

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5907**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 524, 553a, 1135, 1471, and 1472 (MCL 380.524,
380.553a, 380.1135, 380.1471, and 380.1472), section 524 as amended
by 2011 PA 277, section 553a as amended by 2018 PA 235, section
1135 as added by 1987 PA 84, and sections 1471 and 1472 as added by
1996 PA 159.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 524. (1) An urban high school academy may be located in
2 all or part of an existing public school building. An urban high
3 school academy shall not operate at a site other than the site or
4 sites, requested for the configuration of age or grade levels that
5 will use the site or sites, as specified in the contract. Under a
6 contract, an authorizing body may permit an urban high school

1 academy to operate the same configuration of age or grade levels at
2 more than 1 site, and an urban high school academy may operate the
3 same configuration of age or grade levels at more than 1 site, as
4 long as the urban high school academy is operating in compliance
5 with its contract and is making measurable progress toward meeting
6 its educational goals. For a contract for a new urban high school
7 academy, an authorizing body may permit an urban high school
8 academy to operate the same configuration of age or grade levels at
9 more than 1 site, and an urban high school academy may operate the
10 same configuration of age or grade levels at more than 1 site, if
11 the applicant for the proposed urban high school academy presents
12 documentation to the authorizing body demonstrating that the
13 applicant's proposed educational model has resulted in schools
14 making measurable progress toward meeting their educational goals.

15 (2) An urban high school academy shall not charge tuition.
16 Except as otherwise provided in this section, an urban high school
17 academy shall not discriminate in its pupil admissions policies or
18 practices on the basis of intellectual or athletic ability,
19 measures of achievement or aptitude, status as a handicapped
20 person, or any other basis that would be illegal if used by a
21 school district. However, an urban high school academy may limit
22 admission to pupils who are within a particular range of age or
23 grade level or on any other basis that would be legal if used by a
24 school district and may give enrollment priority as provided in
25 subsection (4).

26 (3) Except for a foreign exchange student who is not a United
27 States citizen, an urban high school academy shall not enroll a

1 pupil who is not a resident of this state. Enrollment in an urban
 2 high school academy ~~shall~~**MUST** be open to all pupils who reside in
 3 this state who meet the admission policy. Subject to subsection
 4 (4), if there are more applications to enroll in the urban high
 5 school academy than there are spaces available, pupils shall be
 6 selected to attend using a random selection process. An urban high
 7 school academy shall allow any pupil who was enrolled in the urban
 8 high school academy in the immediately preceding school year to
 9 enroll in the urban high school academy in the appropriate grade
 10 unless the appropriate grade is not offered at that urban high
 11 school academy.

12 (4) An urban high school academy may give enrollment priority
 13 to 1 or more of the following:

14 (a) A sibling of a pupil enrolled in the urban high school
 15 academy.

16 **(B) A PUPIL WHO TRANSFERS TO THE URBAN HIGH SCHOOL ACADEMY**
 17 **FROM ANOTHER PUBLIC SCHOOL UNDER A MATRICULATION AGREEMENT BETWEEN**
 18 **THE URBAN HIGH SCHOOL ACADEMY AND OTHER PUBLIC SCHOOL THAT PROVIDES**
 19 **FOR THIS ENROLLMENT PRIORITY, IF ALL OF THE FOLLOWING REQUIREMENTS**
 20 **ARE MET:**

21 **(i) EACH PUBLIC SCHOOL THAT ENTERS INTO THE MATRICULATION**
 22 **AGREEMENT REMAINS A SEPARATE AND INDEPENDENT PUBLIC SCHOOL.**

23 **(ii) THE URBAN HIGH SCHOOL ACADEMY THAT GIVES THE ENROLLMENT**
 24 **PRIORITY SELECTS AT LEAST 5% OF ITS PUPILS FOR ENROLLMENT USING A**
 25 **RANDOM SELECTION PROCESS.**

26 **(iii) THE MATRICULATION AGREEMENT ALLOWS ANY PUPIL WHO WAS**
 27 **ENROLLED AT ANY TIME DURING ELEMENTARY SCHOOL IN A PUBLIC SCHOOL**

1 **THAT IS A PARTY TO THE MATRICULATION AGREEMENT AND WHO WAS NOT**
2 **EXPELLED FROM THAT PUBLIC SCHOOL TO ENROLL IN THE URBAN HIGH SCHOOL**
3 **ACADEMY GIVING ENROLLMENT PRIORITY UNDER THE MATRICULATION**
4 **AGREEMENT.**

5 **(C)** ~~(b)~~—A child of a person who is employed by or at the urban
6 high school academy or who is on the board of directors of the
7 urban high school academy. As used in this subdivision, "child"
8 includes an adopted child or a legal ward.

