

# HOUSE BILL No. 5893

September 20, 2016, Introduced by Rep. Chang and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 504, 524, and 556 (MCL 380.504, 380.524, and  
380.556), as amended by 2011 PA 277.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 504. (1) A public school academy may be located in all or  
2 part of an existing public school building. A public school academy  
3 shall not operate at a site other than the site or sites requested  
4 for the configuration of age or grade levels that will use the site  
5 or sites, as specified in the contract. Under a contract, an  
6 authorizing body may permit a public school academy to operate the  
7 same configuration of age or grade levels at more than 1 site, and  
8 a public school academy may operate the same configuration of age  
9 or grade levels at more than 1 site, as long as the public school

1 academy is operating in compliance with its contract and is making  
2 measurable progress toward meeting its educational goals. For a  
3 contract for a new public school academy, an authorizing body may  
4 permit a public school academy to operate the same configuration of  
5 age or grade levels at more than 1 site, and a public school  
6 academy may operate the same configuration of age or grade levels  
7 at more than 1 site, if the applicant for the proposed public  
8 school academy presents documentation to the authorizing body  
9 demonstrating that the applicant's proposed educational model has  
10 resulted in schools making measurable progress toward meeting their  
11 education goals.

12 (2) A public school academy shall not charge tuition and shall  
13 not discriminate in its pupil admissions policies or practices on  
14 the basis of intellectual or athletic ability, measures of  
15 achievement or aptitude, status as a student with a disability, or  
16 any other basis that would be illegal if used by a school district.  
17 However, a public school academy may limit admission to pupils who  
18 are within a particular range of age or grade level or on any other  
19 basis that would be legal if used by a school district and may give  
20 enrollment priority as provided in subsection (4).

21 (3) Except for a foreign exchange student who is not a United  
22 States citizen, a public school academy shall not enroll a pupil  
23 who is not a resident of this state. For a public school academy  
24 authorized by a school district, intermediate school district, or  
25 community college, enrollment in the public school academy may be  
26 open to all individuals who reside in this state who meet the  
27 admission policy and shall be open to all pupils who reside within

1 the geographic boundaries of that authorizing body who meet the  
2 admission policy, except that admission to a public school academy  
3 authorized by the board of a community college to operate, or  
4 operated by the board of a community college, on the grounds of a  
5 federal military installation, as described in section 502(2)(c),  
6 shall be open to all pupils who reside in the county in which the  
7 federal military installation is located. For a public school  
8 academy authorized by a state public university, enrollment shall  
9 be open to all pupils who reside in this state who meet the  
10 admission policy. Subject to subsection (4), if there are more  
11 applications to enroll in the public school academy than there are  
12 spaces available, pupils shall be selected to enroll using a random  
13 selection process. A public school academy shall allow any pupil  
14 who was enrolled in the public school academy in the immediately  
15 preceding school year to enroll in the public school academy in the  
16 appropriate grade unless the appropriate grade is not offered at  
17 that public school academy.

18 (4) A public school academy may give enrollment priority to 1  
19 or more of the following:

20 (a) A sibling of a pupil enrolled in the public school  
21 academy.

22 (b) A pupil who transfers to the public school academy from  
23 another public school pursuant to a matriculation agreement between  
24 the public school academy and other public school that provides for  
25 this enrollment priority, if all of the following requirements are  
26 met:

27 (i) Each public school that enters into the matriculation

1 agreement remains a separate and independent public school.

2 (ii) The public school academy that gives the enrollment  
3 priority selects at least 5% of its pupils for enrollment using a  
4 random selection process.

5 (iii) The matriculation agreement allows any pupil who was  
6 enrolled at any time during elementary school in a public school  
7 that is party to the matriculation agreement and who was not  
8 expelled from the public school to enroll in the public school  
9 academy giving enrollment priority under the matriculation  
10 agreement.

11 (c) A child of a person who is employed by or at the public  
12 school academy or who is on the board of directors of the public  
13 school academy. As used in this subdivision, "child" includes an  
14 adopted child or a legal ward.

