

HOUSE BILL No. 5084

June 11, 2009, Introduced by Rep. Lemmons and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 3, 401, and 402 (MCL 380.3, 380.401, and
380.402), section 3 as amended by 2007 PA 45 and section 402 as
amended by 2000 PA 230, and by adding section 409; 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 vocational-
2 technical education program" or "area career and technical
3 education program" means the geographical territory, within the
4 boundaries of a K to 12 school district, an intermediate school
5 district, or a community college district, that is designated by
6 the department as the service area for the operation of an area

1 vocational-technical education program.

2 (2) "Area vocational-technical education program", "area
3 career and technical education program", or "career and technical
4 education program" means a program of organized, systematic
5 instruction designed to prepare the following persons for useful
6 employment in recognized occupations:

7 (a) Persons participating in career and technical education
8 readiness activities that lead to enrollment in a career and
9 technical education program in high school.

10 (b) Persons enrolled in high school in a school district,
11 intermediate school district, public school academy, or nonpublic
12 school.

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

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

19 (3) "Board" or "school board" means the governing body of a
20 local school district unless clearly otherwise stated. **IF THE**
21 **BALLOT QUESTION UNDER SECTION 409 IS APPROVED, THEN BEGINNING ON**
22 **THE NEXT JANUARY 1 IMMEDIATELY FOLLOWING THE ELECTION, FOR A FIRST**
23 **CLASS SCHOOL DISTRICT, BOARD OR SCHOOL BOARD MEANS THE MAYOR OF THE**
24 **CITY THAT OPERATES THE FIRST CLASS SCHOOL DISTRICT.**

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

27 (5) "Constituent district" means a local school district the

1 territory of which is entirely within and is an integral part of an
2 intermediate school district.

3 Sec. 401. (1) A school district organized as a school district
4 of the first class shall be governed by this part, by the
5 provisions of article 2 which are not inconsistent with this part,
6 and by articles 3 and 4. **IF THE BALLOT QUESTION UNDER SECTION 409**
7 **IS APPROVED, THEN BEGINNING ON THE NEXT JANUARY 1 IMMEDIATELY**
8 **FOLLOWING THE ELECTION, A SCHOOL DISTRICT OF THE FIRST CLASS IS**
9 **ALSO GOVERNED BY THE APPLICABLE PROVISIONS OF THE HOME RULE CITY**
10 **ACT, 1909 PA 279, MCL 117.1 TO 117.38.**

11 (2) A school district governed by this part shall be known as
12 the "school district of the city of _____," and, **SUBJECT TO**
13 **SECTION 409**, shall be under the jurisdiction of the first class
14 school district board.

15 (3) ~~The~~ **SUBJECT TO SECTION 409, THE** first class school
16 district board shall be a body corporate under the name and title
17 of "the board of education of the school district of the city of
18 _____" and under that name may sue and be sued.

19 Sec. 402. (1) A school district that has a pupil membership of
20 at least ~~100,000~~ **60,000** enrolled on the most recent pupil
21 membership count day is a first class school district governed by
22 this part.

23 (2) **IF THE BALLOT QUESTION UNDER SECTION 409 IS APPROVED, THEN**
24 **BEGINNING ON THE NEXT JANUARY 1 IMMEDIATELY FOLLOWING THE ELECTION,**
25 **A SCHOOL DISTRICT THAT HAS A PUPIL MEMBERSHIP OF AT LEAST 60,000**
26 **ENROLLED ON THE MOST RECENT PUPIL MEMBERSHIP COUNT DAY AND THAT HAS**
27 **THE SAME BOUNDARIES AS A HOME RULE CITY WITH A POPULATION OF AT**

1 LEAST 500,000 IS A FIRST CLASS SCHOOL DISTRICT GOVERNED BY THIS
2 PART AND BY THE APPLICABLE PROVISIONS OF THE HOME RULE CITY ACT,
3 1909 PA 279, MCL 117.1 TO 117.38.

