

HOUSE BILL No. 4706

May 19, 1999, Introduced by Rep. Lemmons and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 502 and 504 (MCL 380.502 and 380.504), section 502 as amended by 1995 PA 289 and section 504 as amended by 1994 PA 416.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 502. (1) A public school academy shall be organized
2 and administered under the direction of a board of directors in
3 accordance with this part and with bylaws adopted by the board of
4 directors. A public school academy corporation shall be orga-
5 nized under the nonprofit corporation act, ~~Act No. 162 of the~~
6 ~~Public Acts of 1982, being sections 450.2101 to 450.3192 of the~~
7 ~~Michigan Compiled Laws~~ 1982 PA 162, MCL 450.2101 TO 450.3192,
8 except that a public school academy corporation is not required
9 to comply with sections 170 to 177 of ~~Act No. 327 of the Public~~

1 ~~Acts of 1931, being sections 450.170 to 450.177 of the Michigan~~
2 ~~Compiled Laws~~ 1931 PA 327, MCL 450.170 TO 450.177. To the
3 extent disqualified under the state or federal constitution, a
4 public school academy shall not be organized by a church or other
5 religious organization and shall not have any organizational or
6 contractual affiliation with or constitute a church or other
7 religious organization.

8 (2) Any of the following may act as an authorizing body to
9 issue a contract to organize and operate 1 or more public school
10 academies under this part:

11 (a) The board of a school district that operates grades K to
12 12. However, the board of a school district shall not issue a
13 contract for a public school academy to operate outside the
14 school district's boundaries, and a public school academy autho-
15 rized by the board of a school district shall not operate outside
16 that school district's boundaries.

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

23 (c) The board of a community college. However, except as
24 otherwise provided in this subdivision, the board of a community
25 college shall not issue a contract for a public school academy to
26 operate in a school district organized as a school district of
27 the first class, a public school academy authorized by the board

1 of a community college shall not operate in a school district
2 organized as a school district of the first class, the board of a
3 community college shall not issue a contract for a public school
4 academy to operate outside the boundaries of the community col-
5 lege district, and a public school academy authorized by the
6 board of a community college shall not operate outside the bound-
7 aries of the community college district. The board of a commu-
8 nity college also may issue a contract for not more than 1 public
9 school academy to operate on the grounds of an active or closed
10 federal military installation located outside the boundaries of
11 the community college district, or may operate a public school
12 academy itself on the grounds of such a federal military instal-
13 lation, if the federal military installation is not located
14 within the boundaries of any community college district and the
15 community college has previously offered courses on the grounds
16 of the federal military installation for at least 10 years.

17 (d) The governing board of a state public university.
18 However, the combined total number of contracts ~~for public~~
19 ~~school academies~~ issued by all state public universities FOR
20 PUBLIC SCHOOL ACADEMIES OTHER THAN PUBLIC SCHOOL ACADEMIES
21 DESCRIBED IN SECTION 504(3) shall not exceed ~~85 through 1996,~~
22 ~~and, after the initial evaluation under section 501a, shall not~~
23 ~~exceed 100 through 1997, 125 through 1998, or 150. thereafter.~~
24 Further, the total number of contracts issued by any 1 state
25 public university FOR PUBLIC SCHOOL ACADEMIES OTHER THAN PUBLIC
26 SCHOOL ACADEMIES DESCRIBED IN SECTION 504(3) shall not exceed ~~50~~
27 ~~through 1996, and thereafter shall not exceed 50% of the maximum~~

1 ~~combined total number that may be issued under this subdivision~~
2 75.

3 (3) To obtain a contract to organize and operate 1 or more
4 public school academies, 1 or more persons or an entity may apply
5 to an authorizing body described in subsection (2). The applica-
6 tion shall include at least all of the following:

7 (a) Identification of the applicant for the contract.

8 (b) Subject to the resolution adopted by the authorizing
9 body under section ~~503(4)~~ 503, a list of the proposed members
10 of the board of directors of the public school academy and a
11 description of the qualifications and method for appointment or
12 election of members of the board of directors.

13 (c) The proposed articles of incorporation, which shall
14 include at least all of the following:

15 (i) The name of the proposed public school academy.

16 (ii) The purposes for the public school academy
17 corporation. This language shall provide that the public school
18 academy is incorporated pursuant to this part and that the public
19 school academy corporation is a governmental entity.

20 (iii) The name of the authorizing body.

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

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

25 (d) A copy of the proposed bylaws of the public school
26 academy.

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

3 (i) The governance structure of the public school academy.

4 (ii) A copy of the educational goals of the public school
5 academy and the curricula to be offered and methods of pupil
6 assessment to be used by the public school academy. To the
7 extent applicable, the progress of the pupils in the public
8 school academy shall be assessed using at least a Michigan educa-
9 tion assessment program (MEAP) test or an assessment instrument
10 developed under section 1279 for a state-endorsed high school
11 diploma.

12 (iii) The admission policy and criteria to be maintained by
13 the public school academy. The admission policy and criteria
14 shall comply with section 504. This part of the application also
15 shall include a description of how the applicant will provide to
16 the general public adequate notice that a public school academy
17 is being created and adequate information on the admission
18 policy, criteria, and process.

19 (iv) The school calendar and school day schedule.

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

21 (f) Descriptions of staff responsibilities and of the public
22 school academy's governance structure.