15 **(D) A PUPIL WHO RESIDES WITHIN GEOGRAPHIC BOUNDARIES THAT ARE**  
16 **SPECIFIED IN THE PUBLIC SCHOOL ACADEMY'S CONTRACT AND WHO MEETS THE**  
17 **INCOME ELIGIBILITY CRITERIA FOR FREE OR REDUCED-PRICE BREAKFAST,**  
18 **LUNCH, OR MILK, AS DETERMINED UNDER THE RICHARD B. RUSSELL NATIONAL**  
19 **SCHOOL LUNCH ACT, 42 USC 1751 TO 1769J, IF BOTH OF THE FOLLOWING**  
20 **ARE MET:**

21 **(i) AT LEAST 50% OF THE PUBLIC SCHOOL PUPILS RESIDING WITHIN**  
22 **THOSE GEOGRAPHIC BOUNDARIES MET THE INCOME ELIGIBILITY CRITERIA FOR**  
23 **FREE OR REDUCED-PRICE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY**  
24 **PRECEDING STATE FISCAL YEAR, AS DETERMINED UNDER THE RICHARD B.**  
25 **RUSSELL NATIONAL SCHOOL LUNCH ACT, 42 USC 1751 TO 1769J.**

26 **(ii) THE BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY HAS**  
27 **ADOPTED A RESOLUTION DETERMINING THAT THIS PREFERENCE IS NEEDED TO**

**1 BETTER SERVE LOW-INCOME AND AT-RISK PUPILS WITHIN THE GEOGRAPHIC**  
**2 AREA.**

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

**11** Sec. 524. (1) An urban high school academy may be located in  
**12** all or part of an existing public school building. An urban high  
**13** school academy shall not operate at a site other than the site or  
**14** sites, requested for the configuration of age or grade levels that  
**15** will use the site or sites, as specified in the contract. Under a  
**16** contract, an authorizing body may permit an urban high school  
**17** academy to operate the same configuration of age or grade levels at  
**18** more than 1 site, and an urban high school academy may operate the  
**19** same configuration of age or grade levels at more than 1 site, as  
**20** long as the urban high school academy is operating in compliance  
**21** with its contract and is making measurable progress toward meeting  
**22** its educational goals. For a contract for a new urban high school  
**23** academy, an authorizing body may permit an urban high school  
**24** academy to operate the same configuration of age or grade levels at  
**25** more than 1 site, and an urban high school academy may operate the  
**26** same configuration of age or grade levels at more than 1 site, if  
**27** the applicant for the proposed urban high school academy presents

1 documentation to the authorizing body demonstrating that the  
2 applicant's proposed educational model has resulted in schools  
3 making measurable progress toward meeting their educational goals.

4 (2) An urban high school academy shall not charge tuition.  
5 Except as otherwise provided in this section, an urban high school  
6 academy shall not discriminate in its pupil admissions policies or  
7 practices on the basis of intellectual or athletic ability,  
8 measures of achievement or aptitude, status as a handicapped  
9 person, or any other basis that would be illegal if used by a  
10 school district. However, an urban high school academy may limit  
11 admission to pupils who are within a particular range of age or  
12 grade level or on any other basis that would be legal if used by a  
13 school district and may give enrollment priority as provided in  
14 subsection (4).

15 (3) Except for a foreign exchange student who is not a United  
16 States citizen, an urban high school academy shall not enroll a  
17 pupil who is not a resident of this state. Enrollment in an urban  
18 high school academy shall be open to all pupils who reside in this  
19 state who meet the admission policy. Subject to subsection (4), if  
20 there are more applications to enroll in the urban high school  
21 academy than there are spaces available, pupils shall be selected  
22 to attend using a random selection process. An urban high school  
23 academy shall allow any pupil who was enrolled in the urban high  
24 school academy in the immediately preceding school year to enroll  
25 in the urban high school academy in the appropriate grade unless  
26 the appropriate grade is not offered at that urban high school  
27 academy.

1 (4) An urban high school academy may give enrollment priority  
2 to 1 or more of the following:

3 (a) A sibling of a pupil enrolled in the urban high school  
4 academy.

5 (b) A child of a person who is employed by or at the urban  
6 high school academy or who is on the board of directors of the  
7 urban high school academy. As used in this subdivision, "child"  
8 includes an adopted child or a legal ward.

