



HOUSE BILL No. 5802

May 17, 2000, Introduced by Reps. Geiger and Allen and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5, 1229, 1277, and 1473 (MCL 380.5, 380.1229, 380.1277, and 380.1473), section 5 as amended by 1999 PA 23, section 1229 as added by 1995 PA 289, section 1277 as amended by 1997 PA 179, and section 1473 as added by 1996 PA 159, and by adding sections 1238, 1280b, and 1282a and part 20B.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) "Local act school district" or "special act
2 school district" means a district governed by a special or local
3 act or chapter of a local act. "Local school district" and
4 "local school district board" as used in article 3 include a
5 local act school district and a local act school district board.

6 (2) "Membership" means the number of full-time equivalent
7 pupils in a public school as determined by the number of pupils

1 registered for attendance plus pupils received by transfer and
2 minus pupils lost as defined by rules promulgated by the ~~state~~
3 ~~board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION.

4 (3) "Nonpublic school" means a private, denominational, or
5 parochial school.

6 (4) "Objectives" means measurable pupil academic skills and
7 knowledge.

8 (5) "Public school" means a public elementary or secondary
9 educational entity or agency that is established under this act,
10 has as its primary mission the teaching and learning of academic
11 and vocational-technical skills and knowledge, and is operated by
12 a school district, local act school district, special act school
13 district, intermediate school district, public school academy
14 corporation, strict discipline academy corporation, or by the
15 department or state board. Public school also includes THE
16 MICHIGAN VIRTUAL HIGH SCHOOL UNDER PART 20B, AND a laboratory
17 school or other elementary or secondary school that is controlled
18 and operated by a state public university described in section 4,
19 5, or 6 of article VIII of the state constitution of 1963.

20 (6) "Public school academy" means a public school academy
21 established under part 6a and, except as used in part 6a, also
22 includes a strict discipline academy established under sections
23 1311b to 1311l.

24 (7) "Pupil membership count day" of a school district means
25 that term as defined in section 6 of the state school aid act of
26 1979, MCL 388.1606.

1 (8) "Reorganized intermediate school district" means an
2 intermediate school district formed by consolidation or
3 annexation of 2 or more intermediate school districts under sec-
4 tions 701 and 702.

5 (9) "Rule" means a rule promulgated pursuant to the adminis-
6 trative procedures act of 1969, 1969 PA 306, MCL 24.201 to
7 24.328.

8 Sec. 1229. (1) The board of a school district, other than a
9 school district that was organized as a primary school district
10 during the 1995-1996 school year, or intermediate school district
11 shall employ a superintendent of schools, who shall meet the
12 requirements of section 1246. The superintendent shall not be a
13 member of the board. Employment of a superintendent shall be by
14 written contract. The term of the superintendent's contract
15 shall be fixed by the board, not to exceed 5 years. If written
16 notice of nonrenewal of the contract of a superintendent is not
17 given at least 90 days before the termination of the contract,
18 the contract is renewed for an additional 1-year period.

19 (2) The board of a school district or intermediate school
20 district may employ assistant superintendents, principals,
21 assistant principals, guidance directors, and other administra-
22 tors who do not assume tenure in that position under ~~Act No. 4~~
23 ~~of the Public Acts of the Extra Session of 1937, being~~
24 ~~sections 38.71 to 38.191 of the Michigan Compiled Laws 1937 (EX~~
25 ~~SESS) PA 4, MCL 38.71 TO 38.191. The employment shall be by~~
26 written contract — AND IS SUBJECT TO ALL OF THE FOLLOWING:

1 (A) THE TERM OF THE EMPLOYMENT CONTRACT FOR A SCHOOL
2 PRINCIPAL SHALL BE AT LEAST 2 YEARS AND SHALL NOT EXCEED 3
3 YEARS. SUBJECT TO SECTION 1238, THE BOARD SHALL PRESCRIBE THE
4 DUTIES OF A SCHOOL PRINCIPAL. IF WRITTEN NOTICE OF NONRENEWAL OF
5 A SCHOOL PRINCIPAL'S CONTRACT IS NOT GIVEN AT LEAST 90 DAYS
6 BEFORE THE TERMINATION DATE OF THE CONTRACT, THE CONTRACT IS
7 RENEWED FOR AN ADDITIONAL 1-YEAR PERIOD.

