

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Rep. Hornberger

ENROLLED HOUSE BILL No. 4945

AN ACT to amend 1976 PA 451, entitled “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 rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 1311b and 1311d (MCL 380.1311b and 380.1311d), section 1311b as amended by 2012 PA 620 and section 1311d as added by 1999 PA 23.

The People of the State of Michigan enact:

Sec. 1311b. (1) A strict discipline academy is a public school under section 2 of article VIII of the state constitution of 1963, is a school district for the purposes of section 11 of article IX of the state constitution of 1963 and for the purposes of section 1225 and section 1351a, and is subject to the leadership and general supervision of the state board over all public education under section 3 of article VIII of the state constitution of 1963. A strict discipline academy is a body corporate and is a governmental agency. The powers granted to a strict discipline academy under this section and sections 1311d to 1311m constitute the performance of essential public purposes and governmental functions of this state.

(2) As used in this section and sections 1311d to 1311m:

(a) “Authorizing body” means any of the following that issues a contract as provided in this section and sections 1311d to 1311m:

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

(ii) Beginning on the effective date of the amendatory act that added this sentence and before 3 years after the effective date of the amendatory act that added this sentence, the board of a school district that does not operate grades K to 12. A contract issued by the board of a school district described in this subparagraph as provided in this section and sections 1311d to 1311m is not effective after 3 years after the effective date of the amendatory act that added this sentence.

(iii) An intermediate school board.

(iv) The board of a community college.

(v) The governing board of a state public university.

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

(c) "Community college" means a community college organized under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or a federal tribally controlled community college that is recognized under the tribally controlled colleges and universities assistance act of 1978, 25 USC 1801 to 1864, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

(d) "Contract" means the executive act taken by an authorizing body that evidences the authorization of a strict discipline academy and that establishes, subject to the constitutional powers of the state board and applicable law, the written instrument executed by an authorizing body conferring certain rights, franchises, privileges, and obligations on a strict discipline academy, as provided by this section and sections 1311d to 1311m, and confirming the status of a strict discipline academy as a public school in this state.

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

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

Sec. 1311d. (1) A strict discipline academy must be organized and administered under the direction of a board of directors in accordance with sections 1311b to 1311m and with bylaws adopted by the board of directors. A strict discipline academy corporation created to operate a strict discipline academy must be organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, except that the strict discipline academy corporation is not required to comply with sections 170 to 177 of 1931 PA 327, MCL 450.170 to 450.177. To the extent disqualified under the state or federal constitution, a strict discipline academy must not be organized by a church or other religious organization and must not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more strict discipline academies under sections 1311b to 1311m:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not issue a contract for a strict discipline academy to operate outside the school district's boundaries, and a strict discipline academy authorized by the board of a school district shall not operate outside that school district's boundaries.

(b) Beginning on the effective date of the amendatory act that added this sentence and before 3 years after the effective date of the amendatory act that added this sentence, the board of a school district that does not operate grades K to 12. Both of the following apply:

(i) The board of a school district described in this subdivision shall not issue a contract for a strict discipline academy to operate outside the school district's boundaries, and a strict discipline academy authorized by the board of a school district shall not operate outside that school district's boundaries.

(ii) A contract issued by the board of a school district described in this subdivision as provided in sections 1311b to 1311m is not effective after 3 years after the effective date of the amendatory act that added this sentence.

(c) An intermediate school board. However, the board of an intermediate school district shall not issue a contract for a strict discipline academy to operate outside the intermediate school district's boundaries, and a strict discipline academy authorized by the board of an intermediate school district shall not operate outside that intermediate school district's boundaries.

(d) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a strict discipline academy to operate in a school district organized as a school district of the first class, a strict discipline academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a strict discipline academy to operate outside the boundaries of the community college district, and a strict discipline academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 strict discipline academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a strict discipline academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years.

(e) The governing board of a state public university.

(3) To obtain a contract to organize and operate 1 or more strict discipline academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application must include at least all of the following:

(a) Identification of the applicant for the contract.

(b) Subject to the resolution adopted by the authorizing body under section 1311e, a list of the proposed members of the board of directors of the strict discipline academy and a description of the qualifications and method for appointment or election of members of the board of directors.

(c) The proposed articles of incorporation that must include at least all of the following:

(i) The name of the proposed strict discipline academy.

(ii) The purposes for the strict discipline academy corporation that will operate the strict discipline academy. This language must provide that the strict discipline academy is established under sections 1311b to 1311m and that the strict discipline academy corporation is a governmental entity.

(iii) The name of the authorizing body.

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

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

(d) A copy of the proposed bylaws of the strict discipline academy.

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

(i) The governance structure of the strict discipline academy.

(ii) A copy of the educational goals of the strict discipline academy and the curricula to be offered and methods of pupil assessment to be used by the strict discipline academy. To the extent applicable, the progress of the pupils in the strict discipline academy must be assessed using at least the Michigan student test of educational progress (M-STEP) or the Michigan merit examination under section 1279g, as applicable.

(iii) The admission policy and criteria to be maintained by the strict discipline academy. The admission policy and criteria must comply with section 1311g. This part of the application also must include a description of how the applicant will provide to the general public adequate notice that a strict discipline academy is being created and adequate information on the admission policy, criteria, and process.

(iv) The school calendar and school day schedule.

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

(vi) The type of pupils to be enrolled in the strict discipline academy, as described in section 1311g.

(f) Descriptions of staff responsibilities and of the strict discipline academy's governance structure.

(g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the strict discipline academy will be located.

(h) An agreement that the strict discipline academy will comply with the provisions of sections 1311b to 1311m and, subject to the provisions of these sections, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.

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

(j) A description of and address for the proposed physical plant in which the strict discipline academy will be located.

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

(5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more strict discipline academies operating under a contract issued by the authorizing body, the state board may suspend the power of the authorizing body to issue new contracts to organize and operate strict discipline academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension.

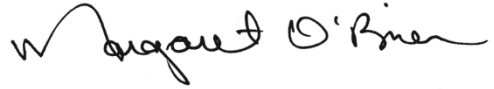
(6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a strict discipline academy in an amount that exceeds a combined total of 3% of the total state school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

(7) A strict discipline academy is presumed to be legally organized if it has exercised the franchises and privileges of a strict discipline academy for at least 2 years.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor