

HOUSE BILL No. 6314

September 5, 2018, Introduced by Rep. Kelly and referred to the Committee on Education Reform.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284b (MCL 380.1284b), as amended by 2006 PA 235, and by adding sections 1173 and 1173a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 1173. (1) A BOARD OF A SCHOOL DISTRICT MAY APPLY TO THE**
2 **SUPERINTENDENT OF PUBLIC INSTRUCTION FOR PERMISSION TO OPERATE AS A**
3 **PUBLIC INNOVATIVE DISTRICT. AN APPLICATION UNDER THIS SUBSECTION**
4 **MUST BE SUBMITTED NO LATER THAN MARCH 1 OF THE SCHOOL YEAR**
5 **IMMEDIATELY PRECEDING THE SCHOOL YEAR IN WHICH THE SCHOOL DISTRICT**
6 **SEEKS TO BEGIN OPERATING AS A PUBLIC INNOVATIVE DISTRICT AND MUST**
7 **INCLUDE AT LEAST ALL OF THE FOLLOWING:**

8 **(A) A STATEMENT OF COMMITMENT FROM THE BOARD OUTLINING THE**
9 **SCHOOL DISTRICT'S VISION FOR COMPETENCY-BASED EDUCATION,**

1 PERSONALIZED LEARNING, AND "ANY TIME, ANY PLACE, ANY WAY, ANY PACE"
2 LEARNING.

3 (B) A DESCRIPTION OF THE INSTRUCTIONAL PROGRAM TO BE
4 IMPLEMENTED IN THE SCHOOL DISTRICT.

5 (C) A DESCRIPTION OF THE INTEREST AND SUPPORT FOR PARTNERSHIPS
6 BETWEEN THE SCHOOL DISTRICT, PARENTS, AND THE COMMUNITY.

7 (D) A DESCRIPTION OF THE EXPECTED BENEFITS OF THE INNOVATIVE
8 PRACTICES FOR PUPILS.

9 (E) AN EXPLANATION OF HOW PUPIL PERFORMANCE IN ACHIEVING
10 SPECIFIED OUTCOMES WILL BE MEASURED, EVALUATED, AND REPORTED USING
11 MULTIPLE MEASURES TO INFORM PUPIL PROGRESS.

12 (F) A COPY OF THE RESOLUTION TO SEEK PERMISSION TO OPERATE AS
13 A PUBLIC INNOVATIVE DISTRICT PASSED BY THE BOARD.

14 (2) NOT LATER THAN 60 DAYS AFTER RECEIVING AN APPLICATION
15 UNDER SUBSECTION (1), THE SUPERINTENDENT OF PUBLIC INSTRUCTION
16 SHALL APPROVE OR DENY THE APPLICATION. THE SUPERINTENDENT SHALL
17 APPROVE AN APPLICATION THAT IS IN COMPLIANCE WITH THIS SECTION OR
18 DENY AN APPLICATION THAT IS NOT IN COMPLIANCE WITH THIS SECTION.

19 (3) NOT LATER THAN 10 DAYS AFTER THE SUPERINTENDENT OF PUBLIC
20 INSTRUCTION HAS APPROVED OR DENIED AN APPLICATION UNDER SUBSECTION
21 (2), THE SUPERINTENDENT SHALL PROVIDE NOTICE OF THE APPROVAL OR
22 DENIAL TO THE BOARD OF THE SCHOOL DISTRICT THAT SUBMITTED THE
23 APPLICATION AND THE EDUCATION ACCOUNTABILITY POLICY COMMISSION, IN
24 A FORM AND MANNER PRESCRIBED BY THE SUPERINTENDENT.

