

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4508

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 3, 373, 375, 403a, 404b, 411a, 412a, 413a,
414a, 415, 416, 417a, 418a, 422, 424, 431a, 432, 433, 434, 441,
442, 443, 445, 449, 451, 461, 462, 471a, 472, 483a, and 485 (MCL
380.3, 380.373, 380.375, 380.403a, 380.404b, 380.411a, 380.412a,
380.413a, 380.414a, 380.415, 380.416, 380.417a, 380.418a,
380.422, 380.424, 380.431a, 380.432, 380.433, 380.434, 380.441,
380.442, 380.443, 380.445, 380.449, 380.451, 380.461, 380.462,
380.471a, 380.472, 380.483a, and 380.485), sections 3 and 416 as
amended by 1995 PA 289, section 373 as amended by 2000 PA 230,
sections 375 and 449 as added and section 471a as amended by 1999
PA 10, sections 403a, 418a, and 431a as amended and sections 404b
and 485 as added by 1982 PA 71, sections 411a and 412a as amended
by 1989 PA 268, sections 413a, 414a, and 483a as added by 1981 PA

96, section 417a as amended by 1985 PA 86, section 442 as amended by 2002 PA 58, section 443 as amended by 1983 PA 118, and section 445 as amended by 2002 PA 334, and by adding sections 403, 404, 410, 412, 416a, 420, and 421; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Area" as used in the phrase "area
2 vocational-technical education program" means the geographical
3 territory, both within and without the boundaries of either a K
4 to 12 school district or a community college district, that is
5 designated by the state board as the service area for the
6 operation of an area vocational-technical education program.

7 (2) "Area vocational-technical education program" means a
8 program of organized, systematic instruction designed to prepare
9 the following persons for useful employment in recognized
10 occupations:

11 (a) Persons enrolled in high school.

12 (b) Persons who have completed or left high school and who
13 are available for full-time study in preparation for entering the
14 labor market.

15 (c) Persons who have entered the labor market and who need
16 training or retraining to achieve stability or advancement in
17 employment.

18 (3) "Board" or "school board" means the governing body of a
19 local school district or a local act school district unless
20 clearly otherwise stated. **Except in part 5a or part 6, for a**
21 **school district organized as a first class school district, if**

1 the question under section 410 is approved in the school
 2 district, then beginning on the next January 1 occurring at least
 3 1 year after the question under section 410 is presented to the
 4 school electors in the school district, "board" or "school board"
 5 means the chief executive officer of the first class school
 6 district.

7 (4) "Boarding school" means a place accepting for board,
 8 care, and instruction 5 or more children under 16 years of age.

9 (5) "Constituent district" means a local school district or
 10 special act school district the territory of which is entirely
 11 within and is an integral part of an intermediate school
 12 district.

13 Sec. 373. (1) Beginning on ~~the effective date of the~~
 14 ~~amendatory act that added this part or~~ **March 26, 1999 or, if the**
 15 **qualifying school district becomes a qualifying school district**
 16 **after March 26, 1999**, the date on which a school district becomes
 17 a qualifying school district, the powers and duties of the
 18 elected school board of the qualifying school district and of its
 19 secretary and treasurer are suspended ~~unless and until a new~~
 20 ~~school board is elected under~~ **until the applicable date**
 21 **specified in** section 375. However, until the expiration of **the**
 22 **current term of** each individual ~~member's current term~~ **member**
 23 **-serving as of the date the school district becomes a qualifying**
 24 **school district**, the members of the elected school board of a
 25 qualifying school district may continue to meet as an advisory
 26 board to provide input to the school reform board on an advisory
 27 basis only. Notwithstanding section 417a or any board policy,

1 bylaw, or resolution to the contrary, these advisory board
2 members shall serve without compensation or reimbursement, and
3 funds of the qualifying school district shall not be used to
4 staff or otherwise support the advisory board in any way.

5 (2) Beginning on ~~the effective date of the amendatory act~~
6 ~~that added this part or~~ **March 26, 1999 or, if the qualifying**
7 **school district becomes a qualifying school district after March**
8 **26, 1999**, the date on which a school district becomes a
9 qualifying school district, and until appointment of a school
10 reform board for a qualifying school district under this part,
11 all provisions of this act that would otherwise apply to the
12 school board of the qualifying school district or to the school
13 reform board or chief executive officer apply to the mayor, and
14 the mayor immediately may exercise all the powers and duties
15 otherwise vested by law in the board of the qualifying school
16 district and in its secretary and treasurer, and all powers and
17 duties of the school reform board or chief executive officer as
18 provided under this part. Within 30 days after appointing a
19 school reform board under this part, the mayor shall initiate a
20 financial audit of the qualifying school district. The mayor
21 shall provide the results of this audit to the school reform
22 board.

23 (3) Upon appointment of a school reform board for a
24 qualifying school district under this part, and until appointment
25 of a chief executive officer under section 374, all provisions of
26 this act that would otherwise apply to the school board of the
27 qualifying school district or to the chief executive officer

1 apply to the school reform board, and the school reform board
2 immediately may exercise all the powers and duties otherwise
3 vested by law in the board of the qualifying school district and
4 in its secretary and treasurer, and all powers and duties of the
5 chief executive officer as provided under this part.

6 (4) Upon appointment of a chief executive officer for a
7 qualifying school district under section 374, all provisions of
8 this act that would otherwise apply to the elected school board
9 of the qualifying school district apply to the chief executive
10 officer; the chief executive officer immediately may exercise all
11 the powers and duties otherwise vested by law in the elected
12 school board of the qualifying school district and in its
13 secretary and treasurer, and all additional powers and duties
14 provided under this part; and the chief executive officer accedes
15 to all the rights, duties, and obligations of the elected school
16 board of the qualifying school district. These powers, rights,
17 duties, and obligations include, but are not limited to, all of
18 the following:

19 (a) Authority over the expenditure of all school district
20 funds, including proceeds from bonded indebtedness and other
21 funds dedicated to capital projects.

22 (b) Rights and obligations under collective bargaining
23 agreements and employment contracts entered into by the elected
24 school board, except for employment contracts of those employees
25 described in subsection (6).

26 (c) Rights to prosecute and defend litigation.

27 (d) Obligations under any judgments entered against the

1 elected school board.

2 (e) Rights and obligations under statute, rule, and common
3 law.

4 (f) Authority to delegate any of the chief executive
5 officer's powers and duties to 1 or more designees, with proper
6 supervision by the school reform board.

7 (5) In addition to his or her other powers, the chief
8 executive officer appointed under this part may terminate any
9 contract entered into by the elected school board of the
10 qualifying school district except for a collective bargaining
11 agreement. However, this subsection does not allow any
12 termination or diminishment of obligations to pay debt service on
13 legally authorized bonds. A contract terminated by a chief
14 executive officer under this subsection is void.

15 (6) Beginning on ~~the effective date of the amendatory act~~
16 ~~that added this part or~~ **March 26, 1999 or, if the qualifying**
17 **school district becomes a qualifying school district after March**
18 **26, 1999**, the date on which a school district becomes a
19 qualifying school district, and until appointment of a school
20 reform board for a qualifying school district under this part,
21 each employee of the qualifying school district whose position is
22 not covered by a collective bargaining agreement is employed at
23 the will of the mayor. Upon appointment of a school reform board
24 for a qualifying school district under this part, and until
25 appointment of a chief executive officer under section 374, each
26 employee of the qualifying school district whose position is not
27 covered by a collective bargaining agreement is employed at the

1 will of the school reform board. Upon appointment of a chief
2 executive officer for a qualifying school district under section
3 374, each employee of the qualifying school district whose
4 position is not covered by a collective bargaining agreement is
5 employed at the will of the chief executive officer.

6 (7) Not later than 90 days after the initial appointment of a
7 chief executive officer under this part, and at least annually
8 thereafter, the chief executive officer with the approval of the
9 school reform board shall develop and submit to the school
10 district accountability board created in section 376 a school
11 district improvement plan that includes at least detailed
12 academic, financial, capital, and operational goals and
13 benchmarks for improvement and a description of strategies to be
14 used to accomplish those goals and benchmarks. The plan also
15 shall include an assessment of available resources and
16 recommendations concerning additional resources or changes in
17 statute or rule, if any, needed to meet those goals and
18 benchmarks. The plan also shall include an evaluation of local
19 school governance issues, including criteria for establishing
20 building-level governance.

21 (8) A chief executive officer with the approval of the school
22 reform board for the qualifying school district shall submit an
23 annual report to the mayor, governor, school district
24 accountability board created in section 376, and legislature and
25 shall make the annual report available to the community in the
26 qualifying school district. The annual report shall contain at
27 least all of the following:

1 (a) A summary of the initiatives that have been implemented
2 to improve school quality in the qualifying school district.

3 (b) Measurements that may be useful in determining
4 improvements in school quality in the qualifying school
5 district. These measurements shall indicate changes from
6 baseline data from the school year before the appointment of the
7 school reform board, and shall include at least all of the
8 following:

9 (i) Standardized test scores of pupils.

10 (ii) Dropout rates.

11 (iii) Daily attendance figures.

12 (iv) Enrollment figures.

13 (v) High school completion and other pertinent completion
14 rates.

15 (vi) Changes made in course offerings.

16 (vii) Proportion of school district resources devoted to
17 direct educational services.

18 (c) A description of long-term performance goals that may
19 include statewide averages or comparable measures of long-term
20 improvement.

