

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 4338

(As amended, July 1, 2004)

A bill to amend 1976 PA 451, entitled

"An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 613 and 624 (MCL 380.613 and 380.624), section 613 as amended by 2003 PA 299 and section 624 as amended by 1995 PA 289, and by adding sections 614a, 619, 621a, and 1107.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 613. (1) The intermediate school board shall meet  
2 annually on or before the fourth Monday of December or, if the  
3 intermediate school district's regular election is in May, on or  
4 before the fourth Monday of June.

5           (2) The intermediate school board shall organize by electing  
6 a president, a vice-president, a secretary, and a treasurer.  
7 ~~The~~ **Until July 1, 2005, the** president and vice-president shall  
8 be members of the intermediate school board, but the secretary  
9 and treasurer need not be. **Beginning July 1, 2005, all officers**

1 shall be members of the intermediate school board.

2 (3) The officers shall perform duties provided by law and  
3 prescribed by the policies and regulations of the intermediate  
4 school board not inconsistent with this part or other laws of the  
5 state.

6 (4) The treasurer shall post with the secretary a bond in an  
7 amount approved by the intermediate school board, conditioned  
8 upon the faithful performance of the treasurer's duties.

9 Sec. 614a. (1) A member of an intermediate school board  
10 elected under section 614 at a biennial election meeting  
11 described in section 614(1) or appointed to fill a vacancy under  
12 section 614 is subject to recall by the intermediate school  
13 electors of the intermediate school district in the manner  
14 prescribed in chapter XXXVI of the Michigan election law, MCL  
15 168.951 to 168.976.

16 (2) A member of an intermediate school board elected under  
17 section 614 at a biennial election meeting described in section  
18 614(1) or appointed to fill a vacancy under section 614 may be  
19 removed from office by the boards of the constituent districts.  
20 A member is removed from office under this subsection if a number  
21 of the boards of the constituent districts at least equal to a  
22 majority of the boards plus 1 adopt resolutions requesting  
23 removal of the member and file those resolutions within a 60-day  
24 period with the secretary of the intermediate school board.  
25 However, if the secretary of the intermediate school board is the  
26 subject of the removal resolution, a constituent district board  
27 may file the resolution with another officer of the intermediate

1 school board.

2 (3) A member of an intermediate school board elected under  
3 section 614 at a biennial election meeting described in section  
4 614(1) or appointed to fill a vacancy under section 614 may be  
5 removed from office by the governor as prescribed in section 619.

6 Sec. 619. (1) The governor may remove a member of an  
7 intermediate school board from office under this section if the  
8 governor is satisfied from the evidence submitted to the governor  
9 that the member is guilty of gross neglect of duty, corrupt  
10 conduct in office, or any other misfeasance or malfeasance in  
11 office.

12 (2) Before the governor removes an intermediate school board  
13 member under this section, all of the following procedures shall  
14 be followed:

15 (a) Charges shall be submitted to the governor in writing  
16 specifying the grounds for removal. The charges shall be  
17 accompanied by any supporting evidence and by the affidavit of  
18 the person making the charges verifying that the person believes  
19 the charges to be true.

20 (b) A copy of the charges shall be served on the intermediate  
21 school board member. Service shall be made as follows:

22 (i) If the intermediate school board member can be found, by  
23 handing the intermediate school board member a copy of the  
24 charges and of any affidavits or exhibits accompanying the  
25 charges.

26 (ii) If the intermediate school board member cannot be found,  
27 by leaving a copy of the charges and of any affidavits or

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1 exhibits accompanying the charges with a person of suitable age  
2 at the intermediate school board member's last known place of  
3 residence or, if a person of suitable age is not available, by  
4 posting the copy or copies in a conspicuous place at the  
5 intermediate school board member's last known place of  
6 residence.

7 (c) The intermediate school board member shall be given an  
8 opportunity to respond to the charges.

9 (3) A person removed from office under this section is not  
10 eligible for election or appointment to a school board or  
11 intermediate school board for a period of 3 years from the date  
12 of removal.

