

HOUSE BILL No. 6488

September 23, 2010, Introduced by Rep. Melton and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding sections 762 and 763.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 762. (1) THE SCHOOL DISTRICT SERVICES CONSOLIDATION
2 COMMISSION IS CREATED AS A TEMPORARY COMMISSION UNDER SECTION 4 OF
3 ARTICLE V OF THE STATE CONSTITUTION OF 1963. THE DEPARTMENT SHALL
4 PROVIDE STAFFING AND ADMINISTRATIVE SUPPORT FOR THE SCHOOL DISTRICT
5 SERVICES CONSOLIDATION COMMISSION.

6 (2) THE SCHOOL DISTRICT SERVICES CONSOLIDATION COMMISSION
7 SHALL CONSIST OF THE FOLLOWING 13 MEMBERS:

8 (A) FOUR MEMBERS APPOINTED BY THE GOVERNOR

1 (B) FOUR MEMBERS APPOINTED BY THE SENATE MAJORITY LEADER.

2 (C) FOUR MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES.

4 (D) THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR HIS OR HER
5 DESIGNEE AS AN EX OFFICIO MEMBER WITHOUT A VOTE.

6 (3) THE MEMBERS FIRST APPOINTED TO THE SCHOOL DISTRICT
7 SERVICES CONSOLIDATION COMMISSION SHALL BE APPOINTED WITHIN 45 DAYS
8 AFTER THE EFFECTIVE DATE OF THIS SECTION.

9 (4) IF A VACANCY OCCURS ON THE SCHOOL DISTRICT SERVICES
10 CONSOLIDATION COMMISSION, THE VACANCY SHALL BE FILLED IN THE SAME
11 MANNER AS THE ORIGINAL APPOINTMENT.

12 (5) THE FIRST MEETING OF THE SCHOOL DISTRICT SERVICES
13 CONSOLIDATION COMMISSION SHALL BE CALLED BY THE SUPERINTENDENT OF
14 PUBLIC INSTRUCTION. AT THE FIRST MEETING, THE SCHOOL DISTRICT
15 SERVICES CONSOLIDATION COMMISSION SHALL ELECT FROM AMONG ITS
16 MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY
17 OR APPROPRIATE. AFTER THE FIRST MEETING, THE SCHOOL DISTRICT
18 SERVICES CONSOLIDATION COMMISSION SHALL MEET AT LEAST MONTHLY, OR
19 MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 8
20 OR MORE MEMBERS.

21 (6) A MAJORITY OF THE MEMBERS OF THE SCHOOL DISTRICT SERVICES
22 CONSOLIDATION COMMISSION CONSTITUTE A QUORUM FOR THE TRANSACTION OF
23 BUSINESS AT A MEETING OF THE SCHOOL DISTRICT SERVICES CONSOLIDATION
24 COMMISSION. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE
25 REQUIRED FOR OFFICIAL ACTION OF THE SCHOOL DISTRICT SERVICES
26 CONSOLIDATION COMMISSION.

27 (7) THE BUSINESS THAT THE SCHOOL DISTRICT SERVICES

1 CONSOLIDATION COMMISSION MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC
2 MEETING OF THE SCHOOL DISTRICT SERVICES CONSOLIDATION COMMISSION
3 HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL
4 15.261 TO 15.275.

5 (8) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
6 RETAINED BY THE SCHOOL DISTRICT SERVICES CONSOLIDATION COMMISSION
7 IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE
8 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

9 (9) MEMBERS OF THE SCHOOL DISTRICT SERVICES CONSOLIDATION
10 COMMISSION SHALL SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF
11 THE SCHOOL DISTRICT SERVICES CONSOLIDATION COMMISSION MAY BE
12 REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
13 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE SCHOOL
14 DISTRICT SERVICES CONSOLIDATION COMMISSION.

