

**NORTHERN MICHIGAN UNIVERSITY**

**MCL 388.1875  
Section 275k Legislative Report**

**Submitted to:**

House Appropriations Committee  
Senate Appropriations Committee  
Michigan Department of Education Superintendent

**Submitted on:** November 21, 2023

**MCL 388.1875**  
**275k REQUIREMENTS**

(1) Not later than December 1 of each year, each university that receives an appropriation in section 236 that, in the current or previous academic year, serves or has served as an authorizing body as that term is defined in section 501 of the revised school code, 1976 PA 451, MCL 380.501, shall submit a report to the house and senate appropriations committees and the department of education containing, at a minimum, all of the following information, as applicable:

- (a) *A list of all of the schools currently authorized, and the following information for each school:*
- (i) *The year in which the school was authorized.*
  - (ii) *The location of each school.*
  - (iii) *The owner of the property at which each school is located and the physical buildings utilized by the school, as applicable.*

<b>Name of Public School Academy (“PSA”)<sup>1</sup></b>	<b>(i) Year PSA authorized</b>	<b>(ii) Location</b>	<b>(iiia) Owner of the property</b>	<b>(iiib) Owner of the building</b>
Burton Glen Charter Academy	1999	4171 E Atherton Rd, Burton, MI 48519	Charter Development LLC <sup>3</sup>	Charter Development LLC <sup>3</sup>
East Shore Leadership Academy	2014	1403 7th Street, Port Huron, MI 48060	Academic Facilities PH, LLC	Academic Facilities PH, LLC
Francis Reh Public School Academy	2014	2201 Owen, Saginaw, MI 48601	St. Francis of Assisi Parish Saginaw <sup>4</sup>	St. Francis of Assisi Parish Saginaw <sup>4</sup>
George Crockett Academy	2014	4851 14th Street, Detroit, MI	Triple H Group, LLC	Triple H Group, LLC
Joseph K. Lumsden Bahweting Anishnabe Public School Academy (“JKL Bahweting”)	1996	1301 Marquette Ave. Sault Ste. Marie, MI 49783	Sault Ste. Marie Tribe of Chippewa Indians	Sault Ste. Marie Tribe of Chippewa Indians
Nah Tah Wahsh Public School Academy	1995	N14911 Hannahville B1 Rd, Wilson, MI 49896	Hannahville Indian Community	Hannahville Indian Community
North Star Montessori Academy <sup>2</sup>	1997	3030 Wright St., Marquette, MI 49855	North Star Public School Academy	North Star Public School Academy

South Pointe Scholars Charter Academy	2012	10550 Geddes Road, Ypsilanti, MI 48917	Charter Development LLC <sup>3</sup>	Charter Development LLC <sup>3</sup>
Walton Charter Academy	1999	744 E. Walton Boulevard, Pontiac, MI 48340	Charter Development LLC <sup>3</sup>	Charter Development LLC <sup>3</sup>

<sup>1</sup> Based on Department of Licensing and Regulatory Affairs (“LARA”) school names.

<sup>2</sup>The initial PSA authorization in 1997 was under the name Tri High School.

<sup>3</sup> Lease agreement categorizes National Heritage Academies as “Landlord” while Charter Development LLC is “Master Landlord.” Ownership by Charter Development LLC further confirmed through bsaonline.com.

<sup>4</sup> Online records indicate Catholic Bishop of Saginaw sold this property to St. Francis of Assisi Parish Saginaw in January 2021.

*(b) A list identifying any schools that were closed or lost their authorization in the current or previous academic year.*

Year	Name of PSAs closed or lost
<b>Current Year (2023-24)</b>	No schools closed or lost authorization
<b>Previous Year (2022-23)</b>	No schools closed or lost authorization

*(c) A description of any new contracts for the operation of a public school academy that will operate as the successor to a public school academy that is currently being operated under a contract issued by another authorizing body that is currently performing in the bottom 5% of schools.*

Name of PSA	Description of New Contract
No new contracts	

*(d) The academic performance of each school currently authorized, including whether a school is identified by the department of education as a partnership school.*

<https://www.mischooldata.org/school-index/>

Name of PSA	(i) GROWTH Index	(ii) PROFICIENCY Index	Identified as Partnership School (Yes/No)	(iii) Partnership Status <sup>1</sup>
Burton Glen Charter Academy	71.25	33.30	Yes	Additional Targeted Support
East Shore Leadership Academy	84.1	42.86	No	

Francis Reh Public School Academy	51.12	22.59	No	
George Crockett Academy	63.54	17.09	No	
JKL Bahweting	77.03	59.06	No	
Nah Tah Wahsh Public School Academy	33.09	33.53	Yes	Targeted Support and Improvement
North Star Montessori Academy	66.50	43.51	No	
South Pointe Scholars Charter Academy	80.06	56.43	Yes	Additional Targeted Support
Walton Charter Academy	85.04	37.93	No	
<sup>1</sup> Additional information on partnership categories (ATS, CSI, and TSI available at: <a href="https://www.michigan.gov/mde/services/school-performance-supports/resources-for-identified-schools">https://www.michigan.gov/mde/services/school-performance-supports/resources-for-identified-schools</a> )				

(e) The total enrollment of each school at the time of submission, the grades served, and student turnover rate compared to the previous academic year, as applicable.

	<b>Grades Served</b>	<b>FALL Count 2023 (non-audited)<sup>1</sup></b>	<b>FALL Count 2022 (previous year count)<sup>2</sup></b>	<b>Student Turnover Rate<sup>3</sup></b>
Burton Glen Charter Academy	K-8	699	715.0	-16
East Shore Leadership Academy	K-8	172	180.59	-8.59
Francis Reh Public School Academy	K-8	502	498.68	3.32
George Crockett Academy	K-8	321	351.71	-30.71
JKL Bahweting	K-8	596	596.72	-0.72
Nah Tah Wahsh Public School Academy	K-12	184	181.27	2.73
North Star Montessori Academy	K-12	192	188.5	3.5

South Pointe Scholars Charter Academy	K-8	607	634.86	-27.86
Walton Charter Academy	K-8	783	807.68	-24.68
<sup>1</sup> PSA administrators self-reported their Fall 2023 counts (unaudited) to the NMU Charter Schools Office				
<sup>2</sup> Fall 2022 counts were taken from the Michigan Center for Educational Performance and Information Michigan Student Data System <a href="https://www.michigan.gov/cepi/pk-12/msds">https://www.michigan.gov/cepi/pk-12/msds</a>				
<sup>3</sup> Student Turnover Rate determined by subtracting Fall 2022 from Fall 2023. If the number is negative it means there are fewer students enrolled in 2023 than there were in 2022.				

*(f) The total number of fees, reimbursements, contributions, or charges permitted under section 502(6) of the revised school code, 1976 PA 451, MCL 380.502, that are assigned to each school currently authorized in a single academic year.*

<b>Name of PSA</b>	<b>Total fees, reimbursements, contributions, or charges permitted under section 502(6)<sup>1</sup></b>
Burton Glen Charter Academy	\$214,537
East Shore Leadership Academy	\$54,957
Francis Reh Public School Academy	\$154,992
George Crockett Academy	\$109,110
JKL Bahweting	\$238,049
Nah Tah Wahsh Public School Academy	\$73,319
North Star Montessori Academy <sup>2</sup>	\$69,343
South Pointe Scholars Charter Academy	\$195,411
Walton Charter Academy	\$251,523
<sup>1</sup> This dollar amount is the total amount captured from October 2022 – August 2023. This time period was chosen due to it being consistent with the State-Aid payments calendar.	