8 (B) The term of the employment contract FOR AN ADMINISTRATOR
9 DESCRIBED IN THIS SUBSECTION OTHER THAN A SCHOOL PRINCIPAL shall
10 be fixed by the board, not to exceed 3 years. The board shall
11 prescribe the duties of a person described in this ~~subsection~~
12 SUBDIVISION. If written notice of nonrenewal of the contract of
13 a person described in this ~~subsection~~ SUBDIVISION is not given
14 at least 60 days before the termination date of the contract, the
15 contract is renewed for an additional 1-year period.

16 (3) A notification of nonrenewal of contract of a person
17 described in subsection (2) may be given only for a reason that
18 is not arbitrary or capricious. The board shall not issue a
19 notice of nonrenewal under this section unless the affected
20 person has been provided with not less than 30 days' advance
21 notice that the board is considering the nonrenewal together with
22 a written statement of the reasons the board is considering the
23 nonrenewal. After the issuance of the written statement, but
24 before the nonrenewal statement is issued, the affected person
25 shall be given the opportunity to meet with not less than a
26 majority of the board to discuss the reasons stated in the
27 written statement. The meeting shall be open to the public or a

1 closed session, as the affected person elects under section 8 of
2 the open meetings act, ~~Act No. 267 of the Public Acts of 1976,~~
3 ~~being section 15.268 of the Michigan Compiled Laws~~ 1976 PA 267,
4 MCL 15.268. If the board fails to provide for a meeting with the
5 board, or if a court finds that the reason for nonrenewal is
6 arbitrary or capricious, the affected person's contract is
7 renewed for an additional 1-year period. This subsection does
8 not apply to the nonrenewal of the contract of a superintendent
9 of schools described in subsection (1).

10 SEC. 1238. (1) SUBJECT TO SUBSECTION (2), THE BOARD OF A
11 SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, OR INTERMEDIATE
12 SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY
13 SHALL ENSURE THAT EACH SCHOOL PRINCIPAL IT EMPLOYS HAS AT LEAST
14 ALL OF THE FOLLOWING POWERS AND DUTIES:

15 (A) THE RIGHT TO HIRE AND ASSIGN DUTIES TO ALL STAFF
16 EMPLOYED AT OR ASSIGNED TO THE SCHOOL. THIS INCLUDES, BUT IS NOT
17 LIMITED TO, THE RIGHT TO REFUSE TO HAVE A PARTICULAR STAFF MEMBER
18 ASSIGNED TO THAT SCHOOL. THIS SUBDIVISION DOES NOT APPLY TO
19 STAFF ASSIGNED ON A REGULAR BASIS TO MORE THAN 1 SCHOOL.

20 (B) THE RIGHT TO ESTABLISH AT THE SCHOOL A METHOD OF COMPEN-
21 SATION BASED ON JOB PERFORMANCE AND JOB ACCOMPLISHMENTS AND TO
22 ESTABLISH OTHER INCENTIVES TO REWARD STAFF AT THE SCHOOL FOR HIGH
23 PUPIL ACHIEVEMENT.

24 (C) THE RIGHT TO SUBMIT TO THE BOARD OR BOARD OF DIRECTORS
25 AT A PUBLIC MEETING HELD BEFORE THE BEGINNING OF ANNUAL BUDGET
26 DELIBERATIONS A PROPOSED BUDGET FOR THE SCHOOL.

1 (D) THE RIGHT TO CONTROL THE EXPENDITURE OF DISCRETIONARY
2 FUNDS WITHIN THE SCHOOL'S BUDGET.

3 (E) THE RIGHT TO REVIEW AND TO MODIFY OR REJECT A SCHOOL
4 IMPROVEMENT PLAN DEVELOPED FOR THE SCHOOL UNDER SECTION 1277 OR
5 UNDER ANY OTHER AUTHORITY.

6 (F) THE RIGHT TO BE COMPENSATED ACCORDING TO HIS OR HER JOB
7 PERFORMANCE AND TO EARN INCENTIVES FOR HIGH PUPIL ACHIEVEMENT.

8 (2) UNTIL THE EXPIRATION OF A COLLECTIVE BARGAINING AGREE-
9 MENT IN EFFECT FOR A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT,
10 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY AS OF THE
11 EFFECTIVE DATE OF THIS SECTION, THE APPLICABILITY OF THIS SECTION
12 TO THAT SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, INTERMEDIATE
13 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IS SUBJECT TO THAT COL-
14 LECTIVE BARGAINING AGREEMENT.

