

SENATE BILL No. 925

October 20, 2009, Introduced by Senator THOMAS and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 5 and 6 (MCL 380.5 and 380.6), section 5 as
amended by 2005 PA 61 and section 6 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
8 registered for attendance plus pupils received by transfer and

1 minus pupils lost as defined by rules promulgated by the state
2 board.

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

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

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

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

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

26 (8) "Pupil membership count day" of a school district means
27 that term as defined in section 6 of the state school aid act of

1 1979, MCL 388.1606.

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

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

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

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

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

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

27 (4) "School month" means a 4-week period of 5 days each unless

otherwise specified in the teacher's contract.

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

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

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

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

(9) ~~(8)~~—"Special school election" or "special election" means a school district election to fill a vacancy on the school board or

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

4 (10) ~~(9)~~ "State approved nonpublic school" means a nonpublic
5 school that complies with 1921 PA 302, MCL 388.551 to 388.558.

6 (11) ~~(10)~~ "State board" means the state board of education
7 unless clearly otherwise stated.

8 (12) ~~(11)~~ "Student with a disability" means that term as
9 defined in R 340.1702 of the Michigan administrative code.

10 (13) ~~(12)~~ "Department" means the department of education
11 created and operating under sections 300 to 305 of the executive
12 organization act of 1965, 1965 PA 380, MCL 16.400 to 16.405.

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

16 (15) ~~(14)~~ "The state school aid act of 1979" means the state
17 school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

18 PART 6E

19 SCHOOLS OF EXCELLENCE

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

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

4 (2) AS USED IN THIS PART:

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

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

9 (ii) AN INTERMEDIATE SCHOOL BOARD.

10 (iii) THE BOARD OF A COMMUNITY COLLEGE.

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

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

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

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

1 PART, AND CONFIRMING THE STATUS OF A SCHOOL OF EXCELLENCE AS A
2 PUBLIC SCHOOL IN THIS STATE.

3 (E) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS
4 CORPORATION, LABOR ORGANIZATION, OR ANY OTHER ASSOCIATION,
5 CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

6 (F) "STATE PUBLIC UNIVERSITY" MEANS A STATE UNIVERSITY
7 DESCRIBED IN SECTION 4, 5, OR 6 OF ARTICLE VIII OF THE STATE
8 CONSTITUTION OF 1963.

9 SEC. 552. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (2)
10 AND (3), AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT TO ORGANIZE
11 AND OPERATE A SCHOOL OF EXCELLENCE TO A PERSON OR ENTITY UNLESS THE
12 PERSON OR ENTITY HAS, FOR AT LEAST THE 3 SCHOOL YEARS IMMEDIATELY
13 PRECEDING THE DATE OF THE APPLICATION, OPERATED A PUBLIC SCHOOL
14 ACADEMY THAT HAS RECEIVED AN ACCREDITATION GRADE OF "A" ON THE
15 ANNUAL SCHOOL REPORT CARD ISSUED BY THE DEPARTMENT FOR EACH OF THE
16 3 YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION.

17 (2) FOR A PERSON OR ENTITY THAT DOES NOT MEET THE REQUIREMENTS
18 OF SUBSECTION (1) BUT HAS OPERATED A PUBLIC SCHOOL IN ANOTHER
19 STATE, AN AUTHORIZING BODY MAY ISSUE A CONTRACT TO ORGANIZE AND
20 OPERATE A SCHOOL OF EXCELLENCE TO THE PERSON OR ENTITY IF THE
21 PERSON OR ENTITY HAS OPERATED A PUBLIC SCHOOL IN ANOTHER STATE THAT
22 HAS BEEN GIVEN THE HIGHEST DESIGNATION UNDER THAT STATE'S
23 ACCOUNTABILITY SYSTEM FOR AT LEAST 3 CONSECUTIVE YEARS.

