

**SUBSTITUTE FOR  
SENATE BILL NO. 925**

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 5, 6, and 1311 (MCL 380.5, 380.6, and  
380.1311), section 5 as amended by 2005 PA 61 and sections 6 and  
1311 as amended by 2008 PA 1, and by adding part 6e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

4 (3) "Michigan election law" means the Michigan election law,  
5 1954 PA 116, MCL 168.1 to 168.992.

6 (4) "Nonpublic school" means a private, denominational, or  
7 parochial school.

8 (5) "Objectives" means measurable pupil academic skills and  
9 knowledge.

10 (6) "Public school" means a public elementary or secondary  
11 educational entity or agency that is established under this act,  
12 has as its primary mission the teaching and learning of academic  
13 and vocational-technical skills and knowledge, and is operated by a  
14 school district, local act school district, special act school  
15 district, intermediate school district, **SCHOOL OF EXCELLENCE**,  
16 public school academy corporation, strict discipline academy  
17 corporation, urban high school academy corporation, or by the  
18 department or state board. Public school also includes a laboratory  
19 school or other elementary or secondary school that is controlled  
20 and operated by a state public university described in section 4,  
21 5, or 6 of article VIII of the state constitution of 1963.

22 (7) "Public school academy" means a public school academy  
23 established under part 6a and, except as used in part 6a, also  
24 includes an urban high school academy established under part 6c, **A**  
25 **SCHOOL OF EXCELLENCE ESTABLISHED UNDER PART 6E**, and a strict  
26 discipline academy established under sections 1311b to 1311f.

27 (8) "Pupil membership count day" of a school district means

1 that term as defined in section 6 of the state school aid act of  
2 1979, MCL 388.1606.

3 (9) "Regular school election" or "regular election" means the  
4 election held in a school district, local act school district, or  
5 intermediate school district to elect a school board member in the  
6 regular course of the terms of that office and held on the school  
7 district's regular election date as determined under section 642 or  
8 642a of the Michigan election law, MCL 168.642 and 168.642a.

9 (10) "Reorganized intermediate school district" means an  
10 intermediate school district formed by consolidation or annexation  
11 of 2 or more intermediate school districts under sections 701 and  
12 702.

13 (11) "Rule" means a rule promulgated under the administrative  
14 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

15 Sec. 6. (1) "School district" or "local school district" means  
16 a general powers school district organized under this act,  
17 regardless of previous classification, or a school district of the  
18 first class.

19 (2) "School district filing official" means the school  
20 district election coordinator as defined in section 4 of the  
21 Michigan election law, MCL 168.4, or an authorized agent of the  
22 school district election coordinator.

23 (3) "School elector" means a person qualified as an elector  
24 under section 492 of the Michigan election law, MCL 168.492, and  
25 resident of the school district or intermediate school district on  
26 or before the thirtieth day before the next ensuing regular or  
27 special school election.

1           (4) "School month" means a 4-week period of 5 days each unless  
2 otherwise specified in the teacher's contract.

3           (5) **"SCHOOL OF EXCELLENCE" MEANS A SCHOOL OF EXCELLENCE**  
4 **ESTABLISHED UNDER PART 6E.**

5           (6) ~~(5)~~—"Special education building and equipment" means a  
6 structure or portion of a structure or personal property accepted,  
7 leased, purchased, or otherwise acquired, prepared, or used for  
8 special education programs and services.

9           (7) ~~(6)~~—"Special education personnel" means persons engaged in  
10 and having professional responsibility for students with a  
11 disability in special education programs and services including,  
12 but not limited to, teachers, aides, school social workers,  
13 diagnostic personnel, physical therapists, occupational therapists,  
14 audiologists, teachers of speech and language, instructional media-  
15 curriculum specialists, mobility specialists, teacher consultants,  
16 supervisors, and directors.

17           (8) ~~(7)~~—"Special education programs and services" means  
18 educational and training services designed for students with a  
19 disability and operated by local school districts, local act school  
20 districts, intermediate school districts, the Michigan schools for  
21 the deaf and blind, the department of community health, the  
22 department of human services, or a combination of these, and  
23 ancillary professional services for students with a disability  
24 rendered by agencies approved by the state board. The programs  
25 shall include vocational training, but need not include academic  
26 programs of college or university level.

27           (9) ~~(8)~~—"Special school election" or "special election" means

1 a school district election to fill a vacancy on the school board or  
2 submit a ballot question to the school electors that is held on a  
3 regular election date established under section 641 of the Michigan  
4 election law, MCL 168.641.

5 (10) ~~(9)~~—"State approved nonpublic school" means a nonpublic  
6 school that complies with 1921 PA 302, MCL 388.551 to 388.558.

7 (11) ~~(10)~~—"State board" means the state board of education  
8 unless clearly otherwise stated.

9 (12) ~~(11)~~—"Student with a disability" means that term as  
10 defined in R 340.1702 of the Michigan administrative code.

11 (13) ~~(12)~~—"Department" means the department of education  
12 created and operating under sections 300 to 305 of the executive  
13 organization act of 1965, 1965 PA 380, MCL 16.400 to 16.405.

14 (14) ~~(13)~~—"State school aid" means allotments from the general  
15 appropriating act for the purpose of aiding in the support of the  
16 public schools of the state.

17 (15) ~~(14)~~ "The state school aid act of 1979" means the state  
18 school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

## 19 PART 6E

### 20 SCHOOLS OF EXCELLENCE

21 SEC. 551. (1) A SCHOOL OF EXCELLENCE IS A PUBLIC SCHOOL UNDER  
22 SECTION 2 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963, IS A  
23 SCHOOL DISTRICT FOR THE PURPOSES OF SECTION 11 OF ARTICLE IX OF THE  
24 STATE CONSTITUTION OF 1963 AND FOR THE PURPOSES OF SECTION 1225 AND  
25 SECTION 1351A, AND IS SUBJECT TO THE LEADERSHIP AND GENERAL  
26 SUPERVISION OF THE STATE BOARD OVER ALL PUBLIC EDUCATION UNDER  
27 SECTION 3 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963. A

1 SCHOOL OF EXCELLENCE IS A BODY CORPORATE AND IS A GOVERNMENTAL  
2 AGENCY. THE POWERS GRANTED TO A SCHOOL OF EXCELLENCE UNDER THIS  
3 PART CONSTITUTE THE PERFORMANCE OF ESSENTIAL PUBLIC PURPOSES AND  
4 GOVERNMENTAL FUNCTIONS OF THIS STATE.

5 (2) AS USED IN THIS PART:

6 (A) "AUTHORIZING BODY" MEANS ANY OF THE FOLLOWING THAT ISSUES  
7 A CONTRACT AS PROVIDED IN THIS PART:

8 (i) THE BOARD OF A SCHOOL DISTRICT THAT OPERATES GRADES K TO  
9 12.

10 (ii) AN INTERMEDIATE SCHOOL BOARD.

11 (iii) THE BOARD OF A COMMUNITY COLLEGE.

12 (iv) THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY.

13 (B) "CERTIFICATED TEACHER" MEANS AN INDIVIDUAL WHO HOLDS A  
14 VALID TEACHING CERTIFICATE ISSUED BY THE SUPERINTENDENT OF PUBLIC  
15 INSTRUCTION UNDER SECTION 1531.

16 (C) "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE ORGANIZED  
17 UNDER THE COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1 TO  
18 389.195, OR A FEDERAL TRIBALLY CONTROLLED COMMUNITY COLLEGE THAT IS  
19 RECOGNIZED UNDER THE TRIBALLY CONTROLLED COMMUNITY COLLEGE  
20 ASSISTANCE ACT OF 1978, PUBLIC LAW 95-471, AND IS DETERMINED BY THE  
21 DEPARTMENT TO MEET THE REQUIREMENTS FOR ACCREDITATION BY A  
22 RECOGNIZED REGIONAL ACCREDITING BODY.

23 (D) "CONTRACT" MEANS THE EXECUTIVE ACT TAKEN BY AN AUTHORIZING  
24 BODY THAT EVIDENCES THE AUTHORIZATION OF A SCHOOL OF EXCELLENCE AND  
25 THAT ESTABLISHES, SUBJECT TO THE CONSTITUTIONAL POWERS OF THE STATE  
26 BOARD AND APPLICABLE LAW, THE WRITTEN INSTRUMENT EXECUTED BY AN  
27 AUTHORIZING BODY CONFERRING CERTAIN RIGHTS, FRANCHISES, PRIVILEGES,

1 AND OBLIGATIONS ON A SCHOOL OF EXCELLENCE, AS PROVIDED BY THIS  
2 PART, AND CONFIRMING THE STATUS OF A SCHOOL OF EXCELLENCE AS A  
3 PUBLIC SCHOOL IN THIS STATE.

4 (E) "CYBER SCHOOL" MEANS A SCHOOL OF EXCELLENCE ESTABLISHED  
5 UNDER THIS PART THAT HAS BEEN ISSUED A CONTRACT TO BE ORGANIZED AND  
6 OPERATED AS A CYBER SCHOOL UNDER SECTION 553A AND THAT PROVIDES  
7 FULL-TIME INSTRUCTION TO PUPILS THROUGH ONLINE LEARNING OR  
8 OTHERWISE ON A COMPUTER OR OTHER TECHNOLOGY, WHICH INSTRUCTION AND  
9 LEARNING MAY BE REMOTE FROM A SCHOOL FACILITY.