*(g) The names of the members of the board of directors of each school currently authorized and the date that each member of each board was appointed.*

<b>PSA Name</b>	<b>Names of board of directors with appointment date</b>
Burton Glen Charter Academy	Art Bone (5/17/2006); Waneta Bovan (9/24/2022); Mary Covington (3/8/2007); Tasha Donald (4/8/2021); Wendy Warren (8/6/2022)

East Shore Leadership Academy	Martin Doorn (1/3/2014); Patricia Moore (7/2/2023); Patrick Patterson (7/20/2020); Harold Powell (11/30/2022); Margaret Swegles (7/10/2019)
Francis Reh Public School Academy	David Bearss (9/12/2017); Scott Hinojosa (10/10/2022); Darlene Johnson (1/7/2015); Catherine Kretz (4/7/2014); Diane Lichon (4/7/2014); Yolanda Reynolds (11/19/2021)
George Crockett Academy	Jeffrey Arthur (9/29/2022); Lisa Bey-Knight (4/7/2014); Ryan Heilman (4/8/2014); Tondra Thomas (10/1/2014); George Trapp (4/6/2014)
JKL Bahweting	Frederick Carr (1/13/2020); Norma Castro (11/20/2003); Elizabeth Eidenier (1/20/2022); Nicholas Kibble (1/19/2023); Maureen Pavlat (8/17/2022)
Nah Tah Wahsh Public School Academy	Victoria Dowd (5/31/2022); Jacqueline Kang (); Tessa Keshick (7/31/2023); Mary Meshigaud (); Marilyn Shawano (5/31/2022); Shianne Uskilith (5/31/2022); Geneva Wandahsega ()
North Star Montessori Academy	Melissa Bowers (5/4/2021); Lydia Bucklin (8/13/2020); Jessica Danek (3/19/2019); Nicole Harrington (9/13/2022); Roger Zappa (3/9/2011)
South Pointe Scholars Charter Academy	Christol Alexander (12/1/2021); Florence Giummo (8/17/2021); Mark Horvath (2/3/2017); Estelle Oliansky (8/20/2021); Susan Hollar (10/24/2014); Patrick Williams (8/17/2020)
Walton Charter Academy	Maria Carl (6/9/2003); Kim Champion (10/20/2008); James Dobson (10/15/2021); Tamika Morrow (12/17/2014); Greg Stevenson (9/21/2011)

(h) *The name of the applicant who applied and received approval to organize each currently authorized school.*

<b>PSA Name</b>	<b>Name of applicant who applied and received approval</b>
Burton Glen Charter Academy	Mark DeHan
East Shore Leadership Academy	Nancy Gardner
Francis Reh Public School Academy	Catherine Kretz
George Crockett Academy	Mary Lou Van Antwerp
JKL Bahweting	Bonnie J. Brady
Nah Tah Wahsh Public School Academy	Tom Miller
North Star Montessori Academy	Steven Piereson, Don Maourand, Ronald Kulie, Mary St. Clair, & Jim Manley
South Pointe Scholars Charter Academy	Melvin Rusher, Rodney Grover, Joel Kirkpatrick, William Flynn, & Judy Smith
Walton Charter Academy	Mark DeHan

*(i) The list of contracts and length of their terms, with education service providers associated with each school currently authorized pursuant to section 502 of the revised school code, 1976 PA 451, MCL 380.502, as applicable.*

*The contracts described in this subdivision include, but are not limited to, those described in section 502(2)(d) of the revised school code, 1976 PA 451, MCL 380.502.*

