

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.

SB 297, As Passed Senate, March 18, 1999

Senate Bill No. 297

2

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 APPOINTED UNDER THIS SECTION SHALL
7 CONSIST OF THE FOLLOWING 7 MEMBERS:

8 (A) SUBJECT TO SUBDIVISION (B), 6 MEMBERS APPOINTED BY THE
9 MAYOR.

10 (B) FOR A PERIOD OF 1 YEAR AFTER THE EFFECTIVE DATE OF THE
11 AMENDATORY ACT THAT ADDED THIS PART, THE SUPERINTENDENT OF PUBLIC
12 INSTRUCTION OR HIS OR HER DESIGNEE. AFTER THIS PERIOD, THE MAYOR
13 SHALL APPOINT THE SEVENTH MEMBER OF THE SCHOOL REFORM BOARD.

14 (3) A PERSON WHO IS A CURRENT MEMBER OF THE ELECTED SCHOOL
15 BOARD OF A QUALIFYING SCHOOL DISTRICT IS NOT ELIGIBLE FOR
16 APPOINTMENT AS A MEMBER OF THE SCHOOL REFORM BOARD FOR THAT QUAL-
17 IFYING SCHOOL DISTRICT. SECTION 1101(1) DOES NOT DISQUALIFY ANY
18 PERSON FROM APPOINTMENT TO A SCHOOL REFORM BOARD UNDER THIS SEC-
19 TION OR FROM APPOINTMENT AS AN OFFICER UNDER SECTION 374.

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

SB 297, As Passed Senate, March 18, 1999

Senate Bill No. 297

3

1 (5) IF A MEMBER OF A SCHOOL REFORM BOARD IS REMOVED FROM
2 OFFICE BY THE MAYOR OR IS UNABLE TO COMPLETE HIS OR HER TERM, THE
3 MAYOR SHALL APPOINT A SUCCESSOR FOR THE BALANCE OF THE UNEXPIRED
4 TERM. AT THE END OF A MEMBER'S TERM, THE MAYOR SHALL APPOINT A
5 SUCCESSOR OR REAPPOINT THE MEMBER.

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

11 (7) AT THE FIRST MEETING OF THE SCHOOL REFORM BOARD, THE
12 SCHOOL REFORM BOARD MAY ELECT FROM AMONG ITS MEMBERS OTHER OFFI-
13 CERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST
14 MEETING, THE SCHOOL REFORM BOARD SHALL MEET AT LEAST MONTHLY, OR
15 MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY
16 4 OR MORE MEMBERS.

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

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

26 SEC. 373. (1) BEGINNING ON THE EFFECTIVE DATE OF THE
27 AMENDATORY ACT THAT ADDED THIS PART, THE POWERS AND DUTIES OF THE

SB 297, As Passed Senate, March 18, 1999

Senate Bill No. 297

4

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

13 (2) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
14 THAT ADDED THIS PART, AND UNTIL APPOINTMENT OF A SCHOOL REFORM
15 BOARD FOR A QUALIFYING SCHOOL DISTRICT UNDER THIS PART, ALL PRO-
16 VISIONS OF THIS ACT THAT WOULD OTHERWISE APPLY TO THE SCHOOL
17 BOARD OF THE QUALIFYING SCHOOL DISTRICT OR TO THE SCHOOL REFORM
18 BOARD OR CHIEF EXECUTIVE OFFICER APPLY TO THE MAYOR, AND THE
19 MAYOR IMMEDIATELY MAY EXERCISE ALL THE POWERS AND DUTIES OTHER-
20 WISE VESTED BY LAW IN THE BOARD OF THE QUALIFYING SCHOOL DISTRICT
21 AND IN ITS SECRETARY AND TREASURER, AND ALL POWERS AND DUTIES OF
22 THE SCHOOL REFORM BOARD OR CHIEF EXECUTIVE OFFICER AS PROVIDED
23 UNDER THIS PART.

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

SB 297, As Passed Senate, March 18, 1999

Senate Bill No. 297

5

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

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

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

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

SB 297, As Passed Senate, March 18, 1999

Senate Bill No. 297

6

1 (C) RIGHTS TO PROSECUTE AND DEFEND LITIGATION.