24 (3) FOR A PERSON OR ENTITY THAT DOES NOT MEET THE REQUIREMENTS
25 OF SUBSECTION (1) OR (2), AN AUTHORIZING BODY MAY ISSUE UP TO 5
26 CONTRACTS PER CALENDAR YEAR TO A PERSON OR ENTITY THAT DOES NOT
27 MEET THE REQUIREMENTS OF SUBSECTION (1) OR (2). HOWEVER, THE

1 COMBINED TOTAL OF CONTRACTS ISSUED BY ALL AUTHORIZING BODIES UNDER
2 THIS SUBSECTION SHALL NOT EXCEED A COMBINED TOTAL OF 25.

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

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

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

23 (B) AN INTERMEDIATE SCHOOL BOARD. HOWEVER, THE BOARD OF AN
24 INTERMEDIATE SCHOOL DISTRICT SHALL NOT ISSUE A CONTRACT FOR A
25 SCHOOL OF EXCELLENCE TO OPERATE OUTSIDE THE INTERMEDIATE SCHOOL
26 DISTRICT'S BOUNDARIES, AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE
27 BOARD OF AN INTERMEDIATE SCHOOL DISTRICT SHALL NOT OPERATE OUTSIDE

1 THAT INTERMEDIATE SCHOOL DISTRICT'S BOUNDARIES.

2 (C) THE BOARD OF A COMMUNITY COLLEGE. HOWEVER, EXCEPT AS
3 OTHERWISE PROVIDED IN THIS SUBDIVISION, THE BOARD OF A COMMUNITY
4 COLLEGE SHALL NOT ISSUE A CONTRACT FOR A SCHOOL OF EXCELLENCE TO
5 OPERATE IN A SCHOOL DISTRICT OF THE FIRST CLASS, A SCHOOL OF
6 EXCELLENCE AUTHORIZED BY THE BOARD OF A COMMUNITY COLLEGE SHALL NOT
7 OPERATE IN A SCHOOL DISTRICT OF THE FIRST CLASS, THE BOARD OF A
8 COMMUNITY COLLEGE SHALL NOT ISSUE A CONTRACT FOR A SCHOOL OF
9 EXCELLENCE TO OPERATE OUTSIDE THE BOUNDARIES OF THE COMMUNITY
10 COLLEGE DISTRICT, AND A SCHOOL OF EXCELLENCE AUTHORIZED BY THE
11 BOARD OF A COMMUNITY COLLEGE SHALL NOT OPERATE OUTSIDE THE
12 BOUNDARIES OF THE COMMUNITY COLLEGE DISTRICT. THE BOARD OF A
13 COMMUNITY COLLEGE ALSO MAY ISSUE A CONTRACT FOR NOT MORE THAN 1
14 SCHOOL OF EXCELLENCE TO OPERATE ON THE GROUNDS OF AN ACTIVE OR
15 CLOSED FEDERAL MILITARY INSTALLATION LOCATED OUTSIDE THE BOUNDARIES
16 OF THE COMMUNITY COLLEGE DISTRICT, OR MAY OPERATE A SCHOOL OF
17 EXCELLENCE ITSELF ON THE GROUNDS OF SUCH A FEDERAL MILITARY
18 INSTALLATION, IF THE FEDERAL MILITARY INSTALLATION IS NOT LOCATED
19 WITHIN THE BOUNDARIES OF ANY COMMUNITY COLLEGE DISTRICT AND THE
20 COMMUNITY COLLEGE HAS PREVIOUSLY OFFERED COURSES ON THE GROUNDS OF
21 THE FEDERAL MILITARY INSTALLATION FOR AT LEAST 10 YEARS.

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

23 (6) TO OBTAIN A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE
24 SCHOOLS OF EXCELLENCE, 1 OR MORE PERSONS OR AN ENTITY MAY APPLY TO
25 AN AUTHORIZING BODY DESCRIBED IN SUBSECTION (5). THE APPLICATION
26 SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

27 (A) IDENTIFICATION OF THE APPLICANT FOR THE CONTRACT.

