

HOUSE BILL No. 5356

September 15, 2009, Introduced by Reps. Bettie Scott, Womack, Leland, Lemmons, Jackson, Johnson, Durhal, Bledsoe, Young, Geiss and Nathan and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 6, 11, 401, 401a, 403a, 404b, 411a, 412a, 413a, 414a, 415, 416, 417a, 418a, 422, 424, 431a, 432, 433, 434, 441, 442, 443, 444, 445, 461, 462, 471a, 472, 473, 475, 483a, 485, 1131, 1211, 1269, and 1602 (MCL 380.6, 380.11, 380.401, 380.401a, 380.403a, 380.404b, 380.411a, 380.412a, 380.413a, 380.414a, 380.415, 380.416, 380.417a, 380.418a, 380.422, 380.424, 380.431a, 380.432, 380.433, 380.434, 380.441, 380.442, 380.443, 380.444, 380.445, 380.461, 380.462, 380.471a, 380.472, 380.473, 380.475, 380.483a, 380.485, 380.1131, 380.1211, 380.1269, and 380.1602), section 6 as amended by 2008 PA 1, sections 11, 1131, 1269, and 1602 as amended and section 401a as added by 1995 PA 289, sections

403a, 404b, 412a, 413a, 414a, 415, 417a, 418a, 422, 424, 431a, 432, 433, 434, 441, 442, 443, 445, 461, 462, 471a, 472, 483a, and 485 as amended by 2004 PA 303, sections 411a and 416 as amended by 2007 PA 29, section 475 as added by 2006 PA 347, and section 1211 as amended by 2008 PA 455, and by amending the heading of part 6; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) "School district" or "local school district" means
2 a general powers school district organized under this act,
3 regardless of previous classification, or a school district of the
4 first class **OR SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**
5 **100,000 PUPILS IN MEMBERSHIP.**

6 (2) "School district filing official" means the school
7 district election coordinator as defined in section 4 of the
8 Michigan election law, MCL 168.4, or an authorized agent of the
9 school district election coordinator.

10 (3) "School elector" means a person qualified as an elector
11 under section 492 of the Michigan election law, MCL 168.492, and
12 resident of the school district or intermediate school district on
13 or before the thirtieth day before the next ensuing regular or
14 special school election.

15 (4) "School month" means a 4-week period of 5 days each unless
16 otherwise specified in the teacher's contract.

17 (5) "Special education building and equipment" means a
18 structure or portion of a structure or personal property accepted,
19 leased, purchased, or otherwise acquired, prepared, or used for
20 special education programs and services.

1 (6) "Special education personnel" means persons engaged in and
2 having professional responsibility for students with a disability
3 in special education programs and services including, but not
4 limited to, teachers, aides, school social workers, diagnostic
5 personnel, physical therapists, occupational therapists,
6 audiologists, teachers of speech and language, instructional media-
7 curriculum specialists, mobility specialists, teacher consultants,
8 supervisors, and directors.

9 (7) "Special education programs and services" means
10 educational and training services designed for students with a
11 disability and operated by local school districts, local act school
12 districts, intermediate school districts, the Michigan schools for
13 the deaf and blind, the department of community health, the
14 department of human services, or a combination of these, and
15 ancillary professional services for students with a disability
16 rendered by agencies approved by the state board. The programs
17 shall include vocational training, but need not include academic
18 programs of college or university level.

19 (8) "Special school election" or "special election" means a
20 school district election to fill a vacancy on the school board or
21 submit a ballot question to the school electors that is held on a
22 regular election date established under section 641 of the Michigan
23 election law, MCL 168.641.

24 (9) "State approved nonpublic school" means a nonpublic school
25 that complies with 1921 PA 302, MCL 388.551 to 388.558.

26 (10) "State board" means the state board of education unless
27 clearly otherwise stated.

1 (11) "Student with a disability" means that term as defined in
2 R 340.1702 of the Michigan administrative code.

3 (12) "Department" means the department of education created
4 and operating under sections 300 to 305 of the executive
5 organization act of 1965, 1965 PA 380, MCL 16.400 to 16.405.

6 (13) "State school aid" means allotments from the general
7 appropriating act for the purpose of aiding in the support of the
8 public schools of the state.

9 (14) "The state school aid act of 1979" means the state school
10 aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

11 Sec. 11. Each school district, except a school district of the
12 first class **OR SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**
13 **100,000 PUPILS IN MEMBERSHIP**, shall be organized and conducted as a
14 general powers school district regardless of previous
15 classification.

16 PART 6

17 SCHOOL DISTRICTS OF THE FIRST CLASS **AND SCHOOL DISTRICTS WITH AT**
18 **LEAST 60,000 BUT FEWER THAN 100,000 PUPILS**

19 Sec. 401. (1) A school district organized as a school district
20 of the first class **OR A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT**
21 **FEWER THAN 100,000 PUPILS IN MEMBERSHIP** shall be governed by this
22 part, by the provisions of article 2 which are not inconsistent
23 with this part, and by articles 3 and 4.

24 (2) A school district governed by this part shall be known as
25 the "school district of the city of _____," and shall be under
26 the jurisdiction of the first class school district board **OR SCHOOL**
27 **BOARD OF THE SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**

1 100,000 PUPILS IN MEMBERSHIP.

2 (3) The first class school district board **OR SCHOOL BOARD OF A**
 3 **SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS**
 4 **IN MEMBERSHIP** shall be a body corporate under the name and title of
 5 "the board of education of the school district of the city of
 6 _____" and under that name may sue and be sued.

7 Sec. 401a. (1) Except as provided by law, a first class school
 8 district **OR SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**
 9 **100,000 PUPILS IN MEMBERSHIP** has all of the powers granted to a
 10 general powers school district in section 11a and has all
 11 additional powers granted by law to a first class school district
 12 **OR SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000**
 13 **PUPILS IN MEMBERSHIP** or the board of a first class school district
 14 **OR SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER**
 15 **THAN 100,000 PUPILS IN MEMBERSHIP.**

16 (2) Unless expressly provided in the amendatory act that added
 17 this section, the powers of a first class school district **OR SCHOOL**
 18 **DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN**
 19 **MEMBERSHIP** are not diminished by this section or by the amendatory
 20 act that added this section.

21 Sec. 403a. ~~(1) This section applies to a first class school~~
 22 ~~district only if the question under section 410 is not approved in~~
 23 ~~the first class school district.~~

24 ~~— (2) Effective on the next January 1 occurring at least 1 year~~
 25 ~~after the question under section 410 is presented to the school~~
 26 ~~electors of the first class school district, the **A** first class~~
 27 school district **OR SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER**

1 **THAN 100,000 PUPILS IN MEMBERSHIP** shall have a board composed of 4
2 members elected as provided in section 411a, plus 7 members
3 elected, or appointed to fill a vacancy, as provided in section
4 412a.

5 Sec. 404b. ~~(1) This section applies to a first class school~~
6 ~~district only if the question under section 410 is not approved in~~
7 ~~the first class school district.~~

8 (1) ~~(2)~~ Upon the effective date of this section with respect
9 to an existing first class school district, or immediately
10 following the date on which a school district becomes a first class
11 school district, 7 voting districts shall be established within its
12 boundaries in the manner provided in this section. The voting
13 districts described shall be established as voting districts if and
14 when approved by the state board.

15 (2) **FOR A SCHOOL DISTRICT THAT HAS AT LEAST 60,000 BUT FEWER**
16 **THAN 100,000 PUPILS IN MEMBERSHIP, 7 VOTING DISTRICTS SHALL BE**
17 **ESTABLISHED WITHIN ITS BOUNDARIES IN THE MANNER PROVIDED IN THIS**
18 **SECTION. THE VOTING DISTRICTS SHALL BE ESTABLISHED AS VOTING**
19 **DISTRICTS WHEN APPROVED BY THE STATE BOARD. IF THE SCHOOL DISTRICT**
20 **WAS A FIRST CLASS SCHOOL DISTRICT FOR THE 2007-2008 SCHOOL YEAR,**
21 **THEN THE VOTING DISTRICTS THAT WERE IN EFFECT FOR THE SCHOOL**
22 **DISTRICT AS OF THAT SCHOOL YEAR SHALL REMAIN THE VOTING DISTRICTS**
23 **FOR THE SCHOOL DISTRICT UNTIL THEY ARE REDETERMINED UNDER**
24 **SUBSECTION (3).**

25 (3) ~~A~~ **THE** board of a first class school district **OR SCHOOL**
26 **BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**
27 **100,000 PUPILS IN MEMBERSHIP** shall determine the boundary lines of

1 its voting districts and shall redetermine the boundary lines after
2 each federal decennial census, but in no event later than April 15
3 of the first year in which board members are to be elected
4 following the official release of the federal decennial census
5 figures. If the board of a first class school district **OR SCHOOL**
6 **BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**
7 **100,000 PUPILS IN MEMBERSHIP** fails to redetermine the voting
8 district boundary lines by that April 15, the state board shall
9 convene within 10 days to make the redetermination. The
10 redetermination of the state board shall be the voting district
11 boundary lines until the redetermination is made following the next
12 succeeding federal decennial census as provided in this section.

13 ~~—— (4) For a first class school district that was a qualifying~~
14 ~~school district under part 5a at the time of a decennial census, if~~
15 ~~a redetermination was not made after that decennial census, the~~
16 ~~voting district boundary lines in effect immediately before that~~
17 ~~decennial census shall be used for the purposes of electing school~~
18 ~~board members under section 412a at the first election of school~~
19 ~~board members after the election under section 410. A~~
20 ~~redetermination based on that decennial census shall subsequently~~
21 ~~be made by the school board as provided in this section not later~~
22 ~~than 3 months after election of the school board.~~

23 (4) ~~(5)~~ Voting districts shall be compact, contiguous, and as
24 equal as possible in population.

25 Sec. 411a. ~~(1) This section applies to a first class school~~
26 ~~district only if the question under section 410 is not approved in~~
27 ~~the first class school district.~~

1 (1) ~~(2)~~—Four members of the board of a first class school
2 district shall be elected at large. The following provisions apply
3 to the terms, nomination, and election of the at large members of
4 the board of a school district organized as a first class school
5 district:

6 (a) Four members shall be elected for a term of 4 years at the
7 general election to be held in the next November after the question
8 under **FORMER** section 410 ~~is~~ **WAS** presented to the school electors of
9 the first class school district and every 4 years after that
10 November.

11 (b) Each candidate shall be nominated at a primary held in
12 conjunction with the preceding primary election conducted pursuant
13 to section 534 of the Michigan election law, 1954 PA 116, MCL
14 168.534. The nominating petitions shall contain not less than 500
15 or more than 1,000 signatures of registered school electors of the
16 city in which the first class school district is located; shall
17 meet the requirements of section 544c of the Michigan election law,
18 1954 PA 116, MCL 168.544c; and shall be filed with the clerk of the
19 city in which the first class school district is located on or
20 before 4 p.m. of the twelfth Tuesday before the primary election.
21 The city clerk may compare the signatures on the petitions with the
22 signatures appearing on the registration records, or in some other
23 proper manner determine whether the signatures appearing on the
24 petition are genuine and comply with the requirements of this
25 section. With the petitions, a candidate shall file an affidavit as
26 provided in section 558 of the Michigan election law, 1954 PA 116,
27 MCL 168.558. The clerk of the city shall notify the county clerk of

1 the name and address of each candidate not later than 3 days after
2 the last day for candidate withdrawal. However, if the third day is
3 a Saturday, Sunday, or legal holiday, the notice may be made on the
4 next day that is not a Saturday, Sunday, or legal holiday.

5 (c) Each member shall commence his or her term of office on
6 January 1 following his or her election.

7 (2) FOR A SCHOOL DISTRICT THAT HAS AT LEAST 60,000 BUT FEWER
8 THAN 100,000 PUPILS IN MEMBERSHIP, 4 MEMBERS OF THE BOARD OF THE
9 SCHOOL DISTRICT SHALL BE ELECTED AT LARGE FOR A TERM OF 4 YEARS.
10 THE FOLLOWING PROVISIONS APPLY TO THE TERMS, NOMINATION, AND
11 ELECTION OF THE AT-LARGE MEMBERS OF THE BOARD OF THE SCHOOL
12 DISTRICT:

13 (A) FOUR MEMBERS SHALL BE ELECTED FOR A TERM OF 4 YEARS AT THE
14 NOVEMBER GENERAL ELECTION TO BE HELD IN 2009 AND EVERY 4 YEARS
15 AFTER THAT NOVEMBER. IF THE SCHOOL DISTRICT WAS A FIRST CLASS
16 SCHOOL DISTRICT FOR THE 2007-2008 SCHOOL YEAR, THEN THE AT-LARGE
17 MEMBERS WHO WERE IN OFFICE FOR THE SCHOOL DISTRICT AS OF SEPTEMBER
18 1, 2008 UNDER THIS SECTION SHALL REMAIN IN OFFICE UNTIL THE MEMBERS
19 ELECTED IN 2009 TAKE OFFICE OR UNTIL VACATING OFFICE, WHICHEVER IS
20 SOONER.

21 (B) EACH CANDIDATE SHALL BE NOMINATED AT A PRIMARY HELD IN
22 CONJUNCTION WITH THE PRECEDING PRIMARY ELECTION CONDUCTED PURSUANT
23 TO SECTION 534 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL
24 168.534. THE NOMINATING PETITIONS SHALL CONTAIN NOT FEWER THAN 500
25 OR MORE THAN 1,000 SIGNATURES OF SCHOOL ELECTORS OF THE CITY WITH
26 THE GREATEST POPULATION LOCATED WITHIN THE SCHOOL DISTRICT; SHALL
27 MEET THE REQUIREMENTS OF SECTION 544C OF THE MICHIGAN ELECTION LAW,

1 1954 PA 116, MCL 168.544C; AND SHALL BE FILED WITH THE CLERK OF THE
2 CITY WITH THE GREATEST POPULATION LOCATED WITHIN THE SCHOOL
3 DISTRICT ON OR BEFORE 4 P.M. OF THE TWELFTH TUESDAY BEFORE THE
4 PRIMARY ELECTION. THE CITY CLERK MAY COMPARE THE SIGNATURES ON THE
5 PETITIONS WITH THE SIGNATURES APPEARING ON THE REGISTRATION RECORDS
6 OR IN SOME OTHER PROPER MANNER DETERMINE WHETHER THE SIGNATURES
7 APPEARING ON THE PETITION ARE GENUINE AND COMPLY WITH THE
8 REQUIREMENTS OF THIS SECTION. WITH THE PETITIONS, A CANDIDATE SHALL
9 FILE AN AFFIDAVIT AS PROVIDED IN SECTION 558 OF THE MICHIGAN
10 ELECTION LAW, 1954 PA 116, MCL 168.558. THE CITY CLERK SHALL NOTIFY
11 THE COUNTY CLERK OF THE NAME AND ADDRESS OF EACH CANDIDATE NOT
12 LATER THAN 3 DAYS AFTER THE LAST DAY FOR CANDIDATE WITHDRAWAL.
13 HOWEVER, IF THE THIRD DAY IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY,
14 THE NOTICE MAY BE MADE ON THE NEXT DAY THAT IS NOT A SATURDAY,
15 SUNDAY, OR LEGAL HOLIDAY.

