOR AN ACADEMIC  
7 DISTRESS COMMISSION. IF GRANTED, THIS INTERIM AUTHORITY IS IN  
8 EFFECT ONLY UNTIL THE ACADEMIC DISTRESS COMMISSION IS ESTABLISHED.

9 (2) IF THE GOVERNOR DECLARES THAT A SCHOOL DISTRICT HAS AN  
10 ACADEMIC EMERGENCY, ALL OF THE FOLLOWING APPLY TO THE ESTABLISHMENT  
11 OF AN ACADEMIC DISTRESS COMMISSION UNDER THIS SECTION:

12 (A) A SEPARATE ACADEMIC DISTRESS COMMISSION SHALL BE  
13 ESTABLISHED FOR EACH SCHOOL DISTRICT FOR WHICH THE GOVERNOR HAS  
14 DECLARED AN ACADEMIC EMERGENCY.

15 (B) AN ACADEMIC DISTRESS COMMISSION IS A BODY CORPORATE AND IS  
16 A GOVERNMENTAL AGENCY. THE POWERS GRANTED TO AN ACADEMIC DISTRESS  
17 COMMISSION UNDER THIS PART CONSTITUTE THE PERFORMANCE OF ESSENTIAL  
18 PUBLIC PURPOSES AND GOVERNMENTAL FUNCTIONS OF THIS STATE. AN  
19 ACADEMIC DISTRESS COMMISSION SHALL BE KNOWN AS THE "ACADEMIC  
20 DISTRESS COMMISSION FOR ..... (NAME OF SCHOOL DISTRICT) "  
21 AND, IN THAT NAME, MAY EXERCISE ALL AUTHORITY VESTED IN THE  
22 COMMISSION BY THIS SECTION.

23 (C) EACH ACADEMIC DISTRESS COMMISSION SHALL CONSIST OF 3  
24 VOTING MEMBERS APPOINTED FOR A 2-YEAR TERM. THE GOVERNOR SHALL  
25 APPOINT 2 OF THE MEMBERS, AND THE PRESIDENT OF THE SCHOOL BOARD OF  
26 THE SCHOOL DISTRICT SHALL APPOINT 1 OF THE MEMBERS. THE MEMBER  
27 APPOINTED BY THE PRESIDENT OF THE SCHOOL BOARD SHALL BE A RESIDENT

1 OF THE SCHOOL DISTRICT. THE MEMBER APPOINTED BY THE PRESIDENT OF  
2 THE SCHOOL BOARD SHALL NOT BE A MEMBER OF THE SCHOOL BOARD. WHEN  
3 THE GOVERNOR DECLARES THAT A SCHOOL DISTRICT HAS AN ACADEMIC  
4 EMERGENCY, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PROVIDE  
5 WRITTEN NOTIFICATION OF THAT FACT TO THE SCHOOL BOARD AND SHALL  
6 REQUEST THE PRESIDENT OF THE SCHOOL BOARD TO SUBMIT TO THE  
7 SUPERINTENDENT OF PUBLIC INSTRUCTION, IN WRITING, THE SCHOOL  
8 BOARD'S OWN 24-MONTH PLAN FOR ACADEMIC IMPROVEMENT AND THE NAME OF  
9 THE PRESIDENT'S APPOINTEE TO THE COMMISSION. MONEY IS APPROPRIATED  
10 TO THE SCHOOL BOARD UNDER SUBSECTION (16) FOR THE DEVELOPMENT AND  
11 SUBMISSION OF THIS PLAN. THE GOVERNOR AND THE PRESIDENT OF THE  
12 SCHOOL BOARD SHALL MAKE APPOINTMENTS TO THE COMMISSION WITHIN 30  
13 DAYS AFTER THE SCHOOL DISTRICT IS NOTIFIED THAT IT IS SUBJECT TO  
14 THIS SECTION. MEMBERS OF THE COMMISSION SHALL SERVE AT THE PLEASURE  
15 OF THEIR APPOINTING AUTHORITY DURING THEIR TERMS. IN THE EVENT OF  
16 THE DEATH, RESIGNATION, INCAPACITY, REMOVAL, OR INELIGIBILITY TO  
17 SERVE OF A MEMBER, THE APPOINTING AUTHORITY SHALL APPOINT A  
18 SUCCESSOR WITHIN 15 DAYS AFTER THE VACANCY OCCURS.