25 (4) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DENIES AN
26 APPLICATION UNDER SUBSECTION (2), THE EDUCATION ACCOUNTABILITY
27 POLICY COMMISSION SHALL HOLD A HEARING ON THE APPLICATION NOT LATER

1 THAN 30 DAYS AFTER THE SUPERINTENDENT PROVIDES NOTICE OF THE DENIAL
2 UNDER SUBSECTION (3). THE EDUCATION ACCOUNTABILITY POLICY
3 COMMISSION SHALL PROVIDE REPRESENTATIVES OF THE SCHOOL DISTRICT
4 THAT SUBMITTED THE APPLICATION AN OPPORTUNITY TO PRESENT
5 INFORMATION REFUTING THE BASIS FOR THE DENIAL. NOT LATER THAN 30
6 DAYS BEFORE THE HEARING, THE EDUCATION ACCOUNTABILITY POLICY
7 COMMISSION SHALL PROVIDE NOTICE OF THE HEARING TO THE BOARD OF THE
8 SCHOOL DISTRICT THAT SUBMITTED THE APPLICATION.

9 (5) NOT LATER THAN 60 DAYS AFTER THE HEARING UNDER SUBSECTION
10 (4), THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL APPROVE THE
11 APPLICATION, DENY THE APPLICATION, OR ISSUE AN APPROVAL OF THE
12 APPLICATION THAT IS CONTINGENT ON COMPLIANCE WITH CERTAIN
13 CONDITIONS. THE SUPERINTENDENT SHALL PROVIDE NOTICE OF HIS OR HER
14 DECISION UNDER THIS SUBSECTION TO THE BOARD OF THE SCHOOL DISTRICT
15 THAT SUBMITTED THE APPLICATION, INCLUDING ANY CONDITIONS ON WHICH
16 AN APPROVAL IS CONTINGENT AND THE DEADLINE BY WHICH THE CONDITIONS
17 MUST BE MET, AS APPLICABLE. IF THE SCHOOL DISTRICT FAILS TO MEET
18 THE CONDITIONS BY THE DEADLINE, THE SUPERINTENDENT OF PUBLIC
19 INSTRUCTION SHALL DENY THE APPLICATION.

20 (6) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION APPROVES AN
21 APPLICATION UNDER SUBSECTION (2), THE SCHOOL DISTRICT THAT
22 SUBMITTED THE APPLICATION SHALL BEGIN OPERATING AS A PUBLIC
23 INNOVATIVE DISTRICT BEGINNING WITH THE SCHOOL YEAR IMMEDIATELY
24 FOLLOWING THE SCHOOL YEAR IN WHICH THE APPLICATION WAS APPROVED.

25 (7) AN APPROVAL TO OPERATE AS A PUBLIC INNOVATIVE DISTRICT
26 GRANTED UNDER THIS SECTION IS VALID FOR 5 SCHOOL YEARS, BEGINNING
27 WITH THE SCHOOL YEAR IMMEDIATELY FOLLOWING THE SCHOOL YEAR IN WHICH

1 AN APPLICATION WAS APPROVED, AND MAY BE RENEWED EVERY 5 YEARS. NOT
2 LATER THAN 90 DAYS BEFORE THE EXPIRATION OF AN APPROVAL TO OPERATE
3 AS A PUBLIC INNOVATIVE DISTRICT, A SCHOOL DISTRICT OPERATING AS A
4 PUBLIC INNOVATIVE DISTRICT MAY SUBMIT A RENEWAL APPLICATION TO THE
5 SUPERINTENDENT OF PUBLIC INSTRUCTION FOR PERMISSION TO CONTINUE
6 OPERATING AS A PUBLIC INNOVATIVE DISTRICT FOR AN ADDITIONAL 5
7 SCHOOL YEARS. A RENEWAL APPLICATION SUBMITTED UNDER THIS SUBSECTION
8 MUST INCLUDE AT LEAST ALL OF THE FOLLOWING:

9 (A) EVIDENCE THAT THE PUPILS ENROLLED IN THE SCHOOL DISTRICT
10 MET THE STANDARDS ON THE APPLICABLE STATE ASSESSMENTS, OR AN
11 ALTERNATIVE ASSESSMENT ADOPTED UNDER SUBSECTION (14), DURING THE
12 CURRENT PERIOD OF OPERATION AS A PUBLIC INNOVATIVE DISTRICT.

13 (B) EVIDENCE THAT THE SCHOOL DISTRICT HAS DEMONSTRATED
14 IMPROVEMENT IN ITS COURSE COMPLETION RATE DURING THE CURRENT PERIOD
15 OF OPERATION AS A PUBLIC INNOVATIVE DISTRICT.

