

HOUSE SUBSTITUTE FOR SENATE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
SENATE BILL NO. 297

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 402 and 471a (MCL 380.402 and 380.471a),
section 471a as amended by 1982 PA 71, and by adding part 5A and
section 449.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 5A
2 APPOINTMENT OF SCHOOL REFORM BOARDS
3 SEC. 371. AS USED IN THIS PART:
4 (A) "CHIEF EXECUTIVE OFFICER" MEANS THE CHIEF EXECUTIVE
5 OFFICER APPOINTED FOR A QUALIFYING SCHOOL DISTRICT UNDER SECTION
6 374.
7 (B) "MAYOR" MEANS THE MAYOR OF THE CITY IN WHICH A
8 QUALIFYING SCHOOL DISTRICT IS LOCATED.

1 (C) "QUALIFYING SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT OF
2 THE FIRST CLASS UNDER PART 6.

3 SEC. 372. (1) NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE
4 DATE OF THE AMENDATORY ACT THAT ADDED THIS PART, THE MAYOR SHALL
5 APPOINT A SCHOOL REFORM BOARD FOR A QUALIFYING SCHOOL DISTRICT.

6 (2) A SCHOOL REFORM BOARD ESTABLISHED UNDER THIS SECTION
7 SHALL CONSIST OF THE FOLLOWING 7 MEMBERS:

8 (A) SIX MEMBERS APPOINTED BY THE MAYOR.

9 (B) FOR A PERIOD OF 5 YEARS AFTER THE EFFECTIVE DATE OF THE
10 AMENDATORY ACT THAT ADDED THIS PART, THE SUPERINTENDENT OF PUBLIC
11 INSTRUCTION OR HIS OR HER DESIGNEE. AFTER THIS PERIOD, THE MAYOR
12 SHALL APPOINT THE SEVENTH MEMBER OF THE SCHOOL REFORM BOARD.

13 (3) A PERSON WHO IS A CURRENT MEMBER OF THE ELECTED SCHOOL
14 BOARD OF A QUALIFYING SCHOOL DISTRICT IS NOT ELIGIBLE FOR
15 APPOINTMENT AS A MEMBER OF THE SCHOOL REFORM BOARD FOR THAT QUAL-
16 IFYING SCHOOL DISTRICT. SECTION 1101(1) DOES NOT DISQUALIFY ANY
17 PERSON FROM APPOINTMENT TO A SCHOOL REFORM BOARD UNDER THIS SEC-
18 TION OR FROM APPOINTMENT AS AN OFFICER UNDER SECTION 374. [HOWEVER,
AT LEAST A MAJORITY OF THE APPOINTED MEMBERS OF A SCHOOL REFORM
BOARD MUST BE SCHOOL ELECTORS OF THE QUALIFYING SCHOOL DISTRICT.]

19 (4) EXCEPT FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR
20 HIS OR HER DESIGNEE, MEMBERS OF A SCHOOL REFORM BOARD SHALL SERVE
21 AT THE WILL OF THE MAYOR. THE TERM OF AN APPOINTED MEMBER SHALL
22 BE 4 YEARS, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED UNDER
23 SUBSECTION (2)(A), 2 SHALL BE APPOINTED FOR A TERM OF 2 YEARS, 2
24 SHALL BE APPOINTED FOR A TERM OF 3 YEARS, AND 2 SHALL BE
25 APPOINTED FOR A TERM OF 4 YEARS.

26 (5) IF A MEMBER OF A SCHOOL REFORM BOARD IS REMOVED FROM
27 OFFICE BY THE MAYOR OR IS UNABLE TO COMPLETE HIS OR HER TERM, THE

SB0297, As Passed House, March 25, 1999

Senate Bill No. 297

3

1 MAYOR SHALL APPOINT A SUCCESSOR FOR THE BALANCE OF THE UNEXPIRED
2 TERM. AT THE END OF A MEMBER'S TERM, THE MAYOR SHALL APPOINT A
3 SUCCESSOR OR REAPPOINT THE MEMBER.

4 (6) THE MAYOR SHALL CALL THE FIRST MEETING OF THE SCHOOL
5 REFORM BOARD AND SHALL DESIGNATE A CHAIRPERSON OF THE SCHOOL
6 REFORM BOARD FROM AMONG ITS MEMBERS. IF THERE IS A VACANCY IN
7 THE OFFICE OF CHAIRPERSON, THE MAYOR SHALL DESIGNATE A
8 SUCCESSOR.

