

**SUBSTITUTE FOR
HOUSE BILL NO. 4675**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 1311d and 1311g (MCL 380.1311d and 380.1311g),
section 1311d as added by 1999 PA 23 and section 1311g as amended
by 2018 PA 42.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1311d. (1) A strict discipline academy ~~shall~~**must** be
2 organized and administered under the direction of a board of
3 directors in accordance with sections 1311b to ~~1311f~~**1311m** and with
4 bylaws adopted by the board of directors. A strict discipline
5 academy corporation created to operate a strict discipline academy
6 ~~shall~~**must** be organized under the nonprofit corporation act, 1982
7 PA 162, MCL 450.2101 to 450.3192, except that the strict discipline



1 academy corporation is not required to comply with sections 170 to
 2 177 of 1931 PA 327, MCL 450.170 to 450.177. To the extent
 3 disqualified under the state or federal constitution, a strict
 4 discipline academy ~~shall~~**must** 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 strict
 10 discipline academies under sections 1311b to ~~1311f~~**1311m**:

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 strict discipline academy to operate outside the
 14 school district's boundaries, and a strict discipline academy
 15 authorized by the board of a school district shall not operate
 16 outside 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 strict discipline academy to operate outside the intermediate
 20 school district's boundaries, and a strict discipline academy
 21 authorized by the board of an intermediate school district shall
 22 not operate 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 strict discipline academy
 26 to operate in a school district organized as a school district of
 27 the first class, a strict discipline academy authorized by the
 28 board of a community college shall not operate in a school district
 29 organized as a school district of the first class, the board of a



1 community college shall not issue a contract for a strict
 2 discipline academy to operate outside the boundaries of the
 3 community college district, and a strict discipline academy
 4 authorized by the board of a community college shall not operate
 5 outside the boundaries of the community college district. The board
 6 of a community college also may issue a contract for not more than
 7 1 strict discipline academy to operate on the grounds of an active
 8 or closed federal military installation located outside the
 9 boundaries of the community college district, or may operate a
 10 strict discipline academy itself on the grounds of such a federal
 11 military installation, if the federal military installation is not
 12 located within the boundaries of any community college district and
 13 the community college has previously offered courses on the grounds
 14 of the federal military installation for at least 10 years.

15 (d) The governing board of a state public university.

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

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

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

26 (c) The proposed articles of incorporation, ~~which shall~~**that**
 27 **must** include at least all of the following:

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

29 (ii) The purposes for the strict discipline academy corporation



1 that will operate the strict discipline academy. This language
 2 ~~shall~~**must** provide that the strict discipline academy is
 3 established ~~pursuant to~~**under** sections 1311b to ~~1311f~~**1311m** and that
 4 the strict discipline academy corporation is a governmental entity.

5 (iii) The name of the authorizing body.

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

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

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

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

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

15 (ii) A copy of the educational goals of the strict discipline
 16 academy and the curricula to be offered and methods of pupil
 17 assessment to be used by the strict discipline academy. To the
 18 extent applicable, the progress of the pupils in the strict
 19 discipline academy ~~shall~~**must** be assessed using at least ~~a~~**the**
 20 Michigan education assessment program (MEAP) test ~~test~~**student test of**
 21 **educational progress (M-STEP)** or an ~~assessment instrument developed~~
 22 ~~under section 1279 for a state-endorsed high school diploma.~~**the**
 23 **Michigan merit examination under section 1279g, as applicable.**

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



1 policy, criteria, and process.

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

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

4 (vi) The type of pupils to be enrolled in the strict discipline
5 academy, as described in section ~~1311g(3) and (4)~~.**1311g**.

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

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

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

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

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

25 (4) An authorizing body shall oversee, or shall contract with
26 an intermediate school district, community college, or state public
27 university to oversee, each strict discipline academy operating
28 under a contract issued by the authorizing body. The oversight
29 ~~shall~~**must** be sufficient to ensure that the authorizing body can



1 certify that the strict discipline academy is in compliance with
2 statute, rules, and the terms of the contract.

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

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

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

25 Sec. 1311g. (1) A strict discipline academy may be located in
26 all or part of an existing public school building. Except for a
27 strict discipline academy that includes pupils who are the
28 responsibility of a county juvenile agency, a strict discipline
29 academy shall not operate at a site other than the single site



1 requested for the configuration of grades that will use the site,
2 as specified in the application required under section 1311d and in
3 the contract.

4 (2) A strict discipline academy shall not charge tuition.
5 Except as otherwise provided in ~~subsection (6)~~, **subsections (7) and**
6 **(12)**, a strict discipline academy shall not discriminate in its
7 pupil admissions policies or practices on the basis of intellectual
8 or athletic ability, measures of achievement or aptitude, status as
9 a student with a disability, or any other basis that would be
10 illegal if used by a school district. However, a strict discipline
11 academy may limit admission to pupils who are within a particular
12 range of age or grade level or on any other basis that would be
13 legal if used by a school district.

14 (3) A strict discipline academy ~~shall~~ **must** be established
15 under sections 1311b to 1311m specifically for enrolling 1 or more
16 of the following types of pupils:

17 (a) Pupils placed in the strict discipline academy by a court
18 or by the department of health and human services or a county
19 juvenile agency under the direction of a court.

20 (b) Pupils who have been expelled under section 1311(2).

21 (c) Pupils who have been expelled under section 1311a or
22 another provision of this act.

23 (d) Other pupils who have been expelled from school, or pupils
24 who have been suspended from school for a suspension that is for a
25 period in excess of 10 school days, and who are referred to the
26 strict discipline academy by that pupil's school or placed in the
27 strict discipline academy by the pupil's parent or legal guardian.