16 (C) EVIDENCE OF PROGRESS MADE BY THE SCHOOL DISTRICT IN
17 ACHIEVING THE GOALS, OUTCOMES, AND COMPETENCIES DESCRIBED IN THE
18 DISTRICT'S APPLICATION UNDER SUBSECTION (1).

19 (8) THE SUPERINTENDENT SHALL APPROVE A RENEWAL APPLICATION
20 THAT IS IN COMPLIANCE WITH THIS SECTION OR DENY A RENEWAL
21 APPLICATION THAT IS NOT IN COMPLIANCE WITH THIS SECTION. NOT LATER
22 THAN 10 DAYS AFTER THE SUPERINTENDENT HAS APPROVED OR DENIED A
23 RENEWAL APPLICATION, THE SUPERINTENDENT SHALL PROVIDE NOTICE OF THE
24 APPROVAL OR DENIAL TO THE BOARD OF THE SCHOOL DISTRICT THAT
25 SUBMITTED THE RENEWAL APPLICATION AND THE EDUCATION ACCOUNTABILITY
26 POLICY COMMISSION, IN A FORM AND MANNER PRESCRIBED BY THE
27 SUPERINTENDENT.

1 (9) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DENIES A
2 RENEWAL APPLICATION UNDER SUBSECTION (8), THE EDUCATION
3 ACCOUNTABILITY POLICY COMMISSION SHALL HOLD A HEARING ON THE
4 RENEWAL APPLICATION NOT LATER THAN 30 DAYS AFTER THE SUPERINTENDENT
5 PROVIDES NOTICE OF THE DENIAL UNDER SUBSECTION (8). THE EDUCATION
6 ACCOUNTABILITY POLICY COMMISSION SHALL PROVIDE REPRESENTATIVES OF
7 THE SCHOOL DISTRICT THAT SUBMITTED THE RENEWAL APPLICATION AN
8 OPPORTUNITY TO PRESENT INFORMATION REFUTING THE BASIS FOR THE
9 DENIAL. NOT LATER THAN 30 DAYS BEFORE THE HEARING, THE EDUCATION
10 ACCOUNTABILITY POLICY COMMISSION SHALL PROVIDE NOTICE OF THE
11 HEARING TO THE BOARD OF THE SCHOOL DISTRICT THAT SUBMITTED THE
12 RENEWAL APPLICATION.

13 (10) NOT LATER THAN 60 DAYS AFTER THE HEARING UNDER SUBSECTION
14 (9), THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL APPROVE THE
15 RENEWAL APPLICATION, DENY THE RENEWAL APPLICATION, OR ISSUE AN
16 APPROVAL OF THE RENEWAL APPLICATION THAT IS CONTINGENT ON
17 COMPLIANCE WITH CERTAIN CONDITIONS. THE SUPERINTENDENT SHALL
18 PROVIDE NOTICE OF HIS OR HER DECISION UNDER THIS SUBSECTION TO THE
19 BOARD OF THE SCHOOL DISTRICT THAT SUBMITTED THE RENEWAL
20 APPLICATION, INCLUDING ANY CONDITIONS ON WHICH AN APPROVAL IS
21 CONTINGENT AND THE DEADLINE BY WHICH THE CONDITIONS MUST BE MET, AS
22 APPLICABLE. IF THE SCHOOL DISTRICT FAILS TO MEET THE CONDITIONS BY
23 THE DEADLINE, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DENY
24 THE RENEWAL APPLICATION.

25 (11) A SCHOOL DISTRICT THAT OPERATES AS A PUBLIC INNOVATIVE
26 DISTRICT UNDER THIS SECTION SHALL DEVELOP OR ADOPT, AND IMPLEMENT,
27 AN INSTRUCTIONAL PROGRAM THAT INCLUDES, BUT IS NOT LIMITED TO, ALL

1 OF THE FOLLOWING:

2 (A) PROCEDURES FOR DIAGNOSING PUPIL LEARNING NEEDS.

3 (B) METHODS AND STRATEGIES FOR TEACHING THAT INCORPORATE
4 LEARNER NEEDS.

5 (C) RESOURCE-BASED LEARNING OPPORTUNITIES.

