

HOUSE BILL NO. 4626

May 21, 2019, Introduced by Reps. Paquette, Crawford and Hornberger and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1284b (MCL 380.1284b), as amended by 2006 PA
235, and by adding sections 1173 and 1173a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1173. (1) A board of a school district may apply to the
2 superintendent of public instruction for permission to operate the
3 school district or a school of the school district as a public
4 innovative district or public innovative school. An application
5 under this subsection must be submitted no later than March 1 of



1 the school year immediately preceding the school year in which the
2 board seeks to begin operating the school district or school as a
3 public innovative district or public innovative school and must
4 include at least all of the following:

5 (a) A statement of commitment from the board outlining the
6 school district's vision for competency-based education,
7 personalized learning, and "any time, any place, any way, any pace"
8 learning or any other innovative approaches to learning in the
9 school district or school.

10 (b) A description of the instructional program to be
11 implemented in the school district or school.

12 (c) A description of the interest and support for partnerships
13 between the school district or school, parents, and the community.

14 (d) A description of the expected benefits of the innovative
15 practices for pupils.

16 (e) An explanation of how pupil performance in achieving
17 specified outcomes will be measured, evaluated, and reported using
18 multiple measures to inform pupil progress.

19 (f) A copy of the resolution to seek permission to operate as
20 a public innovative district or public innovative school passed by
21 the board.

22 (2) If the board of a school district submits an application
23 under subsection (1), the board shall send written notice to the
24 parent or legal guardian of each pupil enrolled in the school
25 district to notify the pupil's parent or legal guardian that the
26 application has been submitted. If the board of a school district
27 receives a notice of approval under subsection (4) or (6), the
28 board of a school district shall send written notice of the
29 approval to the parent or legal guardian of each pupil enrolled in



1 the school district.

2 (3) Not later than 60 days after receiving an application for
3 permission to operate the school district or a school of the school
4 district as a public innovative district or public innovative
5 school under subsection (1), the superintendent of public
6 instruction shall approve or deny the application. The
7 superintendent of public instruction shall approve an application
8 that is in compliance with this section or deny an application that
9 is not in compliance with this section.

10 (4) Not later than 10 days after the superintendent of public
11 instruction has approved or denied an application under subsection
12 (3), the superintendent of public instruction shall provide notice
13 of the approval or denial of permission to operate the school
14 district or a school of the school district as a public innovative
15 district or public innovative school to the board of the school
16 district that submitted the application and the education
17 accountability policy commission, in a form and manner prescribed
18 by the superintendent of public instruction.

19 (5) If the superintendent of public instruction denies an
20 application for permission to operate the school district or a
21 school of the school district as a public innovative district or
22 public innovative school under subsection (3), the education
23 accountability policy commission shall hold a hearing on the
24 application not later than 30 days after the superintendent of
25 public instruction provides notice of the denial under subsection
26 (4). The education accountability policy commission shall provide
27 representatives of the board of the school district that submitted
28 the application an opportunity to present information refuting the
29 basis for the denial. Not later than 30 days before the hearing,



1 the education accountability policy commission shall provide notice
2 of the hearing to the board of the school district that submitted
3 the application.

4 (6) Not later than 60 days after the hearing under subsection
5 (5), the superintendent of public instruction shall approve the
6 application for permission to operate the school district or a
7 school of the school district as a public innovative district or
8 public innovative school, deny the application, or issue an
9 approval of the application that is contingent on compliance with
10 certain conditions. The superintendent of public instruction shall
11 provide notice of his or her decision under this subsection to the
12 board of the school district that submitted the application,
13 including any conditions on which an approval is contingent and the
14 deadline by which the conditions must be met, as applicable. If the
15 board of the school district fails to meet the conditions by the
16 deadline, the superintendent of public instruction shall deny the
17 application.

18 (7) If the superintendent of public instruction approves an
19 application under subsection (3) or (6), the board of the school
20 district that submitted the application shall begin operating the
21 school district as a public innovative district or school as a
22 public innovative school beginning with the school year immediately
23 following the school year in which the application was approved.

24 (8) An approval to operate as a public innovative district or
25 public innovative school granted under this section is valid for 3
26 school years, beginning with the school year immediately following
27 the school year in which an application was approved, and may be
28 renewed every 3 years. Not later than 90 days before the expiration
29 of an approval to operate as a public innovative district or public



1 innovative school, the board of a school district may submit a
2 renewal application to the superintendent of public instruction for
3 permission to continue operating the school district or school as a
4 public innovative district or public innovative school for an
5 additional 3 school years. A renewal application submitted under
6 this subsection must include at least all of the following:

7 (a) Evidence that the pupils enrolled in the school district
8 or school met the standards on the applicable state assessments, or
9 an alternative assessment adopted under subsection (15), during the
10 current period of operation as a public innovative district or
11 public innovative school.

