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CONSOLIDATED DISTRICT BOARD

House Bill 4464 (Substitute H-1) First Analysis (3-20-97)

Sponsor: Rep. Ron Jelinek
Committee: Education

THE APPARENT PROBLEM:

An election on the consolidation of two school districts in western Michigan, New Buffalo and River Valley, is to be held March 22nd. Legislation has been introduced to provide the new district, if approved, with an alternative method of determining the composition of its first school board. Currently, in such cases, the law requires the intermediate board to appoint a school board for the new consolidated district, with the members to serve until the next June 30th, and requires a new board to be elected at the first annual election after the effective date of consolidation. However, if the effective date of consolidation is between the 30th day prior to the annual election and December 31, the newly appointed board must at its first meeting call a district election to be held within 45 days after the meeting. The board must be of the size required by statute for the classification of district involved. The proposed legislation would instead allow temporarily for the appointment of a nine-member board made up of board members from the old districts, so that there would be continuity in local school leadership. The board would then go back to being a seven-member board after the school election in 2001.

THE CONTENT OF THE BILL:

The bill would amend the Revised School Code (MCL 380.861) to provide an alternative method of determining the composition of a school board in a district formed by the consolidation of two school districts that are wholly within the same intermediate school district.

Currently, the law requires the intermediate board to appoint a school board for the new consolidated district, with the members to serve until the next June 30th, and requires a new board to be elected at the first annual election after the effective date of consolidation. However, if the effective date of consolidation is between the 30th day prior to the annual election and December 31, the newly appointed board must at its first meeting call a district election to be held within 45 days after the meeting.

Under House Bill 4464, the following would apply if agreed to by resolution adopted by each school board before the date of the consolidating election, and if the election was held before June 1, 1997.

-- Within ten days after the official canvas of the election, the intermediate school board would appoint a nine-member board made up of individuals who had been serving on the school boards of the two districts involved in the consolidation. Five of these would be board members from the district with the most pupils and four would be board members from the other district. Within seven days after appointment, each member would have to file with the intermediate superintendent an acceptance of office, accompanied by a written affidavit setting forth the facts of eligibility for office.

-- The term of a board member for the new consolidated district would end on the date that his or her term on the original school board would have expired. A member could seek election to a new term.

-- In each year before 2001 in which the term of a board member expired, a successor would be elected at the annual school election of the consolidated district. A board member so elected would have to be from the same old district as the original member but the election would be by vote of all school electors in the consolidated district. The secretary of the consolidated school board would have to verify the eligibility of a candidate for office.

-- Beginning July 1, 2001, the residency requirements cited above would no longer apply and the board of the consolidated district would consist of seven members elected at large. The members would be elected at the annual school election held in June of 2001 and the terms would be staggered so that one would serve for one year, two for two years, two for three years, and two for four years. The successors to these members would serve four-year terms (unless the terms were subsequently changed). If at the June 2001 school election, the number of terms to be filled would otherwise result in more than seven members on the

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board, then the number of terms filled at that election would be only the number that would result in seven.

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the bill would have no fiscal impact. (Fiscal Note dated 3-7-97)

ARGUMENTS:

For:

The bill would provide a new alternative for the appointment of school board members of a new consolidated district. It would be optional; both boards of the two consolidating districts would have to agree to the appointment method. The bill allows temporarily for a larger school board than would otherwise be appointed and requires representation from the boards of the prior school districts. Beginning in July of 2001, the board would drop back to seven members and all members would be elected district-wide from the consolidated district territory. The bill allows for continuity in leadership and operations in the new district.

POSITIONS:

The Michigan Education Association supports the bill. (3-19-97)

Analyst: C. Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.