9 (5) Subject to the terms of the contract authorizing the urban
10 high school academy, an urban high school academy shall include at
11 least grades 9 through 12 within 5 years after beginning operations
12 and may include other grades or any configuration of those grades,
13 including kindergarten and early childhood education, as specified
14 in its contract. If specified in its contract, an urban high school
15 academy may also operate an adult basic education program, adult
16 high school completion program, or general education development
17 testing preparation program.

18 Sec. 553a. (1) An authorizing body may issue a contract to
19 establish a school of excellence that is a cyber school. A cyber
20 school shall provide full-time instruction to pupils through online
21 learning or otherwise on a computer or other technology, and this
22 instruction and learning may occur remote from a school facility.

23 **SUBJECT TO SECTION 559(3), A CYBER SCHOOL MAY DEVELOP AND IMPLEMENT**
24 **PERSONALIZED, NONTRADITIONAL, OR FLEXIBLE LEARNING OPPORTUNITIES**
25 **THAT INCLUDE, BUT ARE NOT LIMITED TO, PROJECT-BASED LEARNING OR**
26 **COMPETENCY-BASED EDUCATION.**

27 (2) A contract for a school of excellence that is a cyber

House Bill No. 5907 as amended December 21, 2018

1 school ~~shall~~**MUST** include all of the provisions required under
2 section 553 and ~~all~~**BOTH** of the following:

3 (a) A requirement that a teacher who holds appropriate
4 certification according to state board rule or who is engaged to
5 teach under section 1233b will be responsible for all of the
6 following for each course in which a pupil is enrolled:

7 (i) Improving learning by planned instruction.

8 (ii) Diagnosing the pupil's learning needs.

9 (iii) Assessing learning, assigning grades, and determining
10 advancement.

11 (iv) Reporting outcomes to administrators and parents or legal
12 guardians.

13 (b) A requirement that the cyber school will make educational
14 services available to pupils for a minimum of at least 1,098 hours
15 during a school year. ~~and will ensure that each pupil participates~~
16 ~~in the educational program for at least 1,098 hours during a school~~
17 ~~year.~~**THE CYBER SCHOOL SHALL TRACK A PUPIL'S PARTICIPATION THROUGH**
18 **ATTENDANCE IN THE EDUCATIONAL PROGRAM OFFERED BY THE CYBER SCHOOL**
19 **FOR THE PROPORTIONATE NUMBER OF INSTRUCTIONAL HOURS FROM THE DATE**
20 **OF ENROLLMENT OF THE PUPIL.<<**

21 >>

22 (3) Notwithstanding any other provision of this act or any
23 rule, if a school of excellence that is a cyber school is in
24 compliance with the requirements of subsection (2)(a) regarding a
25 certificated teacher or a teacher engaged to teach under section
26 1233b, any other adult assisting with the oversight of a pupil
27 during the pupil's participation in the cyber school's education

1 program is not required to be a certificated teacher, a teacher
2 engaged to teach under section 1233b, or an employee of the school.

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.

6 (5) At the end of a cyber school's second complete school year
7 of operations, the authorizing body of a school of excellence that
8 is a cyber school shall submit to the superintendent of public
9 instruction and the legislature, in the form and manner prescribed
10 by the superintendent of public instruction, a report detailing the
11 operation of the cyber school, providing statistics of pupil
12 participation and academic performance, and making recommendations
13 for any further statutory or rule change related to cyber schools
14 and online learning in this state.