12 (b) Evidence that the school district or school has
13 demonstrated improvement in its course completion rate during the
14 current period of operation as a public innovative district or
15 public innovative school.

16 (c) Evidence of progress made by the school district or school
17 in achieving the goals, outcomes, and competencies described in the
18 application under subsection (1).

19 (9) Not later than 60 days after receiving a renewal
20 application under subsection (8), the superintendent of public
21 instruction shall approve a renewal application if the
22 superintendent of public instruction finds that the evidence
23 provided in the application described in subsection (8) is
24 sufficient or deny a renewal application if the superintendent of
25 public instruction finds that the evidence provided in the
26 application described in subsection (8) is insufficient. Not later
27 than 10 days after the superintendent of public instruction has
28 approved or denied a renewal application, the superintendent of
29 public instruction shall provide notice of the approval or denial



1 of permission to continue operating the school district or school
2 as a public innovative district or public innovative school to the
3 board of the school district that submitted the renewal application
4 and the education accountability policy commission, in a form and
5 manner prescribed by the superintendent of public instruction.

6 (10) If the superintendent of public instruction denies a
7 renewal application under subsection (9), the education
8 accountability policy commission shall hold a hearing on the
9 renewal application not later than 30 days after the superintendent
10 of public instruction provides notice of the denial under
11 subsection (9). The education accountability policy commission
12 shall provide representatives of the board of the school district
13 that submitted the renewal application an opportunity to present
14 information refuting the basis for the denial. Not later than 30
15 days before the hearing, the education accountability policy
16 commission shall provide notice of the hearing to the board of the
17 school district that submitted the renewal application.

18 (11) Not later than 60 days after the hearing under subsection
19 (10), the superintendent of public instruction shall approve the
20 renewal application for permission to continue operating the school
21 district or school as a public innovative district or public
22 innovative school, deny the renewal application, or issue an
23 approval of the renewal application that is contingent on
24 compliance with certain conditions. The superintendent of public
25 instruction shall provide notice of his or her decision under this
26 subsection to the board of the school district that submitted the
27 renewal application, including any conditions on which an approval
28 is contingent and the deadline by which the conditions must be met,
29 as applicable. If the board of the school district fails to meet



1 the conditions by the deadline, the superintendent of public
2 instruction shall deny the renewal application.

3 (12) The board of a school district that operates the school
4 district as a public innovative district under this section or
5 operates a school of the school district as a public innovative
6 school under this section shall develop or adopt, and implement, an
7 instructional program that includes, but is not limited to, all of
8 the following for the school district or school:

9 (a) Procedures for diagnosing pupil learning needs.

10 (b) Methods and strategies for teaching that incorporate
11 learner needs.

12 (c) Resource-based learning opportunities.

13 (d) Techniques for evaluating pupil outcomes.

14 (e) The provision of remedial instruction, as needed.

15 (13) The board of a school district operating the school
16 district as a public innovative district under this section or
17 operating a school of the school district as a public innovative
18 school under this section may offer extended learning opportunities
19 that meet at least all of the following:

20 (a) Include activities designed to provide credit or
21 supplement regular academic courses.

22 (b) Include activities designed to promote the educational
23 goals and objectives of the pupil and the school in which the pupil
24 is enrolled.

25 (c) Incorporate pupils in selecting, organizing, and
26 implementing extended learning activities.

27 (d) Provide opportunities for pupils to acquire knowledge and
28 skill development comparable to knowledge and skill development in
29 courses offered at the school.



1 (e) Are available to all pupils.

2 (f) Include activities that supplement and enrich regular
3 academic courses.

4 (g) Include activities that provide opportunities for social
5 development.

6 (h) Include activities that encourage participation in the
7 arts, athletics, and other cooperative groups.

8 (i) Include activities that encourage service to school and
9 community.

10 (14) If the board of a school district operating the school
11 district as a public innovative district under this section or
12 operating a school of the school district as a public innovative
13 school under this section offers extended learning opportunities
14 under subsection (13), the board shall adopt a policy on extended
15 learning opportunities for the school district or school that meets
16 at least all of the following:

17 (a) Provides for the administration and supervision of the
18 extended learning opportunities.

19 (b) Utilizes certified educators to oversee an individual
20 pupil's extended learning opportunity.

21 (c) Requires that each extended learning proposal meet
22 rigorous standards and be approved by the school before
23 implementation. Each extended learning proposal must address the 4
24 elements of rigor in extended learning opportunities: research,
25 reflection, product, and presentation.