16 (C) EACH MEMBER SHALL COMMENCE HIS OR HER TERM OF OFFICE ON
17 JANUARY 1 FOLLOWING HIS OR HER ELECTION.

18 (3) The board of a first class school district **OR SCHOOL BOARD**
19 **OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000**
20 **PUPILS IN MEMBERSHIP** shall elect its officers during the month of
21 January following the election of board members. The president of
22 the board shall be a member of the board, and the duties of the
23 president shall be determined by the board.

24 (4) A board member of a first class school district **BOARD OR**
25 **OF THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT**
26 **FEWER THAN 100,000 PUPILS IN MEMBERSHIP** who is recalled may be a
27 candidate for the same office at the next election for an office at

1 which the recalled member is otherwise eligible.

2 (5) The term of office of each board member serving in a
3 school district that becomes a first class school district after
4 April 15, 2004 expires on the next succeeding December 31 of an
5 even numbered year, except that if the school district becomes a
6 first class school district later than April 1 of an even numbered
7 year, the term of office of each board member expires on December
8 31 of the next succeeding even numbered year after the year in
9 which the district became a first class school district. For a
10 district becoming a first class school district after April 15,
11 2004, 4 school board members shall be elected in the general
12 election of the even numbered year in which the terms of office
13 expire, and the 4 school board members elected shall commence 4-
14 year terms on January 1 of the odd numbered year following the
15 general election.

16 (6) If a vacancy occurs on the first class school district
17 board from among the at large members, the vacancy shall be filled
18 by majority vote of the remaining first class school district board
19 members at a meeting called by the president of the board for that
20 purpose. If a person is appointed to fill a vacancy for which the
21 unexpired term is more than 1 year and 8 months, that person shall
22 serve until January 1 following the next general election. At that
23 first general election the vacancy shall be filled for the
24 unexpired term. A vacancy shall not be filled later than 60 days
25 before a primary election at which at large board members are to be
26 nominated.

27 (7) A candidate for the office of board member at large or a

1 person appointed to fill a vacancy on the board pursuant to
2 subsection (6) shall be 18 years of age or older at the time of his
3 or her election or appointment and shall be a registered school
4 elector residing in the first class school district in which the
5 person becomes a candidate or which the person is appointed to
6 represent. If an at large member's residence is moved from the
7 first class school district during the at large member's term of
8 office, it constitutes a vacating of office.

9 Sec. 412a. ~~(1) This section applies to a first class school~~
10 ~~district only if the question under section 410 is not approved in~~
11 ~~the first class school district.~~

12 (1) ~~(2) In the next November general election after the~~
13 ~~question under section 410 is presented to the school electors of~~
14 ~~the~~ **FOR A** first class school district, 7 members of the board of a
15 first class school district shall be elected by voting districts
16 for an initial term of 2 years. At the November general election
17 held 2 years after that election and every 4 years thereafter, 7
18 members of the board shall be elected by voting districts for a
19 term of 4 years. Each member shall represent a voting district
20 described in section 404b.

21 (2) **FOR A SCHOOL DISTRICT THAT HAS AT LEAST 60,000 BUT FEWER**
22 **THAN 100,000 PUPILS IN MEMBERSHIP, 7 MEMBERS OF THE BOARD SHALL BE**
23 **ELECTED BY VOTING DISTRICTS FOR A TERM OF 4 YEARS. EACH MEMBER**
24 **SHALL REPRESENT A VOTING DISTRICT DESCRIBED IN SECTION 404B. SEVEN**
25 **MEMBERS SHALL BE ELECTED BY VOTING DISTRICTS FOR A TERM OF 4 YEARS**
26 **AT THE NOVEMBER GENERAL ELECTION TO BE HELD IN 2011 AND EVERY 4**
27 **YEARS AFTER THAT NOVEMBER. IF THE SCHOOL DISTRICT WAS A FIRST CLASS**

1 SCHOOL DISTRICT FOR THE 2007-2008 SCHOOL YEAR, THEN THE VOTING
2 DISTRICT MEMBERS WHO WERE IN OFFICE FOR THE SCHOOL DISTRICT AS OF
3 SEPTEMBER 1, 2008 UNDER THIS SECTION SHALL REMAIN IN OFFICE UNTIL
4 THE MEMBERS ELECTED IN 2011 TAKE OFFICE OR UNTIL VACATING OFFICE,
5 WHICHEVER IS SOONER.

6 (3) The members shall be nominated and elected by the
7 registered school electors of each voting district in the manner
8 provided by law for the nomination and election of ~~the first class~~
9 ~~school~~-board members elected at large **UNDER SECTION 411A**, except
10 that the number of signatures required on nominating petitions of a
11 candidate for election as a representative of a voting district
12 shall be not less than 250 or more than 500. A signature on a
13 nominating petition is not valid unless the petitioner is a
14 registered school elector of the voting district in which the
15 candidate is running for election. Not more than 2 candidates shall
16 be nominated at the primary election for each voting district.

17 (4) Candidates shall be nominated at a primary held in
18 conjunction with the preceding primary election conducted pursuant
19 to section 534 of the Michigan election law, 1954 PA 116, MCL
20 168.534. Nominating petitions shall meet the requirements of
21 section 544c of the Michigan election law, 1954 PA 116, MCL
22 168.544c, and shall be filed with the clerk of the city in which
23 the first class school district **OR SCHOOL DISTRICT WITH AT LEAST**
24 **60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** is located on or
25 before 4 p.m. of the twelfth Tuesday preceding the primary
26 election. The city clerk may compare the signatures on the
27 petitions with the signatures appearing on the registration

1 records, or in some other proper manner determine whether the
2 signatures appearing on the petitions are genuine and comply with
3 the requirements of this section. With the petitions, a candidate
4 shall file an affidavit as provided in section 558 of the Michigan
5 election law, 1954 PA 116, MCL 168.558.

6 (5) The 7 board members elected to represent the voting
7 districts **UNDER THIS SECTION** shall commence their terms of office
8 on January 1 following the election.

9 (6) A candidate for the office of board member representing a
10 voting district or a person appointed to fill a vacancy pursuant to
11 subsection (7) shall be 18 years of age or older at the time of his
12 or her election or appointment and shall be a registered school
13 elector residing in the voting district in which the person becomes
14 a candidate or which the person is appointed to represent. If a
15 voting district member's residence is moved from the voting
16 district during the voting district member's term of office, this
17 constitutes a vacating of office.

18 (7) If a vacancy occurs on the first class school district
19 board **OR ON THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST**
20 **60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** from among the
21 voting district members, the vacancy shall be filled from among
22 registered school electors of the voting district by majority vote
23 of the remaining ~~first class school district~~ board members. If a
24 person is appointed to fill a vacancy in a voting district for
25 which the unexpired term is more than 1 year and 8 months, that
26 person shall serve until January 1 following the next general
27 election. At that next general election the vacancy shall be filled

1 for the unexpired term. A vacancy shall not be filled later than 60
2 days before a primary election at which voting district board
3 members are to be nominated.

4 Sec. 413a. The city clerk of the city with the greatest
5 population located within the boundaries of the first class school
6 district **OR OF THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST**
7 **60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP**, within the time
8 specified for serving notices upon officials elected at a city
9 election, shall serve notice of election upon each member of the
10 first class school district board **OR OF THE SCHOOL BOARD OF A**
11 **SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS**
12 **IN MEMBERSHIP** elected at the election.

13 Sec. 414a. If a person elected to the board of a first class
14 school district **OR TO THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT**
15 **LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** under this
16 part fails to take the oath of office within 10 days after service
17 of notice of election, the vacancy shall be filled pursuant to
18 section 411a(6) ~~, 412(7),~~ or 412a(7), as applicable.