6 (D) TECHNIQUES FOR EVALUATING STUDENT OUTCOMES.

7 (E) THE PROVISION OF REMEDIAL INSTRUCTION, AS NEEDED.

8 (12) A SCHOOL DISTRICT OPERATING AS A PUBLIC INNOVATIVE
9 DISTRICT MAY OFFER EXTENDED LEARNING OPPORTUNITIES THAT MEET AT
10 LEAST ALL OF THE FOLLOWING:

11 (A) INCLUDE ACTIVITIES DESIGNED TO PROVIDE CREDIT OR
12 SUPPLEMENT REGULAR ACADEMIC COURSES.

13 (B) INCLUDE ACTIVITIES DESIGNED TO PROMOTE THE EDUCATIONAL
14 GOALS AND OBJECTIVES OF THE PUPIL AND THE SCHOOL IN WHICH THE PUPIL
15 IS ENROLLED.

16 (C) INCORPORATE PUPILS IN SELECTING, ORGANIZING, AND
17 IMPLEMENTING EXTENDED LEARNING ACTIVITIES.

18 (D) PROVIDE OPPORTUNITIES FOR PUPILS TO ACQUIRE KNOWLEDGE AND
19 SKILL DEVELOPMENT COMPARABLE TO KNOWLEDGE AND SKILL DEVELOPMENT IN
20 COURSES OFFERED AT THE SCHOOL.

21 (E) ARE AVAILABLE TO ALL PUPILS.

22 (F) INCLUDE ACTIVITIES THAT SUPPLEMENT AND ENRICH REGULAR
23 ACADEMIC COURSES.

24 (G) INCLUDE ACTIVITIES THAT PROVIDE OPPORTUNITIES FOR SOCIAL
25 DEVELOPMENT.

26 (H) INCLUDE ACTIVITIES THAT ENCOURAGE PARTICIPATION IN THE
27 ARTS, ATHLETICS, AND OTHER COOPERATIVE GROUPS.

1 (I) INCLUDE ACTIVITIES THAT ENCOURAGE SERVICE TO SCHOOL AND
2 COMMUNITY.

3 (13) IF A SCHOOL DISTRICT OPERATING AS A PUBLIC INNOVATIVE
4 DISTRICT OFFERS EXTENDED LEARNING OPPORTUNITIES UNDER SUBSECTION
5 (12), THE SCHOOL DISTRICT SHALL ADOPT A POLICY ON EXTENDED LEARNING
6 OPPORTUNITIES THAT MEETS AT LEAST ALL OF THE FOLLOWING:

7 (A) PROVIDES FOR THE ADMINISTRATION AND SUPERVISION OF THE
8 EXTENDED LEARNING OPPORTUNITIES.

9 (B) ENCOURAGES CERTIFIED EDUCATORS TO OVERSEE AN INDIVIDUAL
10 PUPIL'S EXTENDED LEARNING OPPORTUNITY.

11 (C) REQUIRES THAT EACH EXTENDED LEARNING PROPOSAL MEET
12 RIGOROUS STANDARDS AND BE APPROVED BY THE SCHOOL BEFORE
13 IMPLEMENTATION. EACH EXTENDED LEARNING PROPOSAL MUST ADDRESS THE 4
14 ELEMENTS OF RIGOR IN EXTENDED LEARNING OPPORTUNITIES: RESEARCH,
15 REFLECTION, PRODUCT, AND PRESENTATION.

16 (D) SPECIFIES THAT CREDITS CAN BE GRANTED FOR EXTENDED
17 LEARNING ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, INDEPENDENT
18 STUDY, PRIVATE INSTRUCTION, TEAM SPORTS, PERFORMING GROUPS,
19 INTERNSHIPS, COMMUNITY SERVICE, AND WORK STUDY.

20 (E) REQUIRES THAT ANY CREDIT GRANTED TO A PUPIL IS BASED ON A
21 PUPIL'S DEMONSTRATION OF COMPETENCIES, AS APPROVED BY CERTIFICATED
22 EDUCATORS.

