

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

PART 5B
COMMUNITY DISTRICTS

380.381 School district organized as community district; political subdivision and public body corporate; name; jurisdiction; definitions.

Sec. 381. (1) A school district organized as a community district shall be governed by this part, by the provisions of article 2 not inconsistent with this part, and by articles 3 and 4.

(2) A community district is a political subdivision and public body corporate separate and distinct from this state and other school districts in this state.

(3) The name of a school district governed by this part shall include the name of the city, village, or township with the greatest population located within the geographic boundaries of the community district, the word "school" or "schools", and the word "community" or "district", or both.

(4) Subject to section 12b, a school district governed by this part shall be under the jurisdiction of and governed by the school board of the community district provided for by section 384.

(5) As used in this part:

(a) "Authorizing body" means that term as defined in section 501, 521, or 551, as applicable.

(b) "Transfer date" means that term as defined in section 12b.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016;—Am. 2018, Act 601, Eff. Mar. 29, 2019.

Popular name: Act 451

380.382 Community district; organization and conduct in manner of general powers school district.

Sec. 382. Except as otherwise provided in this part, a community district shall be organized and conducted in the same manner as a general powers school district. Except as otherwise provided by law, a community district has all of the powers of a general powers school district under section 11a and has all additional powers granted by law to a community district or the school board of a community district.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016.

Popular name: Act 451

380.383 Creation of community district.

Sec. 383. Effective on the date a school district becomes a qualifying school district, a community district is created for the same geographic area of that qualifying school district to provide public education services for residents of that geographic area and to otherwise exercise the powers of a community district for that geographic area beginning on the transfer date for that qualifying school district.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016.

Popular name: Act 451

380.384 Initial school board for community district; membership; election; terms; bylaws; meetings; limitation; "school district election coordinator" defined.

Sec. 384. (1) Until an initial school board for a community district is elected under this section, the transition manager designated under section 12b shall exercise the powers and duties with respect to governance of the community district as provided under that section.

(2) The initial school board for a community district shall consist of 7 members elected as provided in this section. The school district election coordinator for the community district shall conduct the election as provided for under this section and the Michigan election law.

(3) The school board for a community district shall consist of 7 school electors of the community district elected on a districtwide basis. Members elected to the initial elected school board shall be elected at the first November regular election date, as established under section 641 of the Michigan election law, MCL 168.641, that occurs at least 90 days after the transfer date.

(4) Except as otherwise provided in this subsection, for an individual's name to appear on the official ballot as a candidate for member of the initial elected school board of a community district, the candidate shall file a nominating petition and the affidavit required by section 558 of the Michigan election law, MCL 168.558, with the school district election coordinator not later than 4 p.m. on the fifteenth Tuesday before the election date. The nominating petition must be signed by a minimum of 40 and maximum of 100 school electors of the community district. The nominating petition shall be substantially in the form prescribed under section 303 of

the Michigan election law, MCL 168.303. However, instead of filing nominating petitions, a candidate for school board member may pay a nonrefundable filing fee of \$100.00 to the school district election coordinator. If this fee is paid by the due date for a nominating petition, the payment has the same effect under this section as the filing of a nominating petition.

(5) The 2 members of the initial elected school board receiving the highest vote totals in that election among the 7 members elected shall be elected for a term of 6 years, the 3 members of the initial elected school board receiving the next highest vote totals in that election among the 7 members elected shall be elected for a term of 4 years, and the 2 members of the initial elected school board receiving the lowest vote totals in that election among the 7 members elected shall be elected for a term of 2 years. The term of a member of the initial elected school board shall begin on January 1 following the member's election.

(6) After the initial terms under subsection (5), each member of the school board of a community district shall be elected at the November regular election date for a term of 4 years beginning on January 1 following the member's election.

(7) The school board of a community district shall adopt bylaws as described in section 11a(6) for a general powers school district. These bylaws may establish or change board procedures; establish the number, titles, and duties of board officers; and address any other matter related to effective and efficient functioning of the board. Regular meetings of the board shall be held at least once each month, at the time and place fixed by the bylaws. Special meetings may be called and held in the manner and for the purposes specified in the bylaws.

(8) A member of a school board for a qualifying school district under section 12b may not also serve as a member of a school board for a community district that has the same geographic boundaries as the qualifying school district. A member of a school board of a community district may not also serve as a member of a school board for a qualifying school district that has the same geographic boundaries as the community district.

(9) As used in this section, "school district election coordinator" means that term as defined under section 4 of the Michigan election law, MCL 168.4.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016.

Popular name: Act 451

380.385 Initial superintendent of schools for community district; appointment; qualifications; report on performance of community district; factors; performance evaluation on superintendent of schools of community district; chief school administrator of school operated as of date of initial elected school board; renewal or nonrenewal of employment contract; review.

