



ANALYSIS

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Senate Bill 820 (as introduced 2-14-16)

Sponsor: Senator Goeff Hansen Committee: Government Operations

Date Completed: 3-8-16

CONTENT

The bill would amend Public Act 566 of 1978, which prohibits a public officer from holding incompatible offices, to provide that the prohibition would not prohibit the superintendent or chairperson of a qualified school district from serving as a member of a financial review commission for the district, or prohibit the superintendent of a community district from serving as a chief executive officer for two or more public schools within the School Reform/Redesign District.

The bill is tie-barred to Senate Bills 710 and 711. Senate Bill 710 would amend the Revised School Code to provide for the transfer of a "qualifying school district" (Detroit Public Schools) to a proposed "community district", and provide that the qualifying school district would retain a limited separate identity and its territory would continue as a separate taxing unit for the purpose of repaying outstanding debt until the debt was retired. The community district would be subject to the financial oversight of the Financial Review Commission in place for the City of Detroit, and the appointment of the superintendent of the community district would be subject to the approval of the Commission.

Senate Bill 711 would amend the Michigan Financial Review Commission Act to extend it to a qualified school district, and provide for the Financial Review Commission for Detroit also to be the Financial Review Commission for the school district.

Under Section 2 of Public Act 566 of 1978, a public officer or employee may not hold two or more incompatible offices at the same time, subject to specific exceptions. ("Incompatible offices" means "public offices held by a public official which, when the official is performing the duties of any of the offices held by the official, results in any of the following with respect to those offices held:" the subordination of one public office to another, the supervision of one public office by another, or a breach of duty of public office.)

The Act specifies that Section 2 does not prohibit the mayor, the chief executive officer, or a member of the governing board of the qualified city (Detroit) from serving as a member of the Financial Review Commission for the city. Under the bill, Section 2 would not prevent any of those individuals or the superintendent or chairperson of the qualified school district from serving as a member of the Financial Review Commission for the city or the school district.

The bill also provides that Section 2 would not prohibit the superintendent of the community district from serving as a chief executive officer under Section 1280c of the Revised School Code for two or more public schools within the community district.

(Section 1280c requires the Superintendent of Public Instruction annually to identify the lowest-achieving 5% of all public schools in the State and place them under the supervision

Page 1 of 2 sb820/1516 of the State School Reform/Redesign Officer (SRRO). Those schools are required to develop a redesign plan that must be approved by the SRRO. If the SRRO does not approve a school's redesign plan or determines that a plan is not achieving satisfactory results, the SRRO must place the school in a State School Reform/Redesign District, and impose one of four school intervention models. If the SRRO determines that better educational results are likely to be achieved by the appointment of a chief executive officer to take control of multiple public schools, he or she may recommend that appointment to the Superintendent of Public Instruction. If appointed, the chief executive officer is required to impose one of the four school intervention models and has all of the powers and duties that the SRRO has for public schools placed in the School Reform/Redesign District.)

MCL 15.183 Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State and local government.

Fiscal Analyst: Kathryn Summers