10 (F) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS  
11 CORPORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION,  
12 CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

13 (G) "STATE PUBLIC UNIVERSITY" MEANS A STATE UNIVERSITY  
14 DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE  
15 CONSTITUTION OF 1963.

16 SEC. 552. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2)  
17 AND (3), AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT TO ORGANIZE  
18 AND OPERATE A SCHOOL OF EXCELLENCE TO A PERSON OR ENTITY UNLESS THE  
19 PERSON OR ENTITY HAS, FOR AT LEAST THE 3 SCHOOL YEARS IMMEDIATELY  
20 PRECEDING THE DATE OF THE APPLICATION, OPERATED A PUBLIC SCHOOL  
21 ACADEMY THAT HAS BEEN GIVEN THE HIGHEST DESIGNATION BY THE  
22 DEPARTMENT UNDER THE STATE ACCOUNTABILITY SYSTEM IN EFFECT IN THIS  
23 STATE FOR EACH OF THE 3 YEARS IMMEDIATELY PRECEDING THE DATE OF THE  
24 APPLICATION.

25 (2) FOR A PERSON OR ENTITY THAT DOES NOT MEET THE REQUIREMENTS  
26 OF SUBSECTION (1) BUT HAS OPERATED A PUBLIC SCHOOL IN ANOTHER  
27 STATE, AN AUTHORIZING BODY MAY ISSUE A CONTRACT TO ORGANIZE AND

1 OPERATE A SCHOOL OF EXCELLENCE TO THE PERSON OR ENTITY IF THE  
2 PERSON OR ENTITY HAS OPERATED A PUBLIC SCHOOL IN ANOTHER STATE THAT  
3 HAS BEEN GIVEN THE HIGHEST DESIGNATION UNDER THAT STATE'S  
4 ACCOUNTABILITY SYSTEM FOR AT LEAST 3 CONSECUTIVE YEARS.

5 (3) FOR A PERSON OR ENTITY THAT DOES NOT MEET THE REQUIREMENTS  
6 OF SUBSECTION (1) OR (2), AN AUTHORIZING BODY MAY ISSUE UP TO 5  
7 CONTRACTS PER CALENDAR YEAR TO A PERSON OR ENTITY THAT DOES NOT  
8 MEET THE REQUIREMENTS OF SUBSECTION (1) OR (2). HOWEVER, ALL OF THE  
9 FOLLOWING APPLY TO CONTRACTS ISSUED UNDER THIS SUBSECTION:

10 (A) THE COMBINED TOTAL OF CONTRACTS ISSUED BY ALL AUTHORIZING  
11 BODIES UNDER THIS SUBSECTION SHALL NOT EXCEED A COMBINED TOTAL OF  
12 25.

13 (B) AT LEAST 3 OF THE CONTRACTS ISSUED UNDER THIS SUBSECTION  
14 SHALL BE FOR SCHOOLS OF EXCELLENCE THAT ARE CYBER SCHOOLS AND THAT  
15 MEET ALL OF THE FOLLOWING ADDITIONAL REQUIREMENTS:

16 (i) ARE AVAILABLE FOR ENROLLMENT TO ALL PUPILS IN THIS STATE.

17 (ii) OFFER ALL OF GRADES K TO 12.

18 (iii) THE ENTITY ORGANIZING THE SCHOOL OF EXCELLENCE THAT IS A  
19 CYBER SCHOOL SHALL ITSELF, OR THROUGH A CONTRACT WITH ANOTHER  
20 ENTITY, DEMONSTRATE THE SUCCESSFUL MANAGEMENT AND OPERATION OF A  
21 CYBER SCHOOL IN AT LEAST 5 OTHER STATES, AND BE CURRENTLY UNDER  
22 CONTRACT TO MANAGE OR OPERATE, OR BOTH, OTHER CYBER SCHOOLS IN THE  
23 UNITED STATES THAT HAVE A TOTAL OF AT LEAST 10,000 STUDENTS  
24 ENROLLED.

25 (iv) THE ENTITY ORGANIZING THE SCHOOL OF EXCELLENCE THAT IS A  
26 CYBER SCHOOL SHALL DEMONSTRATE EXPERIENCE IN SERVING URBAN AND AT-  
27 RISK STUDENT POPULATIONS THROUGH AN EDUCATIONAL MODEL INVOLVING A



1     SIGNIFICANT CYBER COMPONENT.

2             (C) IT IS THE INTENT OF THE LEGISLATURE THAT AT LEAST 2  
3     CONTRACTS SHALL BE ISSUED UNDER THIS SUBSECTION FOR SCHOOLS OF  
4     EXCELLENCE THAT ARE CYBER SCHOOLS TO BEGIN OPERATING IN THE 2010-  
5     2011 SCHOOL YEAR.

6             (4) A SCHOOL OF EXCELLENCE SHALL BE ORGANIZED AND ADMINISTERED  
7     UNDER THE DIRECTION OF A BOARD OF DIRECTORS IN ACCORDANCE WITH THIS  
8     PART AND WITH BYLAWS ADOPTED BY THE BOARD OF DIRECTORS. A SCHOOL OF  
9     EXCELLENCE SHALL BE ORGANIZED UNDER THE NONPROFIT CORPORATION ACT,  
10    1982 PA 162, MCL 450.2101 TO 450.3192, EXCEPT THAT A SCHOOL OF  
11    EXCELLENCE IS NOT REQUIRED TO COMPLY WITH SECTIONS 170 TO 177 OF  
12    1931 PA 327, MCL 450.170 TO 450.177. TO THE EXTENT DISQUALIFIED  
13    UNDER THE STATE OR FEDERAL CONSTITUTION, A SCHOOL OF EXCELLENCE  
14    SHALL NOT BE ORGANIZED BY A CHURCH OR OTHER RELIGIOUS ORGANIZATION  
15    AND SHALL NOT HAVE ANY ORGANIZATIONAL OR CONTRACTUAL AFFILIATION  
16    WITH OR CONSTITUTE A CHURCH OR OTHER RELIGIOUS ORGANIZATION.

17            (5) ANY OF THE FOLLOWING MAY ACT AS AN AUTHORIZING BODY TO  
18    ISSUE A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE SCHOOLS OF  
19    EXCELLENCE UNDER THIS PART:

20            (A) THE BOARD OF A SCHOOL DISTRICT THAT OPERATES GRADES K TO  
21    12. HOWEVER, THE BOARD OF A SCHOOL DISTRICT SHALL NOT ISSUE A  
22    CONTRACT FOR A SCHOOL OF EXCELLENCE TO OPERATE OUTSIDE THE SCHOOL  
23    DISTRICT'S BOUNDARIES, AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE  
24    BOARD OF A SCHOOL DISTRICT SHALL NOT OPERATE OUTSIDE THAT SCHOOL  
25    DISTRICT'S BOUNDARIES.

26            (B) AN INTERMEDIATE SCHOOL BOARD. HOWEVER, THE BOARD OF AN  
27    INTERMEDIATE SCHOOL DISTRICT SHALL NOT ISSUE A CONTRACT FOR A

Senate Bill No. 925 as amended December 2, 2009

1 SCHOOL OF EXCELLENCE TO OPERATE OUTSIDE THE INTERMEDIATE SCHOOL  
2 DISTRICT'S BOUNDARIES, AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE  
3 BOARD OF AN INTERMEDIATE SCHOOL DISTRICT SHALL NOT OPERATE OUTSIDE  
4 THAT INTERMEDIATE SCHOOL DISTRICT'S BOUNDARIES.

5 (C) THE BOARD OF A COMMUNITY COLLEGE. <<  
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10 >> THE BOARD OF A  
11 COMMUNITY COLLEGE SHALL NOT ISSUE A CONTRACT FOR A SCHOOL OF  
12 EXCELLENCE TO OPERATE OUTSIDE THE BOUNDARIES OF THE COMMUNITY  
13 COLLEGE DISTRICT, AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE  
14 BOARD OF A COMMUNITY COLLEGE SHALL NOT OPERATE OUTSIDE THE  
15 BOUNDARIES OF THE COMMUNITY COLLEGE DISTRICT. THE BOARD OF A  
16 COMMUNITY COLLEGE ALSO MAY ISSUE A CONTRACT FOR NOT MORE THAN 1  
17 SCHOOL OF EXCELLENCE TO OPERATE ON THE GROUNDS OF AN ACTIVE OR  
18 CLOSED FEDERAL MILITARY INSTALLATION LOCATED OUTSIDE THE BOUNDARIES  
19 OF THE COMMUNITY COLLEGE DISTRICT, OR MAY OPERATE A SCHOOL OF  
20 EXCELLENCE ITSELF ON THE GROUNDS OF SUCH A FEDERAL MILITARY  
21 INSTALLATION, IF THE FEDERAL MILITARY INSTALLATION IS NOT LOCATED  
22 WITHIN THE BOUNDARIES OF ANY COMMUNITY COLLEGE DISTRICT AND THE  
23 COMMUNITY COLLEGE HAS PREVIOUSLY OFFERED COURSES ON THE GROUNDS OF  
24 THE FEDERAL MILITARY INSTALLATION FOR AT LEAST 10 YEARS.

25 (D) THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY.

