

HOUSE BILL No. 4705

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

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

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~~
10 ~~Acts of 1931, being sections 450.170 to 450.177 of the Michigan~~

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

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

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

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

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

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

16 (d) The governing board of a state public university.
17 However, the combined total number of contracts for public school
18 academies issued by all state public universities shall not
19 exceed ~~85 through 1996, and, after the initial evaluation under~~
20 ~~section 501a, shall not exceed 100 through 1997, 125 through~~
21 ~~1998, or~~ 150 THROUGH 1999, 175 THROUGH 2000, 200 THROUGH 2001,
22 OR 225 thereafter. Further, the total number of contracts issued
23 by any 1 state public university shall not exceed ~~50~~
24 ~~through 1996, and thereafter shall not exceed~~ 50% of the maximum
25 combined total number that may be issued under this subdivision.

26 (3) To obtain a contract to organize and operate 1 or more
27 public school academies, 1 or more persons or an entity may apply

1 to an authorizing body described in subsection (2). The
2 application shall include at least all of the following:

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

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

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

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

12 (ii) The purposes for the public school academy
13 corporation. This language shall provide that the public school
14 academy is incorporated pursuant to this part and that the public
15 school academy corporation is a governmental entity.

16 (iii) The name of the authorizing body.

17 (iv) The proposed time when the articles of incorporation
18 will be effective.

19 (v) Other matters considered expedient to be in the articles
20 of incorporation.

21 (d) A copy of the proposed bylaws of the public school
22 academy.

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

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

26 (ii) A copy of the educational goals of the public school
27 academy and the curricula to be offered and methods of pupil

1 assessment to be used by the public school academy. To the
2 extent applicable, the progress of the pupils in the public
3 school academy shall be assessed using at least a Michigan educa-
4 tion assessment program (MEAP) test or an assessment instrument
5 developed under section 1279 for a state-endorsed high school
6 diploma.

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

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

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

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

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

22 (h) An agreement that the public school academy will comply
23 with the provisions of this part and, subject to the provisions
24 of this part, with all other state law applicable to public
25 bodies and with federal law applicable to public bodies or school
26 districts.

1 (i) For a public school academy authorized by a school
2 district, an assurance that employees of the public school
3 academy will be covered by the collective bargaining agreements
4 that apply to other employees of the school district employed in
5 similar classifications in schools that are not public school
6 academies.

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

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

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

25 (6) An authorizing body shall not charge a fee, or require
26 reimbursement of expenses, for considering an application for a
27 contract, for issuing a contract, or for providing oversight of a

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

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