<<Sec. 621a. An intermediate school board shall establish a policy  
requiring intermediate school board approval of all travel outside this  
state by an intermediate school board member or an intermediate school  
district employee that is paid for or reimbursed by the intermediate  
school district.>>

13 Sec. 624. (1) Not later than April 1 of each year, the  
14 intermediate school board shall prepare an annual general fund  
15 operating budget, which shall be in the form prescribed by the  
16 county tax allocation board, and shall file the budget with the  
17 county clerk of each county in which the intermediate school  
18 board is situated except a county that has established separate  
19 tax limitation millage rates pursuant to sections 5a to 5l of the  
20 property tax limitation act, ~~Act No. 62 of the Public Acts of~~  
21 ~~1933, being sections 211.205a to 211.205l of the Michigan~~  
22 ~~Compiled Laws~~ 1933 PA 62, MCL 211.205a to 211.205l. Each county  
23 clerk receiving the budget shall deliver it to the county tax  
24 allocation board in the same manner as other school district  
25 budgets are handled.

26 (2) ~~Not later than June 1 of each year, the board shall~~  
27 ~~submit the budget, for review, to a meeting of 1 board member~~

1 ~~named from each constituent district to represent the district.~~  
2 ~~At the meeting the president of the intermediate school board~~  
3 ~~shall preside, and the intermediate secretary shall keep the~~  
4 ~~minutes.~~ An intermediate school board shall have its proposed  
5 budget reviewed by its constituent districts each year as  
6 follows:

7 (a) Not later than May 1 of each year, the intermediate  
8 school board shall submit its proposed budget for the next school  
9 fiscal year to the board of each constituent district for  
10 review.

11 (b) Not later than June 1 of each year, the board of each  
12 constituent district shall review the proposed intermediate  
13 school district budget, shall adopt a board resolution expressing  
14 its support for or disapproval of the proposed intermediate  
15 school district budget, and shall submit to the intermediate  
16 school board any specific objections and proposed changes the  
17 constituent district board has to the budget. If an intermediate  
18 school board receives any specific objections or proposed  
19 changes, the intermediate school board shall consider the  
20 proposed budget changes.

21 (3) The tax allocation board shall receive the budget from  
22 its county clerk and shall allocate a tax rate to the  
23 intermediate school district. Not later than September 1 of each  
24 year, or not later than 5 days after the election if taxes are  
25 authorized at an election held pursuant to section 36(2) of the  
26 general property tax act, ~~Act No. 206 of the Public Acts of~~  
27 ~~1893, being section 211.36 of the Michigan Compiled Laws 1893 PA~~

1 206, MCL 211.36, the secretary of the intermediate school board  
2 shall file a certified copy of the resolution of the intermediate  
3 school board certifying the taxes to be levied on the taxable  
4 property within the intermediate school district with the clerk  
5 of each city and township in which the district is situated.

6 (4) As used in this section, "general fund operating budget"  
7 means the budget that includes revenues from the intermediate  
8 school district's share of mills as determined by the tax  
9 allocation board or by referendum and state school aid.  
10 Disbursements from the general fund operating budget shall apply  
11 to those expenditures required for the operation of all  
12 intermediate school district programs except cooperative  
13 education, special education, and vocational education, and may  
14 apply to any expenditures from the general fund to assist with  
15 the costs of cooperative education, special education, and  
16 vocational education.

17 **Sec. 1107. (1) The governor may remove a member of a school**  
18 **board from office under this section if the governor is satisfied**  
19 **from the evidence submitted to the governor that the member is**  
20 **guilty of gross neglect of duty, corrupt conduct in office, or**  
21 **any other misfeasance or malfeasance in office.**

22 (2) Before the governor removes a school board member under  
23 this section, all of the following procedures shall be followed:

24 (a) Charges shall be submitted to the governor in writing  
25 specifying the grounds for removal. The charges shall be  
26 accompanied by any supporting evidence and by the affidavit of  
27 the person making the charges verifying that the person believes

1 the charges to be true.

2 (b) A copy of the charges shall be served on the school board  
3 member. Service shall be made as follows:

4 (i) If the school board member can be found, by handing the  
5 school board member a copy of the charges and of any affidavits  
6 or exhibits accompanying the charges.

7 (ii) If the school board member cannot be found, by leaving a  
8 copy of the charges and of any affidavits or exhibits  
9 accompanying the charges with a person of suitable age at the  
10 school board member's last known place of residence or, if a  
11 person of suitable age is not available, by posting the copy or  
12 copies in a conspicuous place at the school board member's last  
13 known place of residence.

14 (c) The school board member shall be given an opportunity to  
15 respond to the charges.

16 (3) A person removed from office under this section is not  
17 eligible for election or appointment to a school board or  
18 intermediate school board for a period of 3 years from the date  
19 of removal.