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# SENATE BILL No. 1103

April 20, 1994, Introduced by Senator PRIDNIA and referred  
to the Committee on Education

A bill to amend sections 502 and 504 of Act No 451 of the  
Public Acts of 1976, entitled as amended

"The school code of 1976,"

as added by Act No 362 of the Public Acts of 1993, being sec-  
tions 380 502 and 380 504 of the Michigan Compiled Laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 502 and 504 of Act No 451 of the  
2 Public Acts of 1976, as added by Act No 362 of the Public Acts  
3 of 1993, being sections 380 502 and 380 504 of the Michigan  
4 Compiled Laws are amended to read as follows

5 Sec 502 (1) A public school academy shall be organized  
6 and administered under the direction of a board of directors in  
7 accordance with this part and with bylaws adopted by the board of  
8 directors A public school academy shall be organized under the  
9 nonprofit corporation act, Act No 162 of the Public Acts of

1 1982, being sections 450 2101 to 450 3192 of the Michigan  
2 Compiled Laws, except that a public school academy corporation is  
3 not required to comply with sections 170 to 177 of Act No 327 of  
4 the Public Acts of 1931, being sections 450 170 to 450 177 of the  
5 Michigan Compiled Laws To the extent disqualified under the  
6 state or federal constitution, a public school academy shall not  
7 be organized by a church or other religious organization and  
8 shall not have any organizational or contractual affiliation with  
9 or constitute a church or other religious organization

10 (2) Any of the following may act as an authorizing body to  
11 ~~grant~~ ISSUE a contract to organize and operate 1 or more public  
12 school academies under this part

13 (a) The board of a school district However, the board of a  
14 school district shall not issue a contract for a public school  
15 academy to operate outside the school district's boundaries, and  
16 a public school academy authorized by the board of a school dis-  
17 trict shall not operate outside that school district's  
18 boundaries

19 (b) An intermediate school board However, the board of an  
20 intermediate school district shall not issue a contract for a  
21 public school academy to operate outside the intermediate school  
22 district's boundaries, and a public school academy authorized by  
23 the board of an intermediate school district shall not operate  
24 outside that intermediate school district's boundaries

25 (c) The board of a community college However, EXCEPT AS  
26 OTHERWISE PROVIDED IN THIS SUBDIVISION, the board of a community  
27 college shall not ~~grant~~ ISSUE a contract for more than 1 public

1 school academy the board of a community college shall not  
2 ~~grant~~ ISSUE a contract for a public school academy to operate  
3 in a school district organized as a school district of the first  
4 class, and a public school academy authorized by the board of a  
5 community college shall not operate in a school district orga-  
6 nized as a school district of the first class and the board of a  
7 community college shall not issue a contract for a public school  
8 academy to operate outside the boundaries of the community col-  
9 lege district, and a public school academy authorized by the  
10 board of a community college shall not operate outside the bound-  
11 aries of the community college district IN ADDITION, THE BOARD  
12 OF A COMMUNITY COLLEGE ALSO MAY ISSUE A CONTRACT FOR A PUBLIC  
13 SCHOOL ACADEMY TO OPERATE ON THE GROUNDS OF AN ACTIVE OR CLOSED  
14 FEDERAL MILITARY INSTALLATION LOCATED OUTSIDE THE BOUNDARIES OF  
15 THE COMMUNITY COLLEGE DISTRICT, OR MAY OPERATE A PUBLIC SCHOOL  
16 ACADEMY ITSELF ON THE GROUNDS OF SUCH A FEDERAL MILITARY INSTAL-  
17 LATION, IF THE FEDERAL MILITARY INSTALLATION IS NOT LOCATED  
18 WITHIN THE BOUNDARIES OF ANY COMMUNITY COLLEGE DISTRICT AND THE  
19 COMMUNITY COLLEGE HAS PREVIOUSLY OFFERED COURSES ON THE GROUNDS  
20 OF THE FEDERAL MILITARY INSTALLATION FOR AT LEAST 10 YEARS

21 (d) The governing board of a state public university  
22 (3) To obtain a contract to organize and operate 1 or more  
23 public school academies, an applicant shall apply to an authoriz-  
24 ing body described in subsection (2) The application shall  
25 include at least all of the following

26 (a) Identification of the applicant for the contract

1 (b) Subject to the resolution adopted by the authorizing  
2 body under section 503(3), a list of the proposed members of the  
3 board of directors of the public school academy or a description  
4 of the qualifications and method for appointment or election of  
5 members of the board of directors

6 (c) The proposed articles of incorporation, which shall  
7 include at least all of the following