21 (9) A school reform board may organize and establish
22 community assistance teams to work with the school reform board
23 to implement a cohesive, full service community school program
24 addressing the needs and concerns of the qualifying school
25 district's population. The school reform board may delegate to a
26 community assistance team the authority to devise and implement
27 family, community, cultural, and recreational activities to

1 assure that the academic mission of the schools is successful.
2 The community assistance teams may also develop parental
3 involvement activities that focus on the encouragement of
4 voluntary parenting education, enhancing parent and family
5 involvement in education, and promoting adult and family
6 literacy.

7 (10) The mayor, superintendent of public instruction, state
8 board, school district accountability board created in
9 section 376, this state, the city in which a qualifying school
10 district is located, a school reform board established under this
11 part, or a chief executive officer or other officer appointed
12 under section 374 is not liable for any obligation of or claim
13 against a qualifying school district resulting from an action
14 taken under this part.

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.~~

27 ~~—— (3) The question under subsection (1) shall be in~~

1 ~~substantially the following form:~~

2 ~~—— "Shall the school reform board and chief executive officer~~
 3 ~~servng in _____ (name of qualifying school district)~~
 4 ~~under part 5a of the revised school code be retained and shall~~
 5 ~~the mayor of _____ (name of city in which the school~~
 6 ~~district is located) retain the authority to appoint members of~~
 7 ~~the school reform board? A vote in the affirmative continues the~~
 8 ~~school reform board and chief executive officer in place in the~~
 9 ~~school district and continues the authority of the mayor to~~
 10 ~~appoint members of the school reform board. A vote in the~~
 11 ~~negative will result in the election of a new elected school~~
 12 ~~board as the governing body of the school district and will~~
 13 ~~render the provisions of law establishing authority to appoint a~~
 14 ~~school reform board inapplicable for this school district.~~

15 ~~—— Yes (—)~~

16 ~~—— No (—)".~~

17 ~~—— (4) If the question under subsection (1) is approved by a~~
 18 ~~majority of the school electors voting on the question either~~
 19 ~~under subsection (1) or pursuant to subdivision (c), all of the~~
 20 ~~following apply:~~

21 ~~—— (a) The school reform board and chief executive officer~~
 22 ~~continue in place in the qualifying school district.~~

23 ~~—— (b) The authority of the mayor to appoint members of the~~
 24 ~~school reform board continues in the qualifying school district.~~

25 ~~—— (c) The question may not be placed on the ballot again in the~~
 26 ~~qualifying school district until the expiration of 5 years after~~
 27 ~~the election at which the question was approved. The question~~

~~1 may be placed on the ballot again in the qualifying school
2 district under this subdivision if petitions calling for the
3 question to be placed on the ballot are filed with the county
4 clerk for the county in which the qualifying school district is
5 located not sooner than 4 years after the question was most
6 recently on the ballot and if the petitions are signed by a
7 number of school electors of the qualifying school district at
8 least equal to 10% of the number of votes cast within the city in
9 which the qualifying school district is located for secretary of
10 state in the most recent November general election in which a
11 secretary of state was elected. If those petitions are submitted
12 and verified, the question shall be placed on the ballot in the
13 qualifying school district at the next November general election
14 occurring at least 5 years after the question was most recently
15 on the ballot and at least 90 days after the petitions are
16 submitted and verified.~~

~~17 ——— (5) If the question under subsection (1) is not approved by a
18 majority of the school electors voting on the question either
19 under subsection (1) or pursuant to subsection (4) (c), all of the
20 following apply:~~

~~21 ——— (a) The school reform board shall arrange with local
22 elections officials for election of a new elected school board
23 for the school district. This election shall be at a special
24 election held as soon as practicable, but not sooner than 90 days
25 after the election under subsection (1). This election shall be
26 conducted in the manner otherwise provided under this act for an
27 initial school board election in a newly formed first class~~

1 ~~school district.~~

2 ~~—— (b) Effective on the next July 1 following the election under~~
3 ~~subdivision (a), the new elected school board of the qualifying~~
4 ~~school district shall serve as the governing body of the~~
5 ~~qualifying school district and this elected school board and its~~
6 ~~secretary and treasurer shall be fully vested with all powers and~~
7 ~~duties that those officials had before the appointment of the~~
8 ~~school reform board.~~

9 ~~—— (c) Effective on the next July 1 following the election under~~
10 ~~subdivision (a), the powers of the school reform board~~
11 ~~established for the qualifying school district under this part,~~
12 ~~of the chief executive officer, and of all other officers~~
13 ~~appointed under section 374 cease.~~

14 ~~—— (d) Effective on the next July 1 following the election under~~
15 ~~subdivision (a), the provisions of this part do not apply to that~~
16 ~~qualifying school district.— all of the following apply:~~

17 (a) The question under section 410 shall be presented to the
18 school electors of the school district as provided in that
19 section. Effective on the next January 1 occurring at least 1
20 year after that question is presented to the school electors
21 under section 410, the school district shall be governed by the
22 system of school board governance or combined chief executive
23 officer and school board governance, as applicable, as in effect
24 in the school district as a result of that ballot question.

25 (b) Effective on the next January 1 occurring at least 1 year
26 after the question under section 410 is presented to the school
27 electors, the powers of the school reform board established for

1 the qualifying school district under this part, of the chief
2 executive officer appointed under this part, and of all other
3 officers appointed under this part cease. This subdivision does
4 not prohibit the chief executive officer from serving as the
5 interim chief executive officer under section 420, and does not
6 prohibit the chief executive officer from retaining an officer or
7 employee appointed or hired by the chief executive officer.

8 (c) Effective on the next January 1 occurring at least 1 year
9 after the question under section 410 is presented to the school
10 electors, the provisions of this part do not apply to that
11 qualifying school district.

12 Sec. 403. (1) This section applies to a first class school
13 district only if the question under section 410 is approved in
14 the first class school district.

15 (2) Effective on the next January 1 occurring at least 1 year
16 after the question under section 410 is presented to the school
17 electors of the first class school district, the first class
18 school district shall have a board composed of 9 members elected,
19 or appointed to fill a vacancy, as provided in section 412.

20 (3) The school board shall hold its first meeting on the
21 first Monday after the January 1 described in subsection (2). At
22 the first meeting of the school board, the school board may elect
23 from among its members a president, vice president, secretary,
24 and other officers as it considers necessary or appropriate.
25 After the first election of school board officers, the school
26 board shall elect its officers in January of each odd numbered
27 year.

1 (4) A majority of the members of the school board constitute
2 a quorum for the transaction of business at a meeting of the
3 school board. A majority of the members elected and serving are
4 required for official action of the school board.

5 Sec. 403a. (1) ~~Effective January 1, 1983, a~~ This section
6 applies to a first class school district only if the question
7 under section 410 is not approved in the first class school
8 district.

9 (2) Effective on the next January 1 occurring at least 1 year
10 after the question under section 410 is presented to the school
11 electors of the first class school district, the first class
12 school district ~~having a pupil membership of more than 100,000~~
13 shall have a board composed of 4 members elected as provided in
14 section 411a, plus 7 members elected, or appointed to fill a
15 vacancy, as provided in section 412a.

16 Sec. 404. (1) This section applies to a first class school
17 district only if the question under section 410 is approved in
18 the first class school district.

19 (2) The local elections official of the city with the
20 greatest population located within the boundaries of the first
21 class school district shall establish 9 voting districts within
22 the school district boundaries in the manner provided in this
23 section not later than 90 days after the date the question under
24 section 410 is presented to the school electors of the first
25 class school district. The local elections official may
26 establish the voting districts before the date of the election
27 under section 410. The local elections official shall submit the

1 voting districts to the state board for approval, and the voting
2 districts shall be established as voting districts upon approval
3 by the state board. If the state board fails to act to approve
4 or disapprove the voting districts under this subsection within
5 30 days after the date they are submitted by the local elections
6 official, the voting districts are considered to be approved by
7 the state board.

8 (3) After the initial establishment of voting districts under
9 subsection (2), the local elections official of the city with the
10 greatest population located within the boundaries of a first
11 class school district shall redetermine the boundary lines of its
12 voting districts after each federal decennial census, but in no
13 event later than April 15 of the first year in which board
14 members are to be elected following the official release of the
15 federal decennial census figures. If the local elections
16 official fails to redetermine the voting district boundary lines
17 by that April 15, the state board shall convene within 10 days to
18 make the redetermination. The redetermination of the state board
19 shall be the voting district boundary lines until the
20 redetermination is made following the next succeeding federal
21 decennial census as provided in this section. The voting
22 districts redetermined under this subsection shall be established
23 as voting districts upon approval by the state board.

24 (4) Voting districts established under this section shall be
25 compact, contiguous, and as equal as possible in population.

26 Sec. 404b. (1) This section applies to a first class school
27 district only if the question under section 410 is not approved

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1 in the first class school district.

2 (2) ~~—(1)—~~ Upon the effective date of this section with
3 respect to an existing first class school district, or
4 immediately following the date on which a school district becomes
5 a first class school district, 7 voting districts shall be
6 established within its boundaries in the manner provided in this
7 section. The voting districts described shall be established as
8 voting districts if and when approved by the state board.

9 (3) ~~—(2)—~~ A board of a first class school district shall
10 determine the boundary lines of its voting districts and shall
11 redetermine the boundary lines after each federal decennial
12 census, but in no event later than April 15 of the first year in
13 which board members are to be elected following the official
14 release of the federal decennial census figures. If the board of
15 a first class school district fails to redetermine the voting
16 district boundary lines by that April 15, the state board shall
17 convene within 10 days to make the redetermination. The
18 redetermination of the state board shall be the voting district
19 boundary lines until the redetermination is made following the
20 next succeeding federal decennial census as provided in this
21 Section. <<

22 (4) For a first class school district that was a qualifying school
23 district under part 5a at the time of a decennial census, if a
24 redetermination was not made after that decennial census, the voting
25 district boundary lines in effect immediately before that decennial
26 census shall be used for the purposes of electing school board members
27 under section 412a at the first election of school board members after

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1 the election under section 410. A redetermination based on that
decennial census shall subsequently be made by the school board as
provided in this section not later than 3 months after election of the
school board.