26 (6) TO OBTAIN A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE  
27 SCHOOLS OF EXCELLENCE, 1 OR MORE PERSONS OR AN ENTITY MAY APPLY TO

1 AN AUTHORIZING BODY DESCRIBED IN SUBSECTION (5). THE APPLICATION  
2 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 BODY  
5 UNDER SECTION 553(4), A LIST OF THE PROPOSED MEMBERS OF THE BOARD  
6 OF DIRECTORS OF THE SCHOOL OF EXCELLENCE AND A DESCRIPTION OF THE  
7 QUALIFICATIONS AND METHOD FOR APPOINTMENT OR ELECTION OF MEMBERS OF  
8 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 SCHOOL OF EXCELLENCE.

12 (ii) THE PURPOSES FOR THE SCHOOL OF EXCELLENCE CORPORATION.

13 THIS LANGUAGE SHALL PROVIDE THAT THE SCHOOL OF EXCELLENCE IS  
14 INCORPORATED PURSUANT TO THIS PART AND THAT THE SCHOOL OF  
15 EXCELLENCE IS A GOVERNMENTAL ENTITY.

16 (iii) THE NAME OF THE AUTHORIZING BODY.

17 (iv) THE PROPOSED TIME WHEN THE ARTICLES OF INCORPORATION WILL  
18 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 SCHOOL OF EXCELLENCE.

22 (E) DOCUMENTATION MEETING THE APPLICATION REQUIREMENTS OF THE  
23 AUTHORIZING BODY, INCLUDING AT LEAST ALL OF THE FOLLOWING:

24 (i) THE GOVERNANCE STRUCTURE OF THE SCHOOL OF EXCELLENCE.

25 (ii) A COPY OF THE EDUCATIONAL GOALS OF THE SCHOOL OF  
26 EXCELLENCE AND THE CURRICULA TO BE OFFERED AND METHODS OF PUPIL  
27 ASSESSMENT TO BE USED BY THE SCHOOL OF EXCELLENCE. TO THE EXTENT

1 APPLICABLE, THE PROGRESS OF THE PUPILS IN THE SCHOOL OF EXCELLENCE  
2 SHALL BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION ASSESSMENT  
3 PROGRAM (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION UNDER SECTION  
4 1279G.

5 (iii) THE ADMISSION POLICY AND CRITERIA TO BE MAINTAINED BY THE  
6 SCHOOL OF EXCELLENCE. THE ADMISSION POLICY AND CRITERIA SHALL  
7 COMPLY WITH SECTION 556. THIS PART OF THE APPLICATION ALSO SHALL  
8 INCLUDE A DESCRIPTION OF HOW THE APPLICANT WILL PROVIDE TO THE  
9 GENERAL PUBLIC ADEQUATE NOTICE THAT A SCHOOL OF EXCELLENCE IS BEING  
10 CREATED AND ADEQUATE INFORMATION ON THE ADMISSION POLICY, CRITERIA,  
11 AND PROCESS.

12 (iv) EXCEPT FOR AN APPLICATION FOR A CYBER SCHOOL, THE SCHOOL  
13 CALENDAR AND SCHOOL DAY SCHEDULE.

14 (v) THE AGE OR GRADE RANGE OF PUPILS TO BE ENROLLED.

15 (F) DESCRIPTIONS OF STAFF RESPONSIBILITIES AND OF THE SCHOOL  
16 OF EXCELLENCE GOVERNANCE STRUCTURE.

17 (G) FOR AN APPLICATION TO THE BOARD OF A SCHOOL DISTRICT, AN  
18 INTERMEDIATE SCHOOL BOARD, OR BOARD OF A COMMUNITY COLLEGE,  
19 IDENTIFICATION OF THE LOCAL AND INTERMEDIATE SCHOOL DISTRICTS IN  
20 WHICH THE SCHOOL OF EXCELLENCE WILL BE LOCATED.

21 (H) AN AGREEMENT THAT THE SCHOOL OF EXCELLENCE WILL COMPLY  
22 WITH THE PROVISIONS OF THIS PART AND, SUBJECT TO THE PROVISIONS OF  
23 THIS PART, WITH ALL OTHER STATE LAW APPLICABLE TO PUBLIC BODIES AND  
24 WITH FEDERAL LAW APPLICABLE TO PUBLIC BODIES OR SCHOOL DISTRICTS.

25 (I) FOR A SCHOOL OF EXCELLENCE AUTHORIZED BY A SCHOOL  
26 DISTRICT, AN ASSURANCE THAT EMPLOYEES OF THE SCHOOL OF EXCELLENCE  
27 WILL BE COVERED BY THE COLLECTIVE BARGAINING AGREEMENTS THAT APPLY

1 TO OTHER EMPLOYEES OF THE SCHOOL DISTRICT EMPLOYED IN SIMILAR  
2 CLASSIFICATIONS IN SCHOOLS THAT ARE NOT SCHOOLS OF EXCELLENCE.

3 (J) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL  
4 PLANT IN WHICH THE SCHOOL OF EXCELLENCE WILL BE LOCATED.

5 (7) AN AUTHORIZING BODY SHALL OVERSEE, OR SHALL CONTRACT WITH  
6 AN INTERMEDIATE SCHOOL DISTRICT, COMMUNITY COLLEGE, OR STATE PUBLIC  
7 UNIVERSITY TO OVERSEE, EACH SCHOOL OF EXCELLENCE OPERATING UNDER A  
8 CONTRACT ISSUED BY THE AUTHORIZING BODY. THE OVERSIGHT SHALL BE  
9 SUFFICIENT TO ENSURE THAT THE AUTHORIZING BODY CAN CERTIFY THAT THE  
10 SCHOOL OF EXCELLENCE IS IN COMPLIANCE WITH STATUTE, RULES, AND THE  
11 TERMS OF THE CONTRACT.

12 (8) IF THE STATE BOARD FINDS THAT AN AUTHORIZING BODY IS NOT  
13 ENGAGING IN APPROPRIATE CONTINUING OVERSIGHT OF 1 OR MORE SCHOOLS  
14 OF EXCELLENCE OPERATING UNDER A CONTRACT ISSUED BY THE AUTHORIZING  
15 BODY, THE STATE BOARD MAY SUSPEND THE POWER OF THE AUTHORIZING BODY  
16 TO ISSUE NEW CONTRACTS TO ORGANIZE AND OPERATE SCHOOLS OF  
17 EXCELLENCE. A CONTRACT ISSUED BY THE AUTHORIZING BODY DURING THE  
18 SUSPENSION IS VOID. A CONTRACT ISSUED BY THE AUTHORIZING BODY  
19 BEFORE THE SUSPENSION IS NOT AFFECTED BY THE SUSPENSION.

20 (9) AN AUTHORIZING BODY SHALL NOT CHARGE A FEE, OR REQUIRE  
21 REIMBURSEMENT OF EXPENSES, FOR CONSIDERING AN APPLICATION FOR A  
22 CONTRACT, FOR ISSUING A CONTRACT, OR FOR PROVIDING OVERSIGHT OF A  
23 CONTRACT FOR A SCHOOL OF EXCELLENCE IN AN AMOUNT THAT EXCEEDS A  
24 COMBINED TOTAL OF 3% OF THE TOTAL STATE SCHOOL AID RECEIVED BY THE  
25 SCHOOL OF EXCELLENCE IN THE SCHOOL YEAR IN WHICH THE FEES OR  
26 EXPENSES ARE CHARGED. AN AUTHORIZING BODY MAY PROVIDE OTHER  
27 SERVICES FOR A SCHOOL OF EXCELLENCE AND CHARGE A FEE FOR THOSE

1 SERVICES, BUT SHALL NOT REQUIRE SUCH AN ARRANGEMENT AS A CONDITION  
2 TO ISSUING THE CONTRACT AUTHORIZING THE SCHOOL OF EXCELLENCE.

3 (10) A SCHOOL OF EXCELLENCE SHALL BE PRESUMED TO BE LEGALLY  
4 ORGANIZED IF IT HAS EXERCISED THE FRANCHISES AND PRIVILEGES OF A  
5 PUBLIC SCHOOL ACADEMY FOR AT LEAST 2 YEARS.

6 SEC. 553. (1) AN AUTHORIZING BODY IS NOT REQUIRED TO ISSUE A  
7 CONTRACT TO ANY PERSON OR ENTITY. SCHOOLS OF EXCELLENCE CONTRACTS  
8 SHALL BE ISSUED ON A COMPETITIVE BASIS TAKING INTO CONSIDERATION  
9 THE RESOURCES AVAILABLE FOR THE PROPOSED SCHOOL OF EXCELLENCE, THE  
10 POPULATION TO BE SERVED BY THE PROPOSED SCHOOL OF EXCELLENCE, AND  
11 THE EDUCATIONAL GOALS TO BE ACHIEVED BY THE PROPOSED SCHOOL OF  
12 EXCELLENCE. AN AUTHORIZING BODY MAY GIVE PRIORITY TO A PERSON OR  
13 ENTITY THAT APPLIES TO ORGANIZE AND OPERATE A CYBER SCHOOL.