<b>Name of PSA</b>	<b>PSA Contract Term Dates</b>	<b>ESP Name</b>	<b>ESP Term Length (Term dates differ due to the end-date of the terms of the contract with the PSA)</b>
Burton Glen Charter Academy	July 1, 2021 - June 30, 2026	National Heritage Academies	July 1, 2021 - June 30, 2026
East Shore Leadership Academy	July 1, 2019 - June 30, 2024	Bold Education Connections LLC	July 1, 2019 - June 30, 2024
Francis Reh Public School Academy	July 1, 2019 - June 30, 2024	The Leona Group	July 1, 2019 - June 30, 2024
George Crockett Academy	July 1, 2019 - June 30, 2024	The Leona Group	July 1, 2019 - June 30, 2024
JKL Bahweting	July 1, 2020 - June 30, 2025	N/A	July 1, 2020 - June 30, 2025
Nah Tah Wahsh Public School Academy	July 1, 2020 - June 30, 2025	N/A	July 1, 2020 - June 30, 2025
North Star Montessori Academy	July 1, 2019 - June 30, 2024	N/A	July 1, 2019 - June 30, 2024
South Pointe Scholars Charter Academy	July 1, 2022 - June 30, 2027	National Heritage Academies	July 1, 2022 - June 30, 2027
Walton Charter Academy	July 1, 2021 - June 30, 2026	National Heritage Academies	July 1, 2021 - June 30, 2026

*(j) Activities undertaken by each university to ensure that the board of directors of each school complies with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and laws prohibiting conflicts of interest.*

Under the Revised School Code, the Northern Michigan University Board of Trustees (“NMU Board”) is responsible for overseeing compliance with all applicable law, as well as the contract it

issued to each public school academy.<sup>1</sup> Public school academies are required to comply with the Open Meetings Act, the Freedom of Information Act, and certain laws prohibiting conflicts of interest.<sup>2</sup> These obligations are also specifically mandated by the standard contract that the NMU Board uses for its public school academies that it authorizes (the “Contract”).<sup>3</sup>

In addition to the state laws that govern conflicts of interest, the Contract specifically requires academies to must comply with the Incompatible Public Offices statute, being MCL 15.181 et seq. of the Michigan Compiled Laws, and the Contracts of Public Servants with Public Entities statute, being MCL 15.321 et seq. of the Michigan Compiled Laws. The Contract also states, “Academy Board shall ensure compliance with applicable law relating to conflicts of interest”. The Contract also provides a list of prohibited conflicts of interest for purposes of the contract as well that specifically relate to possible conflicts for public school academies that State law does not specifically recognize. The Contract also prohibits academy board members from being employed at the academy in more than one full-time position and simultaneously being compensated for each position.

In order to oversee compliance with these areas, the NMU CSO takes the following actions for each public school academy authorized:

- Reviews all agendas, board postings, and minutes of all academy board of directors’ meetings;
- Reviews all facilities documents, as well as the NMU CSO mandatory facilities questionnaire and checklist before an academy may execute any agreements, including lease agreements and borrowing agreements pursuant to the NMU CSO lease policies and long-term borrowing requirements set forth in the Contract;
- Reviews educational management organization agreements, as well as the questionnaire mandated by the NMU CSO educational management organization policy, prior to signing any agreements;
- NMU CSO representatives attend academy board of directors’ meetings;
- Answers questions with respect to any of these areas to help provide guidance where appropriate;
- Review due diligence materials for potential conflicts of interest for Board of Directors and educational service providers;
- NMU CSO works with NMU officials responding to all FOIA requests as per university guidelines
- NMU CSO works with public school academy officials when any OMA or conflicts occur

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<sup>1</sup> See, e.g., MCL 380.502(4). The NMU Board along with the Northern Michigan University Charter Schools Office (“NMU CSO”), acting as the NMU Board’s designee, performs oversight as an authorizing body.

<sup>2</sup> See, e.g., MCL 380.503(7), MCL 380.503(6)(k), MCL 380.507(4)(b), MCL 380.1203.

<sup>3</sup> Copies of the current contracts can be found at <https://nmu.edu/charterschools/school-information>. Each contract has some variations for each public school academy, but most of the provisions are identical across contracts with respect to oversight and compliance with applicable law.