19 (D) IF THERE IS AN EMERGENCY FINANCIAL MANAGER IN PLACE IN THE  
20 SCHOOL DISTRICT UNDER THE LOCAL GOVERNMENT FISCAL RESPONSIBILITY  
21 ACT, 1990 PA 72, MCL 141.1201 TO 141.1291, THE EMERGENCY FINANCIAL  
22 MANAGER MAY ALSO SERVE AS A MEMBER OF THE ACADEMIC DISTRESS  
23 COMMISSION FOR THAT SCHOOL DISTRICT.

24 (E) IMMEDIATELY AFTER APPOINTMENT OF THE INITIAL MEMBERS OF AN  
25 ACADEMIC DISTRESS COMMISSION, THE SUPERINTENDENT OF PUBLIC  
26 INSTRUCTION SHALL CALL THE FIRST MEETING OF THE COMMISSION AND  
27 SHALL CAUSE WRITTEN NOTICE OF THE TIME, DATE, AND PLACE OF THAT

1 MEETING TO BE GIVEN TO EACH MEMBER OF THE COMMISSION AT LEAST 48  
2 HOURS IN ADVANCE OF THE MEETING. THE FIRST MEETING SHALL INCLUDE AN  
3 OVERVIEW OF THE COMMISSION'S ROLES AND RESPONSIBILITIES AND OF THE  
4 APPLICABLE LAW GOVERNING THE OPERATIONS OF THE COMMISSION. AT ITS  
5 FIRST MEETING, THE COMMISSION SHALL ADOPT TEMPORARY BYLAWS IN  
6 ACCORDANCE WITH SUBDIVISION (F) TO GOVERN ITS OPERATIONS UNTIL THE  
7 ADOPTION OF PERMANENT BYLAWS. THE SUPERINTENDENT OF PUBLIC  
8 INSTRUCTION SHALL DESIGNATE A CHAIRPERSON FOR THE COMMISSION FROM  
9 AMONG THE MEMBERS APPOINTED BY THE GOVERNOR. THE CHAIRPERSON SHALL  
10 CALL AND CONDUCT MEETINGS, SET MEETING AGENDAS, AND SERVE AS A  
11 LIAISON BETWEEN THE COMMISSION AND THE BOARD OF THE SCHOOL  
12 DISTRICT. THE CHAIRPERSON ALSO SHALL APPOINT A SECRETARY, WHO SHALL  
13 NOT BE A MEMBER OF THE COMMISSION. THE DEPARTMENT SHALL PROVIDE  
14 ADMINISTRATIVE SUPPORT FOR THE COMMISSION, PROVIDE DATA REQUESTED  
15 BY THE COMMISSION, AND INFORM THE COMMISSION OF AVAILABLE STATE  
16 RESOURCES THAT COULD ASSIST THE COMMISSION IN ITS WORK.

17 (F) EACH ACADEMIC DISTRESS COMMISSION MAY ADOPT AND ALTER  
18 BYLAWS AND RULES FOR THE CONDUCT OF ITS AFFAIRS AND FOR THE MANNER,  
19 SUBJECT TO THIS SECTION, IN WHICH ITS POWERS AND FUNCTIONS SHALL BE  
20 EXERCISED.

21 (G) A SIMPLE MAJORITY OF THE MEMBERS OF AN ACADEMIC DISTRESS  
22 COMMISSION CONSTITUTE A QUORUM OF THE COMMISSION. THE AFFIRMATIVE  
23 VOTE OF 2 MEMBERS OF THE COMMISSION IS NECESSARY FOR ANY ACTION  
24 TAKEN BY VOTE OF THE COMMISSION. A VACANCY IN THE MEMBERSHIP OF THE  
25 COMMISSION DOES NOT IMPAIR THE RIGHTS OF A QUORUM TO EXERCISE ALL  
26 THE RIGHTS AND PERFORM ALL THE DUTIES OF THE COMMISSION. MEMBERS OF  
27 THE COMMISSION ARE NOT DISQUALIFIED FROM VOTING BY REASON OF THE

1 FUNCTIONS OF ANY OTHER OFFICE THEY HOLD AND ARE NOT DISQUALIFIED  
2 FROM EXERCISING THE FUNCTIONS OF THE OTHER OFFICE WITH RESPECT TO  
3 THE SCHOOL DISTRICT, ITS OFFICERS, OR THE COMMISSION.