2 (D) OBLIGATIONS UNDER ANY JUDGMENTS ENTERED AGAINST THE
3 ELECTED SCHOOL BOARD.

4 (E) RIGHTS AND OBLIGATIONS UNDER STATUTE, RULE, AND COMMON
5 LAW.

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

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

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

SB 297, As Passed Senate, March 18, 1999

Senate Bill No. 297

7

1 EXECUTIVE OFFICER FOR A QUALIFYING SCHOOL DISTRICT UNDER SECTION
2 374, EACH EMPLOYEE OF THE QUALIFYING SCHOOL DISTRICT WHOSE POSI-
3 TION IS NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT IS
4 EMPLOYED AT THE WILL OF THE CHIEF EXECUTIVE OFFICER.

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

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

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

1 (B) MEASUREMENTS THAT MAY BE USEFUL IN DETERMINING
2 IMPROVEMENTS IN SCHOOL QUALITY IN THE QUALIFYING SCHOOL
3 DISTRICT. THESE MEASUREMENTS SHALL INDICATE CHANGES FROM BASE-
4 LINE DATA FROM THE SCHOOL YEAR BEFORE THE APPOINTMENT OF THE
5 SCHOOL REFORM BOARD, AND SHALL INCLUDE AT LEAST ALL OF THE
6 FOLLOWING:

7 (i) STANDARDIZED TEST SCORES OF PUPILS.

8 (ii) DROPOUT RATES.

9 (iii) DAILY ATTENDANCE FIGURES.

10 (iv) ENROLLMENT FIGURES.

11 (v) HIGH SCHOOL COMPLETION AND OTHER PERTINENT COMPLETION
12 RATES.

13 (vi) CHANGES MADE IN COURSE OFFERINGS.

14 (vii) PROPORTION OF SCHOOL DISTRICT RESOURCES DEVOTED TO
15 DIRECT EDUCATIONAL SERVICES.

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

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

SB 297, As Passed Senate, March 18, 1999

Senate Bill No. 297

9

1 SEC. 374. (1) NOT LATER THAN 30 DAYS AFTER THE SCHOOL
2 REFORM BOARD IS APPOINTED, A SCHOOL REFORM BOARD APPOINTED UNDER
3 THIS PART SHALL APPOINT FOR THE QUALIFYING SCHOOL DISTRICT A
4 CHIEF EXECUTIVE OFFICER. THE CHIEF EXECUTIVE OFFICER IS EMPLOYED
5 AT THE WILL OF THE SCHOOL REFORM BOARD AND HAS THE POWERS AND
6 DUTIES PROVIDED UNDER THIS PART.

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

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

15 SEC. 375. (1) AFTER THE EXPIRATION OF 5 YEARS AFTER THE
16 INITIAL APPOINTMENT OF A SCHOOL REFORM BOARD IN A QUALIFYING
17 SCHOOL DISTRICT UNDER THIS PART, THE QUESTION OF WHETHER TO
18 RETAIN THE SCHOOL REFORM BOARD AND THE CHIEF EXECUTIVE OFFICER
19 AND THE AUTHORITY UNDER THIS PART TO APPOINT THE SCHOOL REFORM
20 BOARD AND THE CHIEF EXECUTIVE OFFICER SHALL BE PLACED ON THE
21 BALLOT IN THE QUALIFYING SCHOOL DISTRICT UNDER THIS SECTION.