26 (d) Specifies that credits can be granted for extended
27 learning activities, including, but not limited to, independent
28 study, private instruction, team sports, performing groups,
29 internships, community service, and work study.



1 (e) Requires that any credit granted to a pupil is based on a
2 pupil's demonstration of competencies, as approved by certificated
3 educators.

4 (15) The board of a school district operating the school
5 district as a public innovative district under this section or
6 operating a school of the school district as a public innovative
7 school under this section may do all of the following:

8 (a) Adopt and implement an alternative assessment of pupil
9 progress that meets the requirements of the every student succeeds
10 act, Public Law 114-95.

11 (b) Operate a year-round program.

12 (c) Utilize community experts in the educational process.

13 (d) Design courses based on the interests of individual
14 pupils.

15 (16) The board of a school district operating the school
16 district as a public innovative district under this section or
17 operating a school of the school district as a public innovative
18 school under this section shall do at least both of the following:

19 (a) Measure and track pupil competencies, rather than
20 instructional hours, as the basis for awarding credit.

21 (b) Assign a mentor to each pupil.

22 (17) It is the intent of the legislature to appropriate
23 funding for a statewide auditor to perform audits for each school
24 district operating as a public innovative district and each school
25 operating as a public innovative school. The education
26 accountability policy commission shall select the auditor and shall
27 ensure that the auditor has a background in both accounting and
28 education. The auditor shall replace the services provided by the
29 auditor of the intermediate school district of which the school



1 district is constituent. The board of a school district operating
2 the school district as a public innovative district or operating a
3 school of the school district as a public innovative school that is
4 subject to an audit performed by the statewide auditor described in
5 this subsection shall provide any information to the statewide
6 auditor that the statewide auditor determines is necessary for the
7 purposes of performing audits described in this subsection.

8 (18) The superintendent of public instruction and the
9 department's innovation council shall provide technical advice and
10 assistance to the board of a school district completing an
11 application under subsection (1).

12 (19) If the parent or legal guardian of a pupil receives a
13 notice under subsection (2) indicating that the board of the school
14 district received a notice of approval under subsection (4) or (6)
15 for permission to operate a school of the school district as a
16 public innovative school and the pupil is currently enrolled in the
17 school for which the board received permission to operate as a
18 public innovative school or the pupil is designated to attend that
19 school, the pupil's parent or legal guardian may, before the
20 beginning of the school year, elect to enroll the pupil in another
21 school of the school district that offers an appropriate grade
22 level. If the board of a school district receives the notice of
23 approval under subsection (4) or (6) for permission to operate a
24 school of the school district as a public innovative school, the
25 board shall ensure that the schools of the school district that are
26 not operated as public innovative schools enroll pupils seeking to
27 enroll under this subsection.

28 (20) As used in this section:

29 (a) "Education accountability policy commission" means the



1 education accountability policy commission created under section
2 1173a.

3 (b) "Extended learning opportunity" means a learning program
4 that occurs outside of a school setting.

5 (c) "Innovative practices" means approaches to learning that
6 are pupil-centered, learning-based, and not bound by measures of
7 time or place.

8 Sec. 1173a. (1) The education accountability policy commission
9 is created in the department. The commission consists of the
10 following 13 members:

11 (a) Three members appointed by the governor who represent
12 business sectors that are important to this state's economy and
13 rely on a college- or career-ready workforce, nonprofit
14 organizations and associations that promote college and career
15 education, K-12 and postsecondary institutions involved in college
16 and career education, or other sectors as determined appropriate by
17 the governor.

18 (b) One member appointed by the senate majority leader, in
19 consultation with the chairperson of the senate standing committee
20 on education.

21 (c) One member appointed by the speaker of the house of
22 representatives, in consultation with the chairperson of the house
23 standing committee on education.

24 (d) The superintendent of public instruction, or his or her
25 designee.

26 (e) One member appointed by the superintendent of public
27 instruction from among nominees submitted by statewide
28 organizations representing public school academies.

29 (f) One member appointed by the superintendent of public



1 instruction from among nominees submitted by statewide
2 organizations representing school administrators working in school
3 districts.

4 (g) A currently serving school board member appointed by the
5 superintendent of public instruction from among nominees submitted
6 by statewide organizations representing school boards.

7 (h) One member appointed by the governor from among nominees
8 submitted by statewide organizations representing urban school
9 districts.

10 (i) One member appointed by the governor from among nominees
11 submitted by statewide organizations representing rural school
12 districts.

13 (j) One member appointed by the governor from among nominees
14 submitted by statewide organizations representing parents of
15 pupils.

16 (k) One member appointed by the governor from among nominees
17 submitted by statewide organizations representing teachers.