9 (7) AT THE FIRST MEETING OF THE SCHOOL REFORM BOARD, THE
10 SCHOOL REFORM BOARD MAY ELECT FROM AMONG ITS MEMBERS OTHER OFFI-
11 CERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST
12 MEETING, THE SCHOOL REFORM BOARD SHALL MEET AT LEAST MONTHLY, OR
13 MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY
14 4 OR MORE MEMBERS.

15 (8) A MAJORITY OF THE MEMBERS OF THE SCHOOL REFORM BOARD
16 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING
17 OF THE SCHOOL REFORM BOARD. A MAJORITY OF THE MEMBERS PRESENT
18 AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE SCHOOL REFORM
19 BOARD.

20 (9) MEMBERS OF THE SCHOOL REFORM BOARD SHALL SERVE WITHOUT
21 COMPENSATION. HOWEVER, MEMBERS MAY BE REIMBURSED FOR THEIR
22 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF
23 THEIR OFFICIAL DUTIES AS MEMBERS OF THE SCHOOL REFORM BOARD.

24 SEC. 373. (1) BEGINNING ON THE EFFECTIVE DATE OF THE AMEN-
25 DATORY ACT THAT ADDED THIS PART, THE POWERS AND DUTIES OF THE
26 ELECTED SCHOOL BOARD OF THE QUALIFYING SCHOOL DISTRICT AND OF ITS
27 SECRETARY AND TREASURER ARE SUSPENDED UNLESS AND UNTIL A NEW

1 SCHOOL BOARD IS ELECTED UNDER SECTION 375. HOWEVER, UNTIL THE
2 EXPIRATION OF EACH INDIVIDUAL MEMBER'S CURRENT TERM, THE MEMBERS
3 OF THE ELECTED SCHOOL BOARD OF A QUALIFYING SCHOOL DISTRICT MAY
4 CONTINUE TO MEET AS AN ADVISORY BOARD TO PROVIDE INPUT TO THE
5 SCHOOL REFORM BOARD ON AN ADVISORY BASIS ONLY. NOTWITHSTANDING
6 SECTION 417A OR ANY BOARD POLICY, BYLAW, OR RESOLUTION TO THE
7 CONTRARY, THESE ADVISORY BOARD MEMBERS SHALL SERVE WITHOUT COM-
8 PENSATION OR REIMBURSEMENT, AND FUNDS OF THE QUALIFYING SCHOOL
9 DISTRICT SHALL NOT BE USED TO STAFF OR OTHERWISE SUPPORT THE
10 ADVISORY BOARD IN ANY WAY.

11 (2) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
12 THAT ADDED THIS PART, AND UNTIL APPOINTMENT OF A SCHOOL REFORM
13 BOARD FOR A QUALIFYING SCHOOL DISTRICT UNDER THIS PART, ALL PRO-
14 VISIONS OF THIS ACT THAT WOULD OTHERWISE APPLY TO THE SCHOOL
15 BOARD OF THE QUALIFYING SCHOOL DISTRICT OR TO THE SCHOOL REFORM
16 BOARD OR CHIEF EXECUTIVE OFFICER APPLY TO THE MAYOR, AND THE
17 MAYOR IMMEDIATELY MAY EXERCISE ALL THE POWERS AND DUTIES OTHER-
18 WISE VESTED BY LAW IN THE BOARD OF THE QUALIFYING SCHOOL DISTRICT
19 AND IN ITS SECRETARY AND TREASURER, AND ALL POWERS AND DUTIES OF
20 THE SCHOOL REFORM BOARD OR CHIEF EXECUTIVE OFFICER AS PROVIDED
21 UNDER THIS PART. [WITHIN 30 DAYS AFTER APPOINTING A SCHOOL REFORM
BOARD UNDER THIS PART, THE MAYOR SHALL INITIATE A FINANCIAL AUDIT OF
THE QUALIFYING SCHOOL DISTRICT. THE MAYOR SHALL PROVIDE THE RESULTS
OF THIS AUDIT TO THE SCHOOL REFORM BOARD.]

22 (3) UPON APPOINTMENT OF A SCHOOL REFORM BOARD FOR A QUALIFY-
23 ING SCHOOL DISTRICT UNDER THIS PART, AND UNTIL APPOINTMENT OF A
24 CHIEF EXECUTIVE OFFICER UNDER SECTION 374, ALL PROVISIONS OF THIS
25 ACT THAT WOULD OTHERWISE APPLY TO THE SCHOOL BOARD OF THE QUALI-
26 FYING SCHOOL DISTRICT OR TO THE CHIEF EXECUTIVE OFFICER APPLY TO
27 THE SCHOOL REFORM BOARD, AND THE SCHOOL REFORM BOARD IMMEDIATELY

1 MAY EXERCISE ALL THE POWERS AND DUTIES OTHERWISE VESTED BY LAW IN
2 THE BOARD OF THE QUALIFYING SCHOOL DISTRICT AND IN ITS SECRETARY
3 AND TREASURER, AND ALL POWERS AND DUTIES OF THE CHIEF EXECUTIVE
4 OFFICER AS PROVIDED UNDER THIS PART.