23 (14) A SCHOOL DISTRICT OPERATING AS A PUBLIC INNOVATIVE
24 DISTRICT MAY DO ALL OF THE FOLLOWING:

25 (A) ADOPT AND IMPLEMENT AN ALTERNATIVE ASSESSMENT OF PUPIL
26 PROGRESS THAT MEETS THE REQUIREMENTS OF THE EVERY STUDENT SUCCEEDS
27 ACT, PUBLIC LAW 114-95.

1 (B) OPERATE A YEAR-ROUND PROGRAM.

2 (C) UTILIZE COMMUNITY EXPERTS IN THE EDUCATIONAL PROCESS.

3 (D) DESIGN COURSES BASED ON THE INTERESTS OF INDIVIDUAL
4 PUPILS.

5 (15) A SCHOOL DISTRICT OPERATING AS A PUBLIC INNOVATIVE
6 DISTRICT SHALL DO AT LEAST BOTH OF THE FOLLOWING:

7 (A) MEASURE AND TRACK PUPIL COMPETENCIES, RATHER THAN
8 INSTRUCTIONAL HOURS, AS THE BASIS FOR AWARDING CREDIT.

9 (B) ASSIGN A MENTOR TO EACH PUPIL.

10 (16) IT IS THE INTENT OF THE LEGISLATURE TO APPROPRIATE
11 FUNDING FOR A STATEWIDE AUDITOR TO PERFORM AUDITS FOR EACH SCHOOL
12 DISTRICT OPERATING AS A PUBLIC INNOVATIVE DISTRICT. THE EDUCATION
13 ACCOUNTABILITY POLICY COMMISSION CREATED UNDER SECTION 1173A SHALL
14 SELECT THE AUDITOR AND SHALL ENSURE THAT THE AUDITOR HAS A
15 BACKGROUND IN BOTH ACCOUNTING AND EDUCATION. THE AUDITOR SHALL
16 SUPPLEMENT THE SERVICES PROVIDED BY THE AUDITOR OF THE INTERMEDIATE
17 SCHOOL DISTRICT OF WHICH THE SCHOOL DISTRICT IS CONSTITUENT.

18 (17) THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE
19 DEPARTMENT'S INNOVATION COUNCIL SHALL PROVIDE TECHNICAL ADVICE AND
20 ASSISTANCE TO A SCHOOL DISTRICT COMPLETING AN APPLICATION UNDER
21 SUBSECTION (1).

22 (18) AS USED IN THIS SECTION:

23 (A) "EDUCATION ACCOUNTABILITY POLICY COMMISSION" MEANS THE
24 EDUCATION ACCOUNTABILITY POLICY COMMISSION CREATED UNDER SECTION
25 1173A.

26 (B) "EXTENDED LEARNING OPPORTUNITY" MEANS A LEARNING PROGRAM
27 THAT OCCURS OUTSIDE OF A SCHOOL SETTING.

1 (C) "INNOVATIVE PRACTICES" MEANS APPROACHES TO LEARNING THAT
2 ARE PUPIL-CENTERED, COMPETENCY-BASED, AND NOT BOUND BY MEASURES OF
3 TIME OR PLACE.

4 SEC. 1173A. (1) THE EDUCATION ACCOUNTABILITY POLICY COMMISSION
5 IS CREATED IN THE DEPARTMENT. THE COMMISSION CONSISTS OF THE
6 FOLLOWING 13 MEMBERS:

7 (A) THREE MEMBERS APPOINTED BY THE GOVERNOR WHO REPRESENT
8 BUSINESS SECTORS THAT ARE IMPORTANT TO THIS STATE'S ECONOMY AND
9 RELY ON A COLLEGE- OR CAREER-READY WORKFORCE, NONPROFIT
10 ORGANIZATIONS AND ASSOCIATIONS THAT PROMOTE COLLEGE AND CAREER
11 EDUCATION, K-12 AND POSTSECONDARY INSTITUTIONS INVOLVED IN COLLEGE
12 AND CAREER EDUCATION, OR OTHER SECTORS AS DETERMINED APPROPRIATE BY
13 THE GOVERNOR.

14 (B) ONE MEMBER APPOINTED BY THE SENATE MAJORITY LEADER, IN
15 CONSULTATION WITH THE CHAIRPERSON OF THE SENATE STANDING COMMITTEE
16 ON EDUCATION.

