

HOUSE BILL No. 5622

May 3, 2016, Introduced by Reps. Hooker, VerHeulen, Runestad, Crawford, Kelly, Outman, Goike, Hughes, Glenn, Potvin and McBroom and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1311g (MCL 380.1311g), as amended by 2014 PA
256.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

9 (2) A strict discipline academy shall not charge tuition.

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

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

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

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

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

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

26 (4) In addition to the types of pupils specified in subsection
27 (3), a strict discipline academy shall be open for enrollment of a

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

8 (5) In addition to the types of pupils specified in
9 subsections (3) and (4), a strict discipline academy may enroll a
10 pupil who is placed in a high-security or medium-security juvenile
11 facility, mental health facility, or child caring institution that
12 is operated by a private agency.

13 (6) A strict discipline academy shall enroll only 1 or more of
14 the types of pupils described in subsections (3) to (5). **A PUPIL
15 WHO IS ENROLLED IN A STRICT DISCIPLINE ACADEMY UNDER SUBSECTIONS
16 (3) TO (5) MAY, AT THE OPTION OF HIS OR HER PARENT OR LEGAL
17 GUARDIAN, CONTINUE TO REMAIN ENROLLED IN THE STRICT DISCIPLINE
18 ACADEMY AFTER HE OR SHE CEASES TO MEET THE REQUIREMENTS FOR
19 ENROLLMENT UNDER SUBSECTIONS (3) TO (5) AS LONG AS HE OR SHE MEETS
20 OTHER APPLICABLE REQUIREMENTS FOR ENROLLMENT.**

21 (7) A strict discipline academy is not required to keep any
22 group of pupils described in subsections (3) to (5) physically
23 separated from another group of those pupils, as might otherwise be
24 required under section 1311, section 1311a, or another provision of
25 this act.

26 (8) ~~(7)~~ Strict discipline academies are not intended to enroll
27 or otherwise be used to educate individuals who are committed to a

1 high-security or medium-security juvenile facility operated by the
2 department of **HEALTH AND** human services or another state department
3 or agency. Further, if the department of corrections or another
4 state department or agency other than the department of **HEALTH AND**
5 human services has custody of or jurisdiction over a child, that
6 state department or agency has the financial responsibility for
7 educating the child.

8 (9) ~~(8)~~—Except for a foreign exchange student who is not a
9 United States citizen, a strict discipline academy shall not enroll
10 a pupil who is not a resident of this state. Enrollment in the
11 strict discipline academy may be open to all individuals who reside
12 in this state who meet the admission policy under subsections (3)
13 to (5) and shall be open to all pupils who reside within the
14 geographic boundaries, if any, of the authorizing body as described
15 in section 1311d who meet the admission policy under subsections
16 (3) to (5), except that admission to a strict discipline academy
17 authorized by the board of a community college to operate, or
18 operated by the board of a community college, on the grounds of a
19 federal military installation, as described in section 1311d, shall
20 be open to all pupils who reside in the county in which the federal
21 military installation is located who meet the admission policy
22 under subsections (3) to (5). For a strict discipline academy
23 authorized by a state public university, enrollment shall be open
24 to all pupils who reside in this state who meet the admission
25 policy under subsections (3) to (5). If there are more applications
26 to enroll in the strict discipline academy than there are spaces
27 available, pupils shall be selected to attend using a random

1 selection process. However, a strict discipline academy may give
2 enrollment priority to a sibling of a pupil enrolled in the strict
3 discipline academy. ~~Except for a suspended pupil who is attending~~
4 ~~the strict discipline academy for the duration of the suspension, a~~
5 A strict discipline academy shall allow any pupil who was enrolled
6 in the strict discipline academy in the immediately preceding
7 school year to enroll in the strict discipline academy in the
8 appropriate grade unless the appropriate grade is not offered at
9 that strict discipline academy.

10 (10) ~~(9)~~ A strict discipline academy may include any grade up
11 to grade 12 or any configuration of those grades, including
12 kindergarten and early childhood education, as specified in its
13 contract. The authorizing body may approve amendment of a contract
14 with respect to ages of pupils or grades offered.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.