

SENATE BILL NO. 297

February 10, 1999, Introduced by Senators DE GROW, EMERSON,
Steil and Sikkema and referred to the Committee on
Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 14, 402, and 471a (MCL 380.14, 380.402, and
380.471a), section 14 as added by 1998 PA 406 and 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 Sec. 14. A petition under ~~sections~~ SECTION 11a, 375,
2 411a, 412a, 503, 513, 614, 617, 690, 701, 853, 860, 931, 1026,
3 1032, or 1066, including the circulation and signing of the peti-
4 tion, is subject to section 488 of the Michigan election law,
5 1954 PA 116, MCL 168.488. A person who violates a provision of
6 the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992,
7 applicable to a petition described in this section is subject to
8 the penalties prescribed for that violation in the Michigan
9 election law, 1954 PA 116, MCL 168.1 to 168.992.

PART 5A

APPOINTMENT OF REFORM SCHOOL BOARDS

SEC. 371. AS USED IN THIS PART:

(A) "MAYOR" MEANS THE MAYOR OF THE CITY IN WHICH A QUALIFYING SCHOOL DISTRICT IS LOCATED.

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

SEC. 372. (1) THE MAYOR SHALL APPOINT A REFORM SCHOOL BOARD FOR A QUALIFYING SCHOOL DISTRICT.

(2) A REFORM SCHOOL BOARD APPOINTED UNDER THIS SECTION SHALL CONSIST OF 5 MEMBERS APPOINTED ACCORDING TO THIS SECTION.

(3) MEMBERS OF A REFORM SCHOOL BOARD SHALL SERVE FOR TERMS OF 4 YEARS, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED 1 SHALL BE APPOINTED FOR A TERM OF 1 YEAR, 1 SHALL BE APPOINTED FOR A TERM OF 2 YEARS, 1 SHALL BE APPOINTED FOR A TERM OF 3 YEARS, AND 2 SHALL BE APPOINTED FOR A TERM OF 4 YEARS.

(4) IF A MEMBER OF A REFORM SCHOOL BOARD IS UNABLE TO COMPLETE HIS OR HER TERM, THE MAYOR SHALL APPOINT A SUCCESSOR FOR THE BALANCE OF THE UNEXPIRED TERM.

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

(6) AT THE FIRST MEETING OF THE REFORM SCHOOL BOARD, THE REFORM SCHOOL BOARD MAY ELECT FROM AMONG ITS MEMBERS OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE

1 FIRST MEETING, THE REFORM SCHOOL BOARD SHALL MEET AT LEAST
2 MONTHLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF
3 REQUESTED BY 3 OR MORE MEMBERS.

4 (7) A MAJORITY OF THE MEMBERS OF THE REFORM SCHOOL BOARD
5 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING
6 OF THE REFORM SCHOOL BOARD. A MAJORITY OF THE MEMBERS PRESENT
7 AND SERVING ARE REQUIRED FOR OFFICIAL ACTION OF THE REFORM SCHOOL
8 BOARD.

9 (8) MEMBERS OF THE REFORM SCHOOL BOARD SHALL SERVE WITHOUT
10 COMPENSATION. HOWEVER, MEMBERS MAY BE REIMBURSED FOR THEIR
11 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF
12 THEIR OFFICIAL DUTIES AS MEMBERS OF THE REFORM SCHOOL BOARD.

13 SEC. 373. (1) BEGINNING ON THE EFFECTIVE DATE OF THE AMEN-
14 DATORY ACT THAT ADDED THIS PART, THE POWERS AND DUTIES OF THE
15 ELECTED BOARD OF THE QUALIFYING SCHOOL DISTRICT AND OF ITS SECRE-
16 TARY AND TREASURER ARE SUSPENDED UNLESS AND UNTIL A NEW BOARD IS
17 ELECTED UNDER SECTION 375(6).

