

HOUSE BILL No. 4314

March 7, 2017, Introduced by Reps. Hornberger and Runestad and referred to the Committee on Education Reform.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 611, 612, 614, 616, and 617 (MCL 380.611,
380.612, 380.614, 380.616, and 380.617), sections 611 and 612 as
amended by 2004 PA 419, section 614 as amended by 2011 PA 232, and
sections 616 and 617 as amended by 2003 PA 299; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 611. (1) Except as otherwise provided in this section, an
2 intermediate school district shall be under the supervision and
3 control of an intermediate school board ~~composed~~ **CONSISTING** of 5
4 members elected under this part. **BEGINNING JANUARY 1, 2018, ALL**
5 **INTERMEDIATE SCHOOL DISTRICTS SHALL BE UNDER THE SUPERVISION AND**
6 **CONTROL OF AN INTERMEDIATE SCHOOL BOARD CONSISTING OF 7 MEMBERS**
7 **POPULARLY ELECTED UNDER SECTION 617.**

1 (2) In an intermediate school district that adopts sections
2 615 to 617 for popular election of its members, or in an
3 intermediate school district reorganized under section 701, the
4 number of intermediate school board members shall be 7. **THIS**
5 **SUBSECTION APPLIES ONLY UNTIL JANUARY 1, 2018.**

6 (3) In an intermediate school district whose boundaries are
7 enlarged by a ~~dissolution~~ **DISORGANIZATION** under section 703, the
8 number of intermediate school board members, at the option of the
9 intermediate school board, may be 7. **THIS SUBSECTION APPLIES ONLY**
10 **UNTIL JANUARY 1, 2018.**

11 (4) ~~Beginning on the effective date of this subsection, UNTIL~~
12 **JANUARY 1, 2018**, an intermediate school board may by resolution
13 change the number of intermediate school board members to 7. Before
14 adopting the resolution to change the number of intermediate school
15 board members to 7, an intermediate school board shall hold at
16 least 2 public hearings on the resolution. If an intermediate
17 school board determines that the terms of intermediate school board
18 members should be staggered differently than provided under this
19 act or any bylaws of the intermediate school board due to a change
20 in the number of board members under this subsection, the
21 intermediate school board may adopt bylaws or amend its bylaws to
22 change the way that intermediate school board members' terms are
23 staggered. The bylaws may alter the current terms of members
24 serving at the time the bylaws are adopted to implement the change
25 in the way that terms are staggered. If an intermediate school
26 board adopts or amends bylaws under this subsection that alter a
27 member's existing term, the member's term is subject to that

1 action.

2 (5) IF AS OF JANUARY 1, 2018 AN INTERMEDIATE SCHOOL DISTRICT
3 DOES NOT HAVE A POPULARLY ELECTED INTERMEDIATE SCHOOL BOARD, A
4 FIRST POPULARLY ELECTED INTERMEDIATE SCHOOL BOARD SHALL BE ELECTED
5 IN THAT INTERMEDIATE SCHOOL DISTRICT AT THE 2018 GENERAL NOVEMBER
6 ELECTION UNDER SECTION 617. ON JANUARY 1, 2019, THIS POPULARLY
7 ELECTED INTERMEDIATE SCHOOL BOARD SHALL TAKE OVER SUPERVISION AND
8 CONTROL OF THE INTERMEDIATE SCHOOL DISTRICT AND THE INTERMEDIATE
9 SCHOOL BOARD THAT HAD BEEN ELECTED UNDER SECTION 614 IS DISSOLVED.

10 Sec. 612. (1) Subject to subsection (2), a school elector of a
11 constituent district is eligible to election or appointment to
12 membership on the intermediate school board.

