

Legislative Analysis



POPULAR ELECTION OF ISD BOARD MEMBERS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4314 as introduced
Sponsor: Rep. Pamela Hornberger
Committee: Education Reform
Complete to 3-29-17

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4314 would amend the Revised School Code (MCL 380.611 et al) to:

- Require (rather than allow) the popular election of intermediate school district (ISD) board members.
- Make all ISD boards consist of seven members. (Currently the default number is five members, although provisions allow for seven in certain cases.)
- Prohibit local school board members or charter school board members from serving on ISD boards.

Current Practice

Under current law, popular election is merely an option.¹ Unless the districts take the steps listed below, *the ISD board is elected by a body composed of one elector from each constituent district.* This election takes place biennially on the first Monday in June. Within 21 days of that date, each constituent district school board votes on its delegate to the ISD board election.

If an ISD receives resolutions from a majority of its constituent school boards to adopt the sections 615-617 of the Code (which lay out the procedure for instituting popular election), it may submit the option of popular election of school board members to constituent electors at the next regular school election. Removing popular election is effected in this same way.

Proposed Changes

House Bill 4314 would provide that, beginning January 1, 2018, all ISD board members would be popularly elected. If the ISD does not already have a popularly elected board, the first election of that kind will take place at the November 2018 general election and the board will take office January 1, 2019. (Under the Michigan Election Law, MCL 168.642c, school district board elections take place at the general November election)

According to current law, ISD boards consist of five members unless one of the exceptions applies; under the bill, all ISD boards would consist of seven members. Additionally, up

¹ According to the Michigan Association of School Boards website, only four ISDs have boards elected by the voters. They are: Charlevoix-Emmet, Midland, COOR (Crawford, Oscoda, Ogemaw, and Roscommon), and Gogebic-Ontonagon. <http://www.masb.org/your-local-school-board.aspx>

to three ISD board members may currently also serve on their constituent district's school board (or on the board of directors of a public school academy (PSA)). Under the bill, that practice may continue only until the board elected in November 2018 and taking office in January 2019. From that point on, a member of a constituent school board is ineligible for election to the ISD board.

The bill would also extend the prescribed terms of service for the first popularly elected board for the ISD boards which currently opt into the practice to all ISDs, beginning with the November 2018 election:

- Three members of the ISD will be elected for a term of six years,
- Two members for a term of four years, and
- Two members for a term of two years.

After this first election, their successors will be elected biennially for terms of six years. The rules set forth in the Election Code which apply to school district elections will provide to ISDs (MCL 168.301-168.316).

Finally, the bill would repeal Section 615 of the Code, which provides that popular elections only applies to ISDs which have adopted that practice (via Sections 615-617).

The bill would take effect 90 days after enactment.

FISCAL IMPACT:

The bill would have no fiscal impact for state or local entities.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.