

SENATE BILL No. 1376

August 9, 2006, Introduced by Senators SWITALSKI and GARCIA and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1311g (MCL 380.1311g), as amended by 2005 PA
28.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1311g. (1) A strict discipline academy may be located in
2 all or part of an existing public school building. Except for a
3 strict discipline academy that includes pupils who are the
4 responsibility of a county juvenile agency, a strict discipline
5 academy shall not operate at a site other than the single site
6 requested for the configuration of grades that will use the site,
7 as specified in the application required under section 1311d and in
8 the contract.

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

11 (3) A strict discipline academy shall be established under
12 sections 1311b to 1311/ specifically for enrolling 1 or more of the
13 following types of pupils:

14 (a) Pupils placed in the strict discipline academy by a court
15 or by the department of human services or a county juvenile agency
16 under the direction of a court.

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

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

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

27 (4) In addition to the types of pupils specified in subsection

(3), a strict discipline public school academy shall be open for enrollment of a special education pupil who does not meet the requirements of subsection (3) if the special education pupil's individualized education program team recommends that the special education pupil be placed in the strict discipline public school academy. As used in this subsection, "individualized education program team" means that term as defined in section 614 of part B of title VI of the individuals with disabilities education act, 20 USC 1414.

(5) A strict discipline academy shall enroll only 1 or more of the types of pupils described in subsection (3) or (4). A strict discipline academy is not required to keep any group of pupils described in subsection (3) or (4) physically separated from another group of those pupils, as might otherwise be required under section 1311, section 1311a, or another provision of this act.

(6) Strict discipline academies are not intended to enroll or otherwise be used to educate individuals who are committed to a high-security or medium-security juvenile facility operated by **A STATE DEPARTMENT OR AGENCY OTHER THAN THOSE FACILITIES OPERATED BY** the department of human services. ~~or another state department or agency.~~ Further, if the ~~department of human services,~~ department of corrections ~~—~~ or another state department or agency **OTHER THAN THE DEPARTMENT OF HUMAN SERVICES** has custody of or jurisdiction over a child, that state department or agency has the financial responsibility for educating the child.

(7) Except for a foreign exchange student who is not a United States citizen, a strict discipline academy shall not enroll a

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

1 (8) A strict discipline academy may include any grade up to
2 grade 12 or any configuration of those grades, including
3 kindergarten and early childhood education, as specified in its
4 contract. The authorizing body may approve amendment of a contract
5 with respect to ages of pupils or grades offered.