28 (4) In addition to the types of pupils specified in subsection
29 (3), a strict discipline academy shall ~~be open for~~ **allow** enrollment



1 of a special education pupil who does not meet the requirements of
2 subsection (3) if the special education pupil's individualized
3 education program team recommends that the special education pupil
4 be placed in the strict discipline academy. As used in this
5 subsection, "individualized education program team" means that term
6 as defined in section 614 of the individuals with disabilities
7 education act, 20 USC 1414.

8 (5) In addition to the types of pupils specified in
9 subsections (3) and (4), a strict discipline academy may enroll a
10 pupil who is placed in a high-security or medium-security juvenile
11 facility, mental health facility, or child caring institution that
12 is operated by a private agency or a pupil who became a resident of
13 this state as an unaccompanied or resettled minor under the care of
14 the department of health and human services and who is less than 22
15 years of age as of September 1 of the current school year.

16 (6) **Subject to subsection (12), in addition to the types of**
17 **pupils specified in subsections (3), (4), and (5), a strict**
18 **discipline academy may allow enrollment of a pupil who meets both**
19 **of the following:**

20 (a) **Before being suspended or expelled under this act, the**
21 **pupil has been identified by the chief administrator of the pupil's**
22 **school as requiring intense individual intervention designed for a**
23 **pupil with highly accelerated or severe and persistently**
24 **challenging academic or nonacademic needs, including, but not**
25 **limited to, tier 3 support based on a multitiered system of**
26 **supports.**

27 (b) **The pupil is referred to the strict discipline academy by**
28 **his or her school.**

29 (7) ~~(6)~~ **A strict discipline academy shall enroll only 1 or**



1 more of the types of pupils described in subsections (3) to ~~(5)~~.
 2 **(6)**. A pupil who is enrolled in a strict discipline academy under
 3 subsections (3) to ~~(5)~~ **(6)** may, at the option of his or her parent
 4 or legal guardian, continue to remain enrolled in the strict
 5 discipline academy after he or she ceases to meet the requirements
 6 for enrollment under subsections (3) to ~~(5)~~ **(6)** as long as he or
 7 she meets the other applicable requirements for enrollment.

8 **(8)** ~~(7)~~—A strict discipline academy is not required to keep
 9 any group of pupils described in subsections (3) to ~~(5)~~ **(6)**
 10 physically separated from another group of those pupils, as might
 11 otherwise be required under section 1311, section 1311a, or another
 12 provision of this act.

13 **(9)** ~~(8)~~—Strict discipline academies are not intended to enroll
 14 or otherwise be used to educate individuals who are committed to a
 15 high-security or medium-security juvenile facility operated by the
 16 department of health and human services or another state department
 17 or agency. Further, if the department of corrections or another
 18 state department or agency other than the department of health and
 19 human services has custody of or jurisdiction over a child, that
 20 state department or agency has the financial responsibility for
 21 educating the child.

22 **(10)** ~~(9)~~—Except for a foreign exchange student who is not a
 23 United States citizen, a strict discipline academy shall not enroll
 24 a pupil who is not a resident of this state. ~~Enrollment~~ **Subject to**
 25 **subsection (12), enrollment** in the strict discipline academy may be
 26 open to all individuals who reside in this state who meet the
 27 admission policy under subsections (3) to ~~(5)~~ **(6)** and ~~shall~~ **must** be
 28 open to all pupils who reside within the geographic boundaries, if
 29 any, of the authorizing body as described in section 1311d who meet



1 the admission policy under subsections (3) to ~~(5)~~, ~~(6)~~, except that
 2 admission to a strict discipline academy authorized by the board of
 3 a community college to operate, or operated by the board of a
 4 community college, on the grounds of a federal military
 5 installation, as described in section 1311d, ~~shall~~**must** be open to
 6 all pupils who reside in the county in which the federal military
 7 installation is located who meet the admission policy under
 8 subsections (3) to ~~(5)~~. ~~For~~ **(6)**. **Subject to subsection (12), for a**
 9 strict discipline academy authorized by a state public university,
 10 enrollment ~~shall~~**must** be open to all pupils who reside in this
 11 state who meet the admission policy under subsections (3) to ~~(5)~~.
 12 **(6)**. If there are more applications to enroll in the strict
 13 discipline academy than there are spaces available, pupils ~~shall~~
 14 **must** be selected to attend using a random selection process.
 15 However, a strict discipline academy may give enrollment priority
 16 to a sibling of a pupil enrolled in the strict discipline academy.
 17 A strict discipline academy shall allow any pupil who was enrolled
 18 in the strict discipline academy in the immediately preceding
 19 school year to enroll in the strict discipline academy in the
 20 appropriate grade unless the appropriate grade is not offered at
 21 that strict discipline academy.

22 **(11)** ~~(10)~~ A strict discipline academy may include any grade up
 23 to grade 12 or any configuration of those grades, including
 24 kindergarten and early childhood education, as specified in its
 25 contract. The authorizing body may approve amendment of a contract
 26 with respect to ages of pupils or grades offered.

27 **(12) A strict discipline academy shall not enroll a pupil**
 28 **under subsection (6) if the pupil is scheduled to have an**
 29 **evaluation to determine the pupil's eligibility for special**



1 education programs or services or the pupil is undergoing an
2 evaluation to determine the pupil's eligibility for special
3 education programs or services.

4 (13) The placement of a pupil in a strict discipline academy
5 is subject to state and federal special education laws.