18 (2) Initial education accountability policy commission members
19 must be appointed under subsection (1) not later than July 1, 2020.

20 (3) The members of the education accountability policy
21 commission shall elect a chairperson of the commission and other
22 officers the commission determines appropriate.

23 (4) Members of the education accountability policy commission
24 shall be appointed for 4-year terms.

25 (5) A vacancy on the education accountability policy
26 commission must be filled in the same manner as the original
27 appointment. A member appointed to fill a vacancy caused by a
28 resignation or death is appointed for the balance of the unexpired
29 term.



1 (6) The governor may remove a member of the education
2 accountability policy commission for incompetence, dereliction of
3 duty, malfeasance, misfeasance, or nonfeasance in office, or any
4 other good cause.

5 (7) Members of the education accountability policy commission
6 shall serve without compensation. However, members of the
7 commission may be reimbursed for their actual and necessary
8 expenses incurred in the performance of their official duties as
9 members of the commission.

10 (8) The education accountability policy commission may
11 establish subcommittees that may consist of individuals who are not
12 members of the commission, including, but not limited to, experts
13 in matters of interest to the commission.

14 (9) A majority of the members of the education accountability
15 policy commission constitute a quorum for conducting business. A
16 vote of a majority of the members of the commission present and
17 serving is required for the official action of the commission.

18 Sec. 1284b. (1) Until subsection (2) applies to the school
19 district, public school academy, or intermediate school district,
20 the board of a school district or intermediate school district or
21 board of directors of a public school academy shall ensure that the
22 district's or public school academy's schools are not in session on
23 the Friday before Labor ~~day~~.**Day**.

24 (2) Except as otherwise provided in this section **and except**
25 **for the board of a school district operating the school district as**
26 **a public innovative district or, with respect to that school only,**
27 **operating a school of the school district as a public innovative**
28 **school under section 1173,** the board of a school district or
29 intermediate school district or board of directors of a public



1 school academy shall ensure that the district's or public school
2 academy's school year does not begin before Labor ~~day.~~**Day.**

3 (3) If a collective bargaining agreement that provides a
4 complete school calendar is in effect for employees of a school
5 district, public school academy, or intermediate school district as
6 of ~~the effective date of the amendatory act that added subsection~~
7 ~~(2),~~**September 29, 2005**, and if that school calendar is not in
8 compliance with subsection (2), then subsection (2) does not apply
9 to that school district, public school academy, or intermediate
10 school district until after the expiration of that collective
11 bargaining agreement.

12 (4) If a school district, intermediate school district, or
13 public school academy is operating a year-round school or program
14 as of September 29, 2005 or is operating as of that date a school
15 that is an international baccalaureate academy that provides 1,160
16 hours of pupil instruction per school year, then subsection (2)
17 does not apply to that school or program. If a school district,
18 intermediate school district, or public school academy begins
19 operating a year-round school or program after September 29, 2005,
20 the school district, intermediate school district, or public school
21 academy may apply to the superintendent of public instruction for a
22 waiver from the requirements of subsection (2). Upon application,
23 if the superintendent of public instruction determines that a
24 school or program is a bona fide year-round school or program
25 established for educational reasons, the superintendent of public
26 instruction shall grant the waiver. The superintendent of public
27 instruction shall establish standards for determining a bona fide
28 year-round school or program for the purposes of this subsection.

29 (5) If an intermediate school district contracts with a



1 constituent district or public school academy to provide programs
 2 or services for pupils of the constituent district or public school
 3 academy; operates a program or service within a building owned by a
 4 constituent district or a public school academy located within the
 5 intermediate school district's boundaries; or otherwise provides
 6 instructional programs or services for pupils of a constituent
 7 district or public school academy, and if the school district's or
 8 public school academy's school year begins before Labor ~~day~~**Day**
 9 under subsection (3) or (4), then the intermediate school district
 10 may provide programs or services according to the school district's
 11 or public school academy's calendar.

12 (6) This section does not apply to a public school that
 13 operates all of grades 6 to 12 at a single site, that aligns its
 14 high school curriculum with advanced placement courses as the
 15 capstone of the curriculum, and that ends its second academic
 16 semester concurrently with the end of the advanced placement
 17 examination period.

18 (7) This section does not prohibit a school district,
 19 intermediate school district, or public school academy from
 20 offering or requiring professional development for its personnel
 21 that is conducted before Labor ~~day~~**Day**.

22 (8) As used in this section, "Labor ~~day~~**Day**" means the first
 23 Monday in September.

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

26 Enacting section 2. This amendatory act does not take effect
 27 unless Senate Bill No. ____ or House Bill No. 4627 (request no.
 28 01623'19) of the 100th Legislature is enacted into law.