18 (2) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
19 THAT ADDED THIS PART, AND UNTIL APPOINTMENT OF A REFORM SCHOOL
20 BOARD FOR A QUALIFYING SCHOOL DISTRICT UNDER THIS PART, ALL PRO-
21 VISIONS OF THIS ACT THAT WOULD OTHERWISE APPLY TO THE SCHOOL
22 BOARD OF THE QUALIFYING SCHOOL DISTRICT OR TO THE REFORM SCHOOL
23 BOARD APPLY TO THE MAYOR, AND THE MAYOR IMMEDIATELY MAY EXERCISE
24 ALL THE POWERS AND DUTIES OTHERWISE VESTED BY LAW IN THE BOARD OF
25 THE QUALIFYING SCHOOL DISTRICT AND IN ITS SECRETARY AND TREASUR-
26 ER, AND ALL POWERS AND DUTIES OF THE REFORM SCHOOL BOARD AS
27 PROVIDED UNDER THIS PART.

1 (3) UPON APPOINTMENT OF A REFORM SCHOOL BOARD FOR A
2 QUALIFYING SCHOOL DISTRICT UNDER THIS PART, ALL PROVISIONS OF
3 THIS ACT THAT WOULD OTHERWISE APPLY TO THE SCHOOL BOARD OF THE
4 QUALIFYING SCHOOL DISTRICT APPLY TO THE REFORM SCHOOL BOARD, AND
5 THE REFORM SCHOOL BOARD IMMEDIATELY MAY EXERCISE ALL THE POWERS
6 AND DUTIES OTHERWISE VESTED BY LAW IN THE BOARD OF THE QUALIFYING
7 SCHOOL DISTRICT AND IN ITS SECRETARY AND TREASURER, AND ALL ADDI-
8 TIONAL POWERS AND DUTIES PROVIDED UNDER THIS PART. THESE POWERS
9 AND DUTIES INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE
10 FOLLOWING:

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

14 (B) CONTROL AND DIRECT SUPERVISION OVER ALL SCHOOL DISTRICT
15 PERSONNEL.

16 (C) AUTHORITY TO MAKE, AMEND, OR REPEAL ANY POLICY, REGULA-
17 TION, OR GUIDELINE OF THE QUALIFYING SCHOOL DISTRICT, CONSISTENT
18 WITH LAW, FOR THE PROPER CONDUCT, MAINTENANCE, AND SUPERVISION OF
19 THE SCHOOLS OF THE QUALIFYING SCHOOL DISTRICT.

20 (D) AUTHORITY TO PERFORM ANY OTHER LAWFUL ACT NECESSARY FOR
21 THE PROPER CONDUCT, MAINTENANCE, AND SUPERVISION OF THE SCHOOLS
22 OF THE QUALIFYING SCHOOL DISTRICT.

23 (E) EMPLOYMENT OF A CHIEF EXECUTIVE OFFICER UNDER SECTION
24 374 AND AUTHORITY TO DELEGATE ANY OF THE REFORM SCHOOL BOARD'S
25 POWERS AND DUTIES TO THE CHIEF EXECUTIVE OFFICER OR 1 OR MORE
26 OTHER DESIGNEES, WITH PROPER SUPERVISION BY THE REFORM SCHOOL
27 BOARD.

1 (4) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
2 THAT ADDED THIS PART, AND UNTIL APPOINTMENT OF A REFORM SCHOOL
3 BOARD FOR A QUALIFYING SCHOOL DISTRICT UNDER THIS PART, EACH DIS-
4 TRICT SUPERINTENDENT, ASSISTANT SUPERINTENDENT, DISTRICT BUSINESS
5 MANAGER, OR OTHER DISTRICT-LEVEL ADMINISTRATOR EMPLOYED BY THE
6 QUALIFYING SCHOOL DISTRICT IS EMPLOYED AT THE WILL OF THE MAYOR.
7 UPON APPOINTMENT OF A REFORM SCHOOL BOARD FOR A QUALIFYING SCHOOL
8 DISTRICT UNDER THIS PART, EACH DISTRICT SUPERINTENDENT, ASSISTANT
9 SUPERINTENDENT, DISTRICT BUSINESS MANAGER, OR OTHER
10 DISTRICT-LEVEL ADMINISTRATOR EMPLOYED BY THE QUALIFYING SCHOOL
11 DISTRICT IS EMPLOYED AT THE WILL OF THE REFORM SCHOOL BOARD.