5 (4) UPON APPOINTMENT OF A CHIEF EXECUTIVE OFFICER FOR A
6 QUALIFYING SCHOOL DISTRICT UNDER SECTION 374, ALL PROVISIONS OF
7 THIS ACT THAT WOULD OTHERWISE APPLY TO THE ELECTED SCHOOL BOARD
8 OF THE QUALIFYING SCHOOL DISTRICT APPLY TO THE CHIEF EXECUTIVE
9 OFFICER; THE CHIEF EXECUTIVE OFFICER IMMEDIATELY MAY EXERCISE ALL
10 THE POWERS AND DUTIES OTHERWISE VESTED BY LAW IN THE ELECTED
11 SCHOOL BOARD OF THE QUALIFYING SCHOOL DISTRICT AND IN ITS SECRE-
12 TARY AND TREASURER, AND ALL ADDITIONAL POWERS AND DUTIES PROVIDED
13 UNDER THIS PART; AND THE CHIEF EXECUTIVE OFFICER ACCEDES TO ALL
14 THE RIGHTS, DUTIES, AND OBLIGATIONS OF THE ELECTED SCHOOL BOARD
15 OF THE QUALIFYING SCHOOL DISTRICT. THESE POWERS, RIGHTS, DUTIES,
16 AND OBLIGATIONS INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE
17 FOLLOWING:

18 (A) AUTHORITY OVER THE EXPENDITURE OF ALL SCHOOL DISTRICT
19 FUNDS, INCLUDING PROCEEDS FROM BONDED INDEBTEDNESS AND OTHER
20 FUNDS DEDICATED TO CAPITAL PROJECTS.

21 (B) RIGHTS AND OBLIGATIONS UNDER COLLECTIVE BARGAINING
22 AGREEMENTS AND EMPLOYMENT CONTRACTS ENTERED INTO BY THE ELECTED
23 SCHOOL BOARD, EXCEPT FOR EMPLOYMENT CONTRACTS OF THOSE EMPLOYEES
24 DESCRIBED IN SUBSECTION (6).

25 (C) RIGHTS TO PROSECUTE AND DEFEND LITIGATION.

26 (D) OBLIGATIONS UNDER ANY JUDGMENTS ENTERED AGAINST THE
27 ELECTED SCHOOL BOARD.

1 (E) RIGHTS AND OBLIGATIONS UNDER STATUTE, RULE, AND COMMON
2 LAW.

3 (F) AUTHORITY TO DELEGATE ANY OF THE CHIEF EXECUTIVE
4 OFFICER'S POWERS AND DUTIES TO 1 OR MORE DESIGNEES, WITH PROPER
5 SUPERVISION BY THE SCHOOL REFORM BOARD.

6 (5) IN ADDITION TO HIS OR HER OTHER POWERS, THE CHIEF EXECU-
7 TIVE OFFICER APPOINTED UNDER THIS PART MAY TERMINATE ANY CONTRACT
8 ENTERED INTO BY THE ELECTED SCHOOL BOARD OF THE QUALIFYING SCHOOL
9 DISTRICT EXCEPT FOR [] A COL-
10 LECTIVE BARGAINING AGREEMENT. HOWEVER, THIS SUBSECTION DOES NOT
11 ALLOW ANY TERMINATION OR DIMINISHMENT OF OBLIGATIONS TO PAY DEBT
12 SERVICE ON LEGALLY AUTHORIZED BONDS. A CONTRACT TERMINATED BY A
13 CHIEF EXECUTIVE OFFICER UNDER THIS SUBSECTION IS VOID.

14 (6) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
15 THAT ADDED THIS PART, AND UNTIL APPOINTMENT OF A SCHOOL REFORM
16 BOARD FOR A QUALIFYING SCHOOL DISTRICT UNDER THIS PART, EACH
17 EMPLOYEE OF THE QUALIFYING SCHOOL DISTRICT WHOSE POSITION IS NOT
18 COVERED BY A COLLECTIVE BARGAINING AGREEMENT IS EMPLOYED AT THE
19 WILL OF THE MAYOR. UPON APPOINTMENT OF A SCHOOL REFORM BOARD FOR
20 A QUALIFYING SCHOOL DISTRICT UNDER THIS PART, AND UNTIL APPOINT-
21 MENT OF A CHIEF EXECUTIVE OFFICER UNDER SECTION 374, EACH
22 EMPLOYEE OF THE QUALIFYING SCHOOL DISTRICT WHOSE POSITION IS NOT
23 COVERED BY A COLLECTIVE BARGAINING AGREEMENT IS EMPLOYED AT THE
24 WILL OF THE SCHOOL REFORM BOARD. UPON APPOINTMENT OF A CHIEF
25 EXECUTIVE OFFICER FOR A QUALIFYING SCHOOL DISTRICT UNDER SECTION
26 374, EACH EMPLOYEE OF THE QUALIFYING SCHOOL DISTRICT WHOSE

1 POSITION IS NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT IS
2 EMPLOYED AT THE WILL OF THE CHIEF EXECUTIVE OFFICER.

