

**SUBSTITUTE FOR
SENATE BILL NO. 752**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 4, 5, 614, and 616 (MCL 380.4, 380.5, 380.614,
and 380.616), section 4 as amended by 2008 PA 1, section 5 as
amended by 2009 PA 205, section 614 as amended by 2004 PA 419, and
section 616 as amended by 2003 PA 299.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Educational media center" means a program
2 operated by an intermediate school district and approved by the
3 state board that provides services to local school districts or
4 constituent districts under section 671.

5 (2) "Intermediate school board" means the board of an
6 intermediate school district.

7 (3) "Intermediate school district" means a corporate body

1 established under part 7.

2 (4) "Intermediate school district election" means an election
3 called by an intermediate school board and held ~~on the date of the~~
4 ~~regular school elections of constituent districts or~~ on a date
5 determined by the intermediate school board under **SECTION 642C OF**
6 the Michigan election law, **MCL 168.642C**.

7 (5) "Intermediate school elector" means a person who is a
8 school elector of a constituent district and who is registered in
9 the city or township in which the person resides.

10 (6) "Intermediate superintendent" means the superintendent of
11 an intermediate school district.

12 Sec. 5. (1) "Local act school district" or "special act school
13 district" means a district governed by a special or local act or
14 chapter of a local act. "Local school district" and "local school
15 district board" as used in article 3 include a local act school
16 district and a local act school district board.

17 (2) "Membership" means the number of full-time equivalent
18 pupils in a public school as determined by the number of pupils
19 registered for attendance plus pupils received by transfer and
20 minus pupils lost as defined by rules promulgated by the state
21 board.

22 (3) "Michigan election law" means the Michigan election law,
23 1954 PA 116, MCL 168.1 to 168.992.

24 (4) "Nonpublic school" means a private, denominational, or
25 parochial school.

26 (5) "Objectives" means measurable pupil academic skills and
27 knowledge.

1 (6) "Public school" means a public elementary or secondary
2 educational entity or agency that is established under this act,
3 has as its primary mission the teaching and learning of academic
4 and vocational-technical skills and knowledge, and is operated by a
5 school district, local act school district, special act school
6 district, intermediate school district, school of excellence,
7 public school academy corporation, strict discipline academy
8 corporation, urban high school academy corporation, or by the
9 department or state board. Public school also includes a laboratory
10 school or other elementary or secondary school that is controlled
11 and operated by a state public university described in section 4,
12 5, or 6 of article VIII of the state constitution of 1963.

13 (7) "Public school academy" means a public school academy
14 established under part 6a and, except as used in part 6a, also
15 includes an urban high school academy established under part 6c, a
16 school of excellence established under part 6e, and a strict
17 discipline academy established under sections 1311b to ~~1311f~~ **1311m**.

18 (8) "Pupil membership count day" of a school district means
19 that term as defined in section 6 of the state school aid act of
20 1979, MCL 388.1606.

21 (9) "Regular school election" or "regular election" means the
22 election held in a school district, local act school district, or
23 intermediate school district to elect a school board member in the
24 regular course of the terms of that office and held on the school
25 district's regular election date as determined under section ~~642~~ or
26 ~~642a~~ **642C** of the Michigan election law, ~~MCL 168.642 and 168.642a~~
27 **MCL 168.642C**.

1 (10) "Reorganized intermediate school district" means an
2 intermediate school district formed by consolidation or annexation
3 of 2 or more intermediate school districts under sections 701 and
4 702.

5 (11) "Rule" means a rule promulgated under the administrative
6 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

7 Sec. 614. (1) Except as provided in section 615 and subject to
8 section ~~642-642C~~ of the Michigan election law, ~~MCL 168.642-MCL~~
9 **168.642C**, the members of the intermediate school board shall be
10 elected biennially on the first Monday in June by an electoral body
11 composed of 1 person designated by the board of each constituent
12 school district.

13 (2) The board of a constituent district shall designate its
14 representative to this electoral body by resolution adopted not
15 earlier than 21 days before the date of this biennial election. The
16 board shall consider the resolution at not less than 1 public
17 meeting before adopting the resolution. The resolution shall be
18 adopted by majority vote of the members serving on the board. In
19 its resolution designating its representative, the board of a
20 constituent district shall identify the candidate the board
21 supports for each position to be filled on the intermediate school
22 board and shall direct its representative to vote for that
23 individual or individuals at least on the first ballot taken by the
24 electoral body. The secretary of the intermediate school board
25 shall send a notice by certified mail of the hour and place of the
26 meeting of the electoral body described in subsection (1) to the
27 secretary of the board of each constituent school district at least

1 10 days before the meeting. The president and secretary of the
2 intermediate school board shall act as chairperson and secretary at
3 the meeting. The meeting of the electoral body shall be an open
4 meeting conducted in the manner prescribed under the open meetings
5 act, 1976 PA 267, MCL 15.261 to 15.275.

6 (3) Except as provided in section 703, the term of office of
7 each member elected to the intermediate school board is 6 years and
8 begins on July 1 following election. Not more than 2 members of the
9 intermediate school board shall be from the same school district
10 unless there are fewer districts than there are positions to be
11 filled.

12 (4) A vacancy shall be filled by the remaining members of the
13 intermediate school board until the next biennial election at which
14 time the vacancy shall be filled for the balance of the unexpired
15 term. Notice of the vacancy shall be filed with the state board
16 within 5 days after the vacancy occurs. If the vacancy is not
17 filled within 30 days after it occurs, the vacancy shall