2 (5)>> ~~(3)~~ Voting districts shall be compact, contiguous, and
3 as equal as possible in population.

4 Sec. 410. (1) At the next November general election
5 occurring after the expiration of 5 years after the initial
6 appointment of a school reform board under part 5a for a first
7 class school district, the local elections official of the city
8 with the greatest population located within the boundaries of the
9 school district shall present the question under subsection (2)
10 to the school electors of the first class school district. The
11 local election official may select a ballot designation for the
12 question.

13 (2) At the November general election described in subsection
14 (1), the following question shall be presented to the school
15 electors of the first class school district:

16 "Shall the _____ (name of school district) be
17 reapportioned into 9 single-member election districts with
18 district residency requirements, shall a new school board be
19 elected according to these election districts to serve in the
20 district, and shall the school district be governed by a chief
21 executive officer nominated by the mayor of the city with the
22 greatest population located within the boundaries of the school
23 district and approved by this newly elected board? According to
24 state law, a "yes" vote will result in the establishment of the 9
25 election districts, election of a school board, and appointment
26 of a chief executive officer as described in this question, and a
27 "no" vote will result in the school district being governed by

1 the governance structure otherwise provided for a first class
 2 school district under part 6 of the revised school code,
 3 consisting of an 11-member school board for the school district
 4 with 4 members elected at large and 7 members elected from
 5 election districts and with the school district governed by the
 6 11-member school board.

7 Yes _____

8 No _____".

9 (3) If a majority of the school electors of the first class
 10 school district voting on the question vote yes on the question
 11 under this section, the question is approved.

12 Sec. 411a. (1) This section applies to a first class school
 13 district only if the question under section 410 is not approved
 14 in the first class school district.

15 (2) ~~(1)~~ Four members of the board of a first class school
 16 district shall be elected at large. The following provisions
 17 apply to the terms, nomination, and election of the at large
 18 members of the board of a school district organized as a first
 19 class school district: ~~on January 1, 1980.~~

20 (a) Four members shall be elected for a term of 4 years at
 21 the general election to be held in **the next** November ~~1984~~
 22 **after the question under section 410 is presented to the school**
 23 **electors of the first class school district** and every 4 years
 24 after ~~1984~~ **that November.**

25 (b) Each candidate shall be nominated at a primary held in
 26 conjunction with the preceding primary election conducted
 27 pursuant to section 534 of the Michigan election law, ~~Act~~

1 ~~No. 116 of the Public Acts of 1954, as amended, being section~~
2 ~~168.534 of the Michigan Compiled Laws~~ **1954 PA 116, MCL 168.534.**
3 The nominating petitions shall contain not less than 500 or more
4 than 1,000 signatures of registered school electors of the city
5 in which the first class school district is located; shall meet
6 the requirements of section 544c of the Michigan election law,
7 ~~Act No. 116 of the Public Acts of 1954, as amended, being~~
8 ~~section 168.544c of the Michigan Compiled Laws~~ **1954 PA 116, MCL**
9 **168.544c**; and shall be filed with the clerk of the city in which
10 the first class school district is located on or before 4 p.m. of
11 the twelfth Tuesday before the primary election. The city clerk
12 may compare the signatures on the petitions with the signatures
13 appearing on the registration records, or in some other proper
14 manner determine whether the signatures appearing on the petition
15 are genuine and comply with the requirements of this section.
16 With the petitions, a candidate shall file an affidavit as
17 provided in section 558 of ~~Act No. 116 of the Public Acts of~~
18 ~~1954, being section 168.558 of the Michigan Compiled Laws~~ **the**
19 **Michigan election law, 1954 PA 116, MCL 168.558.** The clerk of
20 the city shall notify the county clerk of the name and address of
21 each candidate not later than 3 days after the last day for
22 candidate withdrawal. However, if the third day is a Saturday,
23 Sunday, or legal holiday, the notice may be made on the next day
24 that is not a Saturday, Sunday, or legal holiday.

25 (c) Each member shall commence his or her term of office on
26 January 1 following his or her election.

27 (3) ~~(2)~~ The board of a first class school district shall

1 elect its officers during the month of January of each odd
2 numbered year. The president of the board shall be a member of
3 the board, and the duties of the president shall be determined by
4 the board.

5 (4) ~~—(3) Petitions to recall a member of the board of a first~~
6 ~~class school district filed and pending before this section~~
7 ~~becomes operative in a school district that becomes a first class~~
8 ~~school district may be withdrawn by the person or organization~~
9 ~~filing or sponsoring the recall petitions within 20 days after~~
10 ~~the section becomes operative in a school district that becomes a~~
11 ~~first class school district.~~— A board member of a first class
12 school district who is recalled may be a candidate for the same
13 office at the next election for an office at which the recalled
14 member is otherwise eligible.

15 (5) ~~—(4) The term of office of each board member serving in~~
16 a school district ~~which after January 1, 1983,~~ **that** becomes a
17 first class school district **after April 15, 2004** expires on the
18 next succeeding December 31 of an even numbered year, except that
19 if the school district becomes a first class school district
20 later than April 1 of an even numbered year, the term of office
21 of each board member expires on December 31 of the next
22 succeeding even numbered year after the year in which the
23 district became a first class school district. For a district
24 becoming a first class school district **after April 15, 2004**, 4
25 school board members shall be elected in the general election of
26 the even numbered year in which the terms of office expire, and
27 the 4 school board members elected shall commence 4-year terms on

1 January 1 of the odd numbered year following the general
2 election.

3 (6) ~~—(5)—~~ If a vacancy occurs on the first class school
4 district board from among the at large members, the vacancy shall
5 be filled by majority vote of the remaining first class school
6 district board members at a meeting called by the president of
7 the board for that purpose. If a person is appointed to fill a
8 vacancy for which the unexpired term is more than 1 year and 8
9 months, that person shall serve until January 1 following the
10 next general election. At that first general election the
11 vacancy shall be filled for the unexpired term. A vacancy shall
12 not be filled later than 60 days before a primary election at
13 which at large board members are to be nominated.

14 (7) ~~—(6)—~~ A candidate for the office of board member at large
15 or a person appointed to fill a vacancy on the board pursuant to
16 subsection ~~—(5)—~~ (6) shall be 18 years of age or older at the
17 time of his or her election or appointment and shall be a
18 registered school elector residing in the first class school
19 district in which the person becomes a candidate or which the
20 person is appointed to represent. If an at large member's
21 residence is moved from the first class school district during
22 the at large member's term of office, it ~~shall constitute~~
23 **constitutes** a vacating of office.

24 **Sec. 412. (1) This section applies to a first class school**
25 **district only if the question under section 410 is approved in**
26 **the first class school district.**

27 (2) **Nine members of the board of a first class school**

1 district shall be elected by voting districts. Each member shall
2 be elected to represent a voting district described in section
3 404. The following provisions apply to the terms, nomination,
4 and election of the members elected from voting districts of the
5 school board of a school district organized as a first class
6 school district:

7 (a) Each of the 9 members initially elected under this
8 section shall be elected by the registered school electors of a
9 voting district at the next November general election after the
10 question under section 410 is presented to the school electors of
11 the first class school district.

12 (b) Not later than 7 days after the initial voting district
13 boundary lines are established under section 404, the local
14 elections official of the city with the greatest population
15 located within the boundaries of the first class school district
16 shall by random draw designate 5 voting districts in which the
17 initial term will be 4 years and 4 voting districts in which the
18 initial term will be 2 years. The city clerk may make this
19 designation before the date of the election under section 410.

20 (c) The initial members elected from the 5 voting districts
21 with initial terms of 4 years shall serve for 4-year terms
22 expiring December 31. After the initial election, the members
23 elected under this subdivision shall be elected for a term of 4
24 years at the November general election every 4 years after the
25 initial election.

26 (d) The initial members elected from the 4 voting districts
27 with initial terms of 2 years shall serve for 2-year terms

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1 expiring December 31. After the initial election, the members
2 elected under this subdivision shall be elected for a term of 4
3 years at the November general election held 2 years after the
4 initial election and at the November general election every 4
5 years thereafter.

6 (e) Each candidate shall be nominated by the registered
7 school electors of each voting district at the preceding primary
8 election held in the city <<with the greatest population>> in which the
9 first class school
10 district is located. The nominating petitions shall contain not
11 fewer than 250 or more than 500 signatures of registered school
12 electors of the voting district; shall meet the requirements of
13 section 544c of the Michigan election law, 1954 PA 116, MCL
14 168.544c; and shall be filed with the local elections official of
15 the city with the greatest population located within the
16 Boundaries of the first class school district on or before 4
17 p.m. of the twelfth Tuesday before the primary election. The
18 local elections official may compare the signatures on the
19 petitions with the signatures appearing on the registration
20 records, or in some other proper manner determine whether the
21 Signatures appearing on the petition are genuine and comply with
22 the requirements of this section. With the petitions, a
23 candidate shall file an affidavit as provided in section 558 of
24 the Michigan election law, 1954 PA 116, MCL 168.558. The local
25 elections official of the city shall notify the county clerk of
26 the name and address of each candidate not later than 3 days
27 after the last day for candidate withdrawal. However, if the
third day is a Saturday, Sunday, or legal holiday, the notice may

1 be made on the next day that is not a Saturday, Sunday, or legal
2 holiday. A signature on a nominating petition is not valid
3 unless the petitioner is a registered school elector of the
4 voting district in which the candidate is running for election.
5 Not more than 2 candidates shall be nominated at the primary
6 election for each voting district.