3 (7) NOT LATER THAN 90 DAYS AFTER THE INITIAL APPOINTMENT OF
4 A CHIEF EXECUTIVE OFFICER UNDER THIS PART, AND AT LEAST ANNUALLY
5 THEREAFTER, THE CHIEF EXECUTIVE OFFICER WITH THE APPROVAL OF THE
6 SCHOOL REFORM BOARD SHALL DEVELOP AND SUBMIT TO THE SCHOOL DIS-
7 TRICT ACCOUNTABILITY BOARD CREATED IN SECTION 376 A SCHOOL DIS-
8 TRICT IMPROVEMENT PLAN THAT INCLUDES AT LEAST DETAILED ACADEMIC,
9 FINANCIAL, CAPITAL, AND OPERATIONAL GOALS AND BENCHMARKS FOR
10 IMPROVEMENT AND A DESCRIPTION OF STRATEGIES TO BE USED TO ACCOM-
11 PLISH THOSE GOALS AND BENCHMARKS. THE PLAN ALSO SHALL INCLUDE AN
12 ASSESSMENT OF AVAILABLE RESOURCES AND RECOMMENDATIONS CONCERNING
13 ADDITIONAL RESOURCES OR CHANGES IN STATUTE OR RULE, IF ANY,
14 NEEDED TO MEET THOSE GOALS AND BENCHMARKS. THE PLAN ALSO SHALL
15 INCLUDE AN EVALUATION OF LOCAL SCHOOL GOVERNANCE ISSUES, INCLUD-
16 ING CRITERIA FOR ESTABLISHING BUILDING-LEVEL GOVERNANCE.

17 (8) A CHIEF EXECUTIVE OFFICER WITH THE APPROVAL OF THE
18 SCHOOL REFORM BOARD FOR THE QUALIFYING SCHOOL DISTRICT SHALL
19 SUBMIT AN ANNUAL REPORT TO THE MAYOR, GOVERNOR, SCHOOL DISTRICT
20 ACCOUNTABILITY BOARD CREATED IN SECTION 376, AND LEGISLATURE AND
21 SHALL MAKE THE ANNUAL REPORT AVAILABLE TO THE COMMUNITY IN THE
22 QUALIFYING SCHOOL DISTRICT. THE ANNUAL REPORT SHALL CONTAIN AT
23 LEAST ALL OF THE FOLLOWING:

24 (A) A SUMMARY OF THE INITIATIVES THAT HAVE BEEN IMPLEMENTED
25 TO IMPROVE SCHOOL QUALITY IN THE QUALIFYING SCHOOL DISTRICT.

26 (B) MEASUREMENTS THAT MAY BE USEFUL IN DETERMINING
27 IMPROVEMENTS IN SCHOOL QUALITY IN THE QUALIFYING SCHOOL

1 DISTRICT. THESE MEASUREMENTS SHALL INDICATE CHANGES FROM
2 BASELINE DATA FROM THE SCHOOL YEAR BEFORE THE APPOINTMENT OF THE
3 SCHOOL REFORM BOARD, AND SHALL INCLUDE AT LEAST ALL OF THE
4 FOLLOWING:

5 (i) STANDARDIZED TEST SCORES OF PUPILS.

6 (ii) DROPOUT RATES.

7 (iii) DAILY ATTENDANCE FIGURES.

8 (iv) ENROLLMENT FIGURES.

9 (v) HIGH SCHOOL COMPLETION AND OTHER PERTINENT COMPLETION
10 RATES.

11 (vi) CHANGES MADE IN COURSE OFFERINGS.

12 (vii) PROPORTION OF SCHOOL DISTRICT RESOURCES DEVOTED TO
13 DIRECT EDUCATIONAL SERVICES.

14 (C) A DESCRIPTION OF LONG-TERM PERFORMANCE GOALS THAT MAY
15 INCLUDE STATEWIDE AVERAGES OR COMPARABLE MEASURES OF LONG-TERM
16 IMPROVEMENT.

