

**SUBSTITUTE FOR
HOUSE BILL NO. 4327**

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

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

13 (2) A public school academy shall not charge tuition and shall
14 not discriminate in its pupil admissions policies or practices on
15 the basis of intellectual or athletic ability, measures of
16 achievement or aptitude, status as a student with a disability, or
17 any other basis that would be illegal if used by a school district.
18 However, a public school academy may limit admission to pupils who
19 are within a particular range of age or grade level or on any other
20 basis that would be legal if used by a school district, and **THE**
21 **BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY** may ~~give~~**INCLUDE IN**
22 **ITS PUPIL ADMISSIONS POLICY 1 OR MORE** enrollment ~~priority~~
23 **PRIORITIES** as provided in subsection (4).

24 (3) Except for a foreign exchange student who is not a United
25 States citizen, a public school academy shall not enroll a pupil
26 who is not a resident of this state. For a public school academy
27 authorized by a school district, intermediate school district, or

1 community college, enrollment in the public school academy may be
2 open to all individuals who reside in this state who meet the
3 admission policy and shall be open to all pupils who reside within
4 the geographic boundaries of that authorizing body who meet the
5 admission policy, except that admission to a public school academy
6 authorized by the board of a community college to operate, or
7 operated by the board of a community college, on the grounds of a
8 federal military installation, as described in section 502(2)(c),
9 shall be open to all pupils who reside in the county in which the
10 federal military installation is located. For a public school
11 academy authorized by a state public university, enrollment shall
12 be open to all pupils who reside in this state who meet the
13 admission policy. Subject to subsection (4), if there are more
14 applications to enroll in the public school academy than there are
15 spaces available, pupils shall be selected to enroll using a random
16 selection process. **IF THERE ARE MORE APPLICATIONS ELIGIBLE FOR AN**
17 **ENROLLMENT PRIORITY UNDER SUBSECTION (4) THAN THERE ARE SPACES**
18 **AVAILABLE, THOSE PUPILS SHALL ALSO BE SELECTED TO ENROLL IN THE**
19 **PUBLIC SCHOOL ACADEMY USING A RANDOM SELECTION PROCESS.** A public
20 school academy shall allow any pupil who was enrolled in the public
21 school academy in the immediately preceding school year to enroll
22 in the public school academy in the appropriate grade unless the
23 appropriate grade is not offered at that public school academy.

24 (4) A public school academy may give enrollment priority to
25 **PUPILS WHO ARE** 1 or more of the following:

26 (a) A sibling of a pupil enrolled in the public school
27 academy.

1 (b) A pupil who transfers to the public school academy from
2 another public school pursuant to a matriculation agreement between
3 the public school academy and other public school that provides for
4 this enrollment priority, if all of the following requirements are
5 met:

6 (i) Each public school that enters into the matriculation
7 agreement remains a separate and independent public school.

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

11 (iii) The matriculation agreement allows any pupil who was
12 enrolled at any time during elementary school in a public school
13 that is party to the matriculation agreement and who was not
14 expelled from the public school to enroll in the public school
15 academy giving enrollment priority under the matriculation
16 agreement.

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

21 **(D) A PUPIL WHO RESIDES WITHIN GEOGRAPHIC BOUNDARIES SPECIFIED**
22 **IN THE PUBLIC SCHOOL ACADEMY'S CONTRACT THAT DO NOT EXTEND BEYOND**
23 **THE TERRITORY OF THE SCHOOL DISTRICT IN WHICH THE PUBLIC SCHOOL**
24 **ACADEMY IS LOCATED AND WHO MEETS THE INCOME ELIGIBILITY CRITERIA**
25 **FOR FREE OR REDUCED-PRICE BREAKFAST, LUNCH, OR MILK, AS DETERMINED**
26 **UNDER THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT, 42 USC 1751**
27 **TO 1769J, IF BOTH OF THE FOLLOWING ARE MET:**

1 (i) AT LEAST 70% OF THE PUBLIC SCHOOL PUPILS RESIDING WITHIN
2 THOSE GEOGRAPHIC BOUNDARIES MEET THE INCOME ELIGIBILITY CRITERIA
3 FOR FREE OR REDUCED-PRICE BREAKFAST, LUNCH, OR MILK, AS DETERMINED
4 UNDER THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT, 42 USC 1751
5 TO 1769J. AFTER AN INITIAL DETERMINATION THAT THIS SUBPARAGRAPH IS
6 OR IS NOT MET, THE PUBLIC SCHOOL ACADEMY SHALL REASSESS THAT
7 DETERMINATION EVERY 5 YEARS OR WHEN THE PUBLIC SCHOOL ACADEMY
8 RENEWS ITS CONTRACT, WHICHEVER OCCURS FIRST.