14 (2) IF A PERSON OR ENTITY APPLIES TO THE BOARD OF A SCHOOL  
15 DISTRICT FOR A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE SCHOOLS  
16 OF EXCELLENCE WITHIN THE BOUNDARIES OF THE SCHOOL DISTRICT AND THE  
17 BOARD DOES NOT ISSUE THE CONTRACT, THE PERSON OR ENTITY MAY  
18 PETITION THE BOARD TO PLACE THE QUESTION OF ISSUING THE CONTRACT ON  
19 THE BALLOT TO BE DECIDED BY THE SCHOOL ELECTORS OF THE SCHOOL  
20 DISTRICT. THE PETITION SHALL CONTAIN ALL OF THE INFORMATION  
21 REQUIRED TO BE IN THE CONTRACT APPLICATION UNDER SECTION 552 AND  
22 SHALL BE SIGNED BY A NUMBER OF SCHOOL ELECTORS OF THE SCHOOL  
23 DISTRICT EQUAL TO AT LEAST 15% OF THE TOTAL NUMBER OF SCHOOL  
24 ELECTORS OF THAT SCHOOL DISTRICT. THE PETITION SHALL BE FILED WITH  
25 THE SCHOOL DISTRICT FILING OFFICIAL. IF THE BOARD RECEIVES A  
26 PETITION MEETING THE REQUIREMENTS OF THIS SUBSECTION, THE BOARD  
27 SHALL HAVE THE QUESTION OF ISSUING THE CONTRACT PLACED ON THE

1 BALLOT AT ITS NEXT REGULAR SCHOOL ELECTION HELD AT LEAST 60 DAYS  
2 AFTER RECEIVING THE PETITION. IF A MAJORITY OF THE SCHOOL ELECTORS  
3 OF THE SCHOOL DISTRICT VOTING ON THE QUESTION VOTE TO ISSUE THE  
4 CONTRACT, THE BOARD SHALL ISSUE THE CONTRACT.

5 (3) WITHIN 10 DAYS AFTER ISSUING A CONTRACT FOR A SCHOOL OF  
6 EXCELLENCE, THE AUTHORIZING BODY SHALL SUBMIT TO THE SUPERINTENDENT  
7 OF PUBLIC INSTRUCTION A COPY OF THE CONTRACT AND OF THE APPLICATION  
8 UNDER SECTION 552.

9 (4) AN AUTHORIZING BODY SHALL ADOPT A RESOLUTION ESTABLISHING  
10 THE METHOD OF SELECTION, LENGTH OF TERM, AND NUMBER OF MEMBERS OF  
11 THE BOARD OF DIRECTORS OF EACH SCHOOL OF EXCELLENCE SUBJECT TO ITS  
12 JURISDICTION.

13 (5) A CONTRACT ISSUED TO ORGANIZE AND ADMINISTER A SCHOOL OF  
14 EXCELLENCE SHALL CONTAIN AT LEAST ALL OF THE FOLLOWING:

15 (A) THE EDUCATIONAL GOALS THE SCHOOL OF EXCELLENCE IS TO  
16 ACHIEVE AND THE METHODS BY WHICH IT WILL BE HELD ACCOUNTABLE. TO  
17 THE EXTENT APPLICABLE, THE PUPIL PERFORMANCE OF A SCHOOL OF  
18 EXCELLENCE SHALL BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION  
19 ASSESSMENT PROGRAM (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION  
20 UNDER SECTION 1279G.

21 (B) A DESCRIPTION OF THE METHOD TO BE USED TO MONITOR THE  
22 SCHOOL OF EXCELLENCE'S COMPLIANCE WITH APPLICABLE LAW AND ITS  
23 PERFORMANCE IN MEETING ITS TARGETED EDUCATIONAL OBJECTIVES.

24 (C) A DESCRIPTION OF THE PROCESS FOR AMENDING THE CONTRACT  
25 DURING THE TERM OF THE CONTRACT.

26 (D) ALL OF THE MATTERS SET FORTH IN THE APPLICATION FOR THE  
27 CONTRACT.

1 (E) FOR A SCHOOL OF EXCELLENCE AUTHORIZED BY A SCHOOL  
2 DISTRICT, AN AGREEMENT THAT EMPLOYEES OF THE SCHOOL OF EXCELLENCE  
3 WILL BE COVERED BY THE COLLECTIVE BARGAINING AGREEMENTS THAT APPLY  
4 TO EMPLOYEES OF THE SCHOOL DISTRICT EMPLOYED IN SIMILAR  
5 CLASSIFICATIONS IN SCHOOLS THAT ARE NOT SCHOOLS OF EXCELLENCE.

6 (F) PROCEDURES FOR REVOKING THE CONTRACT AND GROUNDS FOR  
7 REVOKING THE CONTRACT, INCLUDING AT LEAST THE GROUNDS LISTED IN  
8 SECTION 561.

9 (G) A DESCRIPTION OF AND ADDRESS FOR THE PROPOSED PHYSICAL  
10 PLANT IN WHICH THE SCHOOL OF EXCELLENCE WILL BE LOCATED.

11 (H) REQUIREMENTS AND PROCEDURES FOR FINANCIAL AUDITS. THE  
12 FINANCIAL AUDITS SHALL BE CONDUCTED AT LEAST ANNUALLY BY A  
13 CERTIFIED PUBLIC ACCOUNTANT IN ACCORDANCE WITH GENERALLY ACCEPTED  
14 GOVERNMENTAL AUDITING PRINCIPLES.

15 (6) A SCHOOL OF EXCELLENCE SHALL COMPLY WITH ALL APPLICABLE  
16 LAW, INCLUDING ALL OF THE FOLLOWING:

17 (A) THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

18 (B) THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO  
19 15.246.

20 (C) 1947 PA 336, MCL 423.201 TO 423.217.

21 (D) 1965 PA 166, MCL 408.551 TO 408.558.

22 (E) SECTIONS 1134, 1135, 1146, 1153, 1263(3), 1267, AND 1274.

23 (7) A SCHOOL OF EXCELLENCE AND ITS INCORPORATORS, BOARD  
24 MEMBERS, OFFICERS, EMPLOYEES, AND VOLUNTEERS HAVE GOVERNMENTAL  
25 IMMUNITY AS PROVIDED IN SECTION 7 OF 1964 PA 170, MCL 691.1407. AN  
26 AUTHORIZING BODY AND ITS BOARD MEMBERS, OFFICERS, AND EMPLOYEES ARE  
27 IMMUNE FROM CIVIL LIABILITY, BOTH PERSONALLY AND PROFESSIONALLY,



1 FOR AN ACT OR OMISSION IN AUTHORIZING A SCHOOL OF EXCELLENCE IF THE  
2 AUTHORIZING BODY OR THE PERSON ACTED OR REASONABLY BELIEVED HE OR  
3 SHE ACTED WITHIN THE AUTHORIZING BODY'S OR THE PERSON'S SCOPE OF  
4 AUTHORITY.

5 (8) A SCHOOL OF EXCELLENCE IS EXEMPT FROM ALL TAXATION ON ITS  
6 EARNINGS AND PROPERTY. INSTRUMENTS OF CONVEYANCE TO OR FROM A  
7 SCHOOL OF EXCELLENCE ARE EXEMPT FROM ALL TAXATION INCLUDING TAXES  
8 IMPOSED BY 1966 PA 134, MCL 207.501 TO 207.513. A SCHOOL OF  
9 EXCELLENCE MAY NOT LEVY AD VALOREM PROPERTY TAXES OR ANOTHER TAX  
10 FOR ANY PURPOSE. HOWEVER, OPERATION OF 1 OR MORE SCHOOLS OF  
11 EXCELLENCE BY A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT  
12 DOES NOT AFFECT THE ABILITY OF THE SCHOOL DISTRICT OR INTERMEDIATE  
13 SCHOOL DISTRICT TO LEVY AD VALOREM PROPERTY TAXES OR ANOTHER TAX.

14 (9) A SCHOOL OF EXCELLENCE MAY ACQUIRE BY PURCHASE, GIFT,  
15 DEVISE, LEASE, SUBLEASE, INSTALLMENT PURCHASE AGREEMENT, LAND  
16 CONTRACT, OPTION, OR BY ANY OTHER MEANS, HOLD, AND OWN IN ITS OWN  
17 NAME BUILDINGS AND OTHER PROPERTY FOR SCHOOL PURPOSES, AND  
18 INTERESTS THEREIN, AND OTHER REAL AND PERSONAL PROPERTY, INCLUDING,  
19 BUT NOT LIMITED TO, INTERESTS IN PROPERTY SUBJECT TO MORTGAGES,  
20 SECURITY INTERESTS, OR OTHER LIENS, NECESSARY OR CONVENIENT TO  
21 FULFILL ITS PURPOSES. FOR THE PURPOSES OF CONDEMNATION, A SCHOOL OF  
22 EXCELLENCE MAY PROCEED UNDER THE UNIFORM CONDEMNATION PROCEDURES  
23 ACT, 1980 PA 87, MCL 213.51 TO 213.75, EXCLUDING SECTIONS 6 TO 9 OF  
24 THAT ACT, MCL 213.56 TO 213.59, OR OTHER APPLICABLE STATUTES, BUT  
25 ONLY WITH THE EXPRESS, WRITTEN PERMISSION OF THE AUTHORIZING BODY  
26 IN EACH INSTANCE OF CONDEMNATION AND ONLY AFTER JUST COMPENSATION  
27 HAS BEEN DETERMINED AND PAID.

1        SEC. 553A. (1) AN AUTHORIZING BODY MAY ISSUE A CONTRACT TO  
2        ESTABLISH A SCHOOL OF EXCELLENCE THAT IS A CYBER SCHOOL. A CYBER  
3        SCHOOL SHALL PROVIDE FULL-TIME INSTRUCTION TO PUPILS THROUGH ONLINE  
4        LEARNING OR OTHERWISE ON A COMPUTER OR OTHER TECHNOLOGY, AND THIS  
5        INSTRUCTION AND LEARNING MAY OCCUR REMOTE FROM A SCHOOL FACILITY.