[(9) A SCHOOL REFORM BOARD MAY ORGANIZE AND ESTABLISH COMMUNITY ASSISTANCE TEAMS TO WORK WITH THE SCHOOL REFORM BOARD TO IMPLEMENT A COHESIVE, FULL SERVICE COMMUNITY SCHOOL PROGRAM ADDRESSING THE NEEDS AND CONCERNS OF THE QUALIFYING SCHOOL DISTRICT'S POPULATION. THE SCHOOL REFORM BOARD MAY DELEGATE TO A COMMUNITY ASSISTANCE TEAM THE AUTHORITY TO DEVISE AND IMPLEMENT FAMILY, COMMUNITY, CULTURAL, AND RECREATIONAL ACTIVITIES TO ASSURE THAT THE ACADEMIC MISSION OF THE SCHOOLS IS SUCCESSFUL. THE COMMUNITY ASSISTANCE TEAMS MAY ALSO DEVELOP PARENTAL INVOLVEMENT ACTIVITIES THAT FOCUS ON THE ENCOURAGEMENT OF VOLUNTARY PARENTING EDUCATION, ENHANCING PARENT AND FAMILY INVOLVEMENT IN EDUCATION, AND PROMOTING ADULT AND FAMILY LITERACY.]

17 [(10)] THE MAYOR, SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE
18 BOARD, SCHOOL DISTRICT ACCOUNTABILITY BOARD CREATED IN
19 SECTION 376, THIS STATE, THE CITY IN WHICH A QUALIFYING SCHOOL
20 DISTRICT IS LOCATED, A SCHOOL REFORM BOARD ESTABLISHED UNDER THIS
21 PART, OR A CHIEF EXECUTIVE OFFICER OR OTHER OFFICER APPOINTED
22 UNDER SECTION 374 IS NOT LIABLE FOR ANY OBLIGATION OF OR CLAIM
23 AGAINST A QUALIFYING SCHOOL DISTRICT RESULTING FROM AN ACTION
24 TAKEN UNDER THIS PART.

25 SEC. 374. (1) NOT LATER THAN 30 DAYS AFTER THE SCHOOL
26 REFORM BOARD IS APPOINTED, A SCHOOL REFORM BOARD ESTABLISHED
27 UNDER THIS PART SHALL APPOINT FOR THE QUALIFYING SCHOOL DISTRICT

1 A CHIEF EXECUTIVE OFFICER. THE APPOINTMENT OF A CHIEF EXECUTIVE
2 OFFICER MUST BE BY A UNANIMOUS VOTE OF THE SCHOOL REFORM BOARD.
3 THE CHIEF EXECUTIVE OFFICER IS EMPLOYED AT THE WILL OF THE SCHOOL
4 REFORM BOARD AND HAS THE POWERS AND DUTIES PROVIDED UNDER THIS
5 PART.

6 (2) THE CHIEF EXECUTIVE OFFICER, WITH THE APPROVAL OF THE
7 SCHOOL REFORM BOARD, SHALL APPOINT FOR THE QUALIFYING SCHOOL DIS-
8 TRICT A CHIEF FINANCIAL OFFICER, CHIEF ACADEMIC OFFICER, CHIEF
9 OPERATIONS OFFICER, AND CHIEF PURCHASING OFFICER. THESE OFFICERS
10 ARE EMPLOYED AT THE WILL OF THE CHIEF EXECUTIVE OFFICER.

11 (3) IF A VACANCY OCCURS IN A POSITION DESCRIBED IN THIS SEC-
12 TION, A SUCCESSOR SHALL BE APPOINTED IN THE SAME MANNER AS THE
13 ORIGINAL APPOINTMENT.

14 SEC. 374A. FOR A PERIOD OF 1 YEAR AFTER LEAVING OFFICE, A
15 MEMBER OF A SCHOOL REFORM BOARD APPOINTED UNDER THIS PART OR A
16 CHIEF EXECUTIVE OFFICER OF A QUALIFYING SCHOOL DISTRICT OR
17 ANOTHER OFFICER APPOINTED UNDER SECTION 374 IS INELIGIBLE FOR
18 ELECTION OR APPOINTMENT TO ANY ELECTIVE OFFICE OF THE QUALIFYING
19 SCHOOL DISTRICT OR OF THE CITY IN WHICH THE QUALIFYING SCHOOL
20 DISTRICT IS LOCATED.

