

HOUSE BILL NO. 4088

January 24, 2019, Introduced by Rep. Hornberger and referred to the Committee on Education.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 611. (1) Except as otherwise provided in this section,

1 an intermediate school district shall be under the supervision and
2 control of an intermediate school board ~~composed~~ **consisting** of 5
3 members elected under this part. **Beginning January 1, 2020, all**
4 **intermediate school districts shall be under the supervision and**
5 **control of an intermediate school board consisting of 7 members**
6 **popularly elected under section 617.**

7 (2) In an intermediate school district that adopts sections
8 615 to 617 for popular election of its members, or in an
9 intermediate school district reorganized under section 701, the
10 number of intermediate school board members shall be 7. **This**
11 **subsection applies only until January 1, 2020.**

12 (3) In an intermediate school district whose boundaries are
13 enlarged by a ~~dissolution~~ **disorganization** under section 703, the
14 number of intermediate school board members, at the option of the
15 intermediate school board, may be 7. **This subsection applies only**
16 **until January 1, 2020.**

17 (4) ~~Beginning on the effective date of this subsection,~~ **Until**
18 **January 1, 2020,** an intermediate school board may by resolution
19 change the number of intermediate school board members to 7. Before
20 adopting the resolution to change the number of intermediate school
21 board members to 7, an intermediate school board shall hold at
22 least 2 public hearings on the resolution. If an intermediate
23 school board determines that the terms of intermediate school board
24 members should be staggered differently than provided under this
25 act or any bylaws of the intermediate school board due to a change
26 in the number of board members under this subsection, the
27 intermediate school board may adopt bylaws or amend its bylaws to
28 change the way that intermediate school board members' terms are
29 staggered. The bylaws may alter the current terms of members

1 serving at the time the bylaws are adopted to implement the change
 2 in the way that terms are staggered. If an intermediate school
 3 board adopts or amends bylaws under this subsection that alter a
 4 member's existing term, the member's term is subject to that
 5 action.

6 **(5) If as of January 1, 2019 an intermediate school district**
 7 **does not have a popularly elected intermediate school board, a**
 8 **first popularly elected intermediate school board shall be elected**
 9 **in that intermediate school district at the 2019 general November**
 10 **election under section 617. On January 1, 2020, this popularly**
 11 **elected intermediate school board shall take over supervision and**
 12 **control of the intermediate school district and the intermediate**
 13 **school board that had been elected under section 614 is dissolved.**

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

17 ~~(2) Until the 2005 intermediate school board election, a~~
 18 ~~member of a board of a constituent district is eligible to election~~
 19 ~~or appointment to membership on the intermediate school board.~~
 20 ~~Beginning with the 2005 intermediate school board election, **Until**~~
 21 **January 1, 2020,** not more than 3 members of the intermediate school
 22 board may also be serving at the same time as a member of the board
 23 of a constituent district or board of directors of a public school
 24 academy. ~~However, if an intermediate school board has more than 3~~
 25 ~~members serving as of September 1, 2004 who are also serving at the~~
 26 ~~same time as members of the board of a constituent district, this~~
 27 ~~limitation does not apply to that intermediate school board until~~
 28 ~~the expiration of the current terms of those intermediate school~~
 29 ~~board members. **Beginning with the 2019 general November election, a**~~

1 member of a board of a constituent district is ineligible for
 2 election or appointment to membership on the intermediate school
 3 board. Notwithstanding any other provision of law, if as of the
 4 2019 general November election a member of the intermediate school
 5 board is also a member of the board of a constituent district, the
 6 member's term on the intermediate school board expires on January
 7 1, 2020.

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

13 Sec. 614. **(1) This section applies to an intermediate school**
 14 **district only until the election of a popularly elected**
 15 **intermediate school board for that intermediate school district as**
 16 **described in section 611(1) and (5).**

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

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

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

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

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

27 **(6)** ~~(5)~~ Subject to subsection ~~(7)~~, **(8)**, a candidate for
 28 election to the intermediate school board shall be nominated by
 29 petitions that are signed by a number of school electors of the

1 combined constituent school districts of the intermediate school
2 district, as follows:

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

6 (b) If the population of the intermediate school district is
7 10,000 or more according to the most recent federal census, a
8 minimum of 40 and a maximum of 100.