7 (3) Candidates for election under this section after the
8 initial election under subsection (2) shall be nominated at a
9 primary held in conjunction with the preceding primary election
10 conducted pursuant to section 534 of the Michigan election law,
11 1954 PA 116, MCL 168.534. Nominating petitions shall meet the
12 requirements of section 544c of the Michigan election law, 1954
13 PA 116, MCL 168.544c, and shall be filed with the local elections
14 official of the city with the greatest population located within
15 the boundaries of the first class school district on or before 4
16 p.m. of the twelfth Tuesday preceding the primary election. The
17 local elections official may compare the signatures on the
18 petitions with the signatures appearing on the registration
19 records, or in some other proper manner determine whether the
20 Signatures appearing on the petitions are genuine and comply with
21 the requirements of this section. With the petitions, a
22 candidate shall file an affidavit as provided in section 558 of
23 the Michigan election law, 1954 PA 116, MCL 168.558. A signature
24 on a nominating petition is not valid unless the petitioner is a
25 Registered school elector of the voting district in which the
26 candidate is running for election. Not more than 2 candidates
27 shall be nominated at the primary election for each voting

1 district.

2 (4) Instead of filing nominating petitions, a candidate for
3 election to the first class school board may pay a nonrefundable
4 filing fee of \$100.00 to the local elections official of the city
5 with the greatest population located within the boundaries of the
6 first class school district. If this fee is paid by the due date
7 for nominating petitions, the payment has the same effect under
8 this section as the filing of nominating petitions.

9 (5) The 9 board members elected to represent the voting
10 districts shall commence their terms of office on January 1
11 following their election.

12 (6) A candidate for the office of board member representing a
13 voting district or a person appointed to fill a vacancy pursuant
14 to subsection (7) shall be 18 years of age or older at the time
15 of his or her election or appointment and shall be a registered
16 school elector residing in the voting district in which the
17 person becomes a candidate or which the person is appointed to
18 represent. If a board member moves his or her residence from the
19 voting district he or she represents during the member's term of
20 office, this constitutes a vacating of office.

21 (7) If a vacancy occurs on the first class school district
22 board from among the voting district members, the vacancy shall
23 be filled from among registered school electors of the voting
24 district by majority vote of the remaining first class school
25 district board members. If a person is appointed to fill a
26 vacancy in a voting district for which the unexpired term is more
27 than 1 year and 8 months, that person shall serve until January 1

1 following the next general election. At that next general
2 election the vacancy shall be filled by election by the school
3 electors as provided under this section for the unexpired term.
4 A vacancy shall not be filled later than 60 days before a primary
5 election at which voting district board members are to be
6 nominated.

7 (8) A member of a first class school district board shall not
8 hold or be a candidate for any other elective office during the
9 period of his or her service or for a period of 1 year after he
10 or she ceases to be a member of the board.

11 Sec. 412a. (1) This section applies to a first class school
12 district only if the question under section 410 is not approved
13 in the first class school district.

14 (2) ~~—(1)—~~ In the next November ~~—, 1982—~~ general election ~~—and~~
15 ~~every 4 years after 1982—~~ after the question under section 410 is
16 presented to the school electors of the first class school
17 district, 7 members of the board of a first class school district
18 shall be elected by voting districts for an initial term of 2
19 years. At the November general election held 2 years after that
20 election and every 4 years thereafter, 7 members of the board
21 shall be elected by voting districts for a term of 4 years. Each
22 member shall represent a voting district described in section
23 404b.

24 (3) ~~—(2)—~~ The members shall be nominated and elected by the
25 registered school electors of each voting district in the manner
26 provided by law for the nomination and election of the first
27 class school board members elected at large, except that the

1 number of signatures required on nominating petitions of a
2 candidate for election as a representative of a voting district
3 shall be not less than 250 or more than 500. A signature on a
4 nominating petition is not valid unless the petitioner is a
5 registered school elector of the voting district in which the
6 candidate is running for election. Not more than 2 candidates
7 shall be nominated at the primary election for each voting
8 district.

9 **(4)** ~~—(3)—~~ Candidates shall be nominated at a primary held in
10 conjunction with the preceding primary election conducted
11 pursuant to section 534 of the Michigan election law, ~~Act~~
12 ~~No. 116 of the Public Acts of 1954, as amended, being section~~
13 ~~168.534 of the Michigan Compiled Laws—~~ **1954 PA 116, MCL 168.534.**
14 Nominating petitions shall meet the requirements of section 544c
15 of ~~Act No. 116 of the Public Acts of 1954, as amended, being~~
16 ~~section 168.544c of the Michigan Compiled Laws—~~ **the Michigan**
17 **election law, 1954 PA 116, MCL 168.544c**, and shall be filed with
18 the clerk of the city in which the first class school district is
19 located on or before 4 p.m. of the twelfth Tuesday preceding the
20 primary election. The city clerk may compare the signatures on
21 the petitions with the signatures appearing on the registration
22 records, or in some other proper manner determine whether the
23 signatures appearing on the petitions are genuine and comply with
24 the requirements of this section. With the petitions, a
25 candidate shall file an affidavit as provided in section 558 of
26 ~~Act No. 116 of the Public Acts of 1954, being section 168.558 of~~
27 ~~the Michigan Compiled Laws—~~ **the Michigan election law, 1954 PA**

1 116, MCL 168.558.

2 (5) ~~—(4)—~~ The 7 board members elected to represent the voting
3 districts shall commence their terms of office on January 1
4 following the election.

5 (6) ~~—(5)—~~ A candidate for the office of board member
6 representing a voting district or a person appointed to fill a
7 vacancy pursuant to subsection ~~—(6)—~~ (7) shall be 18 years of age
8 or older at the time of his or her election or appointment and
9 shall be a registered school elector residing in the voting
10 district in which the person becomes a candidate or which the
11 person is appointed to represent. If a voting district member's
12 residence is moved from the voting district during the voting
13 district member's term of office, this constitutes a vacating of
14 office.

15 (7) ~~—(6)—~~ If a vacancy occurs on the first class school
16 district board from among the voting district members, the
17 vacancy shall be filled from among registered school electors of
18 the voting district by majority vote of the remaining first class
19 school district board members. If a person is appointed to fill
20 a vacancy in a voting district for which the unexpired term is
21 more than 1 year and 8 months, that person shall serve until
22 January 1 following the next general election. At that next
23 general election the vacancy shall be filled for the unexpired
24 term. A vacancy shall not be filled later than 60 days before a
25 primary election at which voting district board members are to be
26 nominated.

27 Sec. 413a. The city clerk **of the city with the greatest**

1 **population located within the boundaries of the first class**
2 **school district**, within the time specified for serving notices
3 upon officials elected at a city election, shall serve notice of
4 election upon each member of the first class school district
5 board elected at the election.

6 Sec. 414a. If a person **elected to the board of a first**
7 **class school district under this part** fails to take the oath of
8 office within 10 days after service of notice of election, the
9 vacancy shall be filled pursuant to section ~~411a(5)~~ **411a(6)**,
10 **412(7), or 412a(7), as applicable.**

11 Sec. 415. (1) The first class school district board, by a
12 vote of 2/3 of the members serving, may expel or remove from
13 office a member for corrupt or ~~wilful~~ **willful** malfeasance or
14 misfeasance in office, or for ~~wilful~~ **willful** neglect of the
15 duties of the member's office. The reason for the expulsion or
16 removal shall be entered on the records of the board with the
17 names and votes of the members voting on the question.

18 (2) A member shall not be expelled or removed unless the
19 member is first furnished with a written copy of the charges and
20 is allowed to be heard in his or her defense, with aid of
21 counsel.

22 (3) For this purpose the board shall have power to issue
23 subpoenas to compel the attendance of witnesses and the
24 production of papers, and shall proceed within 10 days after
25 service of a copy of the charge to hear and determine the merits
26 of the case.

27 (4) The member's failure to appear may be good cause for

1 removal from office.

2 Sec. 416. **(1) This section applies to a first class school**
3 **district only if the question under section 410 is not approved**
4 **in the first class school district.**

5 **(2) —(1)—** The officers of the first class school district
6 board shall be a president, vice-president, secretary, and
7 treasurer. The board, a majority of which shall constitute a
8 quorum, shall elect its president and vice-president biennially
9 from among the members of the board. In case of a vacancy in the
10 office of president, the vice-president shall succeed to the
11 office of president for the balance of the unexpired term. The
12 secretary and treasurer shall be appointed by the board but shall
13 not be members of the board and shall receive a salary fixed by
14 the board.

15 **(3) —(2)—** The president, vice-president, and secretary shall
16 perform the duties prescribed by the bylaws and regulations of
17 the board. The duties of the treasurer shall be determined by
18 the school district general superintendent, as approved by the
19 board.

20 **(4) —(3)—** The officers of the board who in the discharge of
21 the duties of their respective positions handle funds belonging
22 to the first class school district shall be required to give
23 bonds for the faithful performance of their duties in accordance
24 with the bylaws and regulations of the board. The premium of the
25 bonds shall be paid from the funds of the board.