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

SB 297, As Passed Senate, March 18, 1999

Senate Bill No. 297

10

1 (3) THE QUESTION UNDER SUBSECTION (1) SHALL BE IN

2 SUBSTANTIALLY THE FOLLOWING FORM:

3 "SHALL THE SCHOOL REFORM BOARD AND CHIEF EXECUTIVE OFFICER

4 SERVING IN _____ (NAME OF QUALIFYING SCHOOL DISTRICT)

5 UNDER PART 5A OF THE REVISED SCHOOL CODE BE RETAINED AND SHALL

6 THE MAYOR OF _____ (NAME OF CITY IN WHICH THE SCHOOL

7 DISTRICT IS LOCATED) RETAIN THE AUTHORITY TO APPOINT MEMBERS OF

8 THE SCHOOL REFORM BOARD? A VOTE IN THE AFFIRMATIVE CONTINUES THE

9 SCHOOL REFORM BOARD AND CHIEF EXECUTIVE OFFICER IN PLACE IN THE

10 SCHOOL DISTRICT AND CONTINUES THE AUTHORITY OF THE MAYOR TO

11 APPOINT MEMBERS OF THE SCHOOL REFORM BOARD. A VOTE IN THE NEGA-

12 TIVE WILL RESULT IN THE ELECTION OF A NEW ELECTED SCHOOL BOARD AS

13 THE GOVERNING BODY OF THE SCHOOL DISTRICT AND WILL RENDER THE

14 PROVISIONS OF LAW ESTABLISHING AUTHORITY TO APPOINT A SCHOOL

15 REFORM BOARD INAPPLICABLE FOR THIS SCHOOL DISTRICT.

16 YES ()

17 NO ()" .

18 (4) IF THE QUESTION UNDER SUBSECTION (1) IS APPROVED BY A

19 MAJORITY OF THE SCHOOL ELECTORS VOTING ON THE QUESTION EITHER

20 UNDER SUBSECTION (1) OR PURSUANT TO SUBDIVISION (C), ALL OF THE

21 FOLLOWING APPLY:

22 (A) THE SCHOOL REFORM BOARD AND CHIEF EXECUTIVE OFFICER CON-

23 TINUE IN PLACE IN THE QUALIFYING SCHOOL DISTRICT.

24 (B) THE AUTHORITY OF THE MAYOR TO APPOINT MEMBERS OF THE

25 SCHOOL REFORM BOARD CONTINUES IN THE QUALIFYING SCHOOL DISTRICT.

26 (C) THE QUESTION MAY NOT BE PLACED ON THE BALLOT AGAIN IN

27 THE QUALIFYING SCHOOL DISTRICT UNTIL THE EXPIRATION OF 5 YEARS

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

18 (5) IF THE QUESTION UNDER SUBSECTION (1) IS NOT APPROVED BY
19 A MAJORITY OF THE SCHOOL ELECTORS VOTING ON THE QUESTION EITHER
20 UNDER SUBSECTION (1) OR PURSUANT TO SUBSECTION (4)(C), ALL OF THE
21 FOLLOWING APPLY:

22 (A) THE SCHOOL REFORM BOARD SHALL ARRANGE WITH LOCAL ELEC-
23 TIONS OFFICIALS FOR ELECTION OF A NEW ELECTED SCHOOL BOARD FOR
24 THE SCHOOL DISTRICT. THIS ELECTION SHALL BE AT A SPECIAL ELEC-
25 TION HELD AS SOON AS PRACTICABLE, BUT NOT SOONER THAN 90 DAYS
26 AFTER THE ELECTION UNDER SUBSECTION (1). THIS ELECTION SHALL BE
27 CONDUCTED IN THE MANNER OTHERWISE PROVIDED UNDER THIS ACT FOR AN

SB 297, As Passed Senate, March 18, 1999

Senate Bill No. 297

12

1 INITIAL SCHOOL BOARD ELECTION IN A NEWLY FORMED FIRST CLASS
2 SCHOOL DISTRICT.

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

10 (C) EFFECTIVE ON THE NEXT JULY 1 FOLLOWING THE ELECTION
11 UNDER SUBDIVISION (A), THE POWERS OF THE SCHOOL REFORM BOARD
12 APPOINTED FOR THE QUALIFYING SCHOOL DISTRICT UNDER THIS PART, OF
13 THE CHIEF EXECUTIVE OFFICER, AND OF ALL OTHER OFFICERS APPOINTED
14 UNDER SECTION 374 CEASE.

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

18 SEC. 376. (1) THE SCHOOL DISTRICT ACCOUNTABILITY BOARD IS
19 CREATED IN THE DEPARTMENT. THE SCHOOL DISTRICT ACCOUNTABILITY
20 BOARD CONSISTS OF THE FOLLOWING 5 MEMBERS:

21 (A) THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

22 (B) THE STATE TREASURER.

