

# HOUSE BILL NO. 5233

October 25, 2023, Introduced by Reps. Steckloff, Koleszar, Weiss, Churches, Hoskins, McKinney, Conlin, Glanville and Morse and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1311e (MCL 380.1311e), as amended by 2009 PA  
205.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 1311e. (1) An authorizing body is not required to issue a  
2 contract to any person or entity. Contracts for strict discipline  
3 academies ~~shall~~**must** be issued on a competitive basis taking into  
4 consideration the resources available for the proposed strict

1 discipline academy, the population to be served by the proposed  
2 strict discipline academy, and the educational goals to be achieved  
3 by the proposed strict discipline academy.

4 (2) If a person or entity applies to the board of a school  
5 district for a contract to organize and operate 1 or more strict  
6 discipline academies within the boundaries of the school district  
7 and the board does not issue the contract, the person or entity may  
8 petition the board to place the question of issuing the contract on  
9 the ballot to be decided by the school electors of the school  
10 district. The petition ~~shall~~**must** contain all of the information  
11 required to be in the contract application under section 1311d and  
12 ~~shall~~**must** be signed by a number of school electors of the school  
13 district equal to at least 15% of the total number of school  
14 electors of that school district. The petition ~~shall~~**must** be filed  
15 with the secretary of the board. If the board receives a petition  
16 meeting the requirements of this subsection, the board shall place  
17 the question of issuing the contract on the ballot at its next  
18 annual school election held at least 60 days after receiving the  
19 petition. If a majority of the school electors of the school  
20 district voting on the question vote to issue the contract, the  
21 board shall issue the contract.

22 (3) Within 10 days after issuing a contract for a strict  
23 discipline academy, the board of the authorizing body shall submit  
24 to the state board a copy of the contract and of the application  
25 under section 1311d.

26 (4) An authorizing body shall adopt a resolution establishing  
27 the method of selection, length of term, and number of members of  
28 the board of directors of each strict discipline academy subject to  
29 its jurisdiction.

1 (5) A contract issued to organize and administer a strict  
2 discipline academy ~~shall~~**must** contain at least all of the  
3 following:

4 (a) The educational goals the strict discipline academy is to  
5 achieve and the methods by which it will be held accountable. To  
6 the extent applicable, the pupil performance of a strict discipline  
7 academy shall be assessed using at least ~~a~~**the** Michigan ~~education~~  
8 ~~assessment program (MEAP) test~~**student test of educational progress**  
9 **(M-STEP)** or the Michigan merit examination developed under section  
10 1279g, as applicable.

11 (b) A description of the method to be used to monitor the  
12 strict discipline academy's compliance with applicable law and its  
13 performance in meeting its targeted educational objectives.

14 (c) A description of the process for amending the contract  
15 during the term of the contract.

16 (d) All of the matters set forth in the application for the  
17 contract.

18 (e) For a strict discipline academy authorized by a school  
19 district, an agreement that employees of the strict discipline  
20 academy will be covered by the collective bargaining agreements  
21 that apply to employees of the school district employed in similar  
22 classifications in schools that are not strict discipline  
23 academies.

24 (f) Procedures for revoking the contract and grounds for  
25 revoking the contract, including at least the grounds listed in  
26 section 1311/.

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

29 (h) Requirements and procedures for financial audits. The

1 financial audits ~~shall~~**must** be conducted at least annually by a  
2 certified public accountant in accordance with generally accepted  
3 governmental auditing principles.

4 (i) The term of the contract and a description of the process  
5 and standards for renewal of the contract at the end of the term.  
6 The standards for renewal ~~shall~~**must** include student growth as  
7 measured by assessments and other objective criteria as a  
8 significant factor in the decision of whether ~~or not~~ to renew the  
9 contract.

10 (j) **Unless prohibited by a local ordinance or local zoning**  
11 **authority, a requirement that the name of the authorizing body and**  
12 **the educational management organization, if applicable, appear on**  
13 **all signage, advertising, and promotional material for the strict**  
14 **discipline academy. This requirement applies only to a sign**  
15 **erected, repaired, or installed after the effective date of the**  
16 **amendatory act that added this subdivision and to any advertising**  
17 **and promotional material created or distributed on or after the**  
18 **effective date of the amendatory act that added this subdivision.**  
19 **As used in this subdivision, "educational management organization"**  
20 **means an entity that enters into an agreement with a strict**  
21 **discipline academy to provide comprehensive educational,**  
22 **administrative, management, or instructional services or staff to**  
23 **the strict discipline academy.**

24 (6) A strict discipline academy shall comply with all  
25 applicable law, including all of the following:

26 (a) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

27 (b) The freedom of information act, 1976 PA 442, MCL 15.231 to  
28 15.246.

29 (c) 1947 PA 336, MCL 423.201 to 423.217.

1 ~~(d) 1965 PA 166, MCL 408.551 to 408.558.~~

2 (d) ~~(e)~~ Sections 1134, 1135, 1146, 1153, 1263(3), 1267, and  
3 1274.

4 (e) ~~(f)~~ Except for part 6a, all provisions of this act that  
5 explicitly apply to public school academies established under part  
6 6a.

7 (7) A strict discipline academy and its incorporators, board  
8 members, officers, employees, and volunteers have governmental  
9 immunity as provided in section 7 of 1964 PA 170, MCL 691.1407. An  
10 authorizing body and its board members, officers, and employees are  
11 immune from civil liability, both personally and professionally,  
12 for any acts or omissions in authorizing a strict discipline  
13 academy if the authorizing body or the person acted or reasonably  
14 believed ~~he or she~~ **the person** acted within the authorizing body's  
15 or the person's scope of authority.

16 (8) A strict discipline academy is exempt from all taxation on  
17 its earnings and property. Instruments of conveyance to or from a  
18 strict discipline academy are exempt from all taxation including  
19 taxes imposed by 1966 PA 134, MCL 207.501 to 207.513. A strict  
20 discipline academy may not levy ad valorem property taxes or any  
21 other tax for any purpose. However, operation of 1 or more strict  
22 discipline academies by a school district or intermediate school  
23 district does not affect the ability of the school district or  
24 intermediate school district to levy ad valorem property taxes or  
25 any other tax.

26 (9) A strict discipline academy may acquire by purchase, gift,  
27 devise, lease, sublease, installment purchase agreement, land  
28 contract, option, or by any other means, hold and own in its own  
29 name buildings and other property for school purposes, and

1 interests therein, and other real and personal property, including,  
2 but not limited to, interests in property subject to mortgages,  
3 security interests, or other liens, necessary or convenient to  
4 fulfill its purposes. For the purposes of condemnation, a strict  
5 discipline academy may proceed under the uniform condemnation  
6 procedures act, 1980 PA 87, MCL 213.51 to 213.75, excluding  
7 sections 6 to 9 of ~~that act,~~ **the uniform condemnation procedures**  
8 **act, 1980 PA 87**, MCL 213.56 to 213.59, or other applicable  
9 statutes, but only with the express, written permission of the  
10 authorizing body in each instance of condemnation and only after  
11 just compensation has been determined and paid.