4 (H) THE MEMBERS OF AN ACADEMIC DISTRESS COMMISSION, THE  
5 SUPERINTENDENT OF PUBLIC INSTRUCTION, AND ANY PERSON AUTHORIZED TO  
6 ACT ON BEHALF OF OR ASSIST THEM SHALL NOT BE PERSONALLY LIABLE OR  
7 SUBJECT TO ANY SUIT, JUDGMENT, OR CLAIM FOR DAMAGES RESULTING FROM  
8 THE EXERCISE OF OR FAILURE TO EXERCISE THE POWERS, DUTIES, AND  
9 FUNCTIONS GRANTED TO THEM IN REGARD TO THEIR FUNCTIONING UNDER THIS  
10 SECTION, BUT THE COMMISSION, SUPERINTENDENT OF PUBLIC INSTRUCTION,  
11 AND SUCH OTHER PERSONS ARE SUBJECT TO MANDAMUS PROCEEDINGS TO  
12 COMPEL PERFORMANCE OF THEIR DUTIES UNDER THIS SECTION.

13 (I) EACH MEMBER OF AN ACADEMIC DISTRESS COMMISSION SHALL  
14 EXECUTE THE CONSTITUTIONAL OATH OF OFFICE AS A PUBLIC OFFICER OF  
15 THIS STATE.

16 (J) THE BUSINESS THAT THE ACADEMIC DISTRESS COMMISSION MAY  
17 PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE ACADEMIC  
18 DISTRESS COMMISSION HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT,  
19 1976 PA 267, MCL 15.261 TO 15.275. A WRITING PREPARED, OWNED, USED,  
20 IN THE POSSESSION OF, OR RETAINED BY THE ACADEMIC DISTRESS  
21 COMMISSION IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO  
22 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

23 (3) WITHIN 120 DAYS AFTER THE FIRST MEETING OF AN ACADEMIC  
24 DISTRESS COMMISSION, THE COMMISSION SHALL ADOPT A 24-MONTH ACADEMIC  
25 RECOVERY PLAN TO IMPROVE ACADEMIC PERFORMANCE IN THE SCHOOL  
26 DISTRICT AND SHALL PROVIDE COPIES OF THIS PLAN TO THE SENATE AND  
27 HOUSE STANDING COMMITTEES ON EDUCATION. THE ACADEMIC DISTRESS



1 COMMISSION SHALL CONSIDER THE WRITTEN 24-MONTH ACADEMIC IMPROVEMENT  
2 PLAN OF THE SCHOOL BOARD OF THE SCHOOL DISTRICT SUBMITTED UNDER  
3 SUBSECTION (2) (C) BEFORE ADOPTING THE COMMISSION'S ACADEMIC  
4 RECOVERY PLAN. THE SCHOOL BOARD OF THE SCHOOL DISTRICT MAY SHARE  
5 WRITTEN SUPPLEMENTS TO ITS SUBMITTED 24-MONTH ACADEMIC IMPROVEMENT  
6 PLAN WITH THE COMMISSION. THE COMMISSION'S ACADEMIC RECOVERY PLAN  
7 SHALL ADDRESS ACADEMIC PROBLEMS AT BOTH THE DISTRICT AND SCHOOL  
8 LEVELS. THE COMMISSION'S ACADEMIC RECOVERY PLAN SHALL INCLUDE AT  
9 LEAST ALL OF THE FOLLOWING:

10 (A) SHORT-TERM AND LONG-TERM ACTIONS TO BE TAKEN TO IMPROVE  
11 THE SCHOOL DISTRICT'S ACADEMIC PERFORMANCE.

12 (B) EXPECTATIONS FOR OUTCOMES TO BE ACHIEVED BY THE END OF 24  
13 MONTHS.

14 (C) THE ROLES AND RESPONSIBILITIES OF THE SCHOOL DISTRICT  
15 SUPERINTENDENT AND SCHOOL BOARD.

16 (D) THE SEQUENCE AND TIMING OF THE ACTIONS DESCRIBED IN  
17 SUBDIVISION (A) AND THE PERSONS RESPONSIBLE FOR IMPLEMENTING EACH  
18 OF THE ACTIONS.

19 (E) RESOURCES THAT WILL BE APPLIED TOWARD IMPROVEMENT EFFORTS.

20 (F) PROCEDURES FOR MONITORING AND EVALUATING IMPROVEMENT  
21 EFFORTS.