6        (2) A CONTRACT FOR A SCHOOL OF EXCELLENCE THAT IS A CYBER  
7        SCHOOL SHALL INCLUDE ALL OF THE PROVISIONS REQUIRED UNDER SECTION  
8        553 AND ALL OF THE FOLLOWING:

9        (A) A REQUIREMENT THAT A TEACHER WHO HOLDS APPROPRIATE  
10       CERTIFICATION ACCORDING TO STATE BOARD RULE WILL BE RESPONSIBLE FOR  
11       ALL OF THE FOLLOWING FOR EACH COURSE IN WHICH A PUPIL IS ENROLLED:

12       (i) IMPROVING LEARNING BY PLANNED INSTRUCTION.

13       (ii) DIAGNOSING THE PUPIL'S LEARNING NEEDS.

14       (iii) ASSESSING LEARNING, ASSIGNING GRADES, AND DETERMINING  
15       ADVANCEMENT.

16       (iv) REPORTING OUTCOMES TO ADMINISTRATORS AND PARENTS OR LEGAL  
17       GUARDIANS.

18       (B) A REQUIREMENT THAT THE CYBER SCHOOL WILL MAKE EDUCATIONAL  
19       SERVICES AVAILABLE TO PUPILS FOR A MINIMUM OF AT LEAST 1,098 HOURS  
20       DURING A SCHOOL YEAR AND WILL ENSURE THAT EACH PUPIL PARTICIPATES  
21       IN THE EDUCATIONAL PROGRAM FOR AT LEAST 1,098 HOURS DURING A SCHOOL  
22       YEAR.

23       (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT OR ANY  
24       RULE, IF A SCHOOL OF EXCELLENCE THAT IS A CYBER SCHOOL IS IN  
25       COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION (2) (A) REGARDING A  
26       CERTIFICATED TEACHER, ANY OTHER ADULT ASSISTING WITH THE OVERSIGHT  
27       OF A PUPIL DURING THE PUPIL'S PARTICIPATION IN THE CYBER SCHOOL'S

1 EDUCATION PROGRAM IS NOT REQUIRED TO BE A CERTIFICATED TEACHER OR  
2 AN EMPLOYEE OF THE AUTHORIZING BODY.

3 (4) NOTWITHSTANDING ANY RULE TO THE CONTRARY, A CYBER SCHOOL  
4 IS NOT REQUIRED TO COMPLY WITH ANY RULE THAT WOULD REQUIRE A  
5 PUPIL'S PHYSICAL PRESENCE OR ATTENDANCE IN A CLASSROOM OR THAT IS  
6 OTHERWISE INCONSISTENT WITH A PUPIL'S PARTICIPATION IN AN ONLINE,  
7 REMOTE EDUCATION PROGRAM, INCLUDING, BUT NOT LIMITED TO, R 340.10  
8 AND R 340.11 OF THE MICHIGAN ADMINISTRATIVE CODE. FURTHER, THE  
9 SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL WAIVE ANY OTHER  
10 PROVISION OF THIS ACT, OF THE STATE SCHOOL AID ACT OF 1979, OR OF  
11 THE MICHIGAN ADMINISTRATIVE CODE THAT WOULD OTHERWISE INTERFERE  
12 WITH THE OPERATION OR FUNDING OF A CYBER SCHOOL AS DESCRIBED IN  
13 THIS SECTION.

14 (5) AT THE END OF A CYBER SCHOOL'S SECOND FULL SCHOOL YEAR OF  
15 OPERATIONS, THE AUTHORIZING BODY OF A SCHOOL OF EXCELLENCE THAT IS  
16 A CYBER SCHOOL SHALL SUBMIT TO THE SUPERINTENDENT OF PUBLIC  
17 INSTRUCTION AND THE LEGISLATURE, IN THE FORM AND MANNER PRESCRIBED  
18 BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION, A REPORT DETAILING THE  
19 OPERATION OF THE CYBER SCHOOL, PROVIDING STATISTICS ON PUPIL  
20 PARTICIPATION AND ACADEMIC PERFORMANCE, AND MAKING RECOMMENDATIONS  
21 FOR ANY FURTHER STATUTORY OR RULE CHANGES RELATED TO CYBER SCHOOLS  
22 AND ONLINE LEARNING IN THIS STATE.

23 SEC. 554. IF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT  
24 APPLIES FOR AND OBTAINS A CONTRACT TO OPERATE 1 OR MORE SCHOOLS OF  
25 EXCELLENCE UNDER THIS PART, THE POWER OF THE SCHOOL DISTRICT OR  
26 INTERMEDIATE SCHOOL DISTRICT TO LEVY TAXES FOR ANY PURPOSE UNDER  
27 THIS ACT IS NOT AFFECTED BY THE OPERATION OF A SCHOOL OF EXCELLENCE

1 BY THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT. REVENUE  
2 FROM TAXES LEVIED BY A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
3 DISTRICT UNDER THIS ACT OR BONDS ISSUED BY A SCHOOL DISTRICT OR  
4 INTERMEDIATE SCHOOL DISTRICT UNDER THIS ACT MAY BE USED TO SUPPORT  
5 THE OPERATION OR FACILITIES OF A SCHOOL OF EXCELLENCE OPERATED BY  
6 THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT IN THE SAME  
7 MANNER AS THAT REVENUE MAY BE USED UNDER THIS ACT BY THE SCHOOL  
8 DISTRICT OR INTERMEDIATE SCHOOL DISTRICT TO SUPPORT SCHOOL DISTRICT  
9 OR INTERMEDIATE SCHOOL DISTRICT OPERATIONS AND FACILITIES. THIS  
10 SECTION DOES NOT AUTHORIZE A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
11 DISTRICT TO LEVY TAXES OR TO ISSUE BONDS FOR ANY PURPOSE THAT IS  
12 NOT OTHERWISE AUTHORIZED UNDER THIS ACT.

13 SEC. 555. (1) AN AGREEMENT, MORTGAGE, LOAN, OR OTHER  
14 INSTRUMENT OF INDEBTEDNESS ENTERED INTO BY A SCHOOL OF EXCELLENCE  
15 AND A THIRD PARTY DOES NOT CONSTITUTE AN OBLIGATION, EITHER  
16 GENERAL, SPECIAL, OR MORAL, OF THIS STATE OR AN AUTHORIZING BODY.  
17 THE FULL FAITH AND CREDIT OR THE TAXING POWER OF THIS STATE OR ANY  
18 AGENCY OF THIS STATE, OR THE FULL FAITH AND CREDIT OF AN  
19 AUTHORIZING BODY, MAY NOT BE PLEDGED FOR THE PAYMENT OF ANY SCHOOL  
20 OF EXCELLENCE BOND, NOTE, AGREEMENT, MORTGAGE, LOAN, OR OTHER  
21 INSTRUMENT OF INDEBTEDNESS.

22 (2) THIS PART DOES NOT IMPOSE ANY LIABILITY ON THIS STATE OR  
23 ON AN AUTHORIZING BODY FOR ANY DEBT INCURRED BY A SCHOOL OF  
24 EXCELLENCE.

25 SEC. 556. (1) A SCHOOL OF EXCELLENCE MAY BE LOCATED IN ALL OR  
26 PART OF AN EXISTING PUBLIC SCHOOL BUILDING. A SCHOOL OF EXCELLENCE,  
27 OTHER THAN A CYBER SCHOOL OPERATED UNDER SECTION 553A, SHALL NOT

1 OPERATE AT A SITE OTHER THAN THE SINGLE SITE REQUESTED FOR THE  
2 CONFIGURATION OF GRADES THAT WILL USE THE SITE, AS SPECIFIED IN THE  
3 APPLICATION REQUIRED UNDER SECTION 552 AND IN THE CONTRACT.

4 (2) A SCHOOL OF EXCELLENCE SHALL NOT CHARGE TUITION AND SHALL  
5 NOT DISCRIMINATE IN ITS PUPIL ADMISSIONS POLICIES OR PRACTICES ON  
6 THE BASIS OF INTELLECTUAL OR ATHLETIC ABILITY, MEASURES OF  
7 ACHIEVEMENT OR APTITUDE, STATUS AS A STUDENT WITH A DISABILITY, OR  
8 ANY OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A SCHOOL DISTRICT.  
9 HOWEVER, A SCHOOL OF EXCELLENCE MAY LIMIT ADMISSION TO PUPILS WHO  
10 ARE WITHIN A PARTICULAR RANGE OF AGE OR GRADE LEVEL OR ON ANY OTHER  
11 BASIS THAT WOULD BE LEGAL IF USED BY A SCHOOL DISTRICT.