17 (C) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
18 REPRESENTATIVES, IN CONSULTATION WITH THE CHAIRPERSON OF THE HOUSE
19 STANDING COMMITTEE ON EDUCATION.

20 (D) THE SUPERINTENDENT OF PUBLIC INSTRUCTION, OR HIS OR HER
21 DESIGNEE.

22 (E) ONE MEMBER APPOINTED BY THE SUPERINTENDENT OF PUBLIC
23 INSTRUCTION FROM AMONG NOMINEES SUBMITTED BY STATEWIDE
24 ORGANIZATIONS REPRESENTING PUBLIC SCHOOL ACADEMIES.

25 (F) ONE MEMBER APPOINTED BY THE SUPERINTENDENT OF PUBLIC
26 INSTRUCTION FROM AMONG NOMINEES SUBMITTED BY STATEWIDE
27 ORGANIZATIONS REPRESENTING SCHOOL ADMINISTRATORS WORKING IN SCHOOL

1 DISTRICTS.

2 (G) A CURRENTLY SERVING SCHOOL BOARD MEMBER APPOINTED BY THE
3 SUPERINTENDENT OF PUBLIC INSTRUCTION FROM AMONG NOMINEES SUBMITTED
4 BY STATEWIDE ORGANIZATIONS REPRESENTING SCHOOL BOARDS.

5 (H) ONE MEMBER APPOINTED BY THE GOVERNOR FROM AMONG NOMINEES
6 SUBMITTED BY STATEWIDE ORGANIZATIONS REPRESENTING URBAN SCHOOL
7 DISTRICTS.

8 (I) ONE MEMBER APPOINTED BY THE GOVERNOR FROM AMONG NOMINEES
9 SUBMITTED BY STATEWIDE ORGANIZATIONS REPRESENTING RURAL SCHOOL
10 DISTRICTS.

11 (J) ONE MEMBER APPOINTED BY THE GOVERNOR FROM AMONG NOMINEES
12 SUBMITTED BY STATEWIDE ORGANIZATIONS REPRESENTING PARENTS OF
13 PUPILS.

14 (K) ONE MEMBER APPOINTED BY THE GOVERNOR FROM AMONG NOMINEES
15 SUBMITTED BY STATEWIDE ORGANIZATIONS REPRESENTING TEACHERS.

16 (2) INITIAL EDUCATION ACCOUNTABILITY POLICY COMMISSION MEMBERS
17 MUST BE APPOINTED UNDER SUBSECTION (1) NOT LATER THAN JULY 1, 2019.

18 (3) THE MEMBERS OF THE EDUCATION ACCOUNTABILITY POLICY
19 COMMISSION SHALL ELECT A CHAIRPERSON OF THE COMMISSION AND OTHER
20 OFFICERS THE COMMISSION DETERMINES APPROPRIATE.

21 (4) MEMBERS OF THE EDUCATION ACCOUNTABILITY POLICY COMMISSION
22 SHALL BE APPOINTED FOR 4-YEAR TERMS.

23 (5) A VACANCY ON THE EDUCATION ACCOUNTABILITY POLICY
24 COMMISSION MUST BE FILLED IN THE SAME MANNER AS THE ORIGINAL
25 APPOINTMENT. A MEMBER APPOINTED TO FILL A VACANCY CAUSED BY A
26 RESIGNATION OR DEATH SHALL BE APPOINTED FOR THE BALANCE OF THE
27 UNEXPIRED TERM.

1 (6) THE GOVERNOR MAY REMOVE A MEMBER OF THE EDUCATION
2 ACCOUNTABILITY POLICY COMMISSION FOR INCOMPETENCE, DERELICTION OF
3 DUTY, MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY
4 OTHER GOOD CAUSE.

5 (7) MEMBERS OF THE EDUCATION ACCOUNTABILITY POLICY COMMISSION
6 SHALL SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF THE
7 COMMISSION MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY
8 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS
9 MEMBERS OF THE COMMISSION.