19 Sec. 415. (1) The first class school district board **OR THE**
20 **SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER**
21 **THAN 100,000 PUPILS IN MEMBERSHIP**, by a vote of 2/3 of the members
22 serving, may expel or remove from office a member for corrupt or
23 willful malfeasance or misfeasance in office, or for willful
24 neglect of the duties of the member's office. The reason for the
25 expulsion or removal shall be entered on the records of the board
26 with the names and votes of the members voting on the question.

27 (2) A member shall not be expelled or removed unless the

1 member is first furnished with a written copy of the charges and is
2 allowed to be heard in his or her defense, with aid of counsel.

3 (3) For this purpose the board shall have power to issue
4 subpoenas to compel the attendance of witnesses and the production
5 of papers, and shall proceed within 10 days after service of a copy
6 of the charge to hear and determine the merits of the case.

7 (4) The member's failure to appear may be good cause for
8 removal from office.

9 Sec. 416. ~~(1) This section applies to a first class school~~
10 ~~district only if the question under section 410 is not approved in~~
11 ~~the first class school district.~~

12 (1) ~~(2)~~—The officers of the first class school district board
13 **OR OF THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000**
14 **BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** shall be a president,
15 vice-president, secretary, and treasurer. Subject to subsection
16 (7), the board, a majority of which constitutes a quorum, shall
17 elect its president and vice-president biennially from among the
18 members of the board. In case of a vacancy in the office of
19 president, the vice-president shall succeed to the office of
20 president for the balance of the unexpired term. The secretary and
21 treasurer shall be appointed by the board but shall not be members
22 of the board and shall receive a salary fixed by the board.

23 (2) ~~(3)~~—The president, vice-president, and secretary shall
24 perform the duties prescribed by the bylaws and regulations of the
25 board. The duties of the treasurer shall be determined by the
26 school district general superintendent, as approved by the board.

27 (3) ~~(4)~~—The officers of the board who in the discharge of the

1 duties of their respective positions handle funds belonging to the
2 ~~first class~~ school district shall be required to give bonds for the
3 faithful performance of their duties in accordance with the bylaws
4 and regulations of the board. The premium of the bonds shall be
5 paid from the funds of the board.

6 (4) ~~(5)~~—The school district treasurer shall have the custody
7 of all money belonging to the school district and shall pay out
8 money pursuant to section 433. The funds shall be deposited with
9 depositories selected by the board, and the interest derived shall
10 be paid into the general fund of the board.

11 (5) ~~(6)~~—The board shall require from the school district
12 treasurer a separate bond of not less than \$200,000.00 to protect
13 the funds of the board.

14 (6) ~~(7)~~ **All IF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT**
15 **FEWER THAN 100,000 PUPILS IN MEMBERSHIP WAS A FIRST CLASS SCHOOL**
16 **DISTRICT AS OF SEPTEMBER 1, 2008, THEN ALL** of the following apply
17 to the board members elected by the board in ~~2006–2008~~ as president
18 and vice president of the board:

19 (a) The ~~initial~~ term as president and vice president for each
20 of those board members is continued until a successor is elected by
21 the board for each in January of ~~2008–2010~~.

22 (b) Successors for each of those officers as described in
23 subdivision (a) shall be elected biennially by the board as
24 provided under subsection ~~(2)~~ **(1)**.

25 Sec. 417a. (1) A member of the first class school district
26 board **OR OF THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST**
27 **60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** shall not be

1 directly or indirectly interested in a contract with the board.
2 Except for the per diem allowance provided in subsection (2), a
3 member of the first class school district board **OR OF THE SCHOOL**
4 **BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**
5 **100,000 PUPILS IN MEMBERSHIP** shall not receive compensation for
6 services rendered to the board.

7 (2) Except as otherwise provided in this subsection, ~~and~~
8 ~~subsection (3),~~ each **MEMBER OF A** first class school district board
9 ~~member~~ **OR OF THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST**
10 **60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** shall be paid a
11 per diem allowance of \$30.00 for each board meeting and
12 subcommittee meeting attended and each authorized duty performed.
13 To be reimbursed for an authorized duty, the duty shall be related
14 directly to the member's responsibility as a board member and shall
15 be authorized in advance by resolution of the board. Compensation
16 shall be provided to a board member for an authorized duty only if
17 that duty and the authority of the board member to perform that
18 duty is specifically enumerated in the resolution authorizing
19 compensation. The payments for meetings, subcommittee meetings, and
20 authorized duties shall not exceed a total of 52 meetings,
21 subcommittee meetings, and authorized duties per year, except that
22 ~~, if the question under section 410 is not approved in the first~~
23 ~~class school district,~~ this limitation may be removed by majority
24 vote of the board.

25 ~~—— (3) If the question under section 410 is approved in the first~~
26 ~~class school district, the board of the first class school district~~
27 ~~may by majority vote of the board waive any per diem payment under~~

1 ~~this section.~~

2 Sec. 418a. (1) Regular meetings of the first class school
3 district board **OR OF THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT**
4 **LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** shall be
5 held at least once each month, at a time and place fixed by the
6 bylaws. ~~If the question under section 410 is not approved, not less~~
7 **NOT FEWER** than 7 of the regular meetings shall be held in different
8 voting districts of the first class school district **OR OF THE**
9 **SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER**
10 **THAN 100,000 PUPILS IN MEMBERSHIP** each year. ~~If the question under~~
11 ~~section 410 is approved, not less than 9 of the regular meetings~~
12 ~~shall be held in different voting districts of the first class~~
13 ~~school district each year.~~ The bylaws may provide for the calling
14 of special meetings.

15 (2) The proceedings and official actions of the first class
16 school district board **OR OF THE SCHOOL BOARD OF A SCHOOL DISTRICT**
17 **WITH AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP**
18 shall be a public record open to inspection pursuant to section
19 1202.

20 (3) The board of the first class school district **OR THE SCHOOL**
21 **BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**
22 **100,000 PUPILS IN MEMBERSHIP** shall have made a complete annual
23 audit of its financial transactions. The board may employ a firm of
24 certified public accountants to make the audit or, if the city with
25 the greatest population located within the boundaries of the school
26 district has an auditor whose duties are limited to postauditing of
27 finances and investigation of operations, the board may arrange for

1 the city's auditor to make the audit. The audit report shall be
2 made to the board ~~and the chief executive officer~~ and shall be a
3 public record. The board may ~~direct the chief executive officer to~~
4 publish the audit report by adding **IT** to ~~it~~ **ITS** general school
5 statistics or it may publish general school statistics separately.

6 (4) ~~If the question under section 410 is not approved in the~~
7 ~~first class school district, every~~ **EVERY** action of the first class
8 school district board **OR OF THE SCHOOL BOARD OF A SCHOOL DISTRICT**
9 **WITH AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP**
10 creating a liability or debt or originating the disposal or
11 expenditure of property or money shall be by yea and nay vote
12 entered upon its record.