1 (B) SUBJECT TO THE RESOLUTION ADOPTED BY THE AUTHORIZING BODY
2 UNDER SECTION 553(4), A LIST OF THE PROPOSED MEMBERS OF THE BOARD
3 OF DIRECTORS OF THE SCHOOL OF EXCELLENCE AND A DESCRIPTION OF THE
4 QUALIFICATIONS AND METHOD FOR APPOINTMENT OR ELECTION OF MEMBERS OF
5 THE BOARD OF DIRECTORS.

6 (C) THE PROPOSED ARTICLES OF INCORPORATION, WHICH SHALL
7 INCLUDE AT LEAST ALL OF THE FOLLOWING:

8 (i) THE NAME OF THE PROPOSED SCHOOL OF EXCELLENCE.

9 (ii) THE PURPOSES FOR THE SCHOOL OF EXCELLENCE CORPORATION.
10 THIS LANGUAGE SHALL PROVIDE THAT THE SCHOOL OF EXCELLENCE IS
11 INCORPORATED PURSUANT TO THIS PART AND THAT THE SCHOOL OF
12 EXCELLENCE IS A GOVERNMENTAL ENTITY.

13 (iii) THE NAME OF THE AUTHORIZING BODY.

14 (iv) THE PROPOSED TIME WHEN THE ARTICLES OF INCORPORATION WILL
15 BE EFFECTIVE.

16 (v) OTHER MATTERS CONSIDERED EXPEDIENT TO BE IN THE ARTICLES
17 OF INCORPORATION.

18 (D) A COPY OF THE PROPOSED BYLAWS OF THE SCHOOL OF EXCELLENCE.

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

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

22 (ii) A COPY OF THE EDUCATIONAL GOALS OF THE SCHOOL OF
23 EXCELLENCE AND THE CURRICULA TO BE OFFERED AND METHODS OF PUPIL
24 ASSESSMENT TO BE USED BY THE SCHOOL OF EXCELLENCE. TO THE EXTENT
25 APPLICABLE, THE PROGRESS OF THE PUPILS IN THE SCHOOL OF EXCELLENCE
26 SHALL BE ASSESSED USING AT LEAST A MICHIGAN EDUCATION ASSESSMENT
27 PROGRAM (MEAP) TEST OR THE MICHIGAN MERIT EXAMINATION UNDER SECTION

1 1279G.

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

9 (iv) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE.

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

11 (F) DESCRIPTIONS OF STAFF RESPONSIBILITIES AND OF THE SCHOOL
12 OF EXCELLENCE GOVERNANCE STRUCTURE.

13 (G) FOR AN APPLICATION TO THE BOARD OF A SCHOOL DISTRICT, AN
14 INTERMEDIATE SCHOOL BOARD, OR BOARD OF A COMMUNITY COLLEGE,
15 IDENTIFICATION OF THE LOCAL AND INTERMEDIATE SCHOOL DISTRICTS IN
16 WHICH THE SCHOOL OF EXCELLENCE WILL BE LOCATED.

17 (H) AN AGREEMENT THAT THE SCHOOL OF EXCELLENCE WILL COMPLY
18 WITH THE PROVISIONS OF THIS PART AND, SUBJECT TO THE PROVISIONS OF
19 THIS PART, WITH ALL OTHER STATE LAW APPLICABLE TO PUBLIC BODIES AND
20 WITH FEDERAL LAW APPLICABLE TO PUBLIC BODIES OR SCHOOL DISTRICTS.

21 (I) FOR A SCHOOL OF EXCELLENCE AUTHORIZED BY A SCHOOL
22 DISTRICT, AN ASSURANCE THAT EMPLOYEES OF THE SCHOOL OF EXCELLENCE
23 WILL BE COVERED BY THE COLLECTIVE BARGAINING AGREEMENTS THAT APPLY
24 TO OTHER EMPLOYEES OF THE SCHOOL DISTRICT EMPLOYED IN SIMILAR
25 CLASSIFICATIONS IN SCHOOLS THAT ARE NOT SCHOOLS OF EXCELLENCE.