15 Sec. 1277. (1) Considering criteria established by the
16 state board, in addition to the requirements specified in section
17 1280 for accreditation under that section, if the board of a
18 school district wants all of the schools of the school district
19 to be accredited under section 1280, the board shall adopt and
20 implement and, not later than September 1 each year, shall make
21 available to the department a copy of a 3- to 5-year school
22 improvement plan and continuing school improvement process for
23 each school within the school district. The school improvement
24 plans shall include, but are not limited to, a mission statement,
25 goals based on student academic objectives for all students, cur-
26 riculum alignment corresponding with those goals, evaluation
27 processes, staff development, development and utilization of

1 community resources and volunteers, the role of adult and
2 community education, libraries and community colleges in the
3 learning community, and building level decision making. School
4 board members, school building administrators, teachers and other
5 school employees, pupils, parents of pupils attending that
6 school, and other residents of the school district shall be
7 invited and allowed to voluntarily participate in the develop-
8 ment, review, and evaluation of the district's school improvement
9 plans. BEFORE A SCHOOL IMPROVEMENT PLAN FOR A SCHOOL IS FINAL-
10 IZED, THE PLAN SHALL BE SUBMITTED TO THE SCHOOL PRINCIPAL FOR HIS
11 OR HER REVIEW FOR THE PURPOSES OF SUBSECTION (3). Upon request of
12 the board of a school district, the department and the intermedi-
13 ate school district shall assist the school district in the
14 development and implementation of district school improvement
15 plans. Educational organizations may also provide assistance for
16 these purposes. School improvement plans described in this sec-
17 tion shall be updated annually by each school and by the board of
18 the school district.

19 (2) School improvement plans shall include at least all of
20 the following additional matters:

21 (a) Goals centered on student academic learning.

22 (b) Strategies to accomplish the goals.

23 (c) Evaluation of the plan.

24 (d) Development of alternative measures of assessment that
25 will provide authentic assessment of pupils' achievements,
26 skills, and competencies.

1 (e) Methods for effective use of technology as a way of
2 improving learning and delivery of services and for integration
3 of evolving technology in the curriculum.

4 (f) Ways to make available in as many fields as practicable
5 opportunities for structured on-the-job learning, such as appren-
6 ticeships and internships, combined with classroom instruction.

7 (3) A SCHOOL IMPROVEMENT PLAN UNDER THIS SECTION IS SUBJECT
8 TO MODIFICATION OR REJECTION BY THE SCHOOL PRINCIPAL, AS PROVIDED
9 UNDER SECTION 1238.

10 (4) ~~(3)~~ Each intermediate school board shall adopt and
11 implement and, not later than September 1 each year, shall make
12 available to the department a copy of a 3- to 5-year intermediate
13 school district school improvement plan and continuing school
14 improvement process for the intermediate school district.
15 Constituent and intermediate school board members, school build-
16 ing administrators, teachers and other school employees, pupils,
17 parents of pupils, and residents of the intermediate school dis-
18 trict shall be invited and allowed to voluntarily participate in
19 the development, review, and evaluation of the intermediate
20 school district's school improvement plan. Upon request of the
21 intermediate school board, the department shall assist the inter-
22 mediate school district in the development and implementation of
23 an intermediate school district school improvement plan. An
24 intermediate school district school improvement plan described in
25 this section shall be updated annually by the intermediate school
26 board. An intermediate school district school improvement plan
27 shall include at least all of the following:

1 (a) Methods to assist SCHOOL districts AND PUBLIC SCHOOL
2 ACADEMIES in improving pupils' academic learning.

3 (b) Assurance that all pupils WITHIN THE INTERMEDIATE SCHOOL
4 DISTRICT have reasonable access to all programs offered by the
5 intermediate school district, including, but not limited to,
6 transportation if necessary.

7 (c) A plan for professional development that supports aca-
8 demic learning.

9 (d) Methods to assist school districts AND PUBLIC SCHOOL
10 ACADEMIES in integrating applied academics and career and
11 employability skills into all curricular areas.

12 (e) Ways to make available in as many fields as practicable
13 opportunities for structured on-the-job learning, such as appren-
14 ticeships and internships, combined with classroom instruction.