13 Sec. 422. If territory comprising an entire school district is
14 annexed to the city and becomes a part of the first class school
15 district **OR SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**
16 **100,000 PUPILS IN MEMBERSHIP**, part 10 shall govern where applicable
17 with respect to the bonded indebtedness of either district existing
18 at the time of annexation. The first class school district board **OR**
19 **THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT**
20 **FEWER THAN 100,000 PUPILS IN MEMBERSHIP** may use any funds legally
21 available to retire the bonded indebtedness of the annexed
22 district. ~~If the question under section 410 is approved in the~~
23 ~~first class school district, then the chief executive officer~~
24 ~~appointed under section 420 has the powers and shall perform the~~
25 ~~duties of the board of the first class school district under this~~
26 ~~section.~~

27 Sec. 424. ~~(1)~~ When school property belonging to another school

1 district is taken by annexation by a first class school district **OR**
2 **SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS**
3 **IN MEMBERSHIP**, a determination shall be made of the equitable
4 amount that shall be paid by the first class school district **OR**
5 **SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS**
6 **IN MEMBERSHIP**. That determination shall be made by the boards of
7 the 2 districts affected. If the board of the first class school
8 district **OR THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST**
9 **60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** and the board of
10 the school district from which the property is taken are unable to
11 agree, the matter shall be submitted to a board of arbitration
12 consisting of 1 member appointed by each board and a third member
13 to be selected by the 2 appointed members. The arbitrators by order
14 shall fix a day for hearing and give notice of the hearing as
15 provided in the order. They shall make regulations for the
16 proceedings and shall make a final order determining the amount to
17 be paid by the first class school district **OR SCHOOL DISTRICT WITH**
18 **AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** to the
19 school district whose property was taken by the annexation and file
20 the order with the county clerk. The order of the arbitrators shall
21 be final. Taxes shall be levied and collected in the manner
22 provided in the order.

23 ~~—— (2) If the question under section 410 is approved in the first~~
24 ~~class school district, then the chief executive officer appointed~~
25 ~~under section 420 has the powers and shall perform the duties of~~
26 ~~the board of the first class school district under this section.~~

27 Sec. 431a. (1) The board of the first class school district **OR**

1 **THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT**
2 **FEWER THAN 100,000 PUPILS IN MEMBERSHIP** may take, use, hold, lease,
3 sell, and convey real and personal property, including property
4 received by gift, devise, or bequest, for the use of the public
5 school within and without its corporate limits. Proceeds from the
6 sale of real property shall be credited to accounts of the school
7 district. ~~as provided in section 1262.~~ The first class school
8 district board **OR THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT**
9 **LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** has the
10 power to purchase, lease, and take by the right of eminent domain
11 all property; erect and maintain or lease all buildings; employ and
12 pay all persons; and do all other things in its judgment necessary
13 for the proper establishment and management of the public schools.
14 ~~If the question under section 410 is approved in the first class~~
15 ~~school district, then the chief executive officer appointed under~~
16 ~~section 420 has the powers and shall perform the duties of the~~
17 ~~board of the first class school district under this subsection.~~

18 (2) The first class school district board **OR THE SCHOOL BOARD**
19 **OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000**
20 **PUPILS IN MEMBERSHIP** may adopt and revise as appropriate bylaws and
21 regulations for conducting the business of the board and ~~, if the~~
22 ~~question under section 410 is not approved in the first class~~
23 ~~school district,~~ for the control and government of all schools,
24 school property, and pupils in the ~~first class school~~ district.

25 (3) If property is sought to be taken by eminent domain,
26 proceedings may be brought under 1911 PA 149, MCL 213.21 to 213.25,
27 or the uniform condemnation procedures act, 1980 PA 87, MCL 213.51

1 to 213.75.

2 Sec. 432. (1) The first class school district board **OR THE**
3 **SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER**
4 **THAN 100,000 PUPILS IN MEMBERSHIP** annually shall prepare estimates
5 of the amount of taxes necessary for its needs for the ensuing
6 fiscal year. The estimates shall specify the amount required for
7 the "general fund", the amount required for the "building and site
8 fund", and the amount required for the "debt retirement fund". If
9 the board causes the appropriation for the "building and site fund"
10 to be raised by the issuance of bonds instead of raising the
11 appropriation by taxation, provision shall be made for the
12 retirement of the bonds in a debt retirement fund.

13 (2) The board shall adopt a budget in the same manner and form
14 as required for its estimates and determine the amount of tax levy
15 necessary for that budget and shall certify on or before the date
16 required by law the amount to the city.

17 (3) The proper officials of the city shall apportion the
18 school taxes in the same manner as the other taxes of the city are
19 apportioned, and the amount apportioned shall be assessed, levied,
20 collected, and returned for the school district in the same manner
21 as taxes of the city. The tax levied by the school district, in the
22 discretion of the legislative body of the city, may be stated
23 separately on each tax bill.

24 ~~—— (4) If the question under section 410 is approved in the first~~
25 ~~class school district, then the chief executive officer appointed~~
26 ~~under section 420 has the powers and shall perform the duties of~~
27 ~~the board of the first class school district under this section.~~

1 Sec. 433. (1) The secretary of the first class school district
2 board **OR OF THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST**
3 **60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** shall issue and
4 sign a warrant upon the treasurer for payrolls, bills, and accounts
5 that become due and payable under a contract or because of a
6 previous authorization or action of the board after the payrolls,
7 bills, and accounts are registered and charged to the
8 appropriations from which they are payable. The treasurer, upon
9 receipt of the warrant, shall issue a check in payment thereof.

10 (2) Other claims and demands against the first class school
11 district **OR SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**
12 **100,000 PUPILS IN MEMBERSHIP** shall be made under the regulations of
13 the board. The board, before paying a bill, account, or claim, may
14 require that it be accompanied by a certificate of the person
15 rendering it that the services or the property charged have been
16 actually performed or delivered for the school district, that the
17 sums charged are reasonable and just, and that to the best of that
18 person's knowledge and belief no setoff exists nor payment has been
19 made on account except as included or referred to in the account
20 presented. A similar certificate shall be required on all payrolls,
21 the certificate to be made by the person who supervises the
22 services charged.

23 ~~—— (3) If the question under section 410 is approved in the first~~
24 ~~class school district, then the chief executive officer appointed~~
25 ~~under section 420 or his or her designee has the powers and shall~~
26 ~~perform the duties of the board of the first class school district~~
27 ~~or board officers under this section.~~

1 Sec. 434. (1) Before a contract entered into by the first
2 class school district **OR SCHOOL DISTRICT WITH AT LEAST 60,000 BUT**
3 **FEWER THAN 100,000 PUPILS IN MEMBERSHIP** for the purchase of real
4 estate or the erection, remodeling, or repairing of a building is
5 binding on the school district, the secretary shall endorse on the
6 contract that the money proposed to be expended under the contract
7 is actually in the treasury or that the money has been
8 appropriated. A contract submitted shall not be certified by the
9 secretary until all contracts for the completed work covered by the
10 appropriation are submitted, and a warrant shall not be drawn on
11 the account of a contract not containing the certificate.

12 (2) The board may authorize a contract before the money is
13 available if an appropriation or an authorization of bonds or notes
14 is made for the contract and may borrow on the best terms
15 obtainable on the credit of that appropriation or authorization of
16 bonds or notes sums necessary to make a payment under the contract.

17 ~~—— (3) If the question under section 410 is approved in the first~~
18 ~~class school district, then the chief executive officer appointed~~
19 ~~under section 420 or his or her designee has the powers and shall~~
20 ~~perform the duties of the board of the first class school district~~
21 ~~or board officers under this section.~~

22 Sec. 441. The board of the first class school district **OR THE**
23 **SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER**
24 **THAN 100,000 PUPILS IN MEMBERSHIP**, with the consent of the
25 legislative body of the city, may authorize the financial officers
26 of the school district to borrow for not more than 1 year, on the
27 best terms obtainable, sums necessary to pay awards in condemnation

1 ~~proceedings. If the question under section 410 is approved in the~~
2 ~~first class school district, then the chief executive officer~~
3 ~~appointed under section 420 has the powers and shall perform the~~
4 ~~duties of the board of the first class school district under this~~
5 ~~section.~~

6 Sec. 442. (1) The board of the first class school district **OR**
7 **THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT**
8 **FEWER THAN 100,000 PUPILS IN MEMBERSHIP** may do any of the
9 following:

10 (a) Borrow, subject to the revised municipal finance act, 2001
11 PA 34, MCL 141.2101 to 141.2821, for temporary school purposes sums
12 of money and give notes of the district for temporary school
13 purposes.