9 (C) A PUPIL WHO RESIDES WITHIN GEOGRAPHIC BOUNDARIES THAT ARE  
10 SPECIFIED IN THE URBAN HIGH SCHOOL ACADEMY'S CONTRACT AND WHO MEETS  
11 THE INCOME ELIGIBILITY CRITERIA FOR FREE OR REDUCED-PRICE  
12 BREAKFAST, LUNCH, OR MILK, AS DETERMINED UNDER THE RICHARD B.  
13 RUSSELL NATIONAL SCHOOL LUNCH ACT, 42 USC 1751 TO 1769J, IF BOTH OF  
14 THE FOLLOWING ARE MET:

15 (i) AT LEAST 50% OF THE PUBLIC SCHOOL PUPILS RESIDING WITHIN  
16 THOSE GEOGRAPHIC BOUNDARIES MET THE INCOME ELIGIBILITY CRITERIA FOR  
17 FREE OR REDUCED-PRICE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY  
18 PRECEDING STATE FISCAL YEAR, AS DETERMINED UNDER THE RICHARD B.  
19 RUSSELL NATIONAL SCHOOL LUNCH ACT, 42 USC 1751 TO 1769J.

20 (ii) THE BOARD OF DIRECTORS OF THE URBAN HIGH SCHOOL ACADEMY  
21 HAS ADOPTED A RESOLUTION DETERMINING THAT THIS PREFERENCE IS NEEDED  
22 TO BETTER SERVE LOW-INCOME AND AT-RISK PUPILS WITHIN THE GEOGRAPHIC  
23 AREA.

24 (5) Subject to the terms of the contract authorizing the urban  
25 high school academy, an urban high school academy shall include at  
26 least grades 9 through 12 within 5 years after beginning operations  
27 and may include other grades or any configuration of those grades,

1 including kindergarten and early childhood education, as specified  
2 in its contract. If specified in its contract, an urban high school  
3 academy may also operate an adult basic education program, adult  
4 high school completion program, or general education development  
5 testing preparation program.

6       Sec. 556. (1) A school of excellence may be located in all or  
7 part of an existing public school building. A school of excellence,  
8 other than a cyber school operated under section 553a, shall not  
9 operate at a site other than the site or sites requested for the  
10 configuration of age or grade levels that will use the site or  
11 sites, as specified in the contract. Under a contract, an  
12 authorizing body may permit a school of excellence to operate the  
13 same configuration of age or grade levels at more than 1 site, and  
14 a school of excellence may operate the same configuration of age or  
15 grade levels at more than 1 site, as long as the school of  
16 excellence is operating in compliance with its contract and is  
17 making measurable progress toward meeting its educational goals.  
18 For a contract for a new school of excellence, an authorizing body  
19 may permit a school of excellence to operate the same configuration  
20 of age or grade levels at more than 1 site, and a school of  
21 excellence may operate the same configuration of age or grade  
22 levels at more than 1 site, if the applicant for the proposed  
23 school of excellence presents documentation to the authorizing body  
24 demonstrating that the applicant's proposed educational model has  
25 resulted in schools making measurable progress toward meeting their  
26 educational goals.

27       (2) A school of excellence shall not charge tuition and shall



1 not discriminate in its pupil admissions policies or practices on  
2 the basis of intellectual or athletic ability, measures of  
3 achievement or aptitude, status as a student with a disability, or  
4 any other basis that would be illegal if used by a school district.  
5 However, a school of excellence may limit admission to pupils who  
6 are within a particular range of age or grade level or on any other  
7 basis that would be legal if used by a school district and may give  
8 enrollment priority as provided in subsection (4).

9 (3) Except for a foreign exchange student who is not a United  
10 States citizen, a school of excellence shall not enroll a pupil who  
11 is not a resident of this state. For a school of excellence  
12 authorized by a school district, intermediate school district, or  
13 community college, enrollment in the school of excellence may be  
14 open to all individuals who reside in this state who meet the  
15 admission policy and shall be open to all pupils who reside within  
16 the geographic boundaries of that authorizing body who meet the  
17 admission policy, except that admission to a school of excellence  
18 authorized by the board of a community college to operate, or  
19 operated by the board of a community college, on the grounds of a  
20 federal military installation, as described in section 552(6)(c),  
21 shall be open to all pupils who reside in the county in which the  
22 federal military installation is located. For a school of  
23 excellence authorized by a state public university, enrollment  
24 shall be open to all pupils who reside in this state who meet the  
25 admission policy. If there are more applications to enroll in the  
26 school of excellence than there are spaces available, pupils shall  
27 be selected to attend using a random selection process. A school of

1 excellence shall allow any pupil who was enrolled in the school of  
2 excellence in the immediately preceding school year to enroll in  
3 the school of excellence in the appropriate grade unless the  
4 appropriate grade is not offered at that school of excellence.