12 (3) EXCEPT FOR A FOREIGN EXCHANGE STUDENT WHO IS NOT A UNITED  
13 STATES CITIZEN, A SCHOOL OF EXCELLENCE SHALL NOT ENROLL A PUPIL WHO  
14 IS NOT A RESIDENT OF THIS STATE. ENROLLMENT IN THE SCHOOL OF  
15 EXCELLENCE MAY BE OPEN TO ALL INDIVIDUALS WHO RESIDE IN THIS STATE  
16 WHO MEET THE ADMISSION POLICY AND SHALL BE OPEN TO ALL PUPILS WHO  
17 RESIDE WITHIN THE GEOGRAPHIC BOUNDARIES, IF ANY, OF THE AUTHORIZING  
18 BODY AS DESCRIBED IN SECTION 552(5)(A) TO (C) WHO MEET THE  
19 ADMISSION POLICY, EXCEPT THAT ADMISSION TO A SCHOOL OF EXCELLENCE  
20 AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE TO OPERATE, OR  
21 OPERATED BY THE BOARD OF A COMMUNITY COLLEGE, ON THE GROUNDS OF A  
22 FEDERAL MILITARY INSTALLATION, AS DESCRIBED IN SECTION 552(5)(C),  
23 SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN THE COUNTY IN WHICH THE  
24 FEDERAL MILITARY INSTALLATION IS LOCATED. FOR A SCHOOL OF  
25 EXCELLENCE AUTHORIZED BY A STATE PUBLIC UNIVERSITY, ENROLLMENT  
26 SHALL BE OPEN TO ALL PUPILS WHO RESIDE IN THIS STATE WHO MEET THE  
27 ADMISSION POLICY. IF THERE ARE MORE APPLICATIONS TO ENROLL IN THE

1 SCHOOL OF EXCELLENCE THAN THERE ARE SPACES AVAILABLE, PUPILS SHALL  
2 BE SELECTED TO ATTEND USING A RANDOM SELECTION PROCESS. HOWEVER, A  
3 SCHOOL OF EXCELLENCE MAY GIVE ENROLLMENT PRIORITY TO A SIBLING OF A  
4 PUPIL ENROLLED IN THE SCHOOL OF EXCELLENCE. A SCHOOL OF EXCELLENCE  
5 SHALL ALLOW ANY PUPIL WHO WAS ENROLLED IN THE SCHOOL OF EXCELLENCE  
6 IN THE IMMEDIATELY PRECEDING SCHOOL YEAR TO ENROLL IN THE SCHOOL OF  
7 EXCELLENCE IN THE APPROPRIATE GRADE UNLESS THE APPROPRIATE GRADE IS  
8 NOT OFFERED AT THAT SCHOOL OF EXCELLENCE.

9 (4) IF A SCHOOL OF EXCELLENCE IS A CYBER SCHOOL AND ITS  
10 AUTHORIZING BODY IS A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
11 DISTRICT, THE SCHOOL OF EXCELLENCE SHALL GIVE ENROLLMENT PRIORITY  
12 TO PUPILS WHO RESIDE IN THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
13 DISTRICT THAT IS THE AUTHORIZING BODY.

14 (5) A SCHOOL OF EXCELLENCE MAY INCLUDE ANY GRADE UP TO GRADE  
15 12 OR ANY CONFIGURATION OF THOSE GRADES, INCLUDING KINDERGARTEN AND  
16 EARLY CHILDHOOD EDUCATION, AS SPECIFIED IN ITS CONTRACT. IF  
17 SPECIFIED IN ITS CONTRACT, A SCHOOL OF EXCELLENCE MAY ALSO OPERATE  
18 AN ADULT BASIC EDUCATION PROGRAM, ADULT HIGH SCHOOL COMPLETION  
19 PROGRAM, OR GENERAL EDUCATION DEVELOPMENT TESTING PREPARATION  
20 PROGRAM. THE AUTHORIZING BODY MAY APPROVE AMENDMENT OF A CONTRACT  
21 WITH RESPECT TO AGES OF PUPILS OR GRADES OFFERED.

22 SEC. 557. IN ADDITION TO OTHER POWERS SET FORTH IN THIS PART,  
23 A SCHOOL OF EXCELLENCE MAY TAKE ACTION TO CARRY OUT THE PURPOSES  
24 FOR WHICH IT WAS INCORPORATED UNDER THIS PART, INCLUDING, BUT NOT  
25 LIMITED TO, ALL OF THE FOLLOWING:

26 (A) TO SUE AND BE SUED IN ITS NAME.

27 (B) SUBJECT TO SECTION 555, TO ACQUIRE, HOLD, AND OWN IN ITS

1 OWN NAME REAL AND PERSONAL PROPERTY, OR INTERESTS IN REAL OR  
2 PERSONAL PROPERTY, FOR EDUCATIONAL PURPOSES BY PURCHASE, GIFT,  
3 GRANT, DEVISE, BEQUEST, LEASE, SUBLEASE, INSTALLMENT PURCHASE  
4 AGREEMENT, LAND CONTRACT, OPTION, OR CONDEMNATION, AND SUBJECT TO  
5 MORTGAGES, SECURITY INTERESTS, OR OTHER LIENS; AND TO SELL OR  
6 CONVEY THE PROPERTY AS THE INTERESTS OF THE SCHOOL OF EXCELLENCE  
7 REQUIRE.

8 (C) TO RECEIVE, DISBURSE, AND PLEDGE FUNDS FOR LAWFUL  
9 PURPOSES.

10 (D) TO ENTER INTO BINDING LEGAL AGREEMENTS WITH PERSONS OR  
11 ENTITIES AS NECESSARY FOR THE OPERATION, MANAGEMENT, FINANCING, AND  
12 MAINTENANCE OF THE SCHOOL OF EXCELLENCE.

13 (E) TO INCUR TEMPORARY DEBT IN ACCORDANCE WITH SECTION 1225.

14 (F) TO SOLICIT AND ACCEPT ANY GRANTS OR GIFTS FOR EDUCATIONAL  
15 PURPOSES AND TO ESTABLISH OR PERMIT TO BE ESTABLISHED ON ITS BEHALF  
16 1 OR MORE NONPROFIT CORPORATIONS THE PURPOSE OF WHICH IS TO ASSIST  
17 THE SCHOOL OF EXCELLENCE IN THE FURTHERANCE OF ITS PUBLIC PURPOSES.

18 (G) TO BORROW MONEY AND ISSUE BONDS IN ACCORDANCE WITH SECTION  
19 1351A AND IN ACCORDANCE WITH PART VI OF THE REVISED MUNICIPAL  
20 FINANCE ACT, 2001 PA 34, MCL 141.2601 TO 141.2613, EXCEPT THAT THE  
21 BORROWING OF MONEY AND ISSUANCE OF BONDS BY A SCHOOL OF EXCELLENCE  
22 IS NOT SUBJECT TO SECTION 1351A(4) OR SECTION 1351(2) TO (4). BONDS  
23 ISSUED UNDER THIS SECTION SHALL BE FULL FAITH AND CREDIT  
24 OBLIGATIONS OF THE SCHOOL OF EXCELLENCE, PLEDGING THE GENERAL FUNDS  
25 OR ANY OTHER MONEY AVAILABLE FOR SUCH A PURPOSE. BONDS ISSUED UNDER  
26 THIS SECTION ARE SUBJECT TO THE REVISED MUNICIPAL FINANCE ACT, 2001  
27 PA 34, MCL 141.2101 TO 141.2821.

1        SEC. 558. IF A SCHOOL OF EXCELLENCE IS OPERATED BY A SCHOOL  
2 DISTRICT THAT IS SUBJECT TO A COURT DESEGREGATION ORDER, PUPIL  
3 SELECTION AT THE SCHOOL OF EXCELLENCE IS SUBJECT TO THAT ORDER.

4        SEC. 559. (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, AND EXCEPT  
5 AS OTHERWISE PROVIDED UNDER SECTION 553A FOR A CYBER SCHOOL, A  
6 SCHOOL OF EXCELLENCE SHALL USE CERTIFICATED TEACHERS ACCORDING TO  
7 STATE BOARD RULE.

8        (2) A SCHOOL OF EXCELLENCE OPERATED BY A STATE PUBLIC  
9 UNIVERSITY OR COMMUNITY COLLEGE MAY USE NONCERTIFICATED INDIVIDUALS  
10 TO TEACH AS FOLLOWS:

11        (A) IF THE SCHOOL OF EXCELLENCE IS OPERATED BY A STATE PUBLIC  
12 UNIVERSITY, THE SCHOOL OF EXCELLENCE MAY USE AS A CLASSROOM TEACHER  
13 IN ANY GRADE A FACULTY MEMBER WHO IS EMPLOYED FULL-TIME BY THE  
14 STATE PUBLIC UNIVERSITY AND WHO HAS BEEN GRANTED INSTITUTIONAL  
15 TENURE, OR HAS BEEN DESIGNATED AS BEING ON TENURE TRACK, BY THE  
16 STATE PUBLIC UNIVERSITY.

17        (B) FOR A SCHOOL OF EXCELLENCE OPERATED BY A COMMUNITY  
18 COLLEGE, THE SCHOOL OF EXCELLENCE MAY USE AS A CLASSROOM TEACHER A  
19 FULL-TIME MEMBER OF THE COMMUNITY COLLEGE FACULTY WHO HAS AT LEAST  
20 5 YEARS' EXPERIENCE AT THAT COMMUNITY COLLEGE IN TEACHING THE  
21 SUBJECT MATTER THAT HE OR SHE IS TEACHING AT THE SCHOOL OF  
22 EXCELLENCE.

23        (C) IN ANY OTHER SITUATION IN WHICH A SCHOOL DISTRICT IS  
24 PERMITTED UNDER THIS ACT TO USE NONCERTIFICATED TEACHERS.