12 (5) A REFORM SCHOOL BOARD APPOINTED UNDER THIS PART SHALL
13 SUBMIT AN ANNUAL REPORT TO THE MAYOR, GOVERNOR, SUPERINTENDENT OF
14 PUBLIC INSTRUCTION, AND LEGISLATURE AND SHALL MAKE THE ANNUAL
15 REPORT AVAILABLE TO THE COMMUNITY IN THE QUALIFYING SCHOOL
16 DISTRICT. THE ANNUAL REPORT SHALL CONTAIN AT LEAST ALL OF THE
17 FOLLOWING:

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

20 (B) MEASUREMENTS THAT MAY BE USEFUL IN DETERMINING IMPROVE-
21 MENTS IN SCHOOL QUALITY IN THE QUALIFYING SCHOOL DISTRICT. THESE
22 MEASUREMENTS SHALL COMPARE THE PERFORMANCE OF THE QUALIFYING
23 SCHOOL DISTRICT TO STATEWIDE AVERAGES WHERE AVAILABLE, SHALL
24 INDICATE CHANGES FROM BASELINE DATA FROM THE SCHOOL YEAR BEFORE
25 THE APPOINTMENT OF THE REFORM SCHOOL BOARD, AND SHALL INCLUDE AT
26 LEAST ALL OF THE FOLLOWING:

1 (i) STANDARDIZED TEST SCORES OF PUPILS.

2 (ii) DROPOUT RATES.

3 (iii) DAILY ATTENDANCE FIGURES.

4 (iv) ENROLLMENT FIGURES.

5 (v) HIGH SCHOOL COMPLETION AND OTHER PERTINENT COMPLETION
6 RATES.

7 (vi) CHANGES MADE IN COURSE OFFERINGS.

8 (6) THE MAYOR, SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE
9 BOARD, THIS STATE, THE CITY IN WHICH A QUALIFYING SCHOOL DISTRICT
10 IS LOCATED, OR A REFORM SCHOOL BOARD APPOINTED OR CHIEF EXECUTIVE
11 OFFICER EMPLOYED UNDER THIS PART IS NOT LIABLE FOR ANY OBLIGATION
12 OF OR CLAIM AGAINST A QUALIFYING SCHOOL DISTRICT RESULTING FROM
13 AN ACTION TAKEN UNDER THIS PART.

14 SEC. 374. (1) THE REFORM SCHOOL BOARD APPOINTED UNDER THIS
15 PART SHALL EMPLOY A CHIEF EXECUTIVE OFFICER FOR THE SCHOOL
16 DISTRICT. THE CHIEF EXECUTIVE OFFICER IS AN AT-WILL EMPLOYEE OF
17 THE REFORM SCHOOL BOARD, AND THE TERMS AND CONDITIONS OF HIS OR
18 HER EMPLOYMENT SHALL BE ESTABLISHED BY THE REFORM SCHOOL BOARD.

19 (2) A CHIEF EXECUTIVE OFFICER EMPLOYED UNDER SUBSECTION (1)
20 HAS ALL OF THE POWERS AND DUTIES UNDER LAW OF A SCHOOL DISTRICT
21 SUPERINTENDENT FOR THE QUALIFYING SCHOOL DISTRICT. ALL PROVI-
22 SIONS OF THIS ACT THAT WOULD OTHERWISE APPLY TO THE SCHOOL DIS-
23 TRICT SUPERINTENDENT OF A QUALIFYING SCHOOL DISTRICT APPLY TO A
24 CHIEF EXECUTIVE OFFICER EMPLOYED UNDER SUBSECTION (1).

25 (3) IN ADDITION TO STAFF OTHERWISE AUTHORIZED BY LAW, A
26 REFORM SCHOOL BOARD APPOINTED UNDER THIS PART MAY EMPLOY OR

1 CONTRACT WITH OTHER STAFF OR PROFESSIONAL ASSISTANCE CONSIDERED
2 NECESSARY TO IMPLEMENT THIS PART.

3 SEC. 375. (1) AFTER THE EXPIRATION OF 5 YEARS AFTER THE
4 INITIAL APPOINTMENT OF A REFORM SCHOOL BOARD IN A QUALIFYING
5 SCHOOL DISTRICT UNDER SECTION 372, THE QUESTION OF WHETHER TO
6 RETAIN THE REFORM SCHOOL BOARD AND THE AUTHORITY UNDER THIS PART
7 TO APPOINT THE REFORM SCHOOL BOARD MAY BE PLACED ON THE BALLOT IN
8 THE QUALIFYING SCHOOL DISTRICT UNDER THIS SECTION.

9 (2) THE QUESTION UNDER SUBSECTION (1) SHALL BE PLACED ON THE
10 BALLOT IN THE QUALIFYING SCHOOL DISTRICT IF PETITIONS CALLING FOR
11 THE QUESTION TO BE PLACED ON THE BALLOT ARE FILED WITH THE COUNTY
12 CLERK FOR THE COUNTY IN WHICH THE QUALIFYING SCHOOL DISTRICT IS
13 LOCATED AND IF THE PETITIONS ARE SIGNED BY A NUMBER OF SCHOOL
14 ELECTORS OF THE QUALIFYING SCHOOL DISTRICT AT LEAST EQUAL TO 10%
15 OF THE NUMBER OF VOTES CAST WITHIN THE CITY IN WHICH THE QUALIFY-
16 ING SCHOOL DISTRICT IS LOCATED FOR SECRETARY OF STATE IN THE MOST
17 RECENT NOVEMBER GENERAL ELECTION IN WHICH A SECRETARY OF STATE
18 WAS ELECTED.

19 (3) THE QUESTION UNDER SUBSECTION (1) SHALL BE PLACED ON THE
20 BALLOT IN THE QUALIFYING SCHOOL DISTRICT AT THE NEXT NOVEMBER
21 GENERAL ELECTION OCCURRING AT LEAST 90 DAYS AFTER THE PETITIONS
22 ARE FILED UNDER SUBSECTION (2) AND VERIFIED.

23 (4) THE QUESTION UNDER SUBSECTION (1) SHALL BE IN SUBSTAN-
24 Tially THE FOLLOWING FORM:

25 "SHALL THE REFORM SCHOOL BOARD SERVING IN _____
26 (NAME OF QUALIFYING SCHOOL DISTRICT) BE RETAINED AND SHALL THE
27 MAYOR OF _____ (NAME OF CITY IN WHICH THE SCHOOL

1 DISTRICT IS LOCATED) RETAIN THE AUTHORITY TO APPOINT MEMBERS OF
 2 THE REFORM SCHOOL BOARD? A VOTE IN THE AFFIRMATIVE CONTINUES THE
 3 REFORM SCHOOL BOARD IN PLACE AS THE GOVERNING BODY OF THE SCHOOL
 4 DISTRICT AND CONTINUES THE AUTHORITY OF THE MAYOR TO APPOINT MEM-
 5 BERS OF THE REFORM SCHOOL BOARD. A VOTE IN THE NEGATIVE WILL
 6 RESULT IN THE ELECTION OF A NEW ELECTED SCHOOL BOARD AS THE GOV-
 7 ERNING BODY OF THE SCHOOL DISTRICT AND WILL RENDER THE PROVISIONS
 8 OF LAW ESTABLISHING MAYORAL AUTHORITY TO APPOINT A REFORM SCHOOL
 9 BOARD INAPPLICABLE FOR THIS SCHOOL DISTRICT.

10 YES ()

11 NO ()" .

12 (5) IF THE QUESTION UNDER SUBSECTION (1) IS APPROVED BY A
 13 MAJORITY OF THE SCHOOL ELECTORS VOTING ON THE QUESTION, ALL OF
 14 THE FOLLOWING APPLY:

15 (A) THE REFORM SCHOOL BOARD CONTINUES IN PLACE AS THE GOV-
 16 ERNING BODY OF THE QUALIFYING SCHOOL DISTRICT.

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

19 (C) THE QUESTION MAY NOT BE PLACED ON THE BALLOT AGAIN IN
 20 THE QUALIFYING SCHOOL DISTRICT UNTIL THE EXPIRATION OF 5 YEARS
 21 AFTER THE ELECTION AT WHICH THE QUESTION WAS APPROVED.

22 (6) IF THE QUESTION UNDER SUBSECTION (1) IS NOT APPROVED BY
 23 A MAJORITY OF THE SCHOOL ELECTORS VOTING ON THE QUESTION, ALL OF
 24 THE FOLLOWING APPLY:

25 (A) THE REFORM SCHOOL BOARD SHALL ARRANGE WITH LOCAL ELEC-
 26 TIONS OFFICIALS FOR ELECTION OF A NEW ELECTED SCHOOL BOARD FOR
 27 THE SCHOOL DISTRICT. THIS ELECTION SHALL BE AT A SPECIAL

1 ELECTION HELD AS SOON AS PRACTICABLE, BUT NOT SOONER THAN 90 DAYS
2 AFTER THE ELECTION UNDER SUBSECTION (1). THIS ELECTION SHALL BE
3 CONDUCTED IN THE MANNER OTHERWISE PROVIDED UNDER THIS ACT FOR AN
4 INITIAL SCHOOL BOARD ELECTION IN A NEWLY FORMED FIRST CLASS
5 SCHOOL DISTRICT.

6 (B) EFFECTIVE 30 DAYS AFTER THE ELECTION UNDER SUBDIVISION
7 (A), THE NEW ELECTED SCHOOL BOARD OF THE QUALIFYING SCHOOL DIS-
8 TRICT SHALL SERVE AS THE GOVERNING BODY OF THE QUALIFYING SCHOOL
9 DISTRICT AND THIS ELECTED SCHOOL BOARD AND ITS SECRETARY AND
10 TREASURER SHALL BE FULLY VESTED WITH ALL POWERS AND DUTIES THAT
11 THOSE OFFICIALS HAD BEFORE THE APPOINTMENT OF THE REFORM SCHOOL
12 BOARD.

13 (C) EFFECTIVE 30 DAYS AFTER THE ELECTION UNDER SUBDIVISION
14 (A), THE POWERS OF THE REFORM SCHOOL BOARD APPOINTED FOR THE
15 QUALIFYING SCHOOL DISTRICT UNDER THIS PART AND OF THE CHIEF EXEC-
16 UTIVE OFFICER CEASE.

17 (D) EFFECTIVE 30 DAYS AFTER THE ELECTION UNDER SUBDIVISION
18 (A), THE PROVISIONS OF THIS PART DO NOT APPLY TO THAT QUALIFYING
19 SCHOOL DISTRICT.

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

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

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

20 (2) A notification of nonrenewal of a contract of a person
21 described in this section may be given only for a reason that is
22 not arbitrary or capricious. The board shall not issue a notice
23 of nonrenewal under this section unless the affected person has
24 been provided with not less than 30 days' advance notice that the
25 board is considering the nonrenewal together with a written
26 statement of the reasons the board is considering the
27 nonrenewal. After the issuance of the written statement, but

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

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

22 (4) THE EMPLOYMENT AND THE EMPLOYMENT CONTRACTS OF ALL FIRST
23 CLASS SCHOOL DISTRICT ADMINISTRATORS ARE SUBJECT TO PART 5A.