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House Bill 4338 (Substitute S-1)
Sponsor: Representative Ruth Johnson
House Committee: Education
Senate Committee: Education

Date Completed: 6-24-04

CONTENT

The bill would amend the Revised School Code to do the following:

- Permit citizens to recall an intermediate school district (ISD) board member.**
- Authorize constituent school districts to remove an ISD board member.**
- Permit the Governor to remove an ISD board member or a school board member.**

Recall

The Code requires that an intermediate school district be under the supervision and control of an intermediate school board composed of five members. The ISD board is elected by a body consisting of one member of each constituent district, (although an ISD board may submit to the school electors of its constituent districts the question of whether board members are to be elected by popular vote).

Under the bill, a member of an ISD board elected by members of constituent school districts would be subject to recall by the voters residing in that intermediate school district. The voters also could recall an ISD board member who was appointed to fill a vacancy. A recall vote would have to comply with Chapter 36 of the Michigan Election Law.

Removal by Constituent Districts

The bill would permit constituent district boards to remove from office an intermediate school board member elected by the districts' representatives, or a member appointed to fill a vacancy. A member would be removed from office if at least a majority of constituent district boards, plus one, adopted resolutions requesting removal of the member, and filed those resolutions within a 60-day period with the secretary of the intermediate school board. (If the intermediate school board secretary were the subject of the removal resolution, however, a constituent district board could file the resolution with another officer of the ISD board.)

Removal by the Governor

Under the bill, the Governor could remove from office a member of an intermediate school board elected by constituent districts' representatives, or a member of a school board. The Governor would have to be satisfied from the evidence presented to him or her that the member was guilty of gross neglect of duty, corrupt conduct in office, or any other misfeasance or malfeasance in office.

Before the Governor removed an ISD or school board member, all of the following procedures would have to be followed:

- Written charges specifying the grounds for removal would have to be submitted to the Governor. The charges would have to be accompanied by any supporting evidence and by the affidavit of the person making the charges, verifying that he or she believed the charges to be true.
- A copy of the charges and any accompanying affidavits or exhibits would have to be served on the board member, as described below.
- The board member would have to be given an opportunity to respond to the charges.

If the board member could be found, a copy of the charges would have to be handed to him or her. If not, a copy of the charges would have to be left with a person of suitable age at the member's last known place of residence; if a person of suitable age were not available, the copy would have to be posted conspicuously at that place.

A person removed from office by the Governor would not be eligible for election or appointment to a school board or an intermediate school board for a period of three years from the date of removal.

Officers

Under the Code, an intermediate school board must organize by electing a president, a vice-president, a secretary, and a treasurer. The president and vice-president must be members of the intermediate school board, but the secretary and treasurer need not be. Under the bill, beginning July 1, 2004, all officers would have to be members of the intermediate school board.

MCL 380.613 et al.

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.