

HOUSE BILL No. 4745

March 31, 2009, Introduced by Reps. Melton, Gregory, Johnson, Polidori, LeBlanc, Rogers, Stamas and Dean and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614),
section 4 as amended by 2008 PA 1, section 5 as amended by 2005 PA
61, and section 614 as amended by 2004 PA 419.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Educational media center" means a program
2 operated by an intermediate school district and approved by the
3 state board that provides services to local school districts or
4 constituent districts under section 671.

5 (2) "Intermediate school board" means the board of an
6 intermediate school district.

7 (3) "Intermediate school district" means a corporate body
8 established under part 7.

9 (4) "Intermediate school district election" means an election

1 called by an intermediate school board and held on the date of the
2 regular school elections of constituent districts or on a date
3 determined by the intermediate school board under **SECTION 642C OF**
4 the Michigan election law, **MCL 168.642C**.

5 (5) "Intermediate school elector" means a person who is a
6 school elector of a constituent district and who is registered in
7 the city or township in which the person resides.

8 (6) "Intermediate superintendent" means the superintendent of
9 an intermediate school district.

10 Sec. 5. (1) "Local act school district" or "special act school
11 district" means a district governed by a special or local act or
12 chapter of a local act. "Local school district" and "local school
13 district board" as used in article 3 include a local act school
14 district and a local act school district board.

15 (2) "Membership" means the number of full-time equivalent
16 pupils in a public school as determined by the number of pupils
17 registered for attendance plus pupils received by transfer and
18 minus pupils lost as defined by rules promulgated by the state
19 board.

20 (3) "Michigan election law" means the Michigan election law,
21 1954 PA 116, MCL 168.1 to 168.992.

22 (4) "Nonpublic school" means a private, denominational, or
23 parochial school.

24 (5) "Objectives" means measurable pupil academic skills and
25 knowledge.

26 (6) "Public school" means a public elementary or secondary
27 educational entity or agency that is established under this act,

1 has as its primary mission the teaching and learning of academic
2 and vocational-technical skills and knowledge, and is operated by a
3 school district, local act school district, special act school
4 district, intermediate school district, public school academy
5 corporation, strict discipline academy corporation, urban high
6 school academy corporation, or by the department or state board.
7 Public school also includes a laboratory school or other elementary
8 or secondary school that is controlled and operated by a state
9 public university described in section 4, 5, or 6 of article VIII
10 of the state constitution of 1963.

11 (7) "Public school academy" means a public school academy
12 established under part 6a and, except as used in part 6a, also
13 includes an urban high school academy established under part 6c and
14 a strict discipline academy established under sections 1311b to
15 ~~1311f~~-1311M.

16 (8) "Pupil membership count day" of a school district means
17 that term as defined in section 6 of the state school aid act of
18 1979, MCL 388.1606.

19 (9) "Regular school election" or "regular election" means the
20 election held in a school district, local act school district, or
21 intermediate school district to elect a school board member in the
22 regular course of the terms of that office and held on the school
23 district's regular election date as determined under section ~~642~~ or
24 ~~642a~~-642C of the Michigan election law, ~~MCL 168.642 and 168.642a~~
25 MCL 168.642C.

26 (10) "Reorganized intermediate school district" means an
27 intermediate school district formed by consolidation or annexation

1 of 2 or more intermediate school districts under sections 701 and
2 702.

3 (11) "Rule" means a rule promulgated under the administrative
4 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

5 Sec. 614. (1) Except as provided in section 615 and subject to
6 section ~~642-642C~~ of the Michigan election law, ~~MCL 168.642-MCL~~
7 **168.642C**, the members of the intermediate school board shall be
8 elected biennially on the first Monday in June by an electoral body
9 composed of 1 person designated by the board of each constituent
10 school district.

11 (2) The board of a constituent district shall designate its
12 representative to this electoral body by resolution adopted not
13 earlier than 21 days before the date of this biennial election. The
14 board shall consider the resolution at not less than 1 public
15 meeting before adopting the resolution. The resolution shall be
16 adopted by majority vote of the members serving on the board. In
17 its resolution designating its representative, the board of a
18 constituent district shall identify the candidate the board
19 supports for each position to be filled on the intermediate school
20 board and shall direct its representative to vote for that
21 individual or individuals at least on the first ballot taken by the
22 electoral body. The secretary of the intermediate school board
23 shall send a notice by certified mail of the hour and place of the
24 meeting of the electoral body described in subsection (1) to the
25 secretary of the board of each constituent school district at least
26 10 days before the meeting. The president and secretary of the
27 intermediate school board shall act as chairperson and secretary at

1 the meeting. The meeting of the electoral body shall be an open
2 meeting conducted in the manner prescribed under the open meetings
3 act, 1976 PA 267, MCL 15.261 to 15.275.

4 (3) Except as provided in section 703, the term of office of
5 each member elected to the intermediate school board is 6 years and
6 begins on July 1 following election. Not more than 2 members of the
7 intermediate school board shall be from the same school district
8 unless there are fewer districts than there are positions to be
9 filled.

10 (4) A vacancy shall be filled by the remaining members of the
11 intermediate school board until the next biennial election at which
12 time the vacancy shall be filled for the balance of the unexpired
13 term. Notice of the vacancy shall be filed with the state board
14 within 5 days after the vacancy occurs. If the vacancy is not
15 filled within 30 days after it occurs, the vacancy shall be filled
16 by the state board.

17 (5) Subject to subsection (7), a candidate for election to the
18 intermediate school board shall be nominated by petitions that are
19 signed by a number of school electors of the combined constituent
20 school districts of the intermediate school district, as follows:

21 (a) If the population of the intermediate school district is
22 less than 10,000 according to the most recent federal census, a
23 minimum of 6 and a maximum of 20.

24 (b) If the population of the intermediate school district is
25 10,000 or more according to the most recent federal census, a
26 minimum of 40 and a maximum of 100.

27 (6) A school elector may sign as many petitions as there are

1 vacancies to fill. Nominating petitions and an affidavit as
2 provided in section 558 of the Michigan election law, ~~1954 PA 116,~~
3 MCL 168.558, shall be filed with the school district filing
4 official not later than 30 days before the date of the biennial
5 election under subsection (1). The school district filing official
6 shall determine the sufficiency of the petitions and the
7 eligibility of the candidates nominated. The school district filing
8 official shall provide ballots for the biennial election, listing
9 on the ballots the names of all candidates properly nominated. The
10 chairperson of the biennial election meeting may accept nominations
11 for a vacancy from the floor only if no nominating petitions have
12 been filed for the vacancy.

13 (7) Instead of filing nominating petitions, a candidate for
14 election to the intermediate school board may pay a nonrefundable
15 filing fee of \$100.00 to the school district filing official. If
16 this fee is paid by the due date for nominating petitions, the
17 payment has the same effect under this section as the filing of
18 nominating petitions.

19 Enacting section 1. This amendatory act takes effect January
20 1, 2010.

21 Enacting section 2. This amendatory act does not take effect
22 unless Senate Bill No. ____ or House Bill No. 4746(request no.
23 02724'09) of the 95th Legislature is enacted into law.