13 (2) ~~Until the 2005 intermediate school board election, a~~
14 ~~member of a board of a constituent district is eligible to election~~
15 ~~or appointment to membership on the intermediate school board.~~
16 ~~Beginning with the 2005 intermediate school board election, UNTIL~~
17 **JANUARY 1, 2019**, not more than 3 members of the intermediate school
18 board may also be serving at the same time as a member of the board
19 of a constituent district or board of directors of a public school
20 academy. ~~However, if an intermediate school board has more than 3~~
21 ~~members serving as of September 1, 2004 who are also serving at the~~
22 ~~same time as members of the board of a constituent district, this~~
23 ~~limitation does not apply to that intermediate school board until~~
24 ~~the expiration of the current terms of those intermediate school~~
25 ~~board members.~~**BEGINNING WITH THE 2018 GENERAL NOVEMBER ELECTION, A**
26 **MEMBER OF A BOARD OF A CONSTITUENT DISTRICT IS INELIGIBLE FOR**
27 **ELECTION OR APPOINTMENT TO MEMBERSHIP ON THE INTERMEDIATE SCHOOL**

1 BOARD. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF AS OF THE
2 2018 GENERAL NOVEMBER ELECTION A MEMBER OF THE INTERMEDIATE SCHOOL
3 BOARD IS ALSO A MEMBER OF THE BOARD OF A CONSTITUENT DISTRICT, THE
4 MEMBER'S TERM ON THE INTERMEDIATE SCHOOL BOARD EXPIRES ON JANUARY
5 1, 2019.

6 (3) A member of an intermediate school board who is a member
7 of a constituent district board shall not participate in
8 proceedings conducted pursuant to part 11 to detach territory from
9 or attach territory to the constituent district of which he or she
10 is a board member.

11 Sec. 614. (1) THIS SECTION APPLIES TO AN INTERMEDIATE SCHOOL
12 DISTRICT ONLY UNTIL THE ELECTION OF A POPULARLY ELECTED
13 INTERMEDIATE SCHOOL BOARD FOR THAT INTERMEDIATE SCHOOL DISTRICT AS
14 DESCRIBED IN SECTION 611(1) AND (5).

15 (2) ~~(1)~~—Except as provided in section 615 and subject to
16 section 642c of the Michigan election law, MCL 168.642c, the
17 members of the intermediate school board shall be elected
18 biennially on the first Monday in June by an electoral body
19 composed of 1 person designated by the board of each constituent
20 school district.

21 (3) ~~(2)~~—The board of a constituent district shall designate
22 its representative to this electoral body by resolution adopted not
23 earlier than 21 days before the date of this biennial election. The
24 board shall consider the resolution at not less than 1 public
25 meeting before adopting the resolution. The resolution shall be
26 adopted by majority vote of the members serving on the board. In
27 its resolution designating its representative, the board of a

1 constituent district shall identify the candidate the board
2 supports for each position to be filled on the intermediate school
3 board and shall direct its representative to vote for that
4 individual or individuals at least on the first ballot taken by the
5 electoral body. The secretary of the intermediate school board
6 shall send a notice by certified mail of the hour and place of the
7 meeting of the electoral body described in subsection ~~(1)~~ **(2)** to
8 the secretary of the board of each constituent school district at
9 least 10 days before the meeting. The president and secretary of
10 the intermediate school board shall act as chairperson and
11 secretary at the meeting. The meeting of the electoral body shall
12 be an open meeting conducted in the manner prescribed under the
13 open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

14 **(4)** ~~(3)~~ Except as provided in section 703, the term of office
15 of each member elected to the intermediate school board is 6 years
16 and begins on July 1 following election. Not more than 2 members of
17 the intermediate school board shall be from the same school
18 district unless there are fewer districts than there are positions
19 to be filled.

20 **(5)** ~~(4)~~ A vacancy shall be filled by the remaining members of
21 the intermediate school board until the next biennial election at
22 which time the vacancy shall be filled for the balance of the
23 unexpired term. Notice of the vacancy shall be filed with the state
24 board within 5 days after the vacancy occurs. If the vacancy is not
25 filled within 30 days after it occurs, the vacancy shall be filled
26 by the state board.

27 **(6)** ~~(5)~~ Subject to subsection ~~(7)~~ **(8)**, a candidate for

1 election to the intermediate school board shall be nominated by
2 petitions that are signed by a number of school electors of the
3 combined constituent school districts of the intermediate school
4 district, as follows:

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

8 (b) If the population of the intermediate school district is
9 10,000 or more according to the most recent federal census, a
10 minimum of 40 and a maximum of 100.