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

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

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

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

26 (10) A SCHOOL OF EXCELLENCE SHALL BE PRESUMED TO BE LEGALLY
27 ORGANIZED IF IT HAS EXERCISED THE FRANCHISES AND PRIVILEGES OF A

1 PUBLIC SCHOOL ACADEMY FOR AT LEAST 2 YEARS.

2 SEC. 553. (1) AN AUTHORIZING BODY IS NOT REQUIRED TO ISSUE A
3 CONTRACT TO ANY PERSON OR ENTITY. SCHOOLS OF EXCELLENCE CONTRACTS
4 SHALL BE ISSUED ON A COMPETITIVE BASIS TAKING INTO CONSIDERATION
5 THE RESOURCES AVAILABLE FOR THE PROPOSED SCHOOL OF EXCELLENCE, THE
6 POPULATION TO BE SERVED BY THE PROPOSED SCHOOL OF EXCELLENCE, AND
7 THE EDUCATIONAL GOALS TO BE ACHIEVED BY THE PROPOSED SCHOOL OF
8 EXCELLENCE.

9 (2) IF A PERSON OR ENTITY APPLIES TO THE BOARD OF A SCHOOL
10 DISTRICT FOR A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE SCHOOLS
11 OF EXCELLENCE WITHIN THE BOUNDARIES OF THE SCHOOL DISTRICT AND THE
12 BOARD DOES NOT ISSUE THE CONTRACT, THE PERSON OR ENTITY MAY
13 PETITION THE BOARD TO PLACE THE QUESTION OF ISSUING THE CONTRACT ON
14 THE BALLOT TO BE DECIDED BY THE SCHOOL ELECTORS OF THE SCHOOL
15 DISTRICT. THE PETITION SHALL CONTAIN ALL OF THE INFORMATION
16 REQUIRED TO BE IN THE CONTRACT APPLICATION UNDER SECTION 552 AND
17 SHALL BE SIGNED BY A NUMBER OF SCHOOL ELECTORS OF THE SCHOOL
18 DISTRICT EQUAL TO AT LEAST 15% OF THE TOTAL NUMBER OF SCHOOL
19 ELECTORS OF THAT SCHOOL DISTRICT. THE PETITION SHALL BE FILED WITH
20 THE SCHOOL DISTRICT FILING OFFICIAL. IF THE BOARD RECEIVES A
21 PETITION MEETING THE REQUIREMENTS OF THIS SUBSECTION, THE BOARD
22 SHALL HAVE THE QUESTION OF ISSUING THE CONTRACT PLACED ON THE
23 BALLOT AT ITS NEXT REGULAR SCHOOL ELECTION HELD AT LEAST 60 DAYS
24 AFTER RECEIVING THE PETITION. IF A MAJORITY OF THE SCHOOL ELECTORS
25 OF THE SCHOOL DISTRICT VOTING ON THE QUESTION VOTE TO ISSUE THE
26 CONTRACT, THE BOARD SHALL ISSUE THE CONTRACT.

27 (3) WITHIN 10 DAYS AFTER ISSUING A CONTRACT FOR A SCHOOL OF

1 EXCELLENCE, THE AUTHORIZING BODY SHALL SUBMIT TO THE SUPERINTENDENT
2 OF PUBLIC INSTRUCTION A COPY OF THE CONTRACT AND OF THE APPLICATION
3 UNDER SECTION 552.

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

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

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

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

19 (C) A DESCRIPTION OF THE PROCESS FOR AMENDING THE CONTRACT
20 DURING THE TERM OF THE CONTRACT.

21 (D) ALL OF THE MATTERS SET FORTH IN THE APPLICATION FOR THE
22 CONTRACT.