26 **(5) —(4)—** The school district treasurer shall have the
27 custody of all money belonging to the school district and shall

1 pay out money pursuant to section 433. The funds shall be
2 deposited with depositories selected by the board, and the
3 interest derived shall be paid into the general fund of the
4 board.

5 (6) ~~(5)~~ The board shall require from the school district
6 treasurer a separate bond of not less than \$200,000.00 to protect
7 the funds of the board.

8 Sec. 416a. (1) This section applies to a first class school
9 district only if the question under section 410 is approved in
10 the first class school district.

11 (2) The officers of the first class school district board
12 shall be a president, vice-president, and secretary. In case of
13 a vacancy in the office of president of a first class school
14 district board, the vice-president shall succeed to the office of
15 president for the balance of the unexpired term.

16 (3) The president, vice-president, and secretary shall
17 perform the duties prescribed by the bylaws and regulations of
18 the board.

19 (4) The chief financial officer or other officer of the first
20 class school district designated by the chief executive officer
21 shall have the custody of all money belonging to the school
22 district and shall pay out money pursuant to this act. The funds
23 shall be deposited with depositories selected by the chief
24 executive officer or his or her designee, and the interest
25 derived shall be paid into the general fund of the school
26 district.

27 Sec. 417a. (1) A member of the first class school district

1 board shall not be directly or indirectly interested in a
2 contract with the board. Except for the per diem allowance
3 provided in subsection (2), a member of the first class school
4 district board shall not receive compensation for services
5 rendered to the board.

6 (2) ~~Each~~ **Except as otherwise provided in this subsection**
7 **and subsection (3), each** first class school district board member
8 shall be paid a per diem allowance of \$30.00 for each board
9 meeting and subcommittee meeting attended and each authorized
10 duty performed. To be reimbursed for an authorized duty, the
11 duty shall be related directly to the member's responsibility as
12 a board member and shall be authorized in advance by resolution
13 of the board. Compensation shall be provided to a board member
14 for an authorized duty only if that duty and the authority of the
15 board member to perform that duty is specifically enumerated in
16 the resolution authorizing compensation. The payments for
17 meetings, subcommittee meetings, and authorized duties shall not
18 exceed a total of 52 meetings, subcommittee meetings, and
19 authorized duties per year, ~~unless the majority of the board~~
20 ~~votes to remove this limitation~~ **except that, if the question**
21 **under section 410 is not approved in the first class school**
22 **district, this limitation may be removed by majority vote of the**
23 **board.**

24 (3) **If the question under section 410 is approved in the**
25 **first class school district, the board of the first class school**
26 **district may by majority vote of the board waive any per diem**
27 **payment under this section.**

1 Sec. 418a. (1) Regular meetings of the first class school
2 district board shall be held at least once each month, at a time
3 and place fixed by the bylaws. ~~Not~~ **If the question under**
4 **section 410 is not approved, not** less than 7 of the regular
5 meetings shall be held in different voting districts of the first
6 class school district each year. **If the question under section**
7 **410 is approved, not less than 9 of the regular meetings shall be**
8 **held in different voting districts of the first class school**
9 **district each year.** The bylaws may provide for the calling of
10 special meetings.

11 (2) The proceedings and official actions of the first class
12 school district board shall be a public record open to inspection
13 pursuant to section 1202.

14 (3) The board **of the first class school district** shall have
15 made a complete annual audit of its financial transactions. The
16 board may employ a firm of certified public accountants to make
17 the audit or, if the city **with the greatest population located**
18 within ~~which~~ **the boundaries of** the school district ~~is located~~
19 has an auditor whose duties are limited to postauditing of
20 finances and investigation of operations, the board may arrange
21 for the city's auditor to make the audit. The audit report shall
22 be made to the board **and the chief executive officer** and shall be
23 a public record. The board may **direct the chief executive**
24 **officer to** publish the audit report **by** adding to it general
25 school statistics or it may publish general school statistics
26 separately.

27 (4) ~~Every~~ **If the question under section 410 is not approved**

1 in the first class school district, every action of the first
2 class school district board creating a liability or debt or
3 originating the disposal or expenditure of property or money
4 shall be by yea and nay vote entered upon its record.

5 Sec. 420. (1) This section applies to a first class school
6 district only if the question under section 410 is approved in
7 the first class school district.

8 (2) The school board of a first class school district shall
9 appoint a chief executive officer under this section. The
10 initial chief executive officer shall be appointed not later than
11 30 days after the school board takes office under section 412,
12 with the appointment of the initial chief executive officer to
13 take effect at the beginning of the next school fiscal year. All
14 of the following apply to appointment and employment of a chief
15 executive officer under this section:

16 (a) The chief executive officer shall be employed by the
17 school district according to an employment contract entered into
18 with the school board. The term of the contract shall not exceed
19 4 years and may be renewed.

20 (b) The mayor shall submit to the school board the name of 1
21 nominee for the position of chief executive officer. The school
22 board shall approve or disapprove of the nominee. Approval of
23 the nominee shall be by majority vote of the school board. Upon
24 approval by the school board, the nominee is appointed as chief
25 executive officer. If the school board does not approve the
26 nominee, the mayor shall submit to the school board the name of a
27 new nominee.

1 (c) Appointment of a chief executive officer under this
2 section is subject to section 421.

3 (d) A chief executive officer may be removed from office
4 either by the mayor or by a majority vote of the members serving
5 on the school board with the approval of the mayor. However, a
6 chief executive officer may be removed only for good cause.

7 (3) Beginning on the next January 1 occurring at least 1 year
8 after the question under section 410 is presented to the school
9 electors of the first class school district, and until the
10 appointment of an initial chief executive officer for a first
11 class school district takes effect under this section, the person
12 who was serving as chief executive officer of the school district
13 under part 5a immediately before the school board takes office
14 under section 412 shall act as the interim chief executive
15 officer of the first class school district under this part. All
16 provisions of this act that would otherwise apply to the chief
17 executive officer of the first class school district apply to the
18 interim chief executive officer, and he or she may exercise all
19 the powers and duties otherwise vested by law in the chief
20 executive officer of the first class school district until a
21 permanent chief executive officer is appointed for the school
22 district under this section.

23 (4) Upon appointment of a chief executive officer for a first
24 class school district under this section, except for the school
25 board's powers under subsection (11), the chief executive officer
26 immediately may exercise all the powers and duties vested by law
27 in the chief executive officer or the school board under this act

1 and all additional powers and duties provided under this part;
2 and the chief executive officer accedes to all the rights,
3 duties, and obligations of an elected school board of a first
4 class school district. Subject to section 421, these powers,
5 rights, duties, and obligations include, but are not limited to,
6 all of the following:

7 (a) Authority over the expenditure of all school district
8 funds, including proceeds from bonded indebtedness and other
9 funds dedicated to capital projects. However, the chief
10 executive officer shall submit an annual budget and annual
11 procurement goals to the school board for approval as provided
12 under subsection (11)(b).

13 (b) Rights and obligations under collective bargaining
14 agreements and employment contracts entered into by the previous
15 school board or by a previous chief executive officer.

16 (c) Rights to prosecute and defend litigation.

17 (d) Obligations under any judgments entered against the
18 school district.

19 (e) Rights and obligations under statute, rule, and common
20 law.

21 (f) Authority to delegate any of the chief executive
22 officer's powers and duties to 1 or more designees.

23 (g) All other rights, duties, and obligations provided under
24 this part for the chief executive officer or provided under this
25 act or other state law for a school board except for those school
26 board powers listed in subsection (11).

27 (5) In addition to his or her other powers, the chief

1 executive officer appointed under this part may terminate any
2 contract entered into by a previous school board or chief
3 executive officer of the school district except for a collective
4 bargaining agreement. However, this subsection does not allow
5 any termination or diminishment of obligations to pay debt
6 service on legally authorized bonds. A contract terminated by a
7 chief executive officer under this subsection is void.

8 (6) Upon appointment of a chief executive officer for a first
9 class school district under this section, each employee of the
10 qualifying school district whose position is not covered by a
11 collective bargaining agreement is employed at the will of the
12 chief executive officer.

13 (7) The chief executive officer shall appoint for the first
14 class school district a chief financial officer, chief academic
15 officer, chief operations officer, and chief purchasing officer.
16 Appointment of a chief financial officer under this section is
17 subject to section 421. These officers are employed at the will
18 of the chief executive officer.

19 (8) Not later than 90 days after the initial appointment of a
20 chief executive officer under this section, and at least annually
21 thereafter, the chief executive officer shall develop and submit
22 to the mayor, school board, and department a school district
23 improvement plan that includes at least detailed academic,
24 financial, capital, and operational goals and benchmarks for
25 improvement and a description of strategies to be used to
26 accomplish those goals and benchmarks. The plan also shall
27 include an assessment of available resources and recommendations

1 concerning additional resources or changes in statute or rule, if
2 any, needed to meet those goals and benchmarks. The plan also
3 shall include an evaluation of local school governance issues,
4 including criteria for establishing building-level governance.

5 (9) The chief executive officer shall submit an annual report
6 to the mayor, school board, governor, and legislature and shall
7 make the annual report available to the community in the first
8 class school district. The annual report shall contain at least
9 all of the following:

10 (a) A summary of the initiatives that have been implemented
11 to improve school quality in the first class school district.

12 (b) Measurements that may be useful in determining
13 improvements in school quality in the first class school
14 district. These measurements shall indicate changes from
15 baseline data from the school year before the appointment of the
16 chief executive officer, and shall include at least all of the
17 following:

18 (i) Standardized test scores of pupils.

19 (ii) Dropout rates.