9 (7) ~~(6)~~—A school elector may sign as many petitions as there
10 are vacancies to fill. Nominating petitions and an affidavit as
11 provided in section 558 of the Michigan election law, MCL 168.558,
12 ~~shall~~**must** be filed with the school district filing official not
13 later than 30 days before the date of the biennial election under
14 subsection ~~(1)~~**—(2)**. The school district filing official shall
15 determine the sufficiency of the petitions and the eligibility of
16 the candidates nominated. The school district filing official shall
17 provide ballots for the biennial election, listing on the ballots
18 the names of all candidates properly nominated. The chairperson of
19 the biennial election meeting may accept nominations for a vacancy
20 from the floor only if no nominating petitions have been filed for
21 the vacancy.

22 (8) ~~(7)~~—Instead of filing nominating petitions, a candidate
23 for election to the intermediate school board may pay a
24 nonrefundable filing fee of \$100.00 to the school district filing
25 official. If this fee is paid by the due date for nominating
26 petitions, the payment has the same effect under this section as
27 the filing of nominating petitions.

28 Sec. 616. **(1) This section applies to an intermediate school**
29 **district only until the election of a popularly elected**

1 **intermediate school board for that intermediate school district as**
 2 **described in section 611(1) and (5).**

3 (2) ~~(1)~~—An intermediate school board may submit to the school
 4 electors of the constituent districts comprising the intermediate
 5 school district the question of adoption of sections 615 to 617.
 6 The question ~~shall~~**must** be in substantially the following form:

7 "Shall sections 615 to 617 of the revised school code,
 8 providing for the popular election of members of the intermediate
 9 school board, be effective within the constituent districts of
 10 _____ (name of intermediate school district)?

11 Yes ()

12 No ()".

13 (3) ~~(2)~~—The intermediate school board shall submit the
 14 question upon receipt of resolutions adopted by a majority of the
 15 boards of constituent districts and representing more than 1/2 of
 16 the combined memberships of the constituent districts of the
 17 intermediate school district as of the latest pupil membership
 18 count day. The resolutions of the constituent district boards ~~shall~~
 19 **must** be adopted between March 1 and the next succeeding July 1. The
 20 question ~~shall~~**must** be presented to the school electors of the
 21 constituent districts at the next regular school election after
 22 resolutions of constituent district boards meeting the requirements
 23 of this section have been filed with the school district filing
 24 official.

25 (4) ~~(3)~~—If a majority of the school electors votes in favor of
 26 popular election, members of the intermediate school board shall be
 27 elected at the next regular school election and biennially
 28 thereafter at the regular school elections of the constituent
 29 districts.

1 (5) ~~(4)~~—An intermediate school district that adopts sections
2 615 to 617 may terminate the popular election of members of the
3 intermediate school board in the same manner.

4 Sec. 617. (1) In an intermediate school district in which
5 sections 615 to 617 are effective, **and in all intermediate school**
6 **districts beginning with the 2019 general November election,** a
7 candidate for the office of member of the intermediate school board
8 shall be nominated, and members shall be elected, as provided in
9 chapter XIV of the Michigan election law, MCL 168.301 to
10 ~~168.315-168.316,~~ **and subject to section 642c of the Michigan**
11 **election law, MCL 168.642c.**

12 (2) At the first election, 3 members of an intermediate school
13 board shall be elected for a term of 6 years, 2 for a term of 4
14 years, and 2 for a term of 2 years. After the first election, their
15 successors shall be elected biennially for terms of 6 years.

16 Enacting section 1. Section 615 of the revised school code,
17 1976 PA 451, MCL 380.615, is repealed effective January 1, 2020.

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