23 (E) FOR A SCHOOL OF EXCELLENCE AUTHORIZED BY A SCHOOL
24 DISTRICT, AN AGREEMENT THAT EMPLOYEES OF THE SCHOOL OF EXCELLENCE
25 WILL BE COVERED BY THE COLLECTIVE BARGAINING AGREEMENTS THAT APPLY
26 TO EMPLOYEES OF THE SCHOOL DISTRICT EMPLOYED IN SIMILAR
27 CLASSIFICATIONS IN SCHOOLS THAT ARE NOT SCHOOLS OF EXCELLENCE.

1 (F) PROCEDURES FOR REVOKING THE CONTRACT AND GROUNDS FOR
2 REVOKING THE CONTRACT, INCLUDING AT LEAST THE GROUNDS LISTED IN
3 SECTION 561.

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

6 (H) REQUIREMENTS AND PROCEDURES FOR FINANCIAL AUDITS. THE
7 FINANCIAL AUDITS SHALL BE CONDUCTED AT LEAST ANNUALLY BY A
8 CERTIFIED PUBLIC ACCOUNTANT IN ACCORDANCE WITH GENERALLY ACCEPTED
9 GOVERNMENTAL AUDITING PRINCIPLES.

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

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

13 (B) THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
14 15.246.

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

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

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

18 (7) A SCHOOL OF EXCELLENCE AND ITS INCORPORATORS, BOARD
19 MEMBERS, OFFICERS, EMPLOYEES, AND VOLUNTEERS HAVE GOVERNMENTAL
20 IMMUNITY AS PROVIDED IN SECTION 7 OF 1964 PA 170, MCL 691.1407. AN
21 AUTHORIZING BODY AND ITS BOARD MEMBERS, OFFICERS, AND EMPLOYEES ARE
22 IMMUNE FROM CIVIL LIABILITY, BOTH PERSONALLY AND PROFESSIONALLY,
23 FOR AN ACT OR OMISSION IN AUTHORIZING A SCHOOL OF EXCELLENCE IF THE
24 AUTHORIZING BODY OR THE PERSON ACTED OR REASONABLY BELIEVED HE OR
25 SHE ACTED WITHIN THE AUTHORIZING BODY'S OR THE PERSON'S SCOPE OF
26 AUTHORITY.

27 (8) A SCHOOL OF EXCELLENCE IS EXEMPT FROM ALL TAXATION ON ITS

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

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

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 SHALL NOT OPERATE AT A SITE OTHER THAN THE SINGLE SITE REQUESTED

1 FOR THE CONFIGURATION OF GRADES THAT WILL USE THE SITE, AS
2 SPECIFIED IN THE APPLICATION REQUIRED UNDER SECTION 552 AND IN THE
3 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) A SCHOOL OF EXCELLENCE MAY INCLUDE ANY GRADE UP TO GRADE
10 12 OR ANY CONFIGURATION OF THOSE GRADES, INCLUDING KINDERGARTEN AND
11 EARLY CHILDHOOD EDUCATION, AS SPECIFIED IN ITS CONTRACT. IF
12 SPECIFIED IN ITS CONTRACT, A SCHOOL OF EXCELLENCE MAY ALSO OPERATE
13 AN ADULT BASIC EDUCATION PROGRAM, ADULT HIGH SCHOOL COMPLETION
14 PROGRAM, OR GENERAL EDUCATION DEVELOPMENT TESTING PREPARATION
15 PROGRAM. THE AUTHORIZING BODY MAY APPROVE AMENDMENT OF A CONTRACT
16 WITH RESPECT TO AGES OF PUPILS OR GRADES OFFERED.