22 (G) REQUIREMENTS FOR THE COMMISSION TO REPORT TO THE BOARD OF  
23 THE SCHOOL DISTRICT ON THE STATUS OF IMPROVEMENT EFFORTS.

24 (H) A DISCLOSURE OF THE EXTENT TO WHICH THE ACADEMIC RECOVERY  
25 PLAN INCLUDES COMPONENTS OF THE SCHOOL BOARD'S OWN ACADEMIC  
26 IMPROVEMENT PLANS.

27 (I) A DESCRIPTION OF REQUIRED SCHOOL LEADERSHIP TURNAROUND

1 SKILL SETS AND EITHER THE RESOURCE ALLOCATION OR PROFESSIONAL  
2 DEVELOPMENT PROCESS TO BE USED TO ACQUIRE THEM.

3 (4) AN ACADEMIC DISTRESS COMMISSION MAY AMEND ITS ACADEMIC  
4 RECOVERY PLAN SUBSEQUENT TO ADOPTION. THE COMMISSION SHALL UPDATE  
5 THE PLAN AT LEAST ANNUALLY.

6 (5) THE COMMISSION SHALL SUBMIT THE ACADEMIC RECOVERY PLAN IT  
7 ADOPTS OR UPDATES TO THE SENATE AND HOUSE STANDING COMMITTEES ON  
8 EDUCATION. THESE COMMITTEES MAY REQUEST CLARIFICATION OF THE PLAN  
9 WITHIN 30 DAYS OF ITS RECEIPT. THE COMMISSION SHALL IMPLEMENT ITS  
10 PLAN WITHIN 60 DAYS AFTER IT IS SUBMITTED.

11 (6) OFFICERS AND EMPLOYEES OF THE SCHOOL DISTRICT SHALL ASSIST  
12 THE ACADEMIC DISTRESS COMMISSION DILIGENTLY AND PROMPTLY IN THE  
13 IMPLEMENTATION OF THE ACADEMIC RECOVERY PLAN.

14 (7) EACH ACADEMIC DISTRESS COMMISSION SHALL SEEK TASK-SPECIFIC  
15 INPUT AND ASSISTANCE FROM THE SCHOOL BOARD OF THE SCHOOL DISTRICT  
16 REGARDING WAYS TO IMPROVE THE DISTRICT'S ACADEMIC PERFORMANCE AND  
17 IMPLEMENT THE ACADEMIC RECOVERY PLAN, BUT ANY DECISION OF THE  
18 COMMISSION RELATED TO ANY AUTHORITY GRANTED TO THE COMMISSION UNDER  
19 THIS SECTION IS FINAL. THE COMMISSION MAY DO ANY OF THE FOLLOWING:

20 (A) APPOINT SCHOOL BUILDING ADMINISTRATORS AND REASSIGN  
21 ADMINISTRATIVE PERSONNEL.

22 (B) TERMINATE THE CONTRACTS OF ADMINISTRATORS OR  
23 ADMINISTRATIVE PERSONNEL. THE COMMISSION IS NOT REQUIRED TO COMPLY  
24 WITH SECTION 1229 WITH RESPECT TO ANY CONTRACT TERMINATED UNDER  
25 THIS DIVISION.

26 (C) CONTRACT WITH A PRIVATE ENTITY TO PERFORM SCHOOL OR SCHOOL  
27 DISTRICT MANAGEMENT FUNCTIONS.

1 (D) ESTABLISH A BUDGET FOR THE DISTRICT AND APPROVE DISTRICT  
2 APPROPRIATIONS AND EXPENDITURES, UNLESS THE SCHOOL DISTRICT HAS AN  
3 EMERGENCY FINANCIAL MANAGER IN PLACE UNDER THE LOCAL GOVERNMENT  
4 FISCAL RESPONSIBILITY ACT, 1990 PA 72, MCL 141.1201 TO 141.1291.

