

HOUSE BILL No. 5829

February 17, 2010, Introduced by Rep. McMillin and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 501, 502, and 504 (MCL 380.501, 380.502, and 380.504), section 501 as amended by 2003 PA 179, section 502 as amended by 1995 PA 289, and section 504 as amended by 2008 PA 1.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 501. (1) A public school academy is a public school under
2 section 2 of article VIII of the state constitution of 1963, is a
3 school district for the purposes of section 11 of article IX of the
4 state constitution of 1963 and for the purposes of section 1225 and
5 section 1351a, and is subject to the leadership and general
6 supervision of the state board over all public education under
7 section 3 of article VIII of the state constitution of 1963. A
8 public school academy is a body corporate and is a governmental

1 agency. The powers granted to a public school academy under this
2 part constitute the performance of essential public purposes and
3 governmental functions of this state.

4 (2) As used in this part:

5 (a) "Authorizing body" means any of the following that issues
6 a contract as provided in this part:

7 (i) The board of a school district that operates grades K to
8 12.

9 (ii) An intermediate school board.

10 (iii) The board of a community college.

11 (iv) The governing board of a state public university.

12 (v) **THE LEGISLATIVE BODY OF A MUNICIPALITY.**

13 (b) "Certificated teacher" means an individual who holds a
14 valid teaching certificate issued by the superintendent of public
15 instruction under section 1531.

16 (c) "Community college" means a community college organized
17 under the community college act of 1966, 1966 PA 331, MCL 389.1 to
18 389.195, or a federal tribally controlled community college that is
19 recognized under the tribally controlled community college
20 assistance act of 1978, Public Law 95-471, 92 Stat. 1325, and is
21 determined by the department to meet the requirements for
22 accreditation by a recognized regional accrediting body.

23 (d) "Contract" means the executive act taken by an authorizing
24 body that evidences the authorization of a public school academy
25 and that establishes, subject to the constitutional powers of the
26 state board and applicable law, the written instrument executed by
27 an authorizing body conferring certain rights, franchises,

1 privileges, and obligations on a public school academy, as provided
2 by this part, and confirming the status of a public school academy
3 as a public school in this state.

4 (e) "Entity" means a partnership, nonprofit or business
5 corporation, labor organization, or any other association,
6 corporation, trust, or other legal entity.

7 **(F) "MUNICIPALITY" MEANS A CITY, VILLAGE, OR TOWNSHIP.**

8 **(G) ~~(f)~~**"State public university" means a state university
9 described in section 4, 5, or 6 of article VIII of the state
10 constitution of 1963.

11 Sec. 502. (1) A public school academy shall be organized and
12 administered under the direction of a board of directors in
13 accordance with this part and with bylaws adopted by the board of
14 directors. A public school academy corporation shall be organized
15 under the nonprofit corporation act, ~~Act No. 162 of the Public Acts~~
16 ~~of 1982, being sections 450.2101 to 450.3192 of the Michigan~~
17 ~~Compiled Laws 1982 PA 162, MCL 450.2101 TO 450.3192~~, except that a
18 public school academy corporation is not required to comply with
19 sections 170 to 177 of ~~Act No. 327 of the Public Acts of 1931,~~
20 ~~being sections 450.170 to 450.177 of the Michigan Compiled Laws~~
21 **1931 PA 327, MCL 450.170 TO 450.177**. To the extent disqualified
22 under the state or federal constitution, a public school academy
23 shall not be organized by a church or other religious organization
24 and shall not have any organizational or contractual affiliation
25 with or constitute a church or other religious organization.

26 (2) Any of the following may act as an authorizing body to
27 issue a contract to organize and operate 1 or more public school

1 academies under this part:

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

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

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

1 located outside the boundaries of the community college district,
2 or may operate a public school academy itself on the grounds of
3 such a federal military installation, if the federal military
4 installation is not located within the boundaries of any community
5 college district and the community college has previously offered
6 courses on the grounds of the federal military installation for at
7 least 10 years.

8 (d) The governing board of a state public university. However,
9 the combined total number of contracts for public school academies
10 issued by all state public universities shall not exceed 85 through
11 1996, and, after the initial evaluation under section 501a, shall
12 not exceed 100 through 1997, 125 through 1998, or 150 thereafter.
13 Further, the total number of contracts issued by any 1 state public
14 university shall not exceed 50 through 1996, and thereafter shall
15 not exceed 50% of the maximum combined total number that may be
16 issued under this subdivision.

17 **(E) THE LEGISLATIVE BODY OF A MUNICIPALITY. HOWEVER, A PUBLIC**
18 **SCHOOL ACADEMY AUTHORIZED BY THE LEGISLATIVE BODY OF A MUNICIPALITY**
19 **MAY ONLY BE LOCATED WITHIN THE BOUNDARIES OF THE MUNICIPALITY AND**
20 **WITHIN THE BOUNDARIES OF A SCHOOL DISTRICT IN WHICH, AS OF THE DATE**
21 **THE CONTRACT IS ISSUED, THE PERCENTAGE OF ALL PUPILS ENROLLED IN**
22 **THE SCHOOL DISTRICT WHO TOOK THE MOST RECENT MICHIGAN EDUCATION**
23 **ASSESSMENT PROGRAM (MEAP) ASSESSMENTS OR MICHIGAN MERIT**
24 **EXAMINATION, AS APPLICABLE, FOR WHICH RESULTS ARE AVAILABLE IN**
25 **MATHEMATICS OR ENGLISH LANGUAGE ARTS AND WHO SCORED AT LEAST**
26 **"PROFICIENT" WAS LESS THAN 60% IN EITHER MATHEMATICS OR ENGLISH**
27 **LANGUAGE ARTS, OR BOTH. THE LEGISLATIVE BODY OF A MUNICIPALITY**

1 SHALL NOT ISSUE A CONTRACT FOR A PUBLIC SCHOOL ACADEMY TO OPERATE
2 OUTSIDE THE BOUNDARIES OF THE MUNICIPALITY OR OUTSIDE THE
3 BOUNDARIES OF A SCHOOL DISTRICT DESCRIBED IN THIS SUBDIVISION, AND
4 A PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE LEGISLATIVE BODY OF A
5 MUNICIPALITY SHALL NOT OPERATE OUTSIDE THE BOUNDARIES OF THAT
6 MUNICIPALITY OR OUTSIDE THE BOUNDARIES OF A SCHOOL DISTRICT
7 DESCRIBED IN THIS SUBDIVISION.