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

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

22 (B) SUBJECT TO SECTION 555, TO ACQUIRE, HOLD, AND OWN IN ITS
23 OWN NAME REAL AND PERSONAL PROPERTY, OR INTERESTS IN REAL OR
24 PERSONAL PROPERTY, FOR EDUCATIONAL PURPOSES BY PURCHASE, GIFT,
25 GRANT, DEVISE, BEQUEST, LEASE, SUBLEASE, INSTALLMENT PURCHASE
26 AGREEMENT, LAND CONTRACT, OPTION, OR CONDEMNATION, AND SUBJECT TO
27 MORTGAGES, SECURITY INTERESTS, OR OTHER LIENS; AND TO SELL OR

1 CONVEY THE PROPERTY AS THE INTERESTS OF THE SCHOOL OF EXCELLENCE
2 REQUIRE.

3 (C) TO RECEIVE, DISBURSE, AND PLEDGE FUNDS FOR LAWFUL
4 PURPOSES.

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

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

9 (F) TO SOLICIT AND ACCEPT ANY GRANTS OR GIFTS FOR EDUCATIONAL
10 PURPOSES AND TO ESTABLISH OR PERMIT TO BE ESTABLISHED ON ITS BEHALF
11 1 OR MORE NONPROFIT CORPORATIONS THE PURPOSE OF WHICH IS TO ASSIST
12 THE SCHOOL OF EXCELLENCE IN THE FURTHERANCE OF ITS PUBLIC PURPOSES.

13 (G) TO BORROW MONEY AND ISSUE BONDS IN ACCORDANCE WITH SECTION
14 1351A AND IN ACCORDANCE WITH PART VI OF THE REVISED MUNICIPAL
15 FINANCE ACT, 2001 PA 34, MCL 141.2601 TO 141.2613, EXCEPT THAT THE
16 BORROWING OF MONEY AND ISSUANCE OF BONDS BY A SCHOOL OF EXCELLENCE
17 IS NOT SUBJECT TO SECTION 1351A(4) OR SECTION 1351(2) TO (4). BONDS
18 ISSUED UNDER THIS SECTION SHALL BE FULL FAITH AND CREDIT
19 OBLIGATIONS OF THE SCHOOL OF EXCELLENCE, PLEDGING THE GENERAL FUNDS
20 OR ANY OTHER MONEY AVAILABLE FOR SUCH A PURPOSE. BONDS ISSUED UNDER
21 THIS SECTION ARE SUBJECT TO THE REVISED MUNICIPAL FINANCE ACT, 2001
22 PA 34, MCL 141.2101 TO 141.2821.

23 SEC. 558. IF A SCHOOL OF EXCELLENCE IS OPERATED BY A SCHOOL
24 DISTRICT THAT IS SUBJECT TO A COURT DESEGREGATION ORDER, PUPIL
25 SELECTION AT THE SCHOOL OF EXCELLENCE IS SUBJECT TO THAT ORDER.

26 SEC. 559. (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, A SCHOOL OF
27 EXCELLENCE SHALL USE CERTIFICATED TEACHERS ACCORDING TO STATE BOARD

1 RULE.

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

5 (A) IF THE SCHOOL OF EXCELLENCE IS OPERATED BY A STATE PUBLIC
6 UNIVERSITY, THE SCHOOL OF EXCELLENCE MAY USE AS A CLASSROOM TEACHER
7 IN ANY GRADE A FACULTY MEMBER WHO IS EMPLOYED FULL-TIME BY THE
8 STATE PUBLIC UNIVERSITY AND WHO HAS BEEN GRANTED INSTITUTIONAL
9 TENURE, OR HAS BEEN DESIGNATED AS BEING ON TENURE TRACK, BY THE
10 STATE PUBLIC UNIVERSITY.

11 (B) FOR A SCHOOL OF EXCELLENCE OPERATED BY A COMMUNITY
12 COLLEGE, THE SCHOOL OF EXCELLENCE MAY USE AS A CLASSROOM TEACHER A
13 FULL-TIME MEMBER OF THE COMMUNITY COLLEGE FACULTY WHO HAS AT LEAST
14 5 YEARS' EXPERIENCE AT THAT COMMUNITY COLLEGE IN TEACHING THE
15 SUBJECT MATTER THAT HE OR SHE IS TEACHING AT THE SCHOOL OF
16 EXCELLENCE.