20 (iii) Daily attendance figures.

21 (iv) Enrollment figures.

22 (v) High school completion and other pertinent completion
23 rates.

24 (vi) Changes made in course offerings.

25 (vii) Proportion of school district resources devoted to
26 direct educational services.

27 (c) A description of long-term performance goals that may

1 include statewide averages or comparable measures of long-term
2 improvement.

3 (10) The chief executive officer shall submit a monthly
4 report, which shall be a public record, to the school board of
5 the first class school district and shall make the monthly report
6 available to the community in the first class school district.
7 The monthly report shall contain at least all of the following:

8 (a) A summary of the initiatives that have been implemented
9 to improve school quality in the first class school district.

10 (b) Daily attendance figures.

11 (c) A description of steps taken to implement the chief
12 executive officer's school district improvement plan.

13 (d) A description of the progress made toward achieving the
14 goals and benchmarks set forth in the chief executive officer's
15 school district improvement plan.

16 (e) A description of progress made toward achieving the
17 long-term performance goals set forth in the annual report under
18 subsection (9).

19 (f) A copy of any and all completed financial audits
20 authorized by the school district.

21 (11) The school board of a first class school district shall
22 do all of the following:

23 (a) Monitor pupil performance.

24 (b) During June of each year, receive, review, and approve
25 the annual budget and procurement goals submitted by the chief
26 executive officer, including approval of the annual appropriation
27 total for the school district's general operating fund and the

1 general fund expenditure budget total for each of the following
2 functions, as the functions are defined by the department in
3 Bulletin 1022:

4 (i) Instructions.

5 (ii) Pupil support services.

6 (iii) Instructional staff support services.

7 (iv) School administration.

8 (v) Business support services.

9 (vi) Operations and maintenance.

10 (vii) Pupil transportation services.

11 (viii) Central support services.

12 (ix) Community services.

13 (c) Review all contracts totaling over \$250,000.00 that are
14 entered into by the chief executive officer.

15 (d) Not later than August 31 of each year, provide to the
16 mayor an annual evaluation of the performance of the chief
17 executive officer and make this annual performance evaluation
18 available to the public. To assist in this function, the school
19 board may contract with an independent auditor to conduct a
20 performance and financial audit of the activities of the chief
21 executive officer. If the school board contracts for such an
22 audit, the school board shall review the audit results before
23 preparing the annual performance evaluation.

24 (e) Form committees as the board considers necessary or
25 desirable to fulfill its functions.

26 (f) Organize and establish community assistance teams to work
27 with the school board to implement a cohesive, full service

1 community school program addressing the needs and concerns of the
2 school district's population. The school board may delegate to a
3 community assistance team the authority to devise and implement
4 family, community, cultural, and recreational activities to
5 promote the academic mission of the schools. The community
6 assistance teams may also develop parental involvement activities
7 that focus on the encouragement of voluntary parenting education,
8 enhancing parent and family involvement in education, and
9 promoting adult and family literacy.

10 (12) As used in this section and section 421, "mayor" means
11 the mayor of the city with the greatest population as of the most
12 recent decennial census located within the boundaries of a first
13 class school district.

14 Sec. 421. (1) This section applies to a first class school
15 district only if the question under section 410 is approved in
16 the first class school district.

17 (2) The mayor shall not nominate a person as chief executive
18 officer under section 420 and the chief executive officer shall
19 not appoint a person as chief financial officer if the person at
20 the time of appointment has a pecuniary interest in a contract to
21 which the first class school district is a party, or in a
22 subcontract under such a contract, other than an employment
23 contract.

24 (3) The chief executive officer shall ensure that the first
25 class school district does not award a contract, and that a
26 subcontract is not awarded under a contract with the first class
27 school district, to the mayor, the chief executive officer, the

1 chief financial officer, or a first class school board member, or
2 to the mayor's, chief executive officer's, chief financial
3 officer's, or board member's spouse or spouse's sibling or child,
4 sibling or sibling's spouse or child, child or child's spouse, or
5 parent or parent's sibling or spouse.

6 (4) The mayor, chief executive officer, chief financial
7 officer, or a first class school board member shall not have a
8 direct or indirect pecuniary interest in any contract with the
9 first class school district that causes a substantial conflict of
10 interest. As used in this subsection, "substantial conflict of
11 interest" means that the pecuniary interest is of such substance
12 as to induce action on the person's part to promote the contract
13 for his or her own personal benefit. A contract between the
14 first class school district and any of the following is not
15 considered a substantial conflict of interest:

16 (a) A corporation in which the person is a stockholder owning
17 1% or less of the total stock outstanding in any class if the
18 stock is not listed on a stock exchange or the stock has a
19 present market value of \$25,000.00 or less if the stock is listed
20 on a stock exchange.

21 (b) A corporation in which a trust, in which the person is a
22 beneficiary under the trust, owns 1% or less of the total stock
23 outstanding in any class if the stock is not listed on a stock
24 exchange or the stock has a present market value of \$25,000.00 or
25 less if the stock is listed on a stock exchange.

26 (c) A professional limited liability company organized
27 pursuant to the Michigan limited liability company act, 1993 PA

1 23, MCL 450.4101 to 450.5200, if the person is an employee but
2 not a member of the company.

3 Sec. 422. ~~When~~ If territory comprising an entire school
4 district is annexed to the city and becomes a part of the ~~city~~
5 **first class** school district, part 10 shall govern where
6 applicable with respect to the bonded indebtedness of either
7 district existing at the time of annexation. The first class
8 school district board may use any funds legally available to
9 retire the bonded indebtedness of the annexed district. **If the**
10 **question under section 410 is approved in the first class school**
11 **district, then the chief executive officer appointed under**
12 **section 420 has the powers and shall perform the duties of the**
13 **board of the first class school district under this section.**

14 Sec. 424. (1) When school property belonging to another
15 school district is taken by annexation by a first class school
16 district, a determination shall be made of the equitable amount
17 that shall be paid by the first class school district. That
18 determination shall be made by the boards of the 2 districts
19 affected. If the board of the first class school district and
20 the board of the school district from which the property is taken
21 are unable to agree, the matter shall be submitted to a board of
22 arbitration consisting of 1 member appointed by each board and a
23 third member to be selected by the 2 appointed members. The
24 arbitrators by order shall fix a day for hearing and give notice
25 of the hearing as provided in the order. They shall make
26 regulations for the proceedings and shall make a final order
27 determining the amount to be paid by the first class school

1 district to the school district whose property was taken by the
2 annexation and file the order with the county clerk. The order
3 of the arbitrators shall be final. Taxes shall be levied and
4 collected in the manner provided in the order.

5 **(2) If the question under section 410 is approved in the**
6 **first class school district, then the chief executive officer**
7 **appointed under section 420 has the powers and shall perform the**
8 **duties of the board of the first class school district under this**
9 **section.**

10 Sec. 431a. (1) The **board of the** first class school district
11 ~~board~~ may take, use, hold, lease, sell, and convey real and
12 personal property, including property received by gift, devise,
13 or bequest, for the use of the public school within and without
14 its corporate limits. Proceeds from the sale of real property
15 shall be credited to accounts of the school district as provided
16 in section 1262. The first class school district board ~~shall~~
17 ~~have~~ **has** the power to purchase, lease, and take by the right of
18 eminent domain all property; erect and maintain or lease all
19 buildings; employ and pay all persons; and do all other things in
20 its judgment necessary for the proper establishment and
21 management of the public schools. **If the question under section**
22 **410 is approved in the first class school district, then the**
23 **chief executive officer appointed under section 420 has the**
24 **powers and shall perform the duties of the board of the first**
25 **class school district under this subsection.**

26 (2) The first class school district board ~~shall~~ **may** adopt
27 and revise as appropriate bylaws and regulations for ~~its own~~

1 ~~government~~ **conducting the business of the board** and, if the
2 **question under section 410 is not approved in the first class**
3 **school district**, for the control and government of all schools,
4 school property, and pupils in the first class school district.

5 (3) If property is sought to be taken by eminent domain,
6 proceedings may be brought under ~~Act No. 149 of the Public Acts~~
7 ~~of 1911, as amended, being sections 213.21 to 213.41 of the~~
8 ~~Michigan Compiled Laws, or Act No. 87 of the Public Acts of~~
9 ~~1980, as amended, being sections 213.51 to 213.77 of the Michigan~~
10 ~~Compiled Laws~~ **1911 PA 149, MCL 213.21 to 213.25, or the uniform**
11 **condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75.**

12 Sec. 432. (1) The first class school district board
13 annually shall prepare estimates of the amount of taxes necessary
14 for its needs for the ensuing fiscal year. The estimates shall
15 specify the amount required for the "general fund", the amount
16 required for the "building and site fund", and the amount
17 required for the "debt retirement fund". If the board causes the
18 appropriation for the "building and site fund" to be raised by
19 the issuance of bonds instead of raising the appropriation by
20 taxation, provision shall be made for the retirement of the bonds
21 in a debt retirement fund.

22 (2) The board shall adopt a budget in the same manner and
23 form as required for its estimates and determine the amount of
24 tax levy necessary for that budget and shall certify on or before
25 the date required by law the amount to the city.

26 (3) The proper officials of the city shall apportion the
27 school taxes in the same manner as the other taxes of the city

1 are apportioned, and the amount apportioned shall be assessed,
2 levied, collected, and returned for the school district in the
3 same manner as taxes of the city. The tax levied by the ~~board~~
4 **school district**, in the discretion of the legislative body of the
5 city, may be stated separately on each tax bill.