23 (C) THE STATE BUDGET DIRECTOR.

24 (D) TWO MEMBERS OF THE GENERAL PUBLIC APPOINTED BY THE GOV-
25 ERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

26 (2) THE STATE TREASURER SHALL SERVE AS CHAIRPERSON OF THE
27 SCHOOL DISTRICT ACCOUNTABILITY BOARD.

SB 297, As Passed Senate, March 18, 1999

Senate Bill No. 297

13

1 (3) THE SCHOOL DISTRICT ACCOUNTABILITY BOARD SHALL DO ALL OF
2 THE FOLLOWING WITH RESPECT TO A QUALIFYING SCHOOL DISTRICT IN
3 WHICH A SCHOOL REFORM BOARD HAS BEEN APPOINTED UNDER THIS PART:

4 (A) RECEIVE AND REVIEW THE DISTRICT IMPROVEMENT PLAN SUBMIT-
5 TED UNDER SECTION 373.

6 (B) MONITOR THE PROGRESS BEING MADE BY THE SCHOOL REFORM
7 BOARD IN ACHIEVING THE GOALS AND BENCHMARKS IDENTIFIED IN THE
8 DISTRICT IMPROVEMENT PLAN SUBMITTED UNDER SECTION 373.

9 (C) BASED ON THE EXPERIENCE OF THE SCHOOL REFORM BOARD IN
10 ITS EFFORTS TO ACHIEVE REFORM, MAKE RECOMMENDATIONS TO THE GOVER-
11 NOR FOR ADDITIONAL RESOURCES FOR THE QUALIFYING SCHOOL DISTRICT
12 AND ON CHANGES IN STATUTE OR RULE, IF ANY, NEEDED TO ACHIEVE
13 REFORM.

14 (4) THE POWERS AND DUTIES OF THE SCHOOL DISTRICT ACCOUNT-
15 ABILITY BOARD ARE LIMITED TO A QUALIFYING SCHOOL DISTRICT IN
16 WHICH A SCHOOL REFORM BOARD IS IN PLACE.

17 (5) THE BUSINESS THAT THE SCHOOL DISTRICT ACCOUNTABILITY
18 BOARD MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE
19 SCHOOL DISTRICT ACCOUNTABILITY BOARD HELD IN COMPLIANCE WITH THE
20 OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

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

25 Sec. 402. A school district ~~which attains~~ THAT HAS a pupil
26 membership of ~~120,000~~ AT LEAST 100,000 enrolled on the ~~latest~~

1 MOST RECENT pupil membership count day ~~shall become~~ IS a single
2 FIRST CLASS school district governed by this part.

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

6 Sec. 471a. (1) The first class school district board may
7 appoint a superintendent of schools for a term not exceeding 6
8 years pursuant to the first class school district board's
9 bylaws. ~~The person appointed shall meet the qualifications pre-~~
10 ~~scribed in section 1246.~~ The board may employ assistant superin-
11 tendents, principals, assistant principals, guidance directors,
12 and other administrators who do not assume tenure in position for
13 a term, not to exceed 3 years, fixed by the board and shall
14 define their duties. Administrative and personnel services shall
15 be provided on a centralized basis throughout the first class
16 school district and shall not be established on a voting district
17 basis. The employment shall be under written contract.
18 Notification of nonrenewal of contract shall be given in writing
19 not less than 90 days before the termination date of the contract
20 of a superintendent of schools, and at least 60 days before the
21 termination date of the contract of other administrators
22 described in this subsection. If notification of nonrenewal is
23 not given as required in this subsection, the contract is renewed
24 for an additional 1-year period.

25 (2) A notification of nonrenewal of a contract of a person
26 described in this section may be given only for a reason that is
27 not arbitrary or capricious. The board shall not issue a notice

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

19 (3) Except for certification requirements determined by the
20 state board, the first class school district board shall have
21 full power over employees and may specify the duties to be per-
22 formed by them and fix the qualifications necessary for a
23 position. The qualifications shall not conflict with the rules,
24 regulations, or licensing laws of the state, county, or munici-
25 pality governing qualifications of engineers or members of other
26 trades.

SB 297, As Passed Senate, March 18, 1999

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