

SENATE BILL No. 476

May 15, 2001, Introduced by Senators EMERSON, BENNETT, JOHNSON and STILLE and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding sections 641, 1198, and 1206a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 641. (1) SUBJECT TO SUBSECTION (10), IF THE BOARD OF A
2 CONSTITUENT DISTRICT RECEIVES PETITIONS REQUESTING THE QUESTION
3 TO BE PLACED ON THE BALLOT, AND IF THE PETITIONS ARE SIGNED
4 WITHIN A 180-DAY PERIOD BY A NUMBER OF SCHOOL ELECTORS OF THE
5 CONSTITUENT DISTRICT AT LEAST EQUAL TO 10% OF THE TOTAL NUMBER OF
6 SCHOOL ELECTORS IN THE CONSTITUENT DISTRICT, THE BOARD OF THE
7 CONSTITUENT DISTRICT SHALL PLACE ON THE BALLOT AT THE NEXT REGU-
8 LAR SCHOOL ELECTION THE QUESTION OF TURNING CONTROL OF THE OPERA-
9 TIONS OF THE CONSTITUENT DISTRICT OVER TO THE INTERMEDIATE SCHOOL
10 BOARD.

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1 (2) IF A MAJORITY OF THE SCHOOL ELECTORS OF A CONSTITUENT
2 DISTRICT APPROVE THE QUESTION UNDER SUBSECTION (1) OF TURNING
3 CONTROL OF THE OPERATIONS OF THE CONSTITUENT DISTRICT OVER TO THE
4 INTERMEDIATE SCHOOL BOARD, THE INTERMEDIATE SCHOOL BOARD SHALL
5 ASSUME CONTROL OVER THE OPERATIONS OF THE CONSTITUENT DISTRICT AS
6 PROVIDED IN THIS SECTION.

7 (3) BEGINNING 10 DAYS AFTER CERTIFICATION OF THE ELECTION AT
8 WHICH THE BALLOT QUESTION UNDER SUBSECTION (1) IS APPROVED, THE
9 POWERS AND DUTIES OF THE ELECTED SCHOOL BOARD OF THE CONSTITUENT
10 DISTRICT AND OF ITS SECRETARY AND TREASURER ARE SUSPENDED UNLESS
11 AND UNTIL A NEW SCHOOL BOARD IS ELECTED UNDER SUBSECTION (9).
12 HOWEVER, UNTIL THE EXPIRATION OF EACH INDIVIDUAL MEMBER'S CURRENT
13 TERM, THE MEMBERS OF THE ELECTED SCHOOL BOARD OF THE CONSTITUENT
14 DISTRICT MAY CONTINUE TO MEET AS AN ADVISORY BOARD TO PROVIDE
15 INPUT TO THE INTERMEDIATE SCHOOL BOARD ON AN ADVISORY BASIS
16 ONLY. NOTWITHSTANDING ANY BOARD POLICY, BYLAW, OR RESOLUTION TO
17 THE CONTRARY, THESE ADVISORY BOARD MEMBERS SHALL SERVE WITHOUT
18 COMPENSATION OR REIMBURSEMENT, AND FUNDS OF THE CONSTITUENT DIS-
19 TRICT SHALL NOT BE USED TO STAFF OR OTHERWISE SUPPORT THE
20 ADVISORY BOARD IN ANY WAY.

21 (4) BEGINNING 10 DAYS AFTER CERTIFICATION OF THE ELECTION OF
22 WHICH THE BALLOT QUESTION UNDER SUBSECTION (1) IS APPROVED, ALL
23 PROVISIONS OF THIS ACT CONCERNING OPERATION OF THE CONSTITUENT
24 DISTRICT THAT WOULD OTHERWISE APPLY TO THE SCHOOL BOARD OF THE
25 CONSTITUENT DISTRICT APPLY TO THE INTERMEDIATE SCHOOL BOARD, AND
26 THE INTERMEDIATE SCHOOL BOARD IMMEDIATELY MAY EXERCISE ALL THE
27 POWERS AND DUTIES OTHERWISE VESTED BY LAW IN THE BOARD OF THE

1 CONSTITUENT DISTRICT AND IN ITS SECRETARY AND TREASURER. THE
2 INTERMEDIATE SCHOOL BOARD ACCEDES TO ALL THE RIGHTS, DUTIES, AND
3 OBLIGATIONS OF THE SCHOOL BOARD OF THE CONSTITUENT DISTRICT.
4 THESE POWERS, RIGHTS, DUTIES, AND OBLIGATIONS INCLUDE, BUT ARE
5 NOT LIMITED TO, ALL OF THE FOLLOWING:

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

9 (B) RIGHTS AND OBLIGATIONS UNDER COLLECTIVE BARGAINING
10 AGREEMENTS AND EMPLOYMENT CONTRACTS ENTERED INTO BY THE SCHOOL
11 BOARD.

12 (C) RIGHTS TO PROSECUTE AND DEFEND LITIGATION.

13 (D) OBLIGATIONS UNDER ANY JUDGMENTS ENTERED AGAINST THE
14 SCHOOL BOARD.

15 (E) RIGHTS AND OBLIGATIONS UNDER STATUTE, RULE, AND COMMON
16 LAW.

17 (F) AUTHORITY TO DELEGATE ANY OF THESE POWERS AND DUTIES TO
18 1 OR MORE DESIGNEES, WITH PROPER SUPERVISION BY THE INTERMEDIATE
19 SCHOOL BOARD.

20 (5) AFTER THE EXPIRATION OF 10 YEARS AFTER THE APPROVAL OF
21 THE BALLOT QUESTION UNDER SUBSECTION (1), THE QUESTION OF WHETHER
22 THE INTERMEDIATE SCHOOL BOARD SHOULD RETAIN CONTROL OVER THE CON-
23 STITUENT DISTRICT SHALL BE PLACED ON THE BALLOT IN THE CONSTITU-
24 ENT DISTRICT UNDER THIS SECTION.

25 (6) THE QUESTION UNDER SUBSECTION (5) SHALL BE PLACED ON THE
26 BALLOT IN THE CONSTITUENT DISTRICT AT THE NEXT REGULAR ELECTION

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1 OCCURRING AT LEAST 90 DAYS AFTER THE EXPIRATION OF 10 YEARS AFTER
2 THE APPROVAL OF THE BALLOT QUESTION UNDER SUBSECTION (1).

3 (7) THE QUESTION UNDER SUBSECTION (5) SHALL BE IN SUBSTAN-
4 Tially THE FOLLOWING FORM:

5 "SHALL THE CONTROL OF THE INTERMEDIATE SCHOOL BOARD OVER THE
6 OPERATIONS OF THE _____ (NAME OF LOCAL SCHOOL DISTRICT)
7 UNDER SECTION 641 OF THE REVISED SCHOOL CODE BE RETAINED? A VOTE
8 IN THE AFFIRMATIVE CONTINUES THE CONTROL OF THE INTERMEDIATE
9 SCHOOL BOARD OVER THE OPERATIONS OF THE SCHOOL DISTRICT. A VOTE
10 IN THE NEGATIVE WILL RESULT IN THE ELECTION OF A NEW ELECTED
11 SCHOOL BOARD FOR THE SCHOOL DISTRICT AND WILL RENDER THE PROVI-
12 SIONS OF LAW ESTABLISHING INTERMEDIATE SCHOOL BOARD CONTROL INAP-
13 PLICABLE FOR THIS SCHOOL DISTRICT.

14 YES ()

15 NO ()".

16 (8) IF THE QUESTION UNDER SUBSECTION (5) IS APPROVED BY A
17 MAJORITY OF THE SCHOOL ELECTORS VOTING ON THE QUESTION EITHER
18 UNDER SUBSECTION (5) OR PURSUANT TO SUBDIVISION (B), ALL OF THE
19 FOLLOWING APPLY:

20 (A) THE INTERMEDIATE SCHOOL BOARD CONTINUES IN CONTROL OF
21 THE OPERATIONS OF THE CONSTITUENT DISTRICT.

22 (B) THE QUESTION MAY NOT BE PLACED ON THE BALLOT AGAIN IN
23 THE CONSTITUENT DISTRICT UNTIL THE EXPIRATION OF 5 YEARS AFTER
24 THE ELECTION AT WHICH THE QUESTION WAS APPROVED. THE QUESTION
25 MAY BE PLACED ON THE BALLOT AGAIN IN THE CONSTITUENT DISTRICT
26 UNDER THIS SUBDIVISION IF PETITIONS CALLING FOR THE QUESTION TO
27 BE PLACED ON THE BALLOT ARE FILED WITH THE INTERMEDIATE SCHOOL

1 BOARD NOT SOONER THAN 4 YEARS AFTER THE QUESTION WAS MOST
2 RECENTLY ON THE BALLOT AND IF THE PETITIONS ARE SIGNED WITHIN A
3 180-DAY PERIOD BY A NUMBER OF SCHOOL ELECTORS OF THE CONSTITUENT
4 DISTRICT AT LEAST EQUAL TO 10% OF THE TOTAL NUMBER OF SCHOOL
5 ELECTORS OF THE CONSTITUENT DISTRICT. IF THOSE PETITIONS ARE
6 SUBMITTED AND VERIFIED, THE QUESTION SHALL BE PLACED ON THE
7 BALLOT IN THE CONSTITUENT DISTRICT AT THE NEXT REGULAR SCHOOL
8 ELECTION OCCURRING AT LEAST 5 YEARS AFTER THE QUESTION WAS MOST
9 RECENTLY ON THE BALLOT AND AT LEAST 90 DAYS AFTER THE PETITIONS
10 ARE SUBMITTED AND VERIFIED.

11 (9) IF THE QUESTION UNDER SUBSECTION (5) IS NOT APPROVED BY
12 A MAJORITY OF THE SCHOOL ELECTORS VOTING ON THE QUESTION EITHER
13 UNDER SUBSECTION (5) OR PURSUANT TO SUBSECTION (8)(B), ALL OF THE
14 FOLLOWING APPLY:

15 (A) THE INTERMEDIATE SCHOOL BOARD SHALL CONDUCT AN ELECTION
16 OF A NEW ELECTED SCHOOL BOARD FOR THE CONSTITUENT DISTRICT. THIS
17 ELECTION SHALL BE AT A SPECIAL ELECTION HELD AS SOON AS PRACTICA-
18 BLE, BUT NOT SOONER THAN 90 DAYS AFTER THE ELECTION UNDER SUBSEC-
19 TION (5) OR SUBSECTION (8)(B). THIS ELECTION SHALL BE CONDUCTED
20 IN THE MANNER OTHERWISE PROVIDED BY LAW FOR AN INITIAL SCHOOL
21 BOARD ELECTION.

22 (B) EFFECTIVE ON THE NEXT JULY 1 FOLLOWING THE ELECTION
23 UNDER SUBDIVISION (A), THE NEW ELECTED SCHOOL BOARD OF THE CON-
24 STITUENT DISTRICT SHALL SERVE AS THE GOVERNING BODY OF THE CON-
25 STITUENT DISTRICT AND THIS ELECTED SCHOOL BOARD AND ITS SECRETARY
26 AND TREASURER SHALL BE FULLY VESTED WITH ALL POWERS AND DUTIES

1 THAT THOSE OFFICIALS HAD BEFORE THE INTERMEDIATE SCHOOL BOARD
2 ASSUMED CONTROL UNDER THIS SECTION.

3 (C) EFFECTIVE ON THE NEXT JULY 1 FOLLOWING THE ELECTION
4 UNDER SUBDIVISION (A), THE CONTROL OF THE INTERMEDIATE SCHOOL
5 BOARD OVER THE CONSTITUENT DISTRICT UNDER THIS SECTION SHALL
6 CEASE.

7 (D) EFFECTIVE ON THE NEXT JULY 1 FOLLOWING THE ELECTION
8 UNDER SUBDIVISION (A), THE PROVISIONS OF THIS SECTION DO NOT
9 APPLY TO THAT CONSTITUENT DISTRICT.

10 (10) THIS SECTION DOES NOT APPLY TO A CONSTITUENT DISTRICT
11 THAT IS A QUALIFYING SCHOOL DISTRICT UNDER PART 5A.

12 SEC. 1198. (1) SUBJECT TO SUBSECTION (3), IF THE SUPERIN-
13 TENDENT OF PUBLIC INSTRUCTION RECEIVES PETITIONS UNDER SUBSECTION
14 (2), HE OR SHE SHALL APPOINT AN EVALUATION TEAM TO CONDUCT A COM-
15 PREHENSIVE EVALUATION IN THE SCHOOL DISTRICT IN THE SAME MANNER
16 AS DESCRIBED IN SECTION 1194 FOR AN EDUCATIONAL EVALUATION TEAM.
17 AN EVALUATION UNDER THIS SECTION IS ADVISORY ONLY. THE EVALU-
18 ATION TEAM SHALL SUBMIT THE SAME TYPE OF REPORT AS DESCRIBED IN
19 SECTION 1194(5) TO THE BOARD OF THE SCHOOL DISTRICT AND TO THE
20 SUPERINTENDENT OF PUBLIC INSTRUCTION. THE BOARD AND PERSONNEL OF
21 THE SCHOOL DISTRICT SHALL COOPERATE WITH THE EVALUATION TEAM IN
22 THE EVALUATION.

23 (2) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PROCEED
24 UNDER SUBSECTION (1) IF HE OR SHE RECEIVES PETITIONS REQUESTING
25 AN EVALUATION UNDER THIS SECTION THAT ARE SIGNED WITHIN A 180-DAY
26 PERIOD BY A NUMBER OF SCHOOL ELECTORS OF A SCHOOL DISTRICT AT

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1 LEAST EQUAL TO 10% OF THE TOTAL NUMBER OF SCHOOL ELECTORS IN THE
2 SCHOOL DISTRICT.

3 (3) THIS SECTION DOES NOT APPLY TO A SCHOOL DISTRICT THAT IS
4 A QUALIFYING SCHOOL DISTRICT UNDER PART 5A.

5 SEC. 1206A. IF THE QUESTION OF TURNING CONTROL OF THE OPER-
6 ATIONS OF A SCHOOL DISTRICT OVER TO THE INTERMEDIATE SCHOOL BOARD
7 IS APPROVED UNDER SECTION 641, ALL POWERS AND DUTIES OF THE
8 SCHOOL BOARD OF THE SCHOOL DISTRICT AND OF ITS OFFICERS ARE
9 SUBJECT TO SECTION 641.

10 Enacting section 1. This amendatory act does not take
11 effect unless Senate Bill No. 473

12 of the 91st Legislature is enacted into
13 law.