21 SEC. 375. (1) AFTER THE EXPIRATION OF 5 YEARS AFTER THE
22 INITIAL APPOINTMENT OF A SCHOOL REFORM BOARD IN A QUALIFYING
23 SCHOOL DISTRICT UNDER THIS PART, THE QUESTION OF WHETHER TO
24 RETAIN THE SCHOOL REFORM BOARD AND THE CHIEF EXECUTIVE OFFICER
25 AND THE AUTHORITY UNDER THIS PART TO APPOINT THE SCHOOL REFORM
26 BOARD AND THE CHIEF EXECUTIVE OFFICER SHALL BE PLACED ON THE
27 BALLOT IN THE QUALIFYING SCHOOL DISTRICT UNDER THIS SECTION.

1 (2) THE QUESTION UNDER SUBSECTION (1) SHALL BE PLACED ON THE
2 BALLOT IN THE QUALIFYING SCHOOL DISTRICT AT THE NEXT NOVEMBER
3 GENERAL ELECTION OCCURRING AT LEAST 90 DAYS AFTER THE EXPIRATION
4 OF 5 YEARS AFTER THE DATE OF THE INITIAL APPOINTMENT OF THE
5 SCHOOL REFORM BOARD.

6 (3) THE QUESTION UNDER SUBSECTION (1) SHALL BE IN SUBSTAN-
7 Tially THE FOLLOWING FORM:

8 "SHALL THE SCHOOL REFORM BOARD AND CHIEF EXECUTIVE OFFICER
9 SERVING IN _____ (NAME OF QUALIFYING SCHOOL DISTRICT)
10 UNDER PART 5A OF THE REVISED SCHOOL CODE BE RETAINED AND SHALL
11 THE MAYOR OF _____ (NAME OF CITY IN WHICH THE SCHOOL
12 DISTRICT IS LOCATED) RETAIN THE AUTHORITY TO APPOINT MEMBERS OF
13 THE SCHOOL REFORM BOARD? A VOTE IN THE AFFIRMATIVE CONTINUES THE
14 SCHOOL REFORM BOARD AND CHIEF EXECUTIVE OFFICER IN PLACE IN THE
15 SCHOOL DISTRICT AND CONTINUES THE AUTHORITY OF THE MAYOR TO
16 APPOINT MEMBERS OF THE SCHOOL REFORM BOARD. A VOTE IN THE NEGA-
17 TIVE WILL RESULT IN THE ELECTION OF A NEW ELECTED SCHOOL BOARD AS
18 THE GOVERNING BODY OF THE SCHOOL DISTRICT AND WILL RENDER THE
19 PROVISIONS OF LAW ESTABLISHING AUTHORITY TO APPOINT A SCHOOL
20 REFORM BOARD INAPPLICABLE FOR THIS SCHOOL DISTRICT.

21 YES ()

22 NO ()" .

23 (4) IF THE QUESTION UNDER SUBSECTION (1) IS APPROVED BY A
24 MAJORITY OF THE SCHOOL ELECTORS VOTING ON THE QUESTION EITHER
25 UNDER SUBSECTION (1) OR PURSUANT TO SUBDIVISION (C), ALL OF THE
26 FOLLOWING APPLY:

1 (A) THE SCHOOL REFORM BOARD AND CHIEF EXECUTIVE OFFICER
2 CONTINUE IN PLACE IN THE QUALIFYING SCHOOL DISTRICT.

3 (B) THE AUTHORITY OF THE MAYOR TO APPOINT MEMBERS OF THE
4 SCHOOL REFORM BOARD CONTINUES IN THE QUALIFYING SCHOOL DISTRICT.

5 (C) THE QUESTION MAY NOT BE PLACED ON THE BALLOT AGAIN IN
6 THE QUALIFYING SCHOOL DISTRICT UNTIL THE EXPIRATION OF 5 YEARS
7 AFTER THE ELECTION AT WHICH THE QUESTION WAS APPROVED. THE QUES-
8 TION MAY BE PLACED ON THE BALLOT AGAIN IN THE QUALIFYING SCHOOL
9 DISTRICT UNDER THIS SUBDIVISION IF PETITIONS CALLING FOR THE
10 QUESTION TO BE PLACED ON THE BALLOT ARE FILED WITH THE COUNTY
11 CLERK FOR THE COUNTY IN WHICH THE QUALIFYING SCHOOL DISTRICT IS
12 LOCATED NOT SOONER THAN 4 YEARS AFTER THE QUESTION WAS MOST
13 RECENTLY ON THE BALLOT AND IF THE PETITIONS ARE SIGNED BY A
14 NUMBER OF SCHOOL ELECTORS OF THE QUALIFYING SCHOOL DISTRICT AT
15 LEAST EQUAL TO 10% OF THE NUMBER OF VOTES CAST WITHIN THE CITY IN
16 WHICH THE QUALIFYING SCHOOL DISTRICT IS LOCATED FOR SECRETARY OF
17 STATE IN THE MOST RECENT NOVEMBER GENERAL ELECTION IN WHICH A
18 SECRETARY OF STATE WAS ELECTED. IF THOSE PETITIONS ARE SUBMITTED
19 AND VERIFIED, THE QUESTION SHALL BE PLACED ON THE BALLOT IN THE
20 QUALIFYING SCHOOL DISTRICT AT THE NEXT NOVEMBER GENERAL ELECTION
21 OCCURRING AT LEAST 5 YEARS AFTER THE QUESTION WAS MOST RECENTLY
22 ON THE BALLOT AND AT LEAST 90 DAYS AFTER THE PETITIONS ARE SUB-
23 MITTED AND VERIFIED.