15 (f) Collaborative efforts with supporting agencies that
16 enhance academic learning.

17 (g) Long-range cost containment measures, including addi-
18 tional services that might be provided at reduced costs by the
19 intermediate school district or through cooperative programs, and
20 cost reduction programs such as interdistrict cooperation in spe-
21 cial education and other programs and services.

22 (h) To the extent that it would improve school effective-
23 ness, specific recommendations on consolidation or enhanced
24 interdistrict cooperation, or both, along with possible sources
25 of revenue.

26 (i) Evaluation of the plan.

1 (5) ~~(4)~~ The state board shall annually review a random
2 sampling of school improvement plans. Based on its review, the
3 state board shall annually submit a report on school improvement
4 activities planned and accomplished by each of the school dis-
5 tricts and intermediate school districts that were part of the
6 sampling to the senate and house committees that have the respon-
7 sibility for education legislation.

8 SEC. 1280B. (1) THE BOARD OF A SCHOOL DISTRICT, OR BOARD OF
9 DIRECTORS OF A PUBLIC SCHOOL ACADEMY THAT OPERATES ANY OF GRADES
10 1 TO 5, SHALL ADMINISTER AT LEAST 1 OF THE FOLLOWING ASSESSMENTS
11 EACH SCHOOL YEAR TO ALL PUPILS IN GRADES 1 TO 5:

12 (A) METROPOLITAN ACHIEVEMENT TEST.

13 (B) IOWA TEST OF BASIC SKILLS.

14 (C) STANFORD ACHIEVEMENT TEST.

15 (D) CALIFORNIA ACHIEVEMENT TEST.

16 (E) ANOTHER SIMILAR ASSESSMENT APPROVED BY THE SUPERINTEN-
17 DENT OF PUBLIC INSTRUCTION AT THE REQUEST OF THE SCHOOL DISTRICT
18 OR PUBLIC SCHOOL ACADEMY.

19 (2) IF A SCHOOL IS DESIGNATED FOR PARTICIPATION IN THE
20 NATIONAL ASSESSMENT OF EDUCATION PROGRESS PROGRAM, THE SCHOOL
21 SHALL PARTICIPATE AS DESIGNATED.

22 (3) AN ELEMENTARY SCHOOL THAT IS NOT IN COMPLIANCE WITH SUB-
23 SECTION (1) OR A SCHOOL THAT DOES NOT COMPLY WITH SUBSECTION (2)
24 SHALL NOT BE ACCREDITED UNDER SECTION 1280.

25 SEC. 1282A. IN ORDER TO COMPLY WITH SECTION 1282(2), IF A
26 PUPIL IN GRADE 4 FAILS BY THE END OF THAT SCHOOL YEAR TO MEET
27 STANDARDS FOR BASIC LITERACY SKILLS ESTABLISHED AND PUBLISHED BY

1 THE SUPERINTENDENT OF PUBLIC INSTRUCTION, THE BOARD OF THE
2 PUPIL'S SCHOOL DISTRICT SHALL PROVIDE THE PUPIL WITH THE OPPORTU-
3 NITY TO ATTEND SUMMER SCHOOL IN LANGUAGE ARTS BEFORE GRADE 5.
4 FOR THE PURPOSES OF THIS SECTION, A PUPIL'S LITERACY SKILLS SHALL
5 BE MEASURED BY EITHER THE GRADE 4 MICHIGAN EDUCATION ASSESSMENT
6 PROGRAM TESTS, THE MICHIGAN LITERACY PROFILE PROGRAM, OR ANOTHER
7 ASSESSMENT ADOPTED BY THE SCHOOL DISTRICT FOR THIS PURPOSE AND
8 APPROVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

9 PART ~~14A~~ 20A

10 COLLEGE LEVEL EQUIVALENT COURSES AND CREDIT

11 Sec. 1473. (1) The board of a school district, ~~or~~ BOARD
12 OF DIRECTORS OF A public school academy, or governing board of a
13 nonpublic school shall consider providing college level equiva-
14 lent courses either directly, through an intermediate district
15 program, or by agreement in a consortium or cooperative program.