9 (ii) THE BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY HAS
10 ADOPTED A RESOLUTION DETERMINING THAT THIS ENROLLMENT PRIORITY IS
11 NEEDED TO BETTER SERVE LOW-INCOME AND AT-RISK PUPILS WITHIN THE
12 GEOGRAPHIC AREA.

13 (5) IF A PUBLIC SCHOOL ACADEMY GIVES THE ENROLLMENT PRIORITY
14 DESCRIBED UNDER SUBSECTION (4) (D), THE PUBLIC SCHOOL ACADEMY SHALL
15 POST ON ITS WEBSITE AND INCLUDE IN ITS APPLICATION FOR ENROLLMENT
16 INFORMATION REGARDING THAT ENROLLMENT PRIORITY, INCLUDING THE
17 GEOGRAPHIC BOUNDARIES SPECIFIED IN THE PUBLIC SCHOOL ACADEMY'S
18 CONTRACT.

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

27 Sec. 524. (1) An urban high school academy may be located in

1 all or part of an existing public school building. An urban high
2 school academy shall not operate at a site other than the site or
3 sites, requested for the configuration of age or grade levels that
4 will use the site or sites, as specified in the contract. Under a
5 contract, an authorizing body may permit an urban high school
6 academy to operate the same configuration of age or grade levels at
7 more than 1 site, and an urban high school academy may operate the
8 same configuration of age or grade levels at more than 1 site, as
9 long as the urban high school academy is operating in compliance
10 with its contract and is making measurable progress toward meeting
11 its educational goals. For a contract for a new urban high school
12 academy, an authorizing body may permit an urban high school
13 academy to operate the same configuration of age or grade levels at
14 more than 1 site, and an urban high school academy may operate the
15 same configuration of age or grade levels at more than 1 site, if
16 the applicant for the proposed urban high school academy presents
17 documentation to the authorizing body demonstrating that the
18 applicant's proposed educational model has resulted in schools
19 making measurable progress toward meeting their educational goals.

20 (2) An urban high school academy shall not charge tuition.
21 Except as otherwise provided in this section, an urban high school
22 academy shall not discriminate in its pupil admissions policies or
23 practices on the basis of intellectual or athletic ability,
24 measures of achievement or aptitude, status as a handicapped
25 person, or any other basis that would be illegal if used by a
26 school district. However, an urban high school academy may limit
27 admission to pupils who are within a particular range of age or

1 grade level or on any other basis that would be legal if used by a
2 school district, and **THE BOARD OF DIRECTORS OF AN URBAN HIGH SCHOOL**
3 **ACADEMY** may ~~give~~**INCLUDE IN ITS PUPIL ADMISSIONS POLICY 1 OR MORE**
4 enrollment ~~priority~~**PRIORITIES** as provided in subsection (4).

5 (3) Except for a foreign exchange student who is not a United
6 States citizen, an urban high school academy shall not enroll a
7 pupil who is not a resident of this state. Enrollment in an urban
8 high school academy shall be open to all pupils who reside in this
9 state who meet the admission policy. Subject to subsection (4), if
10 there are more applications to enroll in the urban high school
11 academy than there are spaces available, pupils shall be selected
12 to attend using a random selection process. **IF THERE ARE MORE**
13 **APPLICATIONS ELIGIBLE FOR AN ENROLLMENT PRIORITY UNDER SUBSECTION**
14 **(4) THAN THERE ARE SPACES AVAILABLE, THOSE PUPILS SHALL ALSO BE**
15 **SELECTED TO ENROLL IN THE URBAN HIGH SCHOOL ACADEMY USING A RANDOM**
16 **SELECTION PROCESS.** An urban high school academy shall allow any
17 pupil who was enrolled in the urban high school academy in the
18 immediately preceding school year to enroll in the urban high
19 school academy in the appropriate grade unless the appropriate
20 grade is not offered at that urban high school academy.