25        (3) A SCHOOL OF EXCELLENCE MAY DEVELOP AND IMPLEMENT NEW  
26 TEACHING TECHNIQUES OR METHODS OR SIGNIFICANT REVISIONS TO KNOWN  
27 TEACHING TECHNIQUES OR METHODS, AND SHALL REPORT THOSE TO THE



1 AUTHORIZING BODY AND STATE BOARD TO BE MADE AVAILABLE TO THE  
2 PUBLIC. A SCHOOL OF EXCELLENCE MAY USE ANY INSTRUCTIONAL TECHNIQUE  
3 OR DELIVERY METHOD THAT MAY BE USED BY A SCHOOL DISTRICT.

4 SEC. 560. A SCHOOL OF EXCELLENCE, WITH THE APPROVAL OF THE  
5 AUTHORIZING BODY, MAY EMPLOY OR CONTRACT WITH PERSONNEL AS  
6 NECESSARY FOR THE OPERATION OF THE SCHOOL OF EXCELLENCE, PRESCRIBE  
7 THEIR DUTIES, AND FIX THEIR COMPENSATION. A SCHOOL OF EXCELLENCE  
8 MAY IMPLEMENT AND MAINTAIN A METHOD OF COMPENSATION FOR ITS  
9 EMPLOYEES THAT IS BASED ON JOB PERFORMANCE, JOB ACCOMPLISHMENTS,  
10 AND JOB ASSIGNMENT IN A SUBJECT AREA OR SCHOOL THAT IS DIFFICULT TO  
11 FIND EMPLOYEES TO STAFF.

12 SEC. 560A. IF THE BOARD OF DIRECTORS OF A SCHOOL OF EXCELLENCE  
13 PROVIDES MEDICAL, OPTICAL, OR DENTAL BENEFITS TO EMPLOYEES AND  
14 THEIR DEPENDENTS, THE BOARD OF DIRECTORS SHALL PROVIDE THOSE  
15 BENEFITS IN ACCORDANCE WITH THE PUBLIC EMPLOYEES HEALTH BENEFIT  
16 ACT, 2007 PA 106, MCL 124.71 TO 124.85, AND SHALL COMPLY WITH THAT  
17 ACT.

18 SEC. 561. (1) THE AUTHORIZING BODY FOR A SCHOOL OF EXCELLENCE  
19 IS THE FISCAL AGENT FOR THE SCHOOL OF EXCELLENCE. A STATE SCHOOL  
20 AID PAYMENT FOR A SCHOOL OF EXCELLENCE SHALL BE PAID TO THE  
21 AUTHORIZING BODY THAT IS THE FISCAL AGENT FOR THAT SCHOOL OF  
22 EXCELLENCE, WHICH SHALL THEN FORWARD THE PAYMENT TO THE SCHOOL OF  
23 EXCELLENCE. AN AUTHORIZING BODY HAS THE RESPONSIBILITY TO OVERSEE A  
24 SCHOOL OF EXCELLENCE'S COMPLIANCE WITH THE CONTRACT AND ALL  
25 APPLICABLE LAW. A CONTRACT ISSUED UNDER THIS PART MAY BE REVOKED BY  
26 THE AUTHORIZING BODY THAT ISSUED THE CONTRACT IF THE AUTHORIZING  
27 BODY DETERMINES THAT 1 OR MORE OF THE FOLLOWING HAVE OCCURRED:

Senate Bill No. 925 as amended December 2, 2009

1 (A) FAILURE OF THE SCHOOL OF EXCELLENCE TO ABIDE BY AND MEET  
2 THE EDUCATIONAL GOALS SET FORTH IN THE CONTRACT.

3 (B) FAILURE OF THE SCHOOL OF EXCELLENCE TO COMPLY WITH ALL  
4 APPLICABLE LAW.

5 (C) FAILURE OF THE SCHOOL OF EXCELLENCE TO MEET GENERALLY  
6 ACCEPTED PUBLIC SECTOR ACCOUNTING PRINCIPLES.

7 (D) THE EXISTENCE OF 1 OR MORE OTHER GROUNDS FOR REVOCATION AS  
8 SPECIFIED IN THE CONTRACT.

9 (2) IF AN AUTHORIZING BODY RECEIVES NOTICE FROM THE  
10 SUPERINTENDENT OF PUBLIC INSTRUCTION THAT A SCHOOL OF EXCELLENCE  
11 THAT IT AUTHORIZED HAS BEEN DETERMINED BY THE SUPERINTENDENT OF  
12 PUBLIC INSTRUCTION TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL  
13 PUBLIC SCHOOLS IN THIS STATE, AS DEFINED FOR THE PURPOSES OF THE  
14 FEDERAL INCENTIVE GRANT PROGRAM CREATED UNDER SECTIONS 14005 AND  
15 14006 OF TITLE XIV OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF  
16 2009, PUBLIC LAW 111-5, THE AUTHORIZING BODY MAY REVOKE THE SCHOOL  
17 OF EXCELLENCE'S CONTRACT AND THE SCHOOL OF EXCELLENCE MAY BE  
18 CLOSED.

19 (3) <<EXCEPT FOR A CONTRACT ISSUED BY A SCHOOL DISTRICT PURSUANT  
TO A VOTE BY THE SCHOOL ELECTORS ON A BALLOT QUESTION UNDER SECTION  
553(2), >> THE DECISION OF AN AUTHORIZING BODY TO REVOKE A CONTRACT  
20 UNDER THIS SECTION IS SOLELY WITHIN THE DISCRETION OF THE  
21 AUTHORIZING BODY, IS FINAL, AND IS NOT SUBJECT TO REVIEW BY A COURT  
22 OR ANY STATE AGENCY.

23 (4) AN AUTHORIZING BODY THAT REVOKES A CONTRACT UNDER THIS  
24 SECTION IS NOT LIABLE FOR THAT ACTION TO THE SCHOOL OF EXCELLENCE,  
25 SCHOOL OF EXCELLENCE CORPORATION, A PUPIL OF THE SCHOOL OF  
26 EXCELLENCE, THE PARENT OR GUARDIAN OF A PUPIL OF THE SCHOOL OF  
27 EXCELLENCE, OR ANY OTHER PERSON.

1       Sec. 1311. (1) Subject to subsection (2), the school board, or  
2 the school district superintendent, a school building principal, or  
3 another school district official if designated by the school board,  
4 may authorize or order the suspension or expulsion from school of a  
5 pupil guilty of gross misdemeanor or persistent disobedience if, in  
6 the judgment of the school board or its designee, as applicable,  
7 the interest of the school is served by the authorization or order.  
8 If there is reasonable cause to believe that the pupil is a student  
9 with a disability, and the school district has not evaluated the  
10 pupil in accordance with rules of the superintendent of public  
11 instruction to determine if the pupil is a student with a  
12 disability, the pupil shall be evaluated immediately by the  
13 intermediate school district of which the school district is  
14 constituent in accordance with section 1711.

15       (2) ~~IF~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (11), IF** a  
16 pupil possesses in a weapon free school zone a weapon that  
17 constitutes a dangerous weapon, commits arson in a school building  
18 or on school grounds, or commits criminal sexual conduct in a  
19 school building or on school grounds, the school board, or the  
20 designee of the school board as described in subsection (1) on  
21 behalf of the school board, shall expel the pupil from the school  
22 district permanently, subject to possible reinstatement under  
23 subsection (5). However, a school board is not required to expel a  
24 pupil for possessing a weapon if the pupil establishes in a clear  
25 and convincing manner at least 1 of the following:

26       (a) The object or instrument possessed by the pupil was not  
27 possessed by the pupil for use as a weapon, or for direct or

1 indirect delivery to another person for use as a weapon.

2 (b) The weapon was not knowingly possessed by the pupil.

3 (c) The pupil did not know or have reason to know that the  
4 object or instrument possessed by the pupil constituted a dangerous  
5 weapon.

6 (d) The weapon was possessed by the pupil at the suggestion,  
7 request, or direction of, or with the express permission of, school  
8 or police authorities.

9 (3) If an individual is expelled pursuant to subsection (2),  
10 the expelling school district shall enter on the individual's  
11 permanent record that he or she has been expelled pursuant to  
12 subsection (2). Except if a school district operates or  
13 participates cooperatively in an alternative education program  
14 appropriate for individuals expelled pursuant to subsection (2) and  
15 in its discretion admits the individual to that program, and except  
16 for a strict discipline academy established under sections 1311b to  
17 1311l, an individual expelled pursuant to subsection (2) is expelled  
18 from all public schools in this state and the officials of a school  
19 district shall not allow the individual to enroll in the school  
20 district unless the individual has been reinstated under subsection  
21 (5). Except as otherwise provided by law, a program operated for  
22 individuals expelled pursuant to subsection (2) shall ensure that  
23 those individuals are physically separated at all times during the  
24 school day from the general pupil population. If an individual  
25 expelled from a school district pursuant to subsection (2) is not  
26 placed in an alternative education program or strict discipline  
27 academy, the school district may provide, or may arrange for the

1 intermediate school district to provide, appropriate instructional  
2 services to the individual at home. The type of services provided  
3 shall meet the requirements of section 6(4)(u) of the state school  
4 aid act of 1979, MCL 388.1606, and the services may be contracted  
5 for in the same manner as services for homebound pupils under  
6 section 109 of the state school aid act of 1979, MCL 388.1709. This  
7 subsection does not require a school district to expend more money  
8 for providing services for a pupil expelled pursuant to subsection  
9 (2) than the amount of the foundation allowance the school district  
10 receives for the pupil as calculated under section 20 of the state  
11 school aid act of 1979, MCL 388.1620.