4 SEC. 409. (1) AT THE NEXT NOVEMBER GENERAL ELECTION OCCURRING
5 AT LEAST 60 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
6 LOCAL ELECTIONS OFFICIAL OF A CITY THAT HAS THE SAME BOUNDARIES AS
7 A FIRST CLASS SCHOOL DISTRICT AND A POPULATION OF AT LEAST 500,000
8 SHALL PRESENT THE QUESTION UNDER SUBSECTION (2) TO THE SCHOOL
9 ELECTORS OF THE FIRST CLASS SCHOOL DISTRICT. THE LOCAL ELECTION
10 OFFICIAL MAY SELECT A BALLOT DESIGNATION FOR THE QUESTION.

11 (2) AT THE NOVEMBER GENERAL ELECTION DESCRIBED IN SUBSECTION
12 (1), THE FOLLOWING QUESTION SHALL BE PRESENTED TO THE SCHOOL
13 ELECTORS OF THE FIRST CLASS SCHOOL DISTRICT:

14 "SHALL THE _____ (NAME OF SCHOOL DISTRICT) BE PLACED
15 UNDER THE CONTROL OF THE CITY OF _____ (NAME OF CITY) TO BE
16 OPERATED AS A DEPARTMENT OF THE CITY GOVERNMENT?

17 YES _____

18 NO _____".

19 (3) IF A MAJORITY OF THE SCHOOL ELECTORS OF THE FIRST CLASS
20 SCHOOL DISTRICT VOTING ON THE QUESTION VOTE YES ON THE QUESTION
21 UNDER THIS SECTION, THE QUESTION IS APPROVED.

22 (4) IF THE QUESTION UNDER THIS SECTION IS APPROVED, ALL OF THE
23 FOLLOWING APPLY EFFECTIVE ON THE NEXT JANUARY 1 IMMEDIATELY
24 FOLLOWING THE DATE OF THE ELECTION:

25 (A) THE SCHOOL BOARD OF THE FIRST CLASS SCHOOL DISTRICT IS
26 ABOLISHED.

27 (B) THE CITY THAT HAS THE SAME BOUNDARIES AS THE FIRST CLASS

1 SCHOOL DISTRICT SHALL OPERATE THE FIRST CLASS SCHOOL DISTRICT AS A
2 DEPARTMENT OF THE CITY, AS PROVIDED UNDER SECTION 4S OF THE HOME
3 RULE CITY ACT, 1909 PA 279, MCL 117.4S, IN THE MANNER PROVIDED
4 UNDER THIS ACT AND THAT SECTION.

5 (C) THE MAYOR OF THE CITY SHALL ASSUME ALL OF THE POWERS AND
6 RESPONSIBILITIES OF A SCHOOL BOARD OR SCHOOL BOARD OFFICER UNDER
7 THIS ACT OR OTHER APPLICABLE LAW AND MAY DELEGATE ANY OF THOSE
8 POWERS OR RESPONSIBILITIES TO THE SUPERINTENDENT APPOINTED UNDER
9 SECTION 4S OF THE HOME RULE CITY ACT, 1909 PA 279, MCL 117.4S.

10 Enacting section 1. If the ballot question under section 409
11 of the revised school code, 1976 PA 451, MCL 380.409, is approved,
12 sections 403, 403a, 404, 404b, 410, 411a, 412, 412a, 413a, 414a,
13 415, 416, 417a, 420, 421, 471a, and 483a of the revised school
14 code, 1976 PA 451, MCL 380.403, 380.403a, 380.404, 380.404b,
15 380.410, 380.411a, 380.412, 380.412a, 380.413a, 380.414a, 380.415,
16 380.416, 380.417a, 380.420, 380.421, 380.471a, and 380.483a, are
17 repealed effective on January 1 immediately following the date of
18 the election at which the ballot question is approved.

19 Enacting section 2. This amendatory act does not take effect
20 unless Senate Bill No.____ or House Bill No. 5085(request no.
21 03671'09 a) of the 95th Legislature is enacted into law.