Sec. 385. (1) The school board of a community district shall employ a superintendent of schools. Within 90 days after the initial school board of a community district takes office, the school board of the community district shall appoint an initial superintendent of schools for the community district. The initial superintendent of schools shall be selected based upon his or her demonstrated ability, record of competence, experience in increasing academic achievement, experience with education reform and redesign, and expertise in the turnaround of academically underperforming urban schools.

(2) On an annual basis, the school board of a community district shall evaluate and issue a report on the performance of the community district based on the following factors:

(a) The proportion of pupils enrolled in the community district who achieve scores at least equivalent to proficient on state assessments.

(b) The proportion of pupils enrolled in the community district who achieve at least 1 year of academic growth in a school year.

(c) The proportion of graduates from or pupils enrolled in the community district who are enrolled in some form of postsecondary education or career and technical education.

(3) On at least an annual basis, the school board of a community district shall evaluate the performance of the superintendent of schools of the community district.

(4) For an individual who is the chief school administrator of a school operated by a community district and is employed by the community district as of the date the initial elected school board takes office under section 384, before making a decision on renewing or nonrenewal of the individual's employment contract as described under section 1229(2) and (3), the school board of the community district shall perform an individual review of each individual's school administrator employment contract and make an affirmative decision to renew the contract or to provide notice of nonrenewal. The school board of the community district shall comply with the time periods in section 1229(2) and (3). The review required under this section is in

addition to any performance evaluation required under the performance evaluation system under section 1249b.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016.

Popular name: Act 451

380.386 Another school district authorized to levy school operating tax within geographic boundaries of community district; levy of school operating tax by community district prohibited.

Sec. 386. If another school district is authorized to levy a school operating tax under section 1211 within the geographic boundaries of the community district during a tax year, the community district shall not levy a school operating tax under section 1211 during that tax year.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016.

Popular name: Act 451

380.387 Financial oversight by financial review committee.

Sec. 387. A community district is subject to financial oversight by a financial review commission to the extent provided under the Michigan financial review commission act, 2014 PA 181, MCL 141.1631 to 141.1643. If a financial review commission is in place for a community district, all of the following apply:

(a) The appointment of a chief financial officer for the community district is subject to the approval of the financial review commission. Before the chief financial officer's appointment is final, the school board of the community district shall submit the proposed appointment in writing to the financial review commission for its approval. If the proposed appointment is not approved by the financial review commission within 45 days after it is submitted in writing to the financial review commission, the appointment is denied.

(b) The community district may not terminate the employment of the superintendent of schools or chief financial officer of the community district unless that action is approved by the financial review commission.

(c) The transition manager or school board of a community district shall ensure that the community district does not provide to a school board member, official, or employee of the community district any reimbursement from public funds for travel outside of this state unless the reimbursement is specifically approved by the financial review commission. The state treasurer shall monitor and verify compliance with this subdivision by obtaining the necessary information from the department and the community district at least annually. If the state treasurer determines that a community district is not in compliance with this subdivision, the state treasurer shall notify the community district, the department, and the legislature.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016.

Popular name: Act 451

380.388 Public library; effect of general or local law.

Sec. 388. This part does not repeal or affect a general law or local law governing the management and control of a public library established in a community district under this part or a first class school district under part 6. Any powers and duties of a qualifying school district under section 12b relating to the management and control of a public library are transferred to the community district on the transfer date for the qualifying school district under section 12b.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016.

Popular name: Act 451

380.389 Formation of community district; presumption of validity.

Sec. 389. The validity of the formation of a community district shall be conclusively presumed unless questioned in an original action filed in the court of appeals within 60 days after the community district is created under section 383. The court of appeals has original jurisdiction to hear an action under this section. The court shall hear the action in an expedited manner. The department of treasury is a necessary party in any action under this section.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016.

Popular name: Act 451

380.390, 380.391 Repealed. 2018, Act 601, Eff. June 30, 2019.

Compiler's note: The repealed sections pertained to the community district accountability system and the closure of certain public schools.

Popular name: Act 451

380.392 Opening of new school prohibited; circumstances.

Sec. 392. The board of a community district shall not open a new school if both of the following circumstances exist:

(a) The proposed school would operate at the same location as a public school that currently is on the list under federal accountability requirements as provided under the every student succeeds act, Public Law 114-95, of the public schools in this state determined to be among the lowest achieving 5% of public schools in this state or has been on the list under federal accountability requirements as provided under the every student succeeds act, Public Law 114-95, during the immediately preceding 3-year period of the public schools in this state determined to be among the lowest achieving 5% of public schools in this state.