24 (5) IF THE QUESTION UNDER SUBSECTION (1) IS NOT APPROVED BY
25 A MAJORITY OF THE SCHOOL ELECTORS VOTING ON THE QUESTION EITHER
26 UNDER SUBSECTION (1) OR PURSUANT TO SUBSECTION (4)(C), ALL OF THE
27 FOLLOWING APPLY:

1 (A) THE SCHOOL REFORM BOARD SHALL ARRANGE WITH LOCAL
2 ELECTIONS OFFICIALS FOR ELECTION OF A NEW ELECTED SCHOOL BOARD
3 FOR THE SCHOOL DISTRICT. THIS ELECTION SHALL BE AT A SPECIAL
4 ELECTION HELD AS SOON AS PRACTICABLE, BUT NOT SOONER THAN 90 DAYS
5 AFTER THE ELECTION UNDER SUBSECTION (1). THIS ELECTION SHALL BE
6 CONDUCTED IN THE MANNER OTHERWISE PROVIDED UNDER THIS ACT FOR AN
7 INITIAL SCHOOL BOARD ELECTION IN A NEWLY FORMED FIRST CLASS
8 SCHOOL DISTRICT.

9 (B) EFFECTIVE ON THE NEXT JULY 1 FOLLOWING THE ELECTION
10 UNDER SUBDIVISION (A), THE NEW ELECTED SCHOOL BOARD OF THE QUALI-
11 FYING SCHOOL DISTRICT SHALL SERVE AS THE GOVERNING BODY OF THE
12 QUALIFYING SCHOOL DISTRICT AND THIS ELECTED SCHOOL BOARD AND ITS
13 SECRETARY AND TREASURER SHALL BE FULLY VESTED WITH ALL POWERS AND
14 DUTIES THAT THOSE OFFICIALS HAD BEFORE THE APPOINTMENT OF THE
15 SCHOOL REFORM BOARD.

16 (C) EFFECTIVE ON THE NEXT JULY 1 FOLLOWING THE ELECTION
17 UNDER SUBDIVISION (A), THE POWERS OF THE SCHOOL REFORM BOARD
18 ESTABLISHED FOR THE QUALIFYING SCHOOL DISTRICT UNDER THIS PART,
19 OF THE CHIEF EXECUTIVE OFFICER, AND OF ALL OTHER OFFICERS
20 APPOINTED UNDER SECTION 374 CEASE.

21 (D) EFFECTIVE ON THE NEXT JULY 1 FOLLOWING THE ELECTION
22 UNDER SUBDIVISION (A), THE PROVISIONS OF THIS PART DO NOT APPLY
23 TO THAT QUALIFYING SCHOOL DISTRICT.

24 SEC. 376. (1) THE SCHOOL DISTRICT ACCOUNTABILITY BOARD IS
25 CREATED IN THE DEPARTMENT. THE SCHOOL DISTRICT ACCOUNTABILITY
26 BOARD CONSISTS OF THE FOLLOWING 5 MEMBERS:

1 (A) THE SUPERINTENDENT OF PUBLIC INSTRUCTION.
2 (B) THE STATE TREASURER.
3 (C) THE STATE BUDGET DIRECTOR.
4 (D) TWO MEMBERS OF THE GENERAL PUBLIC APPOINTED BY THE GOV-
5 ERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.
6 (2) THE STATE TREASURER SHALL SERVE AS CHAIRPERSON OF THE
7 SCHOOL DISTRICT ACCOUNTABILITY BOARD.
8 (3) THE SCHOOL DISTRICT ACCOUNTABILITY BOARD SHALL DO ALL OF
9 THE FOLLOWING WITH RESPECT TO A QUALIFYING SCHOOL DISTRICT IN
10 WHICH A SCHOOL REFORM BOARD HAS BEEN ESTABLISHED UNDER THIS
11 PART:
12 (A) RECEIVE AND REVIEW THE DISTRICT IMPROVEMENT PLAN SUBMIT-
13 TED UNDER SECTION 373.
14 (B) MONITOR THE PROGRESS BEING MADE BY THE SCHOOL REFORM
15 BOARD IN ACHIEVING THE GOALS AND BENCHMARKS IDENTIFIED IN THE
16 DISTRICT IMPROVEMENT PLAN SUBMITTED UNDER SECTION 373.
17 (C) BASED ON THE EXPERIENCE OF THE SCHOOL REFORM BOARD IN
18 ITS EFFORTS TO ACHIEVE REFORM, MAKE RECOMMENDATIONS TO THE GOVER-
19 NOR FOR ADDITIONAL RESOURCES FOR THE QUALIFYING SCHOOL DISTRICT
20 AND ON CHANGES IN STATUTE OR RULE, IF ANY, NEEDED TO ACHIEVE
21 REFORM.
22 (4) THE POWERS AND DUTIES OF THE SCHOOL DISTRICT ACCOUNT-
23 ABILITY BOARD ARE LIMITED TO A QUALIFYING SCHOOL DISTRICT IN
24 WHICH A SCHOOL REFORM BOARD IS IN PLACE.
25 (5) THE BUSINESS THAT THE SCHOOL DISTRICT ACCOUNTABILITY
26 BOARD MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE

1 SCHOOL DISTRICT ACCOUNTABILITY BOARD HELD IN COMPLIANCE WITH THE
2 OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

3 (6) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
4 OR RETAINED BY THE SCHOOL DISTRICT ACCOUNTABILITY BOARD IN THE
5 PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF
6 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

7 Sec. 402. A school district ~~which attains~~ THAT HAS a pupil
8 membership of ~~120,000~~ AT LEAST 100,000 enrolled on the ~~latest~~
9 MOST RECENT pupil membership count day ~~shall become~~ IS a single
10 FIRST CLASS school district governed by this part.

11 SEC. 449. ALL POWERS AND DUTIES OF THE SCHOOL BOARD OF THE
12 FIRST CLASS SCHOOL DISTRICT AND OF ITS OFFICERS ARE SUBJECT TO
13 PART 5A.

14 Sec. 471a. (1) The first class school district board may
15 appoint a superintendent of schools for a term not exceeding 6
16 years pursuant to the first class school district board's
17 bylaws. ~~The person appointed shall meet the qualifications pre-~~
18 ~~scribed in section 1246.~~ The board may employ assistant superin-
19 tendents, principals, assistant principals, guidance directors,
20 and other administrators who do not assume tenure in position for
21 a term, not to exceed 3 years, fixed by the board and shall
22 define their duties. Administrative and personnel services shall
23 be provided on a centralized basis throughout the first class
24 school district and shall not be established on a voting district
25 basis. The employment shall be under written contract.
26 Notification of nonrenewal of contract shall be given in writing
27 not less than 90 days before the termination date of the contract

1 of a superintendent of schools, and at least 60 days before the
2 termination date of the contract of other administrators
3 described in this subsection. If notification of nonrenewal is
4 not given as required in this subsection, the contract is renewed
5 for an additional 1-year period.

6 (2) A notification of nonrenewal of a contract of a person
7 described in this section may be given only for a reason that is
8 not arbitrary or capricious. The board shall not issue a notice
9 of nonrenewal under this section unless the affected person has
10 been provided with not less than 30 days' advance notice that the
11 board is considering the nonrenewal together with a written
12 statement of the reasons the board is considering the
13 nonrenewal. After the issuance of the written statement, but
14 before the nonrenewal statement is issued, the affected person
15 shall be given the opportunity to meet with not less than a
16 majority of the board to discuss the reasons stated in the writ-
17 ten statement. The meeting shall be open to the public or a
18 closed session as the affected person elects under section 8 of
19 the open meetings act, ~~Act No. 267 of the Public Acts of 1976,~~
20 ~~being section 15.268 of the Michigan Compiled Laws~~ 1976 PA 267,
21 MCL 15.268. The failure to provide for a meeting with the board
22 or the finding of a court that the reason for nonrenewal is arbi-
23 trary or capricious shall result in the renewal of the affected
24 person's contract for an additional 1-year period. This subsec-
25 tion does not apply to the nonrenewal of the contract of a super-
26 intendent of schools.

1 (3) Except for certification requirements determined by the
2 state board, the first class school district board shall have
3 full power over employees and may specify the duties to be per-
4 formed by them and fix the qualifications necessary for a
5 position. The qualifications shall not conflict with the rules,
6 regulations, or licensing laws of the state, county, or munici-
7 pality governing qualifications of engineers or members of other
8 trades.

9 (4) THIS SECTION IS SUBJECT TO PART 5A.