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

19 (3) A SCHOOL OF EXCELLENCE MAY DEVELOP AND IMPLEMENT NEW
20 TEACHING TECHNIQUES OR METHODS OR SIGNIFICANT REVISIONS TO KNOWN
21 TEACHING TECHNIQUES OR METHODS, AND SHALL REPORT THOSE TO THE
22 AUTHORIZING BODY AND STATE BOARD TO BE MADE AVAILABLE TO THE
23 PUBLIC. A SCHOOL OF EXCELLENCE MAY USE ANY INSTRUCTIONAL TECHNIQUE
24 OR DELIVERY METHOD THAT MAY BE USED BY A SCHOOL DISTRICT.

25 SEC. 560. A SCHOOL OF EXCELLENCE, WITH THE APPROVAL OF THE
26 AUTHORIZING BODY, MAY EMPLOY OR CONTRACT WITH PERSONNEL AS
27 NECESSARY FOR THE OPERATION OF THE SCHOOL OF EXCELLENCE, PRESCRIBE

1 THEIR DUTIES, AND FIX THEIR COMPENSATION.

2 SEC. 560A. IF THE BOARD OF DIRECTORS OF A SCHOOL OF EXCELLENCE
3 PROVIDES MEDICAL, OPTICAL, OR DENTAL BENEFITS TO EMPLOYEES AND
4 THEIR DEPENDENTS, THE BOARD OF DIRECTORS SHALL PROVIDE THOSE
5 BENEFITS IN ACCORDANCE WITH THE PUBLIC EMPLOYEES HEALTH BENEFIT
6 ACT, 2007 PA 106, MCL 124.71 TO 124.85, AND SHALL COMPLY WITH THAT
7 ACT.

8 SEC. 561. (1) THE AUTHORIZING BODY FOR A SCHOOL OF EXCELLENCE
9 IS THE FISCAL AGENT FOR THE SCHOOL OF EXCELLENCE. A STATE SCHOOL
10 AID PAYMENT FOR A SCHOOL OF EXCELLENCE SHALL BE PAID TO THE
11 AUTHORIZING BODY THAT IS THE FISCAL AGENT FOR THAT SCHOOL OF
12 EXCELLENCE, WHICH SHALL THEN FORWARD THE PAYMENT TO THE SCHOOL OF
13 EXCELLENCE. AN AUTHORIZING BODY HAS THE RESPONSIBILITY TO OVERSEE A
14 SCHOOL OF EXCELLENCE'S COMPLIANCE WITH THE CONTRACT AND ALL
15 APPLICABLE LAW. A CONTRACT ISSUED UNDER THIS PART MAY BE REVOKED BY
16 THE AUTHORIZING BODY THAT ISSUED THE CONTRACT IF THE AUTHORIZING
17 BODY DETERMINES THAT 1 OR MORE OF THE FOLLOWING HAVE OCCURRED:

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

20 (B) FAILURE OF THE SCHOOL OF EXCELLENCE TO COMPLY WITH ALL
21 APPLICABLE LAW.

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

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

26 (2) THE DECISION OF AN AUTHORIZING BODY TO REVOKE A CONTRACT
27 UNDER THIS SECTION IS SOLELY WITHIN THE DISCRETION OF THE

1 AUTHORIZING BODY, IS FINAL, AND IS NOT SUBJECT TO REVIEW BY A COURT
2 OR ANY STATE AGENCY. AN AUTHORIZING BODY THAT REVOKES A CONTRACT
3 UNDER THIS SECTION IS NOT LIABLE FOR THAT ACTION TO THE SCHOOL OF
4 EXCELLENCE, SCHOOL OF EXCELLENCE CORPORATION, A PUPIL OF THE SCHOOL
5 OF EXCELLENCE, THE PARENT OR GUARDIAN OF A PUPIL OF THE SCHOOL OF
6 EXCELLENCE, OR ANY OTHER PERSON.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No. 926

9 of the 95th Legislature is enacted into law.