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

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

13 (b) Subject to the resolution adopted by the authorizing body
14 under section 503(4), a list of the proposed members of the board
15 of directors of the public school academy and a description of the
16 qualifications and method for appointment or election of members of
17 the board of directors.

18 (c) The proposed articles of incorporation, which shall
19 include at least all of the following:

20 (i) The name of the proposed public school academy.

21 (ii) The purposes for the public school academy corporation.

22 This language shall provide that the public school academy is
23 incorporated pursuant to this part and that the public school
24 academy corporation is a governmental entity.

25 (iii) The name of the authorizing body.

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

1 (v) Other matters considered expedient to be in the articles
2 of incorporation.

3 (d) A copy of the proposed bylaws of the public school
4 academy.

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

7 (i) The governance structure of the public school academy.

8 (ii) A copy of the educational goals of the public school
9 academy and the curricula to be offered and methods of pupil
10 assessment to be used by the public school academy. To the extent
11 applicable, the progress of the pupils in the public school academy
12 shall be assessed using at least a Michigan education assessment
13 program (MEAP) test or ~~an assessment instrument developed under~~
14 ~~section 1279 for a state endorsed high school diploma~~ **THE MICHIGAN**
15 **MERIT EXAMINATION.**

16 (iii) The admission policy and criteria to be maintained by the
17 public school academy. The admission policy and criteria shall
18 comply with section 504. This part of the application also shall
19 include a description of how the applicant will provide to the
20 general public adequate notice that a public school academy is
21 being created and adequate information on the admission policy,
22 criteria, and process.

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

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

25 (f) Descriptions of staff responsibilities and of the public
26 school academy's governance structure.

27 (g) For an application to the board of a school district, an

1 intermediate school board, or board of a community college,
2 identification of the local and intermediate school districts in
3 which the public school academy will be located.

4 (h) An agreement that the public school academy will comply
5 with the provisions of this part and, subject to the provisions of
6 this part, with all other state law applicable to public bodies and
7 with federal law applicable to public bodies or school districts.

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

13 (j) A description of and address for the proposed physical
14 plant in which the public school academy will be located.

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

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

1 during the suspension is void. A contract issued by the authorizing
2 body before the suspension is not affected by the suspension.

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

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

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

22 (2) A public school academy shall not charge tuition and shall
23 not discriminate in its pupil admissions policies or practices on
24 the basis of intellectual or athletic ability, measures of
25 achievement or aptitude, status as a student with a disability, or
26 any other basis that would be illegal if used by a school district.
27 However, a public school academy may limit admission to pupils who

1 are within a particular range of age or grade level or on any other
2 basis that would be legal if used by a school district.

3 (3) Except for a foreign exchange student who is not a United
4 States citizen, a public school academy shall not enroll a pupil
5 who is not a resident of this state. ~~Enrollment~~**FOR A PUBLIC SCHOOL**
6 **ACADEMY AUTHORIZED BY AN AUTHORIZING BODY DESCRIBED IN SECTION**
7 **502(2)(A) TO (C), ENROLLMENT** in the public school academy may be
8 open to all individuals who reside in this state who meet the
9 admission policy and shall be open to all pupils who reside within
10 the geographic boundaries, if any, of the authorizing body as
11 described in section 502(2)(a) to (c) who meet the admission
12 policy, except that admission to a public school academy authorized
13 by the board of a community college to operate, or operated by the
14 board of a community college, on the grounds of a federal military
15 installation, as described in section 502(2)(c), shall be open to
16 all pupils who reside in the county in which the federal military
17 installation is located. For a public school academy authorized by
18 a state public university, enrollment shall be open to all pupils
19 who reside in this state who meet the admission policy. **FOR A**
20 **PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE LEGISLATIVE BODY OF A**
21 **MUNICIPALITY, ENROLLMENT IN THE PUBLIC SCHOOL ACADEMY MAY BE OPEN**
22 **TO ALL INDIVIDUALS WHO RESIDE IN THIS STATE WHO MEET THE ADMISSION**
23 **POLICY AND SHALL BE OPEN TO ALL PUPILS WHO RESIDE WITHIN THE**
24 **GEOGRAPHIC BOUNDARIES OF THAT MUNICIPALITY AND OF THE SCHOOL**
25 **DISTRICT IN WHICH THE PUBLIC SCHOOL ACADEMY IS LOCATED WHO MEET THE**
26 **ADMISSION POLICY.** If there are more applications to enroll in the
27 public school academy than there are spaces available, pupils shall

1 be selected to attend using a random selection process. However, a
2 public school academy may give enrollment priority to a sibling of
3 a pupil enrolled in the public school academy. A public school
4 academy shall allow any pupil who was enrolled in the public school
5 academy in the immediately preceding school year to enroll in the
6 public school academy in the appropriate grade unless the
7 appropriate grade is not offered at that public school academy.

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