(b) The proposed school would have substantially the same leadership and substantially the same curriculum offerings as the school that previously operated at that location.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016;—Am. 2018, Act 601, Eff. Mar. 29, 2019;—Am. 2023, Act 34, Eff. Feb. 13, 2024.

Compiler's note: For transfer of state school reform/redesign school district and state school reform/redesign officer from department of education to state school reform office created as an autonomous entity within department of technology, management, and budget, see E.R.O. No. 2015-2, compiled at MCL 18.445.

For transfer of certain powers and duties of department of education and superintendent of public instruction under MCL 380.1280c and 423.215 to state school reform/redesign office, see E.R.O. No. 2015-2, compiled at MCL 18.445.

Popular name: Act 451

380.393 Advisory council.

Sec. 393. (1) A community district shall have, support, and maintain an advisory council as provided in this section.

(2) The advisory council shall consist of 6 members as follows:

(a) The superintendent of schools of the community district or his or her designee.

(b) The school board president of the community district or his or her designee.

(c) One member, appointed by the department, who at the time of his or her appointment is the parent of at least 1 pupil who is currently enrolled, and who has been enrolled for at least 1 full school year, in a public school operated by the community district or operated by the qualifying school district with the same boundaries as the community district. If a member appointed under this subdivision ceases to have a child enrolled in a public school operated by the community district, that member shall be considered to have vacated the member's office.

(d) One member representing authorizing bodies that have authorized at least 3 public school academies located within the community district, appointed by the department from among nominees submitted by a statewide organization representing authorizing bodies.

(e) One member who serves as a school administrator in, or on the board of directors of, a public school academy that is located within the community district and is authorized by the governing board of a state public university, appointed by the department from among nominees submitted by a statewide organization representing public school academies.

(f) One member, appointed by the department, who at the time of his or her appointment is the parent of at least 1 pupil who is currently enrolled, and who has been enrolled for at least 1 full school year, in a public school academy located within the community district. If a member appointed under this subdivision ceases to have a child enrolled in a public school academy located within the community district, that member shall be considered to have vacated the member's office.

(3) The advisory council members appointed under subsection (2)(c) to (f) shall serve for a term of 4 years. A vacancy in the office shall be filled in the same manner as the original appointment for the vacated seat.

(4) In carrying out its functions, an advisory council shall solicit input and consider recommendations from representatives of authorizing bodies for public school academies operating within the community district, community groups, and other interested parties with relevant experience.

(5) On an annual basis, an advisory council shall prepare and submit to the school board of the community district a report on the physical state of public school facilities located within the community district; the utilization of public school facilities located within the community district, considering efficiency of that utilization and possible consolidation or elimination of facilities; the siting of existing and future public schools within the community district, considering population, population density, and the efficient and equitable distribution of facilities; and transportation of pupils to and from public schools located within the community district. The school board of the community district shall provide a copy of this report to the department, to the authorizing body of each public school academy located within the community district, and to the standing committees of the senate and house of representatives with responsibility for education

legislation.

(6) In carrying out its functions and responsibilities, the school board of a community district shall consider the reports received from the advisory council under subsection (5).

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016;—Am. 2018, Act 601, Eff. Mar. 29, 2019.

Popular name: Act 451

380.395 Qualifying school district as party to lease with achievement authority or interlocal agreement with public university creating achievement authority.

Sec. 395. (1) If a qualifying school district is a party to a lease between the qualifying school district and an achievement authority, the community district shall not renew or extend the lease after June 30 following the transfer date.

(2) If a qualifying school district is a party to an interlocal agreement with a state public university creating an achievement authority, as soon as possible after the transfer date the community district shall take action to withdraw from that interlocal agreement to the extent permitted under that interlocal agreement.

(3) If a qualifying school district is a party to an interlocal agreement with a state public university creating an achievement authority, the community district is not authorized to jointly exercise any powers, privileges, or authorities under that interlocal agreement after the June 30 following the transfer date.

(4) As used in this section, "achievement authority" means that term as defined in section 3 of the state school aid act of 1979, MCL 388.1603.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016.

Popular name: Act 451

380.396 Appropriation.

Sec. 396. For the state fiscal year ending September 30, 2016, \$250,000.00 is appropriated from the general fund to the department of treasury for the purpose of providing financial support for the organization and administration of any community district formed under this part during the fiscal year ending September 30, 2016. The state treasurer shall ensure that a portion of this money is allocated as a grant to be used to provide school board training to the initial elected members of the school board of the community district. This training shall be provided to each of these board members no later than 30 days after he or she takes office and shall address at least school board governance, public school financing, fiscal responsibility, and ethics.

History: Add. 2016, Act 192, Imd. Eff. June 21, 2016.

Popular name: Act 451