5 (4) A school of excellence may give enrollment priority to 1  
6 or more of the following:

7 (a) A sibling of a pupil enrolled in the school of excellence.

8 (b) A pupil who transfers to the school of excellence from  
9 another public school pursuant to a matriculation agreement between  
10 the school of excellence and another public school that provides  
11 for this enrollment priority, if all of the following requirements  
12 are met:

13 (i) Each school of excellence or other public school that  
14 enters into the matriculation agreement remains a separate and  
15 independent public school.

16 (ii) The school of excellence that gives the enrollment  
17 priority selects at least 5% of its pupils for enrollment using a  
18 random selection process.

19 (iii) The matriculation agreement allows any pupil who was  
20 enrolled at any time during elementary school in a public school  
21 that is party to the matriculation agreement and who was not  
22 expelled from the public school to enroll in the school of  
23 excellence giving enrollment priority under the matriculation  
24 agreement.

25 (c) A child of a person who is employed by or at the school of  
26 excellence or who is on the board of directors of the school of  
27 excellence. As used in this subdivision, "child" includes an

1 adopted child or a legal ward.

2 (D) A PUPIL WHO RESIDES WITHIN GEOGRAPHIC BOUNDARIES THAT ARE  
3 SPECIFIED IN THE SCHOOL OF EXCELLENCE'S CONTRACT AND WHO MEETS THE  
4 INCOME ELIGIBILITY CRITERIA FOR FREE OR REDUCED-PRICE BREAKFAST,  
5 LUNCH, OR MILK, AS DETERMINED UNDER THE RICHARD B. RUSSELL NATIONAL  
6 SCHOOL LUNCH ACT, 42 USC 1751 TO 1769J, IF BOTH OF THE FOLLOWING  
7 ARE MET:

8 (i) AT LEAST 50% OF THE PUBLIC SCHOOL PUPILS RESIDING WITHIN  
9 THOSE GEOGRAPHIC BOUNDARIES MET THE INCOME ELIGIBILITY CRITERIA FOR  
10 FREE OR REDUCED-PRICE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY  
11 PRECEDING STATE FISCAL YEAR, AS DETERMINED UNDER THE RICHARD B.  
12 RUSSELL NATIONAL SCHOOL LUNCH ACT, 42 USC 1751 TO 1769J.

13 (ii) THE BOARD OF DIRECTORS OF THE SCHOOL OF EXCELLENCE HAS  
14 ADOPTED A RESOLUTION DETERMINING THAT THIS PREFERENCE IS NEEDED TO  
15 BETTER SERVE LOW-INCOME AND AT-RISK PUPILS WITHIN THE GEOGRAPHIC  
16 AREA.

17 (5) Subject to subsection (6), a school of excellence may  
18 include any grade up to grade 12 or any configuration of those  
19 grades, including kindergarten and early childhood education, as  
20 specified in its contract. If specified in its contract, a school  
21 of excellence may also operate an adult basic education program,  
22 adult high school completion program, or general education  
23 development testing preparation program. The authorizing body may  
24 approve amendment of a contract with respect to ages of pupils or  
25 grades offered.

26 (6) In addition to any other grade levels it operates, a  
27 school of excellence shall work toward operating all of grades 9 to

1 12 within 6 years after it begins operations, unless a  
2 matriculation agreement has been reached with another public school  
3 that provides grades 9 to 12.

4 (7) If a school of excellence is a cyber school and its  
5 authorizing body is a school district or intermediate school  
6 district, the school of excellence shall give enrollment priority  
7 to pupils who reside in the school district or intermediate school  
8 district that is the authorizing body.