6 (4) If the question under section 410 is approved in the
7 first class school district, then the chief executive officer
8 appointed under section 420 has the powers and shall perform the
9 duties of the board of the first class school district under this
10 section.

11 Sec. 433. (1) The secretary of the first class school
12 district board shall issue and sign a warrant upon the treasurer
13 for payrolls, bills, and accounts ~~which~~ **that** become due and
14 payable under a contract or because of a previous authorization
15 or action of the board after the payrolls, bills, and accounts
16 are registered and charged to the appropriations from which they
17 are payable. The treasurer, upon receipt of the warrant, shall
18 issue a check in payment thereof.

19 (2) Other claims and demands against the ~~board~~ **first class**
20 **school district** shall be made under the regulations of the
21 board. The board, before paying a bill, account, or claim, may
22 require that it be accompanied by a certificate of the person
23 rendering it that the services or the property charged have been
24 actually performed or delivered for the ~~board~~ **school district**,
25 that the sums charged are reasonable and just, and that to the
26 best of that person's knowledge and belief no setoff exists nor
27 payment has been made on account ~~thereof~~ except as included or

1 referred to in the account presented. A similar certificate
2 shall be required on all payrolls, the certificate to be made by
3 the person who supervises the services charged.

4 **(3) If the question under section 410 is approved in the**
5 **first class school district, then the chief executive officer**
6 **appointed under section 420 or his or her designee has the powers**
7 **and shall perform the duties of the board of the first class**
8 **school district or board officers under this section.**

9 Sec. 434. (1) Before a contract entered into by the first
10 class school district ~~board~~ for the purchase of real estate or
11 the erection, remodeling, or repairing of a building is binding
12 on the ~~board~~ **school district**, the secretary shall endorse on
13 the contract that the money proposed to be expended under the
14 contract is actually in the treasury or that the money has been
15 appropriated. A contract submitted shall not be certified by the
16 secretary until all contracts for the completed work covered by
17 the appropriation are submitted, and a warrant shall not be drawn
18 on the account of a contract not containing the certificate.

19 (2) The board may authorize a contract before the money is
20 available if an appropriation or an authorization of bonds or
21 notes is made for the contract and may borrow on the best terms
22 obtainable on the credit of that appropriation or authorization
23 of bonds or notes sums necessary to make a payment under the
24 contract.

25 **(3) If the question under section 410 is approved in the**
26 **first class school district, then the chief executive officer**
27 **appointed under section 420 or his or her designee has the powers**

1 and shall perform the duties of the board of the first class
2 school district or board officers under this section.

3 Sec. 441. The **board of the** first class school district,
4 ~~board,~~ with the consent of the legislative body of the city,
5 may authorize ~~its~~ **the** financial officers **of the school district**
6 to borrow for not more than 1 year, on the best terms obtainable,
7 sums necessary to pay awards in condemnation proceedings. **If the**
8 **question under section 410 is approved in the first class school**
9 **district, then the chief executive officer appointed under**
10 **section 420 has the powers and shall perform the duties of the**
11 **board of the first class school district under this section.**

12 Sec. 442. (1) The **board of the** first class school district
13 ~~board~~ may do ~~all~~ **any** of the following:

14 (a) Borrow, subject to the revised municipal finance act,
15 2001 PA 34, MCL 141.2101 to 141.2821, for temporary school
16 purposes sums of money and give notes of the district for
17 temporary school purposes.

18 (b) Borrow, subject to the revised municipal finance act,
19 2001 PA 34, MCL 141.2101 to 141.2821, sums of money for the
20 purpose of purchasing sites for buildings, playgrounds, or
21 athletic fields and purchasing or erecting and equipping a
22 building or making a permanent improvement that ~~it~~ **the school**
23 **district** is authorized to make. The board may accomplish this by
24 the issuance and sale of bonds of the school district on terms
25 the board considers advisable, or by other reasonable means. The
26 board shall designate officers to execute the bonds on behalf of
27 the school district. The designated officers may include the

1 chief ~~fiscal~~ **financial** officer.

2 (2) A loan shall not be made, except as otherwise provided in
3 this subsection, for a sum that, together with the total
4 outstanding bonded indebtedness of the school district, exceeds
5 5% of the state equalized valuation of the taxable property
6 within the **school** district, unless the proposition of making the
7 loans or of issuing bonds is submitted to a vote of the school
8 electors of the **school** district at a general or special school
9 election and approved by the majority of the school electors
10 voting on the question. Regardless of the amount of outstanding
11 bonded indebtedness of the school district, a vote of the school
12 electors is not necessary in order to issue bonds for a purpose
13 described in section 1274a. Loans may be made or bonds may be
14 issued for the purposes stated in this section in an amount equal
15 to that provided by part 17.

16 (3) **If the question under section 410 is approved in the**
17 **first class school district, then the chief executive officer**
18 **appointed under section 420 has the powers and shall perform the**
19 **duties of the board of the first class school district under this**
20 **section.**

21 Sec. 443. (1) Proceeds from the sale of **first class** school
22 district bonds may be expended for the remodeling of existing
23 buildings of the **school** district if the board determines the
24 remodeling will contribute positively to the health, security, or
25 welfare of the pupils of the school district and if the uses are
26 approved by the superintendent of public instruction. **If the**
27 **question under section 410 is approved in the first class school**

1 district, then the chief executive officer appointed under
2 section 420 has the powers and shall perform the duties of the
3 board of the first class school district under this subsection.

4 (2) As used in this section, "remodeling" means the
5 alteration or construction of structural components of a building
6 including walls, roofs, partitions, hallways, stairways, or means
7 of egress, or the replacement, relocation, or reconstruction of
8 heating, ventilating, incineration, electrical, security, or
9 sanitary systems.

10 Sec. 445. (1) The **board of the** first class school district
11 ~~board~~ by resolution may submit the proposition of issuing bonds
12 for the purpose of purchasing sites for buildings, playgrounds,
13 or athletic fields and purchasing or erecting and equipping a
14 building or making permanent improvements that ~~it~~ **the school**
15 **district** is authorized to make to the school electors of the
16 school district at a city ~~—~~ **or state election**, or **at a special**
17 election called for that purpose.

18 (2) If a majority of the school electors voting on the
19 question approve the issuance of bonds, the board may issue the
20 bonds of the district.

21 (3) The board shall determine the form of the bonds, the
22 manner in which they shall be executed by the president and
23 secretary of the district, the sums payable and the times of
24 payment, and other terms and conditions the board considers
25 necessary.

26 (4) If the board determines to issue bonds under this
27 section, sections 432 and 444 shall not apply to the issuance of

1 the bonds and the bonds may be issued in an amount equal to that
2 provided by part 17.

3 (5) The secretary of the board shall file with the city clerk
4 a written notice of the ~~adoption of the~~ resolution **to submit**
5 **the bonding proposition to the school electors** with a draft of
6 the form of the bonding proposition to be submitted. ~~to the~~
7 ~~school electors of the school district.~~ The notice shall be
8 under the seal of the board and filed with the city clerk at
9 least 60 days before the date fixed by the board for the
10 election.

11 (6) The laws of this state pertaining to elections in a city
12 shall govern the practicable submission of the proposition to the
13 school electors. Electors qualified to vote on the bonding
14 proposition shall be registered school electors of the city in
15 which the first class school district is located and otherwise
16 qualified to vote on bonding propositions under the constitution
17 and laws of this state.

18 (7) Bonds issued under this act are subject to the revised
19 municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

20 (8) **If the question under section 410 is approved in the**
21 **first class school district, then the chief executive officer**
22 **appointed under section 420 has the powers and shall perform the**
23 **duties of the board of the first class school district or board**
24 **officers under this section.**

25 Sec. 449. All powers and duties of the school board of the
26 first class school district and of its officers are subject to
27 part 5a **until January 1 following the expiration of 5 years after**

1 the initial appointment of a school reform board in the school
2 district under part 5a.

3 Sec. 451. (1) The board of a first class school district
4 having boundaries coterminous with those of a city ~~which~~ **that**
5 imposes a city income tax by ordinance adopted pursuant to ~~Act~~
6 ~~No. 284 of the Public Acts of 1964, as amended, being sections~~
7 ~~141.501 to 141.787 of the Michigan Compiled Laws~~ **the city income**
8 **tax act, 1964 PA 284, MCL 141.501 to 141.787**, by resolution
9 adopted by a majority of its members elected and serving, may
10 adopt, levy, assess, and collect an excise tax, upon income
11 received, earned, or otherwise acquired by corporations and
12 resident individuals. An excise tax adopted shall not exceed 50%
13 of the liability of the corporation or resident individual for a
14 2% income tax imposed by the city with coterminous boundaries.
15 ~~nor the amount necessary, when added to the allocated and voted~~
16 ~~millage ad valorem tax, to qualify for maximum membership aid~~
17 ~~under sections 21 and 22 of Act No. 258 of the Public Acts of~~
18 ~~1972, as amended, being sections 388.1121 and 388.1122 of the~~
19 ~~Michigan Compiled Laws. The board of a first class district~~
20 ~~authorized by law to levy at least 24.76 mills ad valorem tax for~~
21 ~~the operation costs of a district shall not levy an excise tax on~~
22 ~~income. As used in this subsection, "operation costs" shall not~~
23 ~~include moneys expended for school sites, school building~~
24 ~~construction, equipment, payment of bonds, or other purposes not~~
25 ~~properly included in operation costs as determined by the state~~
26 ~~board.~~

27 (2) The ~~resolution~~ **excise tax** shall continue in effect

1 until rescinded by a subsequent resolution. A tax imposed
2 pursuant to this section may not be rescinded or the rate
3 ~~thereof~~ **of the tax** reduced if there are outstanding obligations
4 for which the tax is pledged.