21 (4) An urban high school academy may give enrollment priority
22 to **PUPILS WHO ARE** 1 or more of the following:

23 (a) A sibling of a pupil enrolled in the urban high school
24 academy.

25 **(B) A PUPIL WHO TRANSFERS TO THE URBAN HIGH SCHOOL ACADEMY**
26 **FROM ANOTHER PUBLIC SCHOOL PURSUANT TO A MATRICULATION AGREEMENT**
27 **BETWEEN THE URBAN HIGH SCHOOL ACADEMY AND OTHER PUBLIC SCHOOL THAT**

1 PROVIDES FOR THIS ENROLLMENT PRIORITY, IF ALL OF THE FOLLOWING
2 REQUIREMENTS ARE MET:

3 (i) EACH PUBLIC SCHOOL THAT ENTERS INTO THE MATRICULATION
4 AGREEMENT REMAINS A SEPARATE AND INDEPENDENT PUBLIC SCHOOL.

5 (ii) THE URBAN HIGH SCHOOL ACADEMY THAT GIVES THE ENROLLMENT
6 PRIORITY SELECTS AT LEAST 5% OF ITS PUPILS FOR ENROLLMENT USING A
7 RANDOM SELECTION PROCESS.

8 (iii) THE MATRICULATION AGREEMENT ALLOWS ANY PUPIL WHO WAS
9 ENROLLED AT ANY TIME DURING ELEMENTARY SCHOOL IN A PUBLIC SCHOOL
10 THAT IS PARTY TO THE MATRICULATION AGREEMENT AND WHO WAS NOT
11 EXPELLED FROM THE PUBLIC SCHOOL TO ENROLL IN THE URBAN HIGH SCHOOL
12 ACADEMY GIVING ENROLLMENT PRIORITY UNDER THE MATRICULATION
13 AGREEMENT.

14 (C) ~~(b)~~—A child of a person who is employed by or at the urban
15 high school academy or who is on the board of directors of the
16 urban high school academy. As used in this subdivision, "child"
17 includes an adopted child or a legal ward.

18 (D) A PUPIL WHO RESIDES WITHIN GEOGRAPHIC BOUNDARIES SPECIFIED
19 IN THE URBAN HIGH SCHOOL ACADEMY'S CONTRACT THAT DO NOT EXTEND
20 BEYOND THE TERRITORY OF THE SCHOOL DISTRICT IN WHICH THE URBAN HIGH
21 SCHOOL ACADEMY IS LOCATED AND WHO MEETS THE INCOME ELIGIBILITY
22 CRITERIA FOR FREE OR REDUCED-PRICE BREAKFAST, LUNCH, OR MILK, AS
23 DETERMINED UNDER THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT,
24 42 USC 1751 TO 1769J, IF BOTH OF THE FOLLOWING ARE MET:

25 (i) AT LEAST 70% OF THE PUBLIC SCHOOL PUPILS RESIDING WITHIN
26 THOSE GEOGRAPHIC BOUNDARIES MEET THE INCOME ELIGIBILITY CRITERIA
27 FOR FREE OR REDUCED-PRICE BREAKFAST, LUNCH, OR MILK, AS DETERMINED

1 UNDER THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT, 42 USC 1751
2 TO 1769J. AFTER AN INITIAL DETERMINATION THAT THIS SUBPARAGRAPH IS
3 OR IS NOT MET, THE URBAN HIGH SCHOOL ACADEMY SHALL REASSESS THAT
4 DETERMINATION EVERY 5 YEARS OR WHEN THE URBAN HIGH SCHOOL ACADEMY
5 RENEWS ITS CONTRACT, WHICHEVER OCCURS FIRST.

6 (ii) THE BOARD OF DIRECTORS OF THE URBAN HIGH SCHOOL ACADEMY
7 HAS ADOPTED A RESOLUTION DETERMINING THAT THIS ENROLLMENT PRIORITY
8 IS NEEDED TO BETTER SERVE LOW-INCOME AND AT-RISK PUPILS WITHIN THE
9 GEOGRAPHIC AREA.

