

SENATE BILL No. 1338

July 6, 2004, Introduced by Senators BIRKHOLZ, GOSCHKA, JELINEK, CROPSEY, VAN WOERKOM, CASSIS, PATTERSON, McMANUS, BISHOP, HARDIMAN, ALLEN and KUIPERS 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 added by 1999 PA
23.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1311g. (1) A strict discipline academy may be located
2 in all or part of an existing public school building. Except for
3 a 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
8 in the contract.

9 (2) A strict discipline academy shall not charge tuition.
10 Except as otherwise provided in subsection (5), a strict

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

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

12 (a) Pupils placed in the strict discipline academy by a court
13 or by the family independence agency or a county juvenile agency
14 under the direction of a court.

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

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

18 (d) Other expelled pupils, **or suspended pupils, who are**
19 referred to the strict discipline academy by that pupil's school
20 and placed in the strict discipline academy by the pupil's parent
21 or legal guardian.

22 (4) In addition to the types of pupils specified in
23 subsection (3), a strict discipline public school academy shall
24 be open for enrollment of a special education pupil who does not
25 meet the requirements of subsection (3) if the special education
26 pupil's individualized ~~educational planning committee~~ **education**
27 **program team** recommends that the special education pupil be

1 placed in the strict discipline public school academy. As used
2 in this subsection, "~~individualized educational planning~~
3 ~~committee~~ **education program team**" means that term as defined ~~in~~
4 ~~R 340.1701a of the Michigan administrative code or an~~
5 ~~individualized education program team as defined~~ in section 614
6 of part B of title VI of the individuals with disabilities
7 education act, ~~Public Law 91-230, 20 U.S.C.~~ **USC** 1414.

8 (5) A strict discipline academy shall enroll only 1 or more
9 of the types of pupils described in subsection (3) or (4). A
10 strict discipline academy is not required to keep any group of
11 pupils described in subsection (3) or (4) physically separated
12 from another group of those pupils, as might otherwise be
13 required under section 1311, section 1311a, or another provision
14 of this act.

15 (6) Strict discipline academies are not intended to enroll or
16 otherwise be used to educate individuals who are committed to a
17 high-security or medium-security juvenile facility operated by
18 the family independence agency or another state department or
19 agency. Further, if the family independence agency, department
20 of corrections, or another state department or agency has custody
21 of or jurisdiction over a child, that state department or agency
22 has the financial responsibility for educating the child.

23 (7) Except for a foreign exchange student who is not a United
24 States citizen, a strict discipline academy shall not enroll a
25 pupil who is not a resident of this state. Enrollment in the
26 strict discipline academy may be open to all individuals who
27 reside in this state who meet the admission policy under

1 subsections (3) and (4) and shall be open to all pupils who
2 reside within the geographic boundaries, if any, of the
3 authorizing body as described in section 1311d who meet the
4 admission policy under subsections (3) and (4), except that
5 admission to a strict discipline academy authorized by the board
6 of a community college to operate, or operated by the board of a
7 community college, on the grounds of a federal military
8 installation, as described in section 1311d, shall be open to all
9 pupils who reside in the county in which the federal military
10 installation is located who meet the admission policy under
11 subsections (3) and (4). For a strict discipline academy
12 authorized by a state public university, enrollment shall be open
13 to all pupils who reside in this state who meet the admission
14 policy under subsections (3) and (4). If there are more
15 applications to enroll in the strict discipline academy than
16 there are spaces available, pupils shall be selected to attend
17 using a random selection process. However, a strict discipline
18 academy may give enrollment priority to a sibling of a pupil
19 enrolled in the strict discipline academy. A strict discipline
20 academy shall allow any pupil who was enrolled in the strict
21 discipline academy in the immediately preceding school year to
22 enroll in the strict discipline academy in the appropriate grade
23 unless the appropriate grade is not offered at that strict
24 discipline academy.

25 (8) A strict discipline academy may include any grade up to
26 grade 12 or any configuration of those grades, including
27 kindergarten and early childhood education, as specified in its

1 contract. The authorizing body may approve amendment of a
2 contract with respect to ages of pupils or grades offered.