15 SEC. 763. (1) THE SCHOOL DISTRICT SERVICES CONSOLIDATION
16 COMMISSION SHALL DO ALL OF THE FOLLOWING:

17 (A) REVIEW THE CURRENT METHODS BY WHICH SCHOOL DISTRICTS,
18 INTERMEDIATE SCHOOL DISTRICTS, AND PUBLIC SCHOOL ACADEMIES ARE
19 PROVIDING THE NONINSTRUCTIONAL SERVICES IDENTIFIED IN SECTION 761
20 AND ANY OTHER SERVICES THE COMMISSION CONSIDERS APPROPRIATE FOR
21 CONSOLIDATION TO IDENTIFY INSTANCES WHERE CONSOLIDATION OF THOSE
22 SERVICES ON THE LOCAL, REGIONAL, OR STATE LEVEL WOULD LIKELY RESULT
23 IN SIGNIFICANT COST SAVINGS WITHOUT NEGATIVE EDUCATIONAL IMPACT.

24 (B) NOT LATER THAN 18 MONTHS AFTER THE COMMISSION IS FIRST
25 APPOINTED, COMPILE AND SUBMIT TO THE SUPERINTENDENT OF PUBLIC
26 INSTRUCTION AND TO THE LEGISLATURE A REPORT DETAILING SPECIFIC
27 INSTANCES WHERE THE COMMISSION IS RECOMMENDING CONSOLIDATION OF

1 NONINSTRUCTIONAL SERVICES ON THE LOCAL, REGIONAL, OR STATE LEVEL.
2 THE COMMISSION SHALL ONLY RECOMMEND A CONSOLIDATION OF SERVICES IF
3 THE COMMISSION DETERMINES THAT THE CONSOLIDATION WOULD LIKELY
4 RESULT IN SIGNIFICANT COST SAVINGS WITHOUT NEGATIVE EDUCATIONAL
5 IMPACT. THE RECOMMENDED CONSOLIDATIONS MAY BE ON THE LOCAL,
6 REGIONAL, OR STATEWIDE LEVEL INVOLVING AS MANY SCHOOL DISTRICTS,
7 INTERMEDIATE SCHOOL DISTRICTS, PUBLIC SCHOOL ACADEMIES, OR STATE
8 ENTITIES AS THE COMMISSION CONSIDERS APPROPRIATE. THE REPORT SHALL
9 CONTAIN SPECIFIC, IDENTIFIABLE SERVICE CONSOLIDATION
10 RECOMMENDATIONS THAT CLEARLY IDENTIFY THE SERVICES TO BE
11 CONSOLIDATED; THE SCHOOL DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS,
12 PUBLIC SCHOOL ACADEMIES, AND OTHER ENTITIES TO BE INVOLVED IN THE
13 SPECIFIC CONSOLIDATION; THE METHOD BY WHICH THE SERVICES ARE TO BE
14 CONSOLIDATED; AND THE ENTITY THAT IS TO PROVIDE THE SERVICES.

15 (2) SUBJECT TO SUBSECTION (3), THE SUPERINTENDENT OF PUBLIC
16 INSTRUCTION SHALL ISSUE ORDERS TO SCHOOL DISTRICTS, INTERMEDIATE
17 SCHOOL DISTRICTS, AND PUBLIC SCHOOL ACADEMIES AFFECTED BY THE
18 SERVICE CONSOLIDATION RECOMMENDATIONS MADE UNDER SUBSECTION (1) (B)
19 TO IMPLEMENT THE RECOMMENDATIONS AS SOON AS IS POSSIBLE, SUBJECT TO
20 EXISTING CONTRACTS AND COLLECTIVE BARGAINING AGREEMENTS. EACH ORDER
21 SHALL CLEARLY IDENTIFY THE SERVICES TO BE CONSOLIDATED; THE SCHOOL
22 DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS, PUBLIC SCHOOL ACADEMIES,
23 AND OTHER ENTITIES TO BE INVOLVED IN THE SPECIFIC CONSOLIDATION;
24 THE METHOD BY WHICH THE SERVICES ARE TO BE CONSOLIDATED; AND THE
25 ENTITY THAT IS TO PROVIDE THE SERVICES.