15 Sec. 1135. (1) Upon enrollment of a student for the first time
16 in a local **SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY**, or intermediate
17 school district, the **LOCAL SCHOOL** district, **PUBLIC SCHOOL ACADEMY**,
18 **OR INTERMEDIATE SCHOOL DISTRICT** shall notify in writing the person
19 enrolling the student that within 30 days he or she shall provide
20 to the local **SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY**, or
21 intermediate school district either of the following:

22 (a) A ~~certified~~ copy of the student's birth certificate.

23 (b) Other reliable proof, as determined by the **LOCAL** school
24 district, **PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT**,
25 of the student's identity and age, and an affidavit explaining the
26 inability to produce a copy of the birth certificate.

27 (2) If a person enrolling a student fails to comply with

1 subsection (1), the local **SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY,**
2 or intermediate school district shall notify the person enrolling
3 the student in writing that, unless he or she complies within 30
4 days after the notification, the case ~~shall~~**MUST** be referred to the
5 local law enforcement agency for investigation. If the person
6 enrolling the student fails to comply within that 30-day period,
7 the local **SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY,** or intermediate
8 school district shall notify the local law enforcement agency.

9 (3) The local **SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY,** or
10 intermediate school district shall immediately report to the local
11 law enforcement agency any affidavit received ~~pursuant to~~**UNDER**
12 this section that appears inaccurate or suspicious in form or
13 content.

14 (4) Within 14 days after enrolling a transfer student, the
15 school shall request in writing directly from the student's
16 previous school a copy of his or her school record. Any school that
17 compiles records for each student in the school and that is
18 requested to forward a copy of a transferring student's record to
19 the new school shall comply within 30 days after receipt of the
20 request unless the record has been tagged ~~pursuant to~~**UNDER** section
21 1134. If a student record has been tagged ~~pursuant to~~**UNDER** section
22 1134, a copy of the student record ~~shall~~**MUST** not be forwarded, and
23 the requested school shall notify the law enforcement agency that
24 notified the school district of the missing student ~~pursuant to~~
25 ~~section 8 of Act No. 319 of the Public Acts of 1968, being section~~
26 ~~28.258 of the Michigan Compiled Laws,~~ **UNDER SECTION 8 OF 1968 PA**
27 **319, MCL 28.258,** of the request.

(5) A local **SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY**, or intermediate school district shall not disclose any personally identifiable information contained in a student record to a law enforcement agency, except in compliance with ~~the family educational rights and privacy act, 20 U.S.C. 1232g.~~ **20 USC 1232G, COMMONLY REFERRED TO AS THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT.**

Sec. 1471. As used in this part:

(a) "College level equivalent course" means a course offered in high school, for which a pupil receives high school credit, that is taught at a postsecondary instruction level and is designed to prepare a pupil for a college level equivalent credit examination in a particular subject area, **AND INCLUDES, BUT IS NOT LIMITED TO, ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE COURSES.**

(b) "College level equivalent credit examination" means an examination that is administered by an independent testing service and that is used by colleges and universities generally to award postsecondary credit for achievement of a particular score **AND INCLUDES, BUT IS NOT LIMITED TO, ADVANCED PLACEMENT, DSST, AND COLLEGE-LEVEL EXAMINATION PROGRAM (CLEP) EXAMINATIONS.**

Sec. 1472. (1) The board of a school district or public school academy shall, ~~ensure that, as part of the process of planning the pupil's schedule for an upcoming school year,~~ **AT LEAST ANNUALLY, PROVIDE TO** each pupil in grade 8 or higher ~~is provided with general information about college level equivalent courses and with specific information about appropriate college level equivalent courses available for the pupil.~~ **CREDIT EXAMINATIONS, INCLUDING, AT**

1 **LEAST, INFORMATION ABOUT REGISTRATION, ELIGIBILITY, AND FEES.**

2 (2) If a school district or public school academy maintains
3 pupil portfolios for high school pupils, each pupil's portfolio
4 ~~shall~~**MUST** include, in addition to the other records in the
5 portfolio, all academic records and correspondence relating to the
6 pupil's participation in a college level equivalent course or
7 enrollment in a postsecondary course under the postsecondary
8 enrollment options act, **1996 PA 160, MCL 388.511 TO 388.524.**