14 (b) Borrow, subject to the revised municipal finance act, 2001
15 PA 34, MCL 141.2101 to 141.2821, sums of money for the purpose of
16 purchasing sites for buildings, playgrounds, or athletic fields and
17 purchasing or erecting and equipping a building or making a
18 permanent improvement that the school district is authorized to
19 make. The board may accomplish this by the issuance and sale of
20 bonds of the school district on terms the board considers
21 advisable, or by other reasonable means. The board shall designate
22 officers to execute the bonds on behalf of the school district. ~~The~~
23 ~~designated officers may include the chief financial officer.~~

24 (2) A loan shall not be made, except as otherwise provided in
25 this subsection, for a sum that, together with the total
26 outstanding bonded indebtedness of the school district, exceeds 5%
27 of the state equalized valuation of the taxable property within the

1 school district, unless the proposition of making the loans or of
 2 issuing bonds is submitted to a vote of the school electors of the
 3 school district at a general or special school election and
 4 approved by the majority of the school electors voting on the
 5 question. Regardless of the amount of outstanding bonded
 6 indebtedness of the school district, a vote of the school electors
 7 is not necessary in order to issue bonds for a purpose described in
 8 section 1274a. Loans may be made or bonds may be issued for the
 9 purposes stated in this section in an amount equal to that provided
 10 by part 17.

11 ~~—— (3) If the question under section 410 is approved in the first~~
 12 ~~class school district, then the chief executive officer appointed~~
 13 ~~under section 420 has the powers and shall perform the duties of~~
 14 ~~the board of the first class school district under this section.~~

15 Sec. 443. (1) Proceeds from the sale of **BONDS OF THE** first
 16 class school district ~~bonds~~ **OR OF A SCHOOL DISTRICT WITH AT LEAST**
 17 **60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** may be expended
 18 for the remodeling of existing buildings of the school district if
 19 the board determines the remodeling will contribute positively to
 20 the health, security, or welfare of the pupils of the school
 21 district and if the uses are approved by the superintendent of
 22 public instruction. ~~If the question under section 410 is approved~~
 23 ~~in the first class school district, then the chief executive~~
 24 ~~officer appointed under section 420 has the powers and shall~~
 25 ~~perform the duties of the board of the first class school district~~
 26 ~~under this subsection.~~

27 (2) As used in this section, "remodeling" means the alteration

1 or construction of structural components of a building including
2 walls, roofs, partitions, hallways, stairways, or means of egress,
3 or the replacement, relocation, or reconstruction of heating,
4 ventilating, incineration, electrical, security, or sanitary
5 systems.

6 Sec. 444. (1) Sections 442 and 443 are supplemental to other
7 provisions of law under which bonds of the school district or the
8 city are authorized to be issued and sold.

9 (2) Officers of the city in which the school district is
10 situated who participate in matters relating to the issuance and
11 sale of bonds under this part are for that purpose made ex officio
12 officers of the first class school district board **OR OF THE SCHOOL**
13 **BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**
14 **100,000 PUPILS IN MEMBERSHIP.**

15 Sec. 445. (1) The board of the first class school district **OR**
16 **THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT**
17 **FEWER THAN 100,000 PUPILS IN MEMBERSHIP** by resolution may submit
18 the proposition of issuing bonds for the purpose of purchasing
19 sites for buildings, playgrounds, or athletic fields and purchasing
20 or erecting and equipping a building or making permanent
21 improvements that the school district is authorized to make to the
22 school electors of the school district at a city or state election,
23 or at a special election called for that purpose.

24 (2) If a majority of the school electors voting on the
25 question approve the issuance of bonds, the board may issue the
26 bonds of the district.

27 (3) The board shall determine the form of the bonds, the

1 manner in which they shall be executed by the president and
2 secretary of the district, the sums payable and the times of
3 payment, and other terms and conditions the board considers
4 necessary.

5 (4) If the board determines to issue bonds under this section,
6 sections ~~432-442~~ and 444 shall not apply to the issuance of the
7 bonds and the bonds may be issued in an amount equal to that
8 provided by part 17.

9 (5) The secretary of the board shall file with the city clerk
10 a written notice of the resolution to submit the bonding
11 proposition to the school electors with a draft of the form of the
12 bonding proposition to be submitted. The notice shall be under the
13 seal of the board and filed with the city clerk at least 60 days
14 before the date fixed by the board for the election.

15 (6) The laws of this state pertaining to elections in a city
16 shall govern the practicable submission of the proposition to the
17 school electors. Electors qualified to vote on the bonding
18 proposition shall be registered school electors of the city in
19 which the first class school district **OR SCHOOL DISTRICT WITH AT**
20 **LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** is located
21 and otherwise qualified to vote on bonding propositions under the
22 constitution and laws of this state.

23 (7) Bonds issued under this act are subject to the revised
24 municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

25 ~~—— (8) If the question under section 410 is approved in the first~~
26 ~~class school district, then the chief executive officer appointed~~
27 ~~under section 420 has the powers and shall perform the duties of~~

1 ~~the board of the first class school district or board officers~~
2 ~~under this section.~~

3 Sec. 461. (1) Upon the adoption, by majority vote of the board
4 members serving, of a measure not coming under its general power or
5 authority, the board of the first class school district **OR THE**
6 **SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER**
7 **THAN 100,000 PUPILS IN MEMBERSHIP** shall submit the measure to the
8 school electors of the school district at the next state or city
9 election or a special election called for that purpose. This
10 section does not authorize the issuance of bonds. The secretary of
11 the board shall file with the city clerk a written notice of the
12 adoption of the measure together with a written draft of the
13 measure to be submitted to the school electors. The notice shall be
14 under the seal of the board and filed with the city clerk not less
15 than 60 days before the election.

16 (2) The laws of this state pertaining to elections in the city
17 govern the practicable submission of the measure to the school
18 electors.

19 ~~—— (3) If the question under section 410 is approved in the first~~
20 ~~class school district, then the chief executive officer appointed~~
21 ~~under section 420 has the powers and shall perform the duties of~~
22 ~~the board of the first class school district or board officers~~
23 ~~under this section.~~

24 Sec. 462. Special elections may be called by the board of the
25 first class school district **OR THE SCHOOL BOARD OF A SCHOOL**
26 **DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN**
27 **MEMBERSHIP**. The board shall call an election on receipt of the

1 written request of not less than 10% of the registered school
2 electors of the district qualified to vote on the question by
3 giving the prescribed notice. The questions to be submitted at the
4 election shall be stated briefly in the notice. ~~If the question~~
5 ~~under section 410 is approved in the first class school district,~~
6 ~~then the chief executive officer appointed under section 420 has~~
7 ~~the powers and shall perform the duties of the board of the first~~
8 ~~class school district under this section.~~

9 Sec. 471a. ~~(1) This section applies to a first class school~~
10 ~~district only if the question under section 410 is not approved in~~
11 ~~the first class school district.~~

12 (1) ~~(2)~~The first class school district board **OR THE SCHOOL**
13 **BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**
14 **100,000 PUPILS IN MEMBERSHIP** may appoint a superintendent of
15 schools for a term not exceeding 6 years pursuant to the ~~first~~
16 ~~class school district board's~~ bylaws. The board may employ
17 assistant superintendents, principals, assistant principals,
18 guidance directors, and other administrators who do not assume
19 tenure in position for a term, not to exceed 3 years, fixed by the
20 board and shall define their duties. Administrative and personnel
21 services shall be provided on a centralized basis throughout the
22 ~~first class school district~~ and shall not be established on a
23 voting district basis. The employment shall be under written
24 contract. Notification of nonrenewal of contract shall be given in
25 writing not less than 90 days before the termination date of the
26 contract of a superintendent of schools, and at least 60 days
27 before the termination date of the contract of other administrators

1 described in this subsection. If notification of nonrenewal is not
2 given as required in this subsection, the contract is renewed for
3 an additional 1-year period.