***(k) A description of the activities undertaken by the university to meet the functions of an authorizing body under section 502 of the revised school code, 1976 PA 451, MCL 380.502, as applicable.***

As articulated in the Revised School Code and the Contract issued by the NMU Board, the NMU Board has the responsibility to oversee the academy's compliance with the Contract and all applicable law. The NMU Board articulates the responsibilities of both the academy board and the NMU Board in the Oversight Agreement that is included in the Contract<sup>4</sup>. The NMU CSO is responsible for administering the oversight responsibilities with respect to the Contract.

Under the Oversight Agreement, the NMU CSO may take any of the following actions to fulfill the NMU Board's oversight responsibilities for each public school academy authorized.

- Conduct a review of the academy's audited financial reports as submitted, including the auditor's management letters, and report to the NMU Board any exceptions as well as any failure on the part of the academy to meet generally accepted public sector accounting principles.
- Conduct a review of the records, internal controls or operations of the academy to determine compliance with the Contract and applicable law.
- Conduct a meeting annually between the academy board of directors and a designee of the NMU Board to determine compliance with the Contract and applicable law.
- Institute action pursuant to the terms of the Contract to suspend, revoke or reform the Contract.
- Monitor the academy's compliance with the Contract, the Revised School Code, and all other applicable law.
- Request periodic reports from the academy regarding any aspect of its operation, including, without limitation, whether the academy has met or is achieving its targeted educational goals and applicable academic performance standards set forth in the Contract.
- Request evidence that the academy has obtained the necessary permits and certificates of compliance to operate as a public school from the applicable governmental agencies, including, without limitation, the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes and the Bureau of Fire Services, and local health departments.
- Determine whether the academy has failed to abide by or meet the educational goals or applicable academic performance standards as set forth in the Contract.
- Provide supportive services to the Academy as deemed necessary and/or appropriate by the NMU Board or its designee.
- Evaluate whether the academy appropriately administers all optional or statutorily mandated assessments pursuant to the academy's student population, goals and programs.
- Take other actions, as authorizing body, as permitted or required by the Revised School Code.

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<sup>4</sup> Copies of the Oversight Agreement are included in the contracts available at <https://nmu.edu/charterschools/school-information>

The Oversight Agreement also requires an academy to undertake the following reporting duties as well:

- Submit information to the NMU CSO, in accordance with the Master Calendar of Reporting Requirements adopted by the NMU CSO. The Master Calendar may be amended the Charter Schools Office Director deems necessary.
- Submit quarterly financial reports to the NMU CSO in a form and manner determined by the CSO. Submit other financial reports as established by the CSO.
- Permit inspection of the academy's records and/or premises at any reasonable time by the NMU CSO.
- Report any litigation or formal proceedings alleging violation of any applicable law by the academy to counsel for the NMU Board as designated in Article XII of the Terms and Conditions.
- Upon request, provide copies of information submitted to the Michigan Department of Education, the Superintendent of Public Instruction, or State Board of Education to the NMU CSO.
- Provide proposed minutes of all academy board of directors' meetings to the NMU CSO no later than ten (10) business days after such meeting, and provide approved final minutes to the NMU CSO within five (5) business days after the minutes are approved.
- Submit to the NMU CSO prior to the issuance of the Contract, copies of insurance policies evidencing all insurance as required by the Contract.
- Submit to the NMU CSO a copy of the academy's lease, deed or other purchase arrangement for its physical facilities as required by the Contract.
- Submit to the NMU CSO copies of all fire, health and safety approvals required by applicable law for the operation of a school.
- Submit annually to the NMU CSO, the dates, times and a description of how the academy will provide notice of the academy's pupil application and enrollment process. The academy's pupil application and enrollment admission process must be conducted in a fair and open manner in compliance with the Contract and the Revised School Code. At a minimum, the academy must make a reasonable effort to advertise its enrollment openings by newspaper, mail, media, internet or other acceptable communication process. All academy notices of the open enrollment period must include language that the open enrollment period includes evening and weekend times for enrolling students in the academy. In addition, the academy must set forth in all public notices the date for the holding of a random selection drawing if such a drawing becomes necessary.
- By July 1st of each year, the academy board must provide a copy of the academy board's public meeting schedule for the upcoming school year. The academy board's public meeting schedule must include the date, time and location of the public meetings for the upcoming school year. Within ten (10) business days of academy board approval, the academy board must provide a copy to the NMU CSO of any changes to the academy board public meeting schedule.
- Prior to December 31 of each year and whenever necessary thereafter, the academy board must approve and submit a revised operating school budget that includes, without limitation, the following: (i) the total projected amount of state school aid revenues based on the academy's October pupil membership count; (ii) revised personnel costs; (iii) any start-up expenses incurred by the academy; and (iv) the total amount of short-term cash flow loans obtained by the academy. The academy will make budget revisions in a manner