11 (7) ~~(6)~~—A school elector may sign as many petitions as there
12 are vacancies to fill. Nominating petitions and an affidavit as
13 provided in section 558 of the Michigan election law, MCL 168.558,
14 shall be filed with the school district filing official not later
15 than 30 days before the date of the biennial election under
16 subsection ~~(1)~~—(2). The school district filing official shall
17 determine the sufficiency of the petitions and the eligibility of
18 the candidates nominated. The school district filing official shall
19 provide ballots for the biennial election, listing on the ballots
20 the names of all candidates properly nominated. The chairperson of
21 the biennial election meeting may accept nominations for a vacancy
22 from the floor only if no nominating petitions have been filed for
23 the vacancy.

24 (8) ~~(7)~~—Instead of filing nominating petitions, a candidate
25 for election to the intermediate school board may pay a
26 nonrefundable filing fee of \$100.00 to the school district filing
27 official. If this fee is paid by the due date for nominating

1 petitions, the payment has the same effect under this section as
 2 the filing of nominating petitions.

3 Sec. 616. **(1) THIS SECTION APPLIES TO AN INTERMEDIATE SCHOOL**
 4 **DISTRICT ONLY UNTIL THE ELECTION OF A POPULARLY ELECTED**
 5 **INTERMEDIATE SCHOOL BOARD FOR THAT INTERMEDIATE SCHOOL DISTRICT AS**
 6 **DESCRIBED IN SECTION 611(1) AND (5).**

7 **(2)** ~~(1)~~—An intermediate school board may submit to the school
 8 electors of the constituent districts comprising the intermediate
 9 school district the question of adoption of sections 615 to 617.

10 The question shall be in substantially the following form:

11 "Shall sections 615 to 617 of the revised school code,
 12 providing for the popular election of members of the intermediate
 13 school board, be effective within the constituent districts of
 14 _____ (name of intermediate school district)?

15 Yes ()

16 No ()".

17 **(3)** ~~(2)~~—The intermediate school board shall submit the
 18 question upon receipt of resolutions adopted by a majority of the
 19 boards of constituent districts and representing more than 1/2 of
 20 the combined memberships of the constituent districts of the
 21 intermediate school district as of the latest pupil membership
 22 count day. The resolutions of the constituent district boards shall
 23 be adopted between March 1 and the next succeeding July 1. The
 24 question shall be presented to the school electors of the
 25 constituent districts at the next regular school election after
 26 resolutions of constituent district boards meeting the requirements
 27 of this section have been filed with the school district filing

1 official.

2 (4) ~~(3)~~—If a majority of the school electors votes in favor of
3 popular election, members of the intermediate school board shall be
4 elected at the next regular school election and biennially
5 thereafter at the regular school elections of the constituent
6 districts.

7 (5) ~~(4)~~—An intermediate school district that adopts sections
8 615 to 617 may terminate the popular election of members of the
9 intermediate school board in the same manner.

10 Sec. 617. (1) In an intermediate school district in which
11 sections 615 to 617 are effective, **AND IN ALL INTERMEDIATE SCHOOL**
12 **DISTRICTS BEGINNING WITH THE 2018 GENERAL NOVEMBER ELECTION**, a
13 candidate for the office of member of the intermediate school board
14 shall be nominated, and members shall be elected, as provided in
15 chapter XIV of the Michigan election law, MCL 168.301 to
16 ~~168.315-168.316~~, **AND SUBJECT TO SECTION 642C OF THE MICHIGAN**
17 **ELECTION LAW, MCL 168.642C.**

18 (2) At the first election, 3 members of an intermediate school
19 board shall be elected for a term of 6 years, 2 for a term of 4
20 years, and 2 for a term of 2 years. After the first election, their
21 successors shall be elected biennially for terms of 6 years.

22 Enacting section 1. Section 615 of the revised school code,
23 1976 PA 451, MCL 380.615, is repealed effective January 1, 2019.

24 Enacting section 2. This amendatory act takes effect 90 days
25 after the date it is enacted into law.