10 (8) THE EDUCATION ACCOUNTABILITY POLICY COMMISSION MAY
11 ESTABLISH SUBCOMMITTEES THAT MAY CONSIST OF INDIVIDUALS WHO ARE NOT
12 MEMBERS OF THE COMMISSION, INCLUDING, BUT NOT LIMITED TO, EXPERTS
13 IN MATTERS OF INTEREST TO THE COMMISSION.

14 (9) A MAJORITY OF THE MEMBERS OF THE EDUCATION ACCOUNTABILITY
15 POLICY COMMISSION CONSTITUTE A QUORUM FOR CONDUCTING BUSINESS. A
16 VOTE OF A MAJORITY OF THE MEMBERS OF THE COMMISSION PRESENT AND
17 SERVING IS REQUIRED FOR THE OFFICIAL ACTION OF THE COMMISSION.

18 Sec. 1284b. (1) Until subsection (2) applies to the school
19 district, public school academy, or intermediate school district,
20 the board of a school district or intermediate school district or
21 board of directors of a public school academy shall ensure that the
22 district's or public school academy's schools are not in session on
23 the Friday before Labor ~~day~~-DAY.

24 (2) Except as otherwise provided in this section **AND EXCEPT**
25 **FOR A SCHOOL DISTRICT OPERATING AS A PUBLIC INNOVATIVE DISTRICT**
26 **UNDER SECTION 1173**, the board of a school district or intermediate
27 school district or board of directors of a public school academy

1 shall ensure that the district's or public school academy's school
2 year does not begin before Labor ~~day~~-**DAY**.

3 (3) If a collective bargaining agreement that provides a
4 complete school calendar is in effect for employees of a school
5 district, public school academy, or intermediate school district as
6 of ~~the effective date of the amendatory act that added subsection~~
7 ~~(2)~~, **SEPTEMBER 29, 2005**, and if that school calendar is not in
8 compliance with subsection (2), then subsection (2) does not apply
9 to that school district, public school academy, or intermediate
10 school district until after the expiration of that collective
11 bargaining agreement.

12 (4) If a school district, intermediate school district, or
13 public school academy is operating a year-round school or program
14 as of September 29, 2005 or is operating as of that date a school
15 that is an international baccalaureate academy that provides 1,160
16 hours of pupil instruction per school year, then subsection (2)
17 does not apply to that school or program. If a school district,
18 intermediate school district, or public school academy begins
19 operating a year-round school or program after September 29, 2005,
20 the school district, intermediate school district, or public school
21 academy may apply to the superintendent of public instruction for a
22 waiver from the requirements of subsection (2). Upon application,
23 if the superintendent of public instruction determines that a
24 school or program is a bona fide year-round school or program
25 established for educational reasons, the superintendent of public
26 instruction shall grant the waiver. The superintendent of public
27 instruction shall establish standards for determining a bona fide

1 year-round school or program for the purposes of this subsection.

2 (5) If an intermediate school district contracts with a
3 constituent district or public school academy to provide programs
4 or services for pupils of the constituent district or public school
5 academy; operates a program or service within a building owned by a
6 constituent district or a public school academy located within the
7 intermediate school district's boundaries; or otherwise provides
8 instructional programs or services for pupils of a constituent
9 district or public school academy, and if the school district's or
10 public school academy's school year begins before Labor ~~day~~**DAY**
11 under subsection (3) or (4), then the intermediate school district
12 may provide programs or services according to the school district's
13 or public school academy's calendar.

14 (6) This section does not apply to a public school that
15 operates all of grades 6 to 12 at a single site, that aligns its
16 high school curriculum with advanced placement courses as the
17 capstone of the curriculum, and that ends its second academic
18 semester concurrently with the end of the advanced placement
19 examination period.

20 (7) This section does not prohibit a school district,
21 intermediate school district, or public school academy from
22 offering or requiring professional development for its personnel
23 that is conducted before Labor ~~day~~**DAY**.

24 (8) As used in this section, "Labor ~~day~~**DAY**" means the first
25 Monday in September.

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

1 Enacting section 2. This amendatory act does not take effect
2 unless Senate Bill No. ____ or House Bill No. 6315 (request no.
3 05404'18 a) of the 99th Legislature is enacted into law.