26 (3) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOT ORDER
27 THE IMPLEMENTATION OF A SERVICE CONSOLIDATION RECOMMENDATION MADE

1 UNDER SUBSECTION (1) (B) IF THE LEGISLATURE ENACTS LEGISLATION TO
2 PREVENT THE IMPLEMENTATION OF THE SERVICE CONSOLIDATION
3 RECOMMENDATION BEFORE THE END OF THE 45-DAY PERIOD BEGINNING ON THE
4 DATE THE COMMISSION SUBMITS ITS RECOMMENDATIONS UNDER SUBSECTION
5 (1) (B) OR BEFORE THE DATE THE LEGISLATURE ADJOURNS SINE DIE,
6 WHICHEVER IS EARLIER. THE SUPERINTENDENT OF PUBLIC INSTRUCTION
7 SHALL NOT ISSUE AN ORDER UNTIL AFTER THE LEGISLATURE HAS THIS
8 OPPORTUNITY TO ENACT THIS LEGISLATION.

9 (4) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
10 SCHOOL ACADEMY THAT IS SUBJECT TO AN ORDER OF THE SUPERINTENDENT OF
11 PUBLIC INSTRUCTION UNDER SUBSECTION (2) SHALL IMPLEMENT THE ORDER
12 AS SOON AS POSSIBLE AND SHALL NOT RENEW OR ENTER INTO ANY CONTRACT
13 OR COLLECTIVE BARGAINING AGREEMENT THAT WOULD IMPEDE THE
14 IMPLEMENTATION OF THE ORDER OR TAKE ANY ACTION THAT WOULD IMPEDE
15 IMPLEMENTATION OF THE ORDER. ANY CONTRACT, COLLECTIVE BARGAINING
16 AGREEMENT, OR OTHER ACTION TAKEN THAT VIOLATES THIS SUBSECTION IS
17 VOID AND UNENFORCEABLE.

18 (5) IF THE SCHOOL DISTRICT SERVICES CONSOLIDATION COMMISSION
19 DETERMINES THAT IT WOULD BE HELPFUL IN CARRYING OUT ITS DUTIES
20 UNDER SUBSECTION (1), THE COMMISSION MAY APPOINT FROM AMONG ITS
21 MEMBERS REGIONAL SUBCOMMITTEES TO FOCUS ON CONSOLIDATION OF
22 SERVICES IN SPECIFIC REGIONS OF THIS STATE. THE RECOMMENDATIONS OF
23 A REGIONAL SUBCOMMITTEE MUST BE APPROVED BY THE FULL COMMISSION TO
24 BE INCLUDED IN THE SPECIFIC RECOMMENDATIONS UNDER SUBSECTION
25 (1) (B).

26 (6) IN ADDITION TO ITS DUTIES UNDER SUBSECTION (1), THE SCHOOL
27 DISTRICT SERVICES CONSOLIDATION COMMISSION MAY INCLUDE IN ITS

1 REPORT UNDER SUBSECTION (1) RECOMMENDATIONS CONCERNING
2 CONSOLIDATION OF SCHOOL DISTRICTS OR INTERMEDIATE SCHOOL DISTRICTS.
3 HOWEVER, THE SCHOOL DISTRICT SERVICES CONSOLIDATION COMMISSION OR
4 THE SUPERINTENDENT OF PUBLIC INSTRUCTION DOES NOT HAVE AUTHORITY
5 UNDER THIS SECTION TO RECOMMEND CLOSURE OF A SCHOOL BUILDING OR
6 CONSOLIDATION OF SCHOOL DISTRICTS OR INTERMEDIATE SCHOOL DISTRICTS
7 OR ANY OTHER ACTION THAT WOULD AFFECT SCHOOL DISTRICT OR
8 INTERMEDIATE SCHOOL DISTRICT BOUNDARIES.