12 (4) If a school board expels an individual pursuant to  
13 subsection (2), the school board shall ensure that, within 3 days  
14 after the expulsion, an official of the school district refers the  
15 individual to the appropriate county department of social services  
16 or county community mental health agency and notifies the  
17 individual's parent or legal guardian or, if the individual is at  
18 least age 18 or is an emancipated minor, notifies the individual of  
19 the referral.

20 (5) The parent or legal guardian of an individual expelled  
21 pursuant to subsection (2) or, if the individual is at least age 18  
22 or is an emancipated minor, the individual may petition the  
23 expelling school board for reinstatement of the individual to  
24 public education in the school district. If the expelling school  
25 board denies a petition for reinstatement, the parent or legal  
26 guardian or, if the individual is at least age 18 or is an  
27 emancipated minor, the individual may petition another school board

1 for reinstatement of the individual in that other school district.

2 All of the following apply to reinstatement under this subsection:

3 (a) For an individual who was enrolled in grade 5 or below at  
4 the time of the expulsion and who has been expelled for possessing  
5 a firearm or threatening another person with a dangerous weapon,  
6 the parent or legal guardian or, if the individual is at least age  
7 18 or is an emancipated minor, the individual may initiate a  
8 petition for reinstatement at any time after the expiration of 60  
9 school days after the date of expulsion. For an individual who was  
10 enrolled in grade 5 or below at the time of the expulsion and who  
11 has been expelled pursuant to subsection (2) for a reason other  
12 than possessing a firearm or threatening another person with a  
13 dangerous weapon, the parent or legal guardian or, if the  
14 individual is at least age 18 or is an emancipated minor, the  
15 individual may initiate a petition for reinstatement at any time.  
16 For an individual who was in grade 6 or above at the time of  
17 expulsion, the parent or legal guardian or, if the individual is at  
18 least age 18 or is an emancipated minor, the individual may  
19 initiate a petition for reinstatement at any time after the  
20 expiration of 150 school days after the date of expulsion.

21 (b) An individual who was in grade 5 or below at the time of  
22 the expulsion and who has been expelled for possessing a firearm or  
23 threatening another person with a dangerous weapon shall not be  
24 reinstated before the expiration of 90 school days after the date  
25 of expulsion. An individual who was in grade 5 or below at the time  
26 of the expulsion and who has been expelled pursuant to subsection  
27 (2) for a reason other than possessing a firearm or threatening

1 another person with a dangerous weapon shall not be reinstated  
2 before the expiration of 10 school days after the date of the  
3 expulsion. An individual who was in grade 6 or above at the time of  
4 the expulsion shall not be reinstated before the expiration of 180  
5 school days after the date of expulsion.

6 (c) It is the responsibility of the parent or legal guardian  
7 or, if the individual is at least age 18 or is an emancipated  
8 minor, of the individual to prepare and submit the petition. A  
9 school board is not required to provide any assistance in preparing  
10 the petition. Upon request by a parent or legal guardian or, if the  
11 individual is at least age 18 or is an emancipated minor, by the  
12 individual, a school board shall make available a form for a  
13 petition.

14 (d) Not later than 10 school days after receiving a petition  
15 for reinstatement under this subsection, a school board shall  
16 appoint a committee to review the petition and any supporting  
17 information submitted by the parent or legal guardian or, if the  
18 individual is at least age 18 or is an emancipated minor, by the  
19 individual. The committee shall consist of 2 school board members,  
20 1 school administrator, 1 teacher, and 1 parent of a pupil in the  
21 school district. During this time the superintendent of the school  
22 district may prepare and submit for consideration by the committee  
23 information concerning the circumstances of the expulsion and any  
24 factors mitigating for or against reinstatement.

25 (e) Not later than 10 school days after all members are  
26 appointed, the committee described in subdivision (d) shall review  
27 the petition and any supporting information and information

1 provided by the school district and shall submit a recommendation  
2 to the school board on the issue of reinstatement. The  
3 recommendation shall be for unconditional reinstatement, for  
4 conditional reinstatement, or against reinstatement, and shall be  
5 accompanied by an explanation of the reasons for the recommendation  
6 and of any recommended conditions for reinstatement. The  
7 recommendation shall be based on consideration of all of the  
8 following factors:

9 (i) The extent to which reinstatement of the individual would  
10 create a risk of harm to pupils or school personnel.

11 (ii) The extent to which reinstatement of the individual would  
12 create a risk of school district liability or individual liability  
13 for the school board or school district personnel.

14 (iii) The age and maturity of the individual.

15 (iv) The individual's school record before the incident that  
16 caused the expulsion.

17 (v) The individual's attitude concerning the incident that  
18 caused the expulsion.

19 (vi) The individual's behavior since the expulsion and the  
20 prospects for remediation of the individual.

21 (vii) If the petition was filed by a parent or legal guardian,  
22 the degree of cooperation and support that has been provided by the  
23 parent or legal guardian and that can be expected if the individual  
24 is reinstated, including, but not limited to, receptiveness toward  
25 possible conditions placed on the reinstatement.

26 (f) Not later than the next regularly scheduled board meeting  
27 after receiving the recommendation of the committee under



1 subdivision (e), a school board shall make a decision to  
2 unconditionally reinstate the individual, conditionally reinstate  
3 the individual, or deny reinstatement of the individual. The  
4 decision of the school board is final.

5 (g) A school board may require an individual and, if the  
6 petition was filed by a parent or legal guardian, his or her parent  
7 or legal guardian to agree in writing to specific conditions before  
8 reinstating the individual in a conditional reinstatement. The  
9 conditions may include, but are not limited to, agreement to a  
10 behavior contract, which may involve the individual, parent or  
11 legal guardian, and an outside agency; participation in or  
12 completion of an anger management program or other appropriate  
13 counseling; periodic progress reviews; and specified immediate  
14 consequences for failure to abide by a condition. A parent or legal  
15 guardian or, if the individual is at least age 18 or is an  
16 emancipated minor, the individual may include proposed conditions  
17 in a petition for reinstatement submitted under this subsection.

18 (6) A school board or school administrator that complies with  
19 subsection (2) is not liable for damages for expelling a pupil  
20 pursuant to subsection (2), and the authorizing body of a public  
21 school academy is not liable for damages for expulsion of a pupil  
22 by the public school academy pursuant to subsection (2).

23 (7) The department shall develop and distribute to all school  
24 districts a form for a petition for reinstatement to be used under  
25 subsection (5).

26 (8) This section does not diminish any rights under federal  
27 law of a pupil who has been determined to be eligible for special

1 education programs and services.

2 (9) If a pupil expelled from a public school district pursuant  
3 to subsection (2) is enrolled by a public school district sponsored  
4 alternative education program or a public school academy during the  
5 period of expulsion, the public school academy or alternative  
6 education program shall immediately become eligible for the  
7 prorated share of either the public school academy or operating  
8 school district's foundation allowance or the expelling school  
9 district's foundation allowance, whichever is higher.

10 (10) If an individual is expelled pursuant to subsection (2),  
11 it is the responsibility of that individual and of his or her  
12 parent or legal guardian to locate a suitable alternative  
13 educational program and to enroll the individual in such a program  
14 during the expulsion. The office of safe schools in the department  
15 shall compile information on and catalog existing alternative  
16 education programs or schools and nonpublic schools that may be  
17 open to enrollment of individuals expelled pursuant to subsection  
18 (2) and pursuant to section 1311a, and shall periodically  
19 distribute this information to school districts for distribution to  
20 expelled individuals. A school board that establishes an  
21 alternative education program or school described in this  
22 subsection shall notify the office of safe schools about the  
23 program or school and the types of pupils it serves. The office of  
24 safe schools also shall work with and provide technical assistance  
25 to school districts, authorizing bodies for public school  
26 academies, and other interested parties in developing these types  
27 of alternative education programs or schools in geographic areas

1 that are not being served.

2 (11) SUBSECTION (2) DOES NOT APPLY TO A PUPIL WHO IS ENGAGED  
3 SOLELY IN REMOTE INSTRUCTION AND LEARNING FROM THE PUPIL'S HOME,  
4 PROVIDED BY A SCHOOL OF EXCELLENCE THAT IS A CYBER SCHOOL, AS  
5 DEFINED IN SECTION 551.

6 (12) ~~(11)~~As used in this section:

7 (a) "Arson" means a felony violation of chapter X of the  
8 Michigan penal code, 1931 PA 328, MCL 750.71 to 750.80.

9 (b) "Criminal sexual conduct" means a violation of section  
10 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA  
11 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

12 (c) "Dangerous weapon" means that term as defined in section  
13 1313.

14 (d) "Firearm" means that term as defined in section 921 of  
15 title 18 of the United States Code, 18 USC 921.

16 (e) "School board" means a school board, intermediate school  
17 board, or the board of directors of a public school academy.

18 (f) "School district" means a school district, a local act  
19 school district, an intermediate school district, or a public  
20 school academy.

21 (g) "Weapon free school zone" means that term as defined in  
22 section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

23 Enacting section 1. This amendatory act does not take effect  
24 unless all of the following bills of the 95th Legislature are  
25 enacted into law:

26 (a) Senate Bill No. 638.

27 (b) Senate Bill No. 926.

- 1 (c) Senate Bill No. 965.
- 2 (d) Senate Bill No. 981.
- 3 (e) Senate Bill No. 982.
- 4 (f) Senate Bill No. 994.
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