prescribed by law. Within thirty (30) days of the academy board approving the budget (original and amended, if applicable), the academy must place a copy of that budget on the academy's website within a section of the website that is accessible to the public.

- Within 5 days of its submission to the Center for Educational Performance and Information (CEPI) of the budgetary assumptions that are required by Section 1219 of the Revised School Code, the academy must provide a copy of those budgetary assumptions to the NMU CSO, and confirm that the submitted budgetary assumptions were used in the adoption of the academy's annual budget.
- Submit copies to the NMU CSO of any periodic financial status reports required of the academy by the Department of Treasury.
- Provide copies of notices, reports and plans, including deficit elimination or enhanced deficit elimination plans, to the NMU CSO under Section 1220 of the Revised School Code.

In addition to these responsibilities, the academies are required to keep records that are complete and correct and those records must be made available to the NMU CSO, or its designee, at all reasonable hours and conditions. The academies must also authorize the Charter Schools Office to perform audit and evaluation studies, as well as provide access to data, documents or information submitted to the Michigan Department of Education, the Superintendent of Public Instruction, the State Board of Education, the Center for Educational Performance and Information, the Michigan DataHub or any other state or federal agency. The Oversight Agreement also requires the academies to provide the Charter Schools Office a copy of any notice from the State Treasurer that notifies the academy of the potential for fiscal stress.

This Oversight Agreement also requires that certain information be made publicly available by the academy and that certain information also be made available by the academy's educational service provider, if applicable.

Beyond the activities listed in the Oversight Agreement, the NMU Board, through its Charter Schools Office, employs 7 individuals to help provide oversight. Positions include: CSO Director, Director for Board Relations & External Affairs, Director for Assessment & Curriculum; Financial Reviewer; Compliance Coordinator, Field Representative, and Senior Secretary.

As mentioned above, the NMU CSO has also issued several different policies that all academies must comply with, including a Real Property Lease Policy and an Educational Service Provider Guidelines<sup>5</sup>. The NMU CSO, along with legal counsel, review proposed lease agreements, certain financing transactions, and contracts with educational management organizations to ensure that such agreements do not violate the contract, relevant Authorizing Body policies, or applicable law.

The NMU CSO also provides for a detailed process by which the NMU CSO considers reauthorization of any academy. In reviewing whether an academy should be reauthorized, the NMU CSO considers whether there have been increases in academic achievement for all groups of pupils as measured by assessments and other objective criteria established by the NMU Board.

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<sup>5</sup> Available at <https://nmu.edu/charterschools/school-information>

The NMU CSO, along with legal counsel, engage in detailed review and due diligence as part of this process.

Finally, both the Revised School Code and the Contract contain detailed procedures to address issues of non-compliance. The Contract details a number of possible mechanisms under the law and Contract to address such issues, including revocation, termination, or suspension of the Contract; reconstitution of the academy board of directors; or the ability to appoint a conservator. Each mechanism is detailed in the Contract with the process for each mechanism, due process procedures, and ultimate consequences.