10 (5) IF AN URBAN HIGH SCHOOL ACADEMY GIVES THE ENROLLMENT
11 PRIORITY DESCRIBED UNDER SUBSECTION (4) (D), THE URBAN HIGH SCHOOL
12 ACADEMY SHALL POST ON ITS WEBSITE AND INCLUDE IN ITS APPLICATION
13 FOR ENROLLMENT INFORMATION REGARDING THAT ENROLLMENT PRIORITY,
14 INCLUDING THE GEOGRAPHIC BOUNDARIES SPECIFIED IN THE URBAN HIGH
15 SCHOOL ACADEMY'S CONTRACT.

16 (6) ~~(5)~~—Subject to the terms of the contract authorizing the
17 urban high school academy, an urban high school academy shall
18 include at least grades 9 through 12 within 5 years after beginning
19 operations and may include other grades or any configuration of
20 those grades, including kindergarten and early childhood education,
21 as specified in its contract. If specified in its contract, an
22 urban high school academy may also operate an adult basic education
23 program, adult high school completion program, or general education
24 development testing preparation program.

25 Sec. 556. (1) A school of excellence may be located in all or
26 part of an existing public school building. A school of excellence,
27 other than a cyber school operated under section 553a, shall not

1 operate at a site other than the site or sites requested for the
2 configuration of age or grade levels that will use the site or
3 sites, as specified in the contract. Under a contract, an
4 authorizing body may permit a school of excellence to operate the
5 same configuration of age or grade levels at more than 1 site, and
6 a school of excellence may operate the same configuration of age or
7 grade levels at more than 1 site, as long as the school of
8 excellence is operating in compliance with its contract and is
9 making measurable progress toward meeting its educational goals.
10 For a contract for a new school of excellence, an authorizing body
11 may permit a school of excellence to operate the same configuration
12 of age or grade levels at more than 1 site, and a school of
13 excellence may operate the same configuration of age or grade
14 levels at more than 1 site, if the applicant for the proposed
15 school of excellence presents documentation to the authorizing body
16 demonstrating that the applicant's proposed educational model has
17 resulted in schools making measurable progress toward meeting their
18 educational goals.

19 (2) A school of excellence shall not charge tuition and shall
20 not discriminate in its pupil admissions policies or practices on
21 the basis of intellectual or athletic ability, measures of
22 achievement or aptitude, status as a student with a disability, or
23 any other basis that would be illegal if used by a school district.
24 However, a school of excellence may limit admission to pupils who
25 are within a particular range of age or grade level or on any other
26 basis that would be legal if used by a school district, and **THE**
27 **BOARD OF DIRECTORS OF A SCHOOL OF EXCELLENCE** may ~~give~~**INCLUDE IN**

1 **ITS PUPIL ADMISSIONS POLICY 1 OR MORE** enrollment ~~priority~~
2 **PRIORITIES** as provided in subsection (4) **OR (5)**.

3 (3) Except for a foreign exchange student who is not a United
4 States citizen, a school of excellence shall not enroll a pupil who
5 is not a resident of this state. For a school of excellence
6 authorized by a school district, intermediate school district, or
7 community college, enrollment in the school of excellence 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 of that authorizing body who meet the
11 admission policy, except that admission to a school of excellence
12 authorized by the board of a community college to operate, or
13 operated by the board of a community college, on the grounds of a
14 federal military installation, as described in section 552(6)(c),
15 shall be open to all pupils who reside in the county in which the
16 federal military installation is located. For a school of
17 excellence authorized by a state public university, enrollment
18 shall be open to all pupils who reside in this state who meet the
19 admission policy. ~~IF~~ **SUBJECT TO SUBSECTIONS (4) AND (5), IF** there
20 are more applications to enroll in the school of excellence than
21 there are spaces available, pupils shall be selected to attend
22 using a random selection process. **IF THERE ARE MORE APPLICATIONS**
23 **ELIGIBLE FOR AN ENROLLMENT PRIORITY UNDER SUBSECTIONS (4) OR (5)**
24 **THAN THERE ARE SPACES AVAILABLE, THOSE PUPILS SHALL ALSO BE**
25 **SELECTED TO ENROLL IN THE SCHOOL OF EXCELLENCE USING A RANDOM**
26 **SELECTION PROCESS.** A school of excellence shall allow any pupil who
27 was enrolled in the school of excellence in the immediately

1 preceding school year to enroll in the school of excellence in the
2 appropriate grade unless the appropriate grade is not offered at
3 that school of excellence.