5 (8) AN ACADEMIC DISTRESS COMMISSION IS NOT PROHIBITED FROM  
6 IMPLEMENTING ITS ACADEMIC RECOVERY PLAN IN A SCHOOL OPERATED BY THE  
7 SCHOOL DISTRICT THAT HAS NOT FAILED TO ACHIEVE THE FEDERAL PUPIL  
8 PERFORMANCE STANDARD FOR 3 OR MORE CONSECUTIVE YEARS IF THIS  
9 IMPLEMENTATION DOES NOT CONTRIBUTE TO NEIGHBORHOOD DESTABILIZATION,  
10 PROPERTY TAX EROSION, SCHOOL CONSOLIDATIONS CONFLICTING WITH  
11 MUNICIPAL NEIGHBORHOOD DEVELOPMENT, PARENTAL-COMMUNITY AND ALUMNI  
12 DISENGAGEMENT, STUDENT TRANSPORTATION HARDSHIP, THE NEED FOR  
13 INCREASED COMMUNITY POLICING, OR THE POTENTIAL FOR INCREASED  
14 STUDENT VIOLENCE, OR IF THE IMPLEMENTATION INCLUDES APPROPRIATE  
15 STRATEGIES TO MITIGATE ANY OF THESE IMPACTS.

16 (9) IF THE SCHOOL BOARD OF A SCHOOL DISTRICT FOR WHICH AN  
17 ACADEMIC DISTRESS COMMISSION HAS BEEN ESTABLISHED UNDER THIS  
18 SECTION RENEWS OR ENTERS INTO ANY COLLECTIVE BARGAINING AGREEMENT  
19 DURING THE EXISTENCE OF THE COMMISSION, THE SCHOOL BOARD SHALL NOT  
20 ENTER INTO ANY AGREEMENT THAT WOULD RENDER ANY DECISION OF THE  
21 COMMISSION UNENFORCEABLE.

22 (10) AN ACADEMIC DISTRESS COMMISSION SHALL DO ALL OF THE  
23 FOLLOWING:

24 (A) BEGINNING 4 MONTHS AFTER THE DATE IT IS ESTABLISHED, AT  
25 LEAST EVERY 4 MONTHS SHALL FILE WITH THE GOVERNOR, THE SENATE  
26 MAJORITY LEADER, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE  
27 SCHOOL BOARD OF THE SCHOOL DISTRICT, AND THE LEGISLATIVE BODY OF

1 THE MUNICIPALITY IN WHICH A MAJORITY OF THE TERRITORY OF THE SCHOOL  
2 DISTRICT IS LOCATED, AND SHALL POST ON THE INTERNET ON THE WEBSITE  
3 OF THE SCHOOL DISTRICT, A REPORT CONCERNING ITS PROGRESS.

4 (B) IN ADDITION TO THE REPORTS REQUIRED UNDER SUBDIVISION (A),  
5 COMMISSION MEMBERS SHALL BE AVAILABLE TO TESTIFY BEFORE THE  
6 COMMITTEES OF THE LEGISLATURE HAVING JURISDICTION OVER EDUCATION  
7 AND BEFORE THE LEGISLATIVE BODY OF THE MUNICIPALITY IN WHICH A  
8 MAJORITY OF THE TERRITORY OF THE SCHOOL DISTRICT IS LOCATED NOT  
9 FEWER THAN 3 TIMES EACH YEAR.

10 (C) BEGINNING 4 MONTHS AFTER THE DATE IT IS ESTABLISHED, AT  
11 LEAST EVERY 4 MONTHS THE COMMISSION SHALL CONDUCT PUBLIC FORUMS  
12 WITHIN THE SCHOOL DISTRICT TO RECEIVE INPUT FROM THE COMMUNITY AND  
13 INFORM THE COMMUNITY OF ITS ACTIVITIES AND PROGRESS. AT THESE  
14 FORUMS, THE ACADEMIC DISTRESS COMMISSION SHALL HEAR TESTIMONY FROM  
15 THE PUBLIC.

16 (11) SUBJECT TO SUBSECTION (12), AN ACADEMIC DISTRESS  
17 COMMISSION SHALL BE DISSOLVED BY THE SUPERINTENDENT OF PUBLIC  
18 INSTRUCTION WHEN THE SCHOOL DISTRICT FOR WHICH IT WAS ESTABLISHED  
19 IS DETERMINED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MEET  
20 ALL OF THE FOLLOWING:

21 (A) HAS ESTABLISHED AN ACADEMIC DELIVERY STRUCTURE THAT  
22 PRODUCES AN IMPROVEMENT TREND LINE FOR AFFECTED SCHOOLS THAT IS  
23 SATISFACTORY TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

24 (B) LESS THAN 30% OF SCHOOLS OPERATED BY THE SCHOOL DISTRICT  
25 HAVE FAILED TO ACHIEVE THE FEDERAL PUPIL PERFORMANCE STANDARD FOR 3  
26 OR MORE CONSECUTIVE YEARS.