16 (2) IF A PUBLIC SCHOOL PUPIL COMPLETES A COLLEGE LEVEL
17 EQUIVALENT COURSE THAT IS OFFERED OVER THE INTERNET BY A SCHOOL
18 DISTRICT, A REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY, OR THE
19 MICHIGAN VIRTUAL HIGH SCHOOL DESCRIBED IN SECTION 1481, THE
20 SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY IN WHICH THE PUPIL IS
21 ENROLLED SHALL GRANT APPROPRIATE HIGH SCHOOL CREDIT FOR COMPLE-
22 TION OF THE COURSE, SHALL COUNT THAT CREDIT TOWARD THE GRADUATION
23 AND SUBJECT AREA REQUIREMENTS OF THE SCHOOL DISTRICT OR PUBLIC
24 SCHOOL ACADEMY, AND SHALL REIMBURSE THE PUPIL FOR THE COST OF
25 TUITION AND TEXTBOOKS FOR THE COURSE, IF ANY.

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PART 20B

MICHIGAN VIRTUAL HIGH SCHOOL

SEC. 1481. (1) NOT LATER THAN THE BEGINNING OF THE 2000-2001 SCHOOL YEAR, THE MICHIGAN VIRTUAL UNIVERSITY SHALL DEVELOP, IMPLEMENT, AND OPERATE THE MICHIGAN VIRTUAL HIGH SCHOOL, AS DESCRIBED IN THIS SECTION.

(2) THE MICHIGAN VIRTUAL HIGH SCHOOL SHALL HAVE THE FOLLOWING GOALS:

(A) SIGNIFICANTLY EXPAND CURRICULAR OFFERINGS FOR HIGH SCHOOLS ACROSS THIS STATE THROUGH AGREEMENTS WITH SCHOOL DISTRICTS OR LICENSES FROM OTHER RECOGNIZED PROVIDERS.

(B) CREATE A STATEWIDE INSTRUCTIONAL MODEL USING INTERACTIVE MULTIMEDIA INTERNET-BASED TOOLS FOR DISTRIBUTED LEARNING AT THE HIGH SCHOOL LEVEL.

(C) PROVIDE PUPILS WITH OPPORTUNITIES TO DEVELOP SKILLS AND COMPETENCIES THROUGH ON-LINE LEARNING.

(D) OFFER HIGH SCHOOL TEACHERS OPPORTUNITIES TO LEARN NEW SKILLS AND STRATEGIES FOR DEVELOPING AND DELIVERING INSTRUCTIONAL SERVICES.

(E) ACCELERATE THIS STATE'S ABILITY TO RESPOND TO CURRENT AND EMERGING EDUCATIONAL DEMANDS.

(F) GRANT HIGH SCHOOL DIPLOMAS THROUGH A DUAL ENROLLMENT METHOD WITH SCHOOL DISTRICTS OR POSTSECONDARY INSTITUTIONS.

(G) ACT AS A BROKER FOR COLLEGE LEVEL EQUIVALENT COURSES, AS DEFINED IN SECTION 1471, AND DUAL ENROLLMENT COURSES FROM POST-SECONDARY EDUCATION INSTITUTIONS.

1 (3) THE MICHIGAN VIRTUAL HIGH SCHOOL COURSE OFFERINGS SHALL
2 INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

3 (A) INFORMATION TECHNOLOGY COURSES.

4 (B) COLLEGE LEVEL EQUIVALENT COURSES, AS DEFINED IN SECTION
5 1471.

6 (C) COURSES AND DUAL ENROLLMENT OPPORTUNITIES DESIGNED FOR
7 COLLEGE-BOUND JUNIORS AND SENIORS.

8 (D) AT-RISK PROGRAMS AND SERVICES.

9 (E) GENERAL EDUCATION DEVELOPMENT TEST PREPARATION COURSES
10 FOR ADJUDICATED YOUTH.

11 (F) SPECIAL INTEREST COURSES.

12 (G) PROFESSIONAL DEVELOPMENT PROGRAMS AND SERVICES FOR
13 TEACHERS.

14 (4) THE MICHIGAN VIRTUAL UNIVERSITY SHALL FUND THE MICHIGAN
15 VIRTUAL HIGH SCHOOL FROM APPROPRIATIONS MADE FOR THIS PURPOSE AND
16 MAY ALSO USE FUNDS RECEIVED FROM OTHER SOURCES. THE DEPARTMENT
17 SHALL PROVIDE TECHNICAL ASSISTANCE AS REQUESTED BY THE MICHIGAN
18 VIRTUAL UNIVERSITY FOR THE PURPOSES OF THIS SECTION.