8 (1) The name of the proposed public school academy

9 (11) The purposes for the public school academy  
10 corporation This language shall provide that the public school  
11 academy is incorporated pursuant to this part and that the public  
12 school academy corporation is a governmental entity

13 (111) The name of the authorizing body

14 (1v) The proposed time when the articles of incorporation  
15 will be effective

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

18 (d) A copy of the proposed bylaws of the public school acad-  
19 emy, which shall include at least all of the following

20 (1) The governance structure of the public school academy

21 (11) A copy of the educational goals of the public school  
22 academy and the curriculum to be offered and methods of pupil  
23 assessment to be used by the public school academy To the  
24 extent applicable, the progress of the pupils in the public  
25 school academy shall be assessed using at least a Michigan educa-  
26 tion assessment program (MEAP) test or an assessment instrument  
27 developed under section 104a of the state school aid act of 1979,

1 being section 388 1704a of the Michigan Compiled Laws, for a  
2 state-endorsed high school diploma, or 1 or more of the following  
3 nationally normed tests the California achievement test, the  
4 Stanford achievement test, or the Iowa test of basic skills

5 (iii) The admission policy and criteria to be maintained by  
6 the public school academy The admission policy and criteria  
7 shall comply with section 504

8 (iv) The school calendar and school day schedule

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

10 (e) Descriptions of staff responsibilities and of the public  
11 school academy's governance structure

12 (f) For an application to the board of a school district, an  
13 intermediate school board, or board of a community college, iden-  
14 tification of the local and intermediate school districts in  
15 which the public school academy will be located

16 (g) An agreement that the public school academy will comply  
17 with the provisions of this part and, subject to the provisions  
18 of this part, with all other state law applicable to public  
19 bodies and with federal law applicable to public bodies or school  
20 districts

21 (h) For a public school academy authorized by a school dis-  
22 trict, an assurance that employees of the public school academy  
23 will be covered by the collective bargaining agreements that  
24 apply to other employees of the school district employed in simi-  
25 lar classifications in schools that are not public school  
26 academies

1 (1) A description of and address for the physical plant in  
2 which the public school academy will be located

3 Sec 504 (1) A public school academy shall not operate at  
4 a site other than the single site requested for the configuration  
5 of grades that will use the site as specified in the application  
6 required under section 502 and in the contract

7 (2) A public school academy shall not charge tuition and  
8 shall not discriminate in its pupil admissions policies or prac-  
9 tices on the basis of intellectual or athletic ability, measures  
10 of achievement or aptitude status as a handicapped person or  
11 any other basis that would be illegal if used by a school  
12 district However a public school academy may limit admission  
13 to pupils who are within a particular range of age or grade level  
14 or on any other basis that would be legal if used by a school  
15 district

16 (3) Except for a foreign exchange student who is not a  
17 United States citizen a public school academy shall not enroll a  
18 pupil who is not a resident of this state Enrollment in the  
19 public school academy shall be open to all pupils who reside  
20 within the geographic boundaries if any of the authorizing body  
21 as described in section 502(2)(a) to (c) who meet the admission  
22 policy, EXCEPT THAT ADMISSION TO A PUBLIC SCHOOL ACADEMY AUTHO-  
23 RIZED BY THE BOARD OF A COMMUNITY COLLEGE TO OPERATE OR OPERATED  
24 BY THE BOARD OF A COMMUNITY COLLEGE, ON THE GROUNDS OF A FEDERAL  
25 MILITARY INSTALLATION, AS DESCRIBED IN SECTION 502(2)(C), MAY BE  
26 OPEN TO ALL PUPILS WHO RESIDE IN THE COUNTY IN WHICH THE FEDERAL  
27 MILITARY INSTALLATION IS LOCATED For a public school academy

1 authorized by a state public university, enrollment shall be open  
2 to all pupils who reside in this state who meet the admission  
3 policy If there are more applications to enroll in the public  
4 school academy than there are spaces available pupils shall be  
5 selected to attend using a random selection process However, a  
6 public school academy may give enrollment priority to a sibling  
7 of a pupil enrolled in the public school academy A public  
8 school academy shall allow any pupil who was enrolled in the  
9 public school academy in the immediately preceding school year to  
10 enroll in the public school academy in the appropriate grade  
11 unless the appropriate grade is not offered at that public school  
12 academy

13 (4) A public school academy may include any grade up to  
14 grade 12 or any configuration of those grades including kinder-  
15 garten and early childhood education as specified in its  
16 contract If specified in its contract a public school academy  
17 may also operate an adult basic education program adult high  
18 school completion program or general education development test-  
19 ing preparation program The authorizing body may approve amend-  
20 ment of a contract with respect to ages of pupils or grades  
21 offered