27 (C) ALL OUTCOMES OUTLINED IN THE COMMISSION'S 24-MONTH

1 ACADEMIC RECOVERY PLAN HAVE BEEN ACCOMPLISHED.

2 (12) THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY DISSOLVE AN  
3 ACADEMIC DISTRESS COMMISSION EARLIER THAN PRESCRIBED IN SUBSECTION  
4 (11) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT  
5 THE SCHOOL DISTRICT CAN PERFORM ADEQUATELY WITHOUT THE SUPERVISION  
6 OF THE COMMISSION.

7 (13) UPON TERMINATION OF AN ACADEMIC DISTRESS COMMISSION, THE  
8 DEPARTMENT SHALL COMPILE A FINAL REPORT OF THE COMMISSION'S  
9 ACTIVITIES TO ASSIST OTHER ACADEMIC DISTRESS COMMISSIONS IN THE  
10 PERFORMANCE OF THEIR FUNCTIONS.

11 (14) IF A SCHOOL DISTRICT FOR WHICH AN ACADEMIC DISTRESS  
12 COMMISSION HAS BEEN ESTABLISHED IS UNABLE TO MEET THE REQUIREMENTS  
13 UNDER SUBSECTION (11) OR (12) FOR DISSOLUTION OF THE COMMISSION  
14 WITHIN 2 YEARS AFTER THE COMMISSION IS ESTABLISHED, THE GOVERNOR,  
15 UPON RECOMMENDATION OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION,  
16 MAY ORDER THE ESTABLISHMENT OF A NEW COMMISSION FOR THE SCHOOL  
17 DISTRICT AS PRESCRIBED UNDER SUBSECTION (2) TO SERVE FOR AN  
18 ADDITIONAL 2-YEAR PERIOD OR UNTIL DISSOLVED UNDER SUBSECTION (11)  
19 OR (12). HOWEVER, NO MORE THAN 3 CONSECUTIVE ACADEMIC DISTRESS  
20 COMMISSIONS MAY BE APPOINTED FOR A SCHOOL DISTRICT. A MEMBER OF A  
21 PREVIOUS ACADEMIC DISTRESS COMMISSION MAY BE REAPPOINTED TO A NEW  
22 ACADEMIC DISTRESS COMMISSION.

23 (15) EXCEPT AS PROVIDED IN SUBSECTION (14), FOR A PERIOD OF 5  
24 YEARS AFTER DISSOLUTION OF AN ACADEMIC DISTRESS COMMISSION FOR A  
25 SCHOOL DISTRICT, THE GOVERNOR SHALL NOT APPOINT ANOTHER ACADEMIC  
26 DISTRESS COMMISSION FOR THAT SCHOOL DISTRICT.

27 (16) AN AMOUNT EQUAL TO \$5,000.00 IS APPROPRIATED FROM THE

1 GENERAL FUND TO EACH SCHOOL DISTRICT THAT IS REQUIRED TO SUBMIT A  
2 WRITTEN 24-MONTH PLAN FOR ACADEMIC IMPROVEMENT TO THE ACADEMIC  
3 DISTRESS COMMISSION UNDER SUBSECTION (2) (C). THIS APPROPRIATION IS  
4 TO REIMBURSE THE SCHOOL DISTRICT FOR THE COSTS OF THAT PLAN.

5 (17) AS USED IN THIS SECTION, "FAILED TO ACHIEVE THE FEDERAL  
6 PUPIL PERFORMANCE STANDARD" MEANS THAT THE DEPARTMENT HAS  
7 DETERMINED THAT THE SCHOOL HAS FAILED TO ACHIEVE ADEQUATE YEARLY  
8 PROGRESS UNDER THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW  
9 107-110, OR HAS FAILED TO MEET A SUCCESSOR FEDERAL STANDARD THAT  
10 THE SUPERINTENDENT OF PUBLIC INSTRUCTION HAS IDENTIFIED AS BEING A  
11 STANDARD ESTABLISHED BY THE FEDERAL GOVERNMENT THAT IS BASED ON  
12 PUPIL PERFORMANCE AND IS REQUIRED TO BE MET IN ORDER TO RECEIVE  
13 FULL FEDERAL FUNDING.