4 (3) A notification of nonrenewal of a contract of a person
5 described in this section may be given only for a reason that is
6 not arbitrary or capricious. The board shall not issue a notice of
7 nonrenewal under this section unless the affected person has been
8 provided with not less than 30 days' advance notice that the board
9 is considering the nonrenewal together with a written statement of
10 the reasons the board is considering the nonrenewal. After the
11 issuance of the written statement, but before the nonrenewal
12 statement is issued, the affected person shall be given the
13 opportunity to meet with not less than a majority of the board to
14 discuss the reasons stated in the written statement. The meeting
15 shall be open to the public or a closed session as the affected
16 person elects under section 8 of the open meetings act, 1976 PA
17 267, MCL 15.268. The failure to provide for a meeting with the
18 board or the finding of a court that the reason for nonrenewal is
19 arbitrary or capricious shall result in the renewal of the affected
20 person's contract for an additional 1-year period. This subsection
21 does not apply to the nonrenewal of the contract of a
22 superintendent of schools.

23 (4) Except for certification requirements determined by the
24 state board, the first class school district board **OR THE SCHOOL**
25 **BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN**
26 **100,000 PUPILS IN MEMBERSHIP** shall have full power over employees
27 and may specify the duties to be performed by them and fix the

1 qualifications necessary for a position. The qualifications shall
2 not conflict with the rules, regulations, or licensing laws of the
3 state, county, or municipality governing qualifications of
4 engineers or members of other trades.

5 (5) This section is subject to part 5a.

6 Sec. 472. A first class school district **OR A SCHOOL DISTRICT**
7 **WITH AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP**
8 may establish, maintain, and conduct a school for the purpose of
9 affording a place of confinement, discipline, instruction, and
10 maintenance of children of the city of compulsory school age who
11 may be committed to the school by a court of competent
12 jurisdiction, or admitted on the recommendation of the judge with
13 the consent of their parents or guardian. A child who has been
14 convicted of an offense punishable by confinement in a penal
15 institution shall not be committed or admitted to the school.

16 Sec. 473. This part ~~shall~~**DOES** not repeal or affect a general
17 law or local law governing the management and control of public
18 libraries as now established in school districts under this part.
19 The powers and duties of the boards of education now in existence
20 regarding libraries shall be assigned to and transferred to the
21 first class school district board created by this part **OR TO THE**
22 **SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER**
23 **THAN 100,000 PUPILS IN MEMBERSHIP.**

24 Sec. 475. (1) Subject to subsection (2), the board of a first
25 class school district **OR THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH**
26 **AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** may
27 establish and maintain a school, class, or program within a school

1 in which enrollment is limited to pupils of a single gender if the
2 school district also makes available to pupils a substantially
3 equal coeducational school, class, or program and a substantially
4 equal school, class, or program for pupils of the other gender.

5 (2) If the board of a first class school district **OR THE**
6 **SCHOOL BOARD OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER**
7 **THAN 100,000 PUPILS IN MEMBERSHIP** establishes a single-gender
8 school, class, or program described in subsection (1), the school
9 district shall not require participation by any of its pupils in
10 the single-gender school, class, or program. The board shall ensure
11 that participation by pupils in a single-gender school, class, or
12 program is wholly voluntary. For the purposes of this subsection,
13 participation by a pupil in a single-gender school, class, or
14 program is not considered to be voluntary unless the school
15 district also makes available to the pupil a substantially equal
16 coeducational school, class, or program.

17 ~~Sec. 483a. (1) This section applies to a first class school~~
18 ~~district only if the question under section 410 is not approved in~~
19 ~~the first class school district.~~

20 ~~——(2) The first class school district board **OR THE SCHOOL BOARD**~~
21 ~~**OF A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000**~~
22 ~~**PUPILS IN MEMBERSHIP** shall perform the following functions:~~

23 (a) Central purchasing.

24 (b) Payroll.

25 (c) Employment, discharge, assignment, and promotion of
26 teachers and other employees of the district.

27 (d) Contract negotiations for all employees, subject to 1947

1 PA 336, MCL 423.201 to 423.217, and subject to bargaining
2 certification and the collective bargaining agreement pertaining to
3 affected employees.

4 (e) Property management and maintenance and the use of
5 educational facilities.

6 (f) Bonding.

7 (g) Special education programs.

8 (h) Allocation of funds for capital outlay and operations.

9 (i) Determination of the curriculum and the establishment of
10 educational and testing programs.

11 (j) Adoption of a budget.

12 ~~— (3) All powers and duties formerly vested in the regional
13 boards are transferred to the first class school district board.~~

14 Sec. 485. (1) At least every 2 years, the board of the first
15 class school district **OR THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH**
16 **AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** shall
17 adopt policies and establish programs that provide for and
18 encourage the free flow of information between the school district
19 and the community and that provide for and encourage community
20 input into educational matters considered by the board.

21 (2) In order to implement subsection (1), the board of a first
22 class school district **OR THE SCHOOL BOARD OF A SCHOOL DISTRICT WITH**
23 **AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN MEMBERSHIP** shall
24 do both of the following:

25 (a) Provide for an autonomous school-community organization in
26 each school within the school district. The school-community
27 organization shall be open to all parents and other residents of

1 the school attendance area.

2 (b) Establish procedures for handling complaints, concerns,
3 and recommendations received from parents and other members of the
4 community.

5 ~~—— (3) If the question under section 410 is approved in the first~~
6 ~~class school district, then the chief executive officer appointed~~
7 ~~under section 420 has the powers and shall perform the duties of~~
8 ~~the board of the first class school district under this section.~~

9 Sec. 1131. Each school district is subject to and governed by
10 this article except as to those matters which are specifically or
11 by necessary implication provided for a first class school district
12 **OR A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000**
13 **PUPILS IN MEMBERSHIP** under part 6, and by articles 3 and 4. An
14 intermediate school district is governed by the provisions of this
15 article that relate specifically to intermediate school districts
16 and by articles 3 and 4.

17 Sec. 1211. (1) Except as otherwise provided in this section
18 and section 1211c, the board of a school district shall levy not
19 more than 18 mills for school operating purposes or the number of
20 mills levied in 1993 for school operating purposes, whichever is
21 less. A principal residence, qualified agricultural property,
22 qualified forest property, supportive housing property, and
23 industrial personal property are exempt from the mills levied under
24 this subsection except for the number of mills by which that
25 exemption is reduced under this subsection. The board of a school
26 district that had a foundation allowance calculated under section
27 20 of the state school aid act of 1979, MCL 388.1620, for the 1994-

1 95 state fiscal year of more than \$6,500.00, may reduce the number
2 of mills from which a principal residence, qualified agricultural
3 property, qualified forest property, supportive housing property,
4 and industrial personal property are exempted under this subsection
5 by up to the number of mills, as certified under section 1211a,
6 required to be levied on a principal residence, qualified
7 agricultural property, qualified forest property, supportive
8 housing property, and industrial personal property for the school
9 district's combined state and local revenue per membership pupil
10 for the school fiscal year ending in 1995 to be equal to the school
11 district's foundation allowance for the state fiscal year ending in
12 1995, and the board also may levy in 1994 or a succeeding year that
13 number of mills for school operating purposes on a principal
14 residence, qualified agricultural property, qualified forest
15 property, supportive housing property, and industrial personal
16 property.