4 (4) A school of excellence may give enrollment priority to
5 **PUPILS WHO ARE** 1 or more of the following:

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

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

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

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

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

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

1 (5) IN ADDITION TO THE ENROLLMENT PRIORITIES DESCRIBED IN
2 SUBSECTION (4), A SCHOOL OF EXCELLENCE, OTHER THAN A CYBER SCHOOL
3 OPERATED UNDER SECTION 553A, MAY GIVE ENROLLMENT PRIORITY TO A
4 PUPIL WHO RESIDES WITHIN GEOGRAPHIC BOUNDARIES SPECIFIED IN THE
5 SCHOOL OF EXCELLENCE'S CONTRACT THAT DO NOT EXTEND BEYOND THE
6 TERRITORY OF THE SCHOOL DISTRICT IN WHICH THE SCHOOL OF EXCELLENCE
7 IS LOCATED AND WHO MEETS THE INCOME ELIGIBILITY CRITERIA FOR FREE
8 OR REDUCED-PRICE BREAKFAST, LUNCH, OR MILK, AS DETERMINED UNDER THE
9 RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT, 42 USC 1751 TO 1769J,
10 IF BOTH OF THE FOLLOWING ARE MET:

11 (A) AT LEAST 70% OF THE PUBLIC SCHOOL PUPILS RESIDING WITHIN
12 THOSE GEOGRAPHIC BOUNDARIES MEET THE INCOME ELIGIBILITY CRITERIA
13 FOR FREE OR REDUCED-PRICE BREAKFAST, LUNCH, OR MILK, AS DETERMINED
14 UNDER THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT, 42 USC 1751
15 TO 1769J. AFTER AN INITIAL DETERMINATION THAT THIS SUBPARAGRAPH IS
16 OR IS NOT MET, THE SCHOOL OF EXCELLENCE SHALL REASSESS THAT
17 DETERMINATION EVERY 5 YEARS OR WHEN THE SCHOOL OF EXCELLENCE RENEWS
18 ITS CONTRACT, WHICHEVER OCCURS FIRST.

19 (B) THE BOARD OF DIRECTORS OF THE SCHOOL OF EXCELLENCE HAS
20 ADOPTED A RESOLUTION DETERMINING THAT THIS ENROLLMENT PRIORITY IS
21 NEEDED TO BETTER SERVE LOW-INCOME AND AT-RISK PUPILS WITHIN THE
22 GEOGRAPHIC AREA.

23 (6) IF A SCHOOL OF EXCELLENCE GIVES THE ENROLLMENT PRIORITY
24 DESCRIBED UNDER SUBSECTION (5), THE SCHOOL OF EXCELLENCE SHALL POST
25 ON ITS WEBSITE AND INCLUDE IN ITS APPLICATION FOR ENROLLMENT
26 INFORMATION REGARDING THAT ENROLLMENT PRIORITY, INCLUDING THE
27 GEOGRAPHIC BOUNDARIES SPECIFIED IN THE SCHOOL OF EXCELLENCE'S

1 **CONTRACT.**

2 **(7)** ~~(5)~~—Subject to subsection ~~(6)~~, **(8)**, a school of excellence
3 may include any grade up to grade 12 or any configuration of those
4 grades, including kindergarten and early childhood education, as
5 specified in its contract. If specified in its contract, a school
6 of excellence may also operate an adult basic education program,
7 adult high school completion program, or general education
8 development testing preparation program. The authorizing body may
9 approve amendment of a contract with respect to ages of pupils or
10 grades offered.

11 **(8)** ~~(6)~~—In addition to any other grade levels it operates, a
12 school of excellence shall work toward operating all of grades 9 to
13 12 within 6 years after it begins operations, unless a
14 matriculation agreement has been reached with another public school
15 that provides grades 9 to 12.

16 **(9)** ~~(7)~~—If a school of excellence is a cyber school and its
17 authorizing body is a school district or intermediate school
18 district, the school of excellence shall give enrollment priority
19 to pupils who reside in the school district or intermediate school
20 district that is the authorizing body.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.