23 (g) For an application to the board of a school district, an
24 intermediate school board, or board of a community college, iden-
25 tification of the local and intermediate school districts in
26 which the public school academy will be located.

1 (h) An agreement that the public school academy will comply
2 with the provisions of this part and, subject to the provisions
3 of this part, with all other state law applicable to public
4 bodies and with federal law applicable to public bodies or school
5 districts.

6 (i) For a public school academy authorized by a school dis-
7 trict, an assurance that employees of the public school academy
8 will be covered by the collective bargaining agreements that
9 apply to other employees of the school district employed in simi-
10 lar classifications in schools that are not public school
11 academies.

12 (j) A description of and address for the proposed physical
13 plant in which the public school academy will be located.

14 (4) An authorizing body shall oversee, or shall contract
15 with an intermediate school district, community college, or state
16 public university to oversee, each public school academy operat-
17 ing under a contract issued by the authorizing body. The over-
18 sight shall be sufficient to ensure that the authorizing body can
19 certify that the public school academy is in compliance with
20 statute, rules, and the terms of the contract.

21 (5) If the state board finds that an authorizing body is not
22 engaging in appropriate continuing oversight of 1 or more public
23 school academies operating under a contract issued by the autho-
24 rizing body, the state board may suspend the power of the autho-
25 rizing body to issue new contracts to organize and operate public
26 school academies. A contract issued by the authorizing body
27 during the suspension is void. A contract issued by the

1 authorizing body before the suspension is not affected by the
2 suspension.

3 (6) An authorizing body shall not charge a fee, or require
4 reimbursement of expenses, for considering an application for a
5 contract, for issuing a contract, or for providing oversight of a
6 contract for a public school academy in an amount that exceeds a
7 combined total of 3% of the total state school aid received by
8 the public school academy in the school year in which the fees or
9 expenses are charged. An authorizing body may provide other
10 services for a public school academy and charge a fee for those
11 services, but shall not require such an arrangement as a condi-
12 tion to issuing the contract authorizing the public school
13 academy.

14 (7) A public school academy shall be presumed to be legally
15 organized if it has exercised the franchises and privileges of a
16 public school academy for at least 2 years.

17 Sec. 504. (1) A public school academy may be located in all
18 or part of an existing public school building. A public school
19 academy shall not operate at a site other than the single site
20 requested for the configuration of grades that will use the site,
21 as specified in the application required under section 502 and in
22 the contract.

23 (2) A public school academy shall not charge tuition. ~~and~~
24 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A PUBLIC SCHOOL
25 ACADEMY shall not discriminate in its pupil admissions policies
26 or practices on the basis of intellectual or athletic ability,
27 measures of achievement or aptitude, status as a handicapped

1 person, or any other basis that would be illegal if used by a
2 school district. However, a public school academy may limit
3 admission to pupils who are within a particular range of age or
4 grade level or on any other basis that would be legal if used by
5 a school district.

6 (3) IF IT IS STATED IN THE CONTRACT AUTHORIZING A PUBLIC
7 SCHOOL ACADEMY THAT THE PUBLIC SCHOOL ACADEMY IS ESTABLISHED SPE-
8 CIFICALLY FOR ENROLLING PUPILS WHO RESIDE IN AN URBAN SCHOOL DIS-
9 TRICT AND WHO ARE AT RISK OF ACADEMIC FAILURE, AND IF THE PUBLIC
10 SCHOOL ACADEMY IS LOCATED IN AN URBAN SCHOOL DISTRICT, THE PUBLIC
11 SCHOOL ACADEMY MAY LIMIT ENROLLMENT ONLY TO THOSE PUPILS.

12 (4) ~~(3)~~ Except for a foreign exchange student who is not a
13 United States citizen, a public school academy shall not enroll a
14 pupil who is not a resident of this state. Enrollment in the
15 public school academy may be open to all individuals who reside
16 in this state who meet the admission policy and shall be open to
17 all pupils who reside within the geographic boundaries, if any,
18 of the authorizing body as described in section 502(2)(a) to (c)
19 who meet the admission policy, except that admission to a public
20 school academy authorized by the board of a community college to
21 operate, or operated by the board of a community college, on the
22 grounds of a federal military installation, as described in sec-
23 tion 502(2)(c), shall be open to all pupils who reside in the
24 county in which the federal military installation is located.
25 For a public school academy authorized by a state public univer-
26 sity, enrollment shall be open to all pupils who reside in this
27 state who meet the admission policy. If there are more

1 applications to enroll in the public school academy than there
2 are spaces available, pupils shall be selected to attend using a
3 random selection process. However, a public school academy may
4 give enrollment priority to a sibling of a pupil enrolled in the
5 public school academy. A public school academy shall allow any
6 pupil who was enrolled in the public school academy in the imme-
7 diately preceding school year to enroll in the public school
8 academy in the appropriate grade unless the appropriate grade is
9 not offered at that public school academy.

10 (5) ~~(4)~~ A public school academy may include any grade up
11 to grade 12 or any configuration of those grades, including kin-
12 dergarten and early childhood education, as specified in its
13 contract. If specified in its contract, a public school academy
14 may also operate an adult basic education program, adult high
15 school completion program, or general education development test-
16 ing preparation program. The authorizing body may approve amend-
17 ment of a contract with respect to ages of pupils or grades
18 offered.