17 (2) Subject to subsection (3), if the department of treasury
18 determines that the maximum number of mills allowed to be levied
19 under subsection (1) on all classes of property was not sufficient
20 for a school district's combined state and local revenue per
21 membership pupil for the school fiscal year ending in 1995 to be
22 equal to the school district's foundation allowance for that school
23 fiscal year, the board of the school district may levy in 1994 or a
24 succeeding year additional mills uniformly on all property up to
25 the number of mills required for the school district's combined
26 state and local revenue per membership pupil for the school fiscal
27 year ending in 1995 to be equal to the school district's foundation

1 allowance for the state fiscal year ending in 1995. However, the
2 board of a school district described in this subsection, by board
3 resolution, may elect to exempt each principal residence and all
4 qualified agricultural property, qualified forest property,
5 supportive housing property, and industrial personal property
6 located in the school district from some or all of the mills that
7 the board is authorized to levy under this subsection.

8 (3) After 1994, the number of mills a school district may levy
9 under this section on any class of property shall not exceed the
10 lesser of the number of mills the school district was certified by
11 the department of treasury under section 1211a to levy on that
12 class of property under this section in 1994 or the number of mills
13 required to be levied on that class of property under this section
14 to ensure that the increase from the immediately preceding state
15 fiscal year in the school district's combined state and local
16 revenue per membership pupil, calculated as if the school district
17 had levied the maximum number of mills the school district was
18 allowed to levy under this section regardless of the number of
19 mills the school district actually levied, does not exceed the
20 lesser of the dollar amount of the increase in the basic foundation
21 allowance under section 20 of the state school aid act of 1979, MCL
22 388.1620, from the immediately preceding state fiscal year or the
23 percentage increase in the general price level in the immediately
24 preceding calendar year. If the number of mills a school district
25 is allowed to levy under this section in a year after 1994 is less
26 than the number of mills the school district was allowed to levy
27 under this section in the immediately preceding year, any reduction

1 required by this subsection in the school district's millage rate
2 shall be calculated by first reducing the number of mills the
3 school district is allowed to levy under subsection (2) and then
4 increasing the number of mills from which a principal residence,
5 qualified agricultural property, qualified forest property,
6 supportive housing property, and industrial personal property are
7 exempted under subsection (1).

8 (4) Commercial personal property is exempt from 12 of the
9 mills levied under this section. However, if the number of mills
10 from which industrial personal property is exempted for a specific
11 school district is reduced under this section, then the number of
12 mills from which commercial personal property is exempted for that
13 school district shall be reduced by that same number of mills.

14 (5) Millage levied under this section must be approved by the
15 school electors. For the purposes of this section, millage approved
16 by the school electors before January 1, 1994 for which the
17 authorization has not expired is considered to be approved by the
18 school electors.

19 (6) If a school district levies millage for school operating
20 purposes that is in excess of the limits of this section, the
21 amount of the resulting excess tax revenue shall be deducted from
22 the school district's next regular tax levy.

23 (7) If a school district levies millage for school operating
24 purposes that is less than the limits of this section, the board of
25 the school district may levy at the school district's next regular
26 tax levy an additional number of mills not to exceed the additional
27 millage needed to make up the shortfall.

1 (8) A school district shall not levy mills allocated under the
2 property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a,
3 other than mills allocated to a school district of the first class
4 **OR A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000**
5 **PUPILS IN MEMBERSHIP** for payment to a public library commission
6 under section 11(4) of the property tax limitation act, 1933 PA 62,
7 MCL 211.211, after 1993.

8 (9) As used in this section:

9 (a) "Combined state and local revenue per membership pupil"
10 means that term as defined in section 20 of the state school aid
11 act of 1979, MCL 388.1620.

12 (b) "Commercial personal property" means property classified
13 as commercial personal property under section 34c of the general
14 property tax act, 1893 PA 206, MCL 211.34c.

15 (c) "Foundation allowance" means a school district's
16 foundation allowance as calculated under section 20 of the state
17 school aid act of 1979, MCL 388.1620.

18 (d) "General price level" means that term as defined in
19 section 33 of article IX of the state constitution of 1963.

20 (e) "Industrial personal property" means property classified
21 as industrial personal property under section 34c of the general
22 property tax act, 1893 PA 206, MCL 211.34c.

23 (f) "Membership" means that term as defined in section 6 of
24 the state school aid act of 1979, MCL 388.1606.

25 (g) "Owner", "person", "principal residence", and "qualified
26 agricultural property" mean those terms as defined in section 7dd
27 of the general property tax act, 1893 PA 206, MCL 211.7dd.

1 (h) "Qualified forest property" means that term as defined in
2 section 7jj of the general property tax act, 1893 PA 206, MCL
3 211.7jj[1].

4 (i) "School operating purposes" includes expenditures for
5 furniture and equipment, for alterations necessary to maintain
6 school facilities in a safe and sanitary condition, for funding the
7 cost of energy conservation improvements in school facilities, for
8 deficiencies in operating expenses for the preceding year, and for
9 paying the operating allowance due from the school district to a
10 joint high school district in which the school district is a
11 participating school district under former part 3a. Taxes levied
12 for school operating purposes do not include any of the following:

13 (i) Taxes levied by a school district for operating a community
14 college under part 25.

15 (ii) Taxes levied under section 1212.

16 (iii) Taxes levied under section 1356 for eliminating an
17 operating deficit.

18 (iv) Taxes levied for operation of a library under section 1451
19 or for operation of a library established pursuant to 1913 PA 261,
20 MCL 397.261 to 397.262, that were not included in the operating
21 millage reported by the district to the department as of April 1,
22 1993. However, a district may report to the department not later
23 than April 1, 1994 the number of mills it levied in 1993 for a
24 purpose described in this subparagraph that the school district
25 does not want considered as operating millage and then that number
26 of mills is excluded under this section from taxes levied for
27 school operating purposes.

1 (v) Taxes paid by a school district of the first class **OR A**
2 **SCHOOL DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS**
3 **IN MEMBERSHIP** to a public library commission pursuant to section
4 11(4) of the property tax limitation act, 1933 PA 62, MCL 211.211.

5 (vi) Taxes levied under former section 1512 for operation of a
6 community swimming pool. In addition, if a school district included
7 the millage it levied in 1993 for operation of a community swimming
8 pool as part of its operating millage reported to the department
9 for 1993, the school district may report to the department not
10 later than June 17, 1994 the number of mills it levied in 1993 for
11 operation of a community swimming pool that the school district
12 does not want considered as operating millage and then that number
13 of mills is excluded under this section from taxes levied for
14 school operating purposes.

15 (j) "Supportive housing property" means real property
16 certified as supportive housing property under chapter 3B of the
17 state housing development authority act of 1966, 1966 PA 346, MCL
18 125.1459 to 125.1459b.

19 Sec. 1269. The board of a school district, other than a first
20 class school district **OR A SCHOOL DISTRICT WITH AT LEAST 60,000 BUT**
21 **FEWER THAN 100,000 PUPILS IN MEMBERSHIP**, shall insure school
22 district property unless otherwise directed by the school electors.
23 The governing board of a public school academy shall insure public
24 school academy property. The insurance may be obtained from mutual,
25 stock, or other responsible companies licensed to do business in
26 this state.

27 Sec. 1602. The board of a first class school district or other

1 school district having a population of more than 10,000, after
2 having secured the approval of the state board, may establish
3 collegiate and noncollegiate courses of study. These collegiate
4 courses, except in school districts of the first class **OR A SCHOOL**
5 **DISTRICT WITH AT LEAST 60,000 BUT FEWER THAN 100,000 PUPILS IN**
6 **MEMBERSHIP**, shall not embrace more than 2 years of collegiate work.
7 The courses, collectively and exclusive of the regular K to 12
8 grades, shall be known and designated as the community college of
9 the district school system.

10 Enacting section 1. Sections 403, 404, 410, 412, 416a, 420,
11 and 421 of the revised school code, 1976 PA 451, MCL 380.403,
12 380.404, 380.410, 380.412, 380.416a, 380.420, and 380.421, are
13 repealed.