5 (3) The resolution shall provide that taxpayers subject to
6 the tax imposed by the resolution may elect to compute their tax
7 for a calendar year, or fiscal year, during which the tax is made
8 effective or rescinded, by any of the following methods:

9 (a) The tax may be computed as if the tax were effective on
10 the first day of the calendar year, or the taxpayer's fiscal
11 year, and the amount computed multiplied by a fraction, the
12 numerator of which is the number of months the tax was in effect
13 during the taxpayer's calendar or fiscal year, and the
14 denominator of which is the number of months in the taxpayer's
15 calendar or fiscal year. A portion of a month which is 15 days
16 or more shall be considered a month and a period of less than 15
17 days shall be disregarded.

18 (b) The tax may be computed by determining the amount of the
19 city tax giving rise to the school district tax which is
20 allocable to the period the district tax is in effect in
21 accordance with any accounting method satisfactory to the
22 administrator.

23 (4) A school district adopting a tax pursuant to this section
24 shall certify within 5 days to the city clerk of the city with
25 coterminous boundaries the adoption of the resolution and tax.
26 The effective date of a tax imposed by a school district pursuant
27 to this section shall be the first day of the month ~~which~~ **that**

1 is 20 days or more following the adoption of the resolution,
2 unless the resolution provides otherwise. The tax shall not be
3 declared to be retroactively effective ~~prior to~~ **before** the
4 first day of the calendar year in which the resolution was
5 adopted. The enforcement, collection, and refund authority of
6 the city with coterminous boundaries shall continue in effect
7 after the effective date of expiration with respect to
8 liabilities incurred during the period the tax imposed by the
9 school district pursuant to this section was in effect.

10 (5) A school district tax imposed by resolution passed
11 pursuant to this section shall be administered by the
12 administrator designated by the city having boundaries
13 coterminous with the **school** district to administer the city tax,
14 and the treasurer of that city shall collect and account for the
15 revenue. After deducting the amount of refunds, the city
16 treasurer shall pay over the balance to the school district as
17 soon as practicable. As often as practicable, but not less often
18 than monthly, the city treasurer shall pay over and distribute to
19 the school district the amount of taxes ~~which~~ it is estimated
20 to be entitled to ~~which~~ **that** are received in the form of
21 withholding remittances and estimated taxes paid.

22 (6) A resolution imposing a school district tax pursuant to
23 this section shall provide for withholding and remitting by
24 employers doing business or maintaining a place of business
25 within the school district, for declaration and payment of
26 estimated taxes, for the promulgation by the administrator of
27 appropriate regulations, for the appeal from the administrator's

1 decisions, for judicial review, for interest and penalties, for
2 jeopardy assessments, for a statute of limitations, for
3 consolidated and joint returns, for refunds, and for other
4 provisions necessary to administer, enforce, and collect the
5 school district tax in substantially the same manner as the tax
6 imposed by the city with coterminous boundaries. The
7 administrator shall prepare and make available the withholding
8 tables and tax return and other forms necessary to administer the
9 district tax.

10 (7) If the question under section 410 is approved in the
11 first class school district, then the chief executive officer
12 appointed under section 420 has the powers and shall perform the
13 duties of the board of the first class school district under this
14 section, and may issue an order for any action that may otherwise
15 be taken by resolution of the board under this section.

16 (8) ~~(7)~~ For purposes of this section, the terms
17 "administrator", "business", "corporation", "doing business",
18 "fiscal year", "person", and "resident individual" have the same
19 meaning as in ~~Act No. 284 of the Public Acts of 1964, as~~
20 ~~amended~~ **the city income tax act, 1964 PA 284, MCL 141.501 to**
21 **141.787**, and the term "taxpayer" means a person required by the
22 school district's resolution to file a return with respect to, or
23 to pay, the tax.

24 Sec. 461. (1) Upon the adoption, by majority vote of the
25 board members serving, of a measure not coming under its general
26 power or authority, the **board of the** first class school district
27 ~~board~~ shall submit the measure to the school electors of the

1 school district at the next state or city election or a special
2 election called for that purpose. This section ~~shall~~ **does** not
3 authorize the issuance of bonds. The secretary of the board
4 shall file with the city clerk a written notice of the adoption
5 of the measure together with a written draft of the measure to be
6 submitted to the school electors. The notice shall be under the
7 seal of the board and filed with the city clerk not less than 60
8 days before the election.

9 (2) The laws of this state pertaining to elections in the
10 city ~~shall~~ govern the practicable submission of the measure to
11 the school electors.

12 (3) **If the question under section 410 is approved in the**
13 **first class school district, then the chief executive officer**
14 **appointed under section 420 has the powers and shall perform the**
15 **duties of the board of the first class school district or board**
16 **officers under this section.**

17 Sec. 462. Special elections may be called by the **board of**
18 **the** first class school district. ~~board.~~ The board shall call an
19 election on receipt of the written request of not less than 10%
20 of the registered school electors of the district qualified to
21 vote on the question by giving the prescribed notice. The
22 questions to be submitted at the election shall be stated briefly
23 in the notice. **If the question under section 410 is approved in**
24 **the first class school district, then the chief executive officer**
25 **appointed under section 420 has the powers and shall perform the**
26 **duties of the board of the first class school district under this**
27 **section.**

1 Sec. 471a. **(1) This section applies to a first class school**
2 **district only if the question under section 410 is not approved**
3 **in the first class school district.**

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

22 (3) ~~—(2)—~~ A notification of nonrenewal of a contract of a
23 person described in this section may be given only for a reason
24 that is not arbitrary or capricious. The board shall not issue a
25 notice of nonrenewal under this section unless the affected
26 person has been provided with not less than 30 days' advance
27 notice that the board is considering the nonrenewal together with

1 a written statement of the reasons the board is considering the
2 nonrenewal. After the issuance of the written statement, but
3 before the nonrenewal statement is issued, the affected person
4 shall be given the opportunity to meet with not less than a
5 majority of the board to discuss the reasons stated in the
6 written statement. The meeting shall be open to the public or a
7 closed session as the affected person elects under section 8 of
8 the open meetings act, 1976 PA 267, MCL 15.268. The failure to
9 provide for a meeting with the board or the finding of a court
10 that the reason for nonrenewal is arbitrary or capricious shall
11 result in the renewal of the affected person's contract for an
12 additional 1-year period. This subsection does not apply to the
13 nonrenewal of the contract of a superintendent of schools.

14 (4) ~~(3)~~ Except for certification requirements determined by
15 the state board, the first class school district board shall have
16 full power over employees and may specify the duties to be
17 performed 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
20 municipality governing qualifications of engineers or members of
21 other trades.

22 (5) ~~(4)~~ This section is subject to part 5a.

23 Sec. 472. ~~The~~ **A** first class school district ~~board~~ may
24 establish, maintain, and conduct a school for the purpose of
25 affording a place of confinement, discipline, instruction, and
26 maintenance of children of the city of compulsory school age who
27 may be committed to the school by a court of competent

1 jurisdiction, or admitted on the recommendation of the judge with
2 the consent of their parents or guardian. A child who has been
3 convicted of an offense punishable by confinement in a penal
4 institution shall not be committed or admitted to the school.

5 Sec. 483a. **(1) This section applies to a first class school**
6 **district only if the question under section 410 is not approved**
7 **in the first class school district.**

8 **(2) —(1)—** The first class school district board shall perform
9 the following functions:

10 (a) Central purchasing.

11 (b) Payroll.

12 (c) Employment, discharge, assignment, and promotion of
13 teachers and other employees of the district.

14 (d) Contract negotiations for all employees, subject to ~~Act~~
15 ~~No. 336 of the Public Acts of 1947, as amended, being sections~~
16 ~~423.201 to 423.216 of the Michigan Compiled Laws— 1947 PA 336,~~
17 **MCL 423.201 to 423.217**, and subject to bargaining certification
18 and the collective bargaining agreement pertaining to affected
19 employees.

20 (e) Property management and maintenance and the use of
21 educational facilities.

22 (f) Bonding.

23 (g) Special education programs.

24 (h) Allocation of funds for capital outlay and operations.

25 (i) Determination of the curriculum and the establishment of
26 educational and testing programs.

27 (j) Adoption of a budget.

1 **(3) —(2)—** All powers and duties formerly vested in the
2 regional boards are transferred to the first class school board.

3 Sec. 485. (1) ~~By June 1, 1983 and~~ **At least** every 2 years,
4 ~~thereafter,~~ the **board of the** first class school district
5 ~~board~~ shall adopt policies and establish programs that provide
6 for and encourage the free flow of information between the
7 ~~board~~ **school district** and the community and that provide for
8 and encourage community input into educational matters considered
9 by the board.

10 (2) In order to implement subsection (1), **the board of a**
11 first class school district ~~board~~ shall do both of the
12 following:

13 (a) Provide for an autonomous school-community organization
14 in each school within the school district. The school-community
15 organization shall be open to all parents and other residents of
16 the school attendance area.

17 (b) Establish procedures for handling complaints, concerns,
18 and recommendations received from parents and other members of
19 the community.

20 **(3) If the question under section 410 is approved in the**
21 **first class school district, then the chief executive officer**
22 **appointed under section 420 has the powers and shall perform the**
23 **duties of the board of the first class school district under this**
24 **section.**

25 Enacting section 1. Section 405 of the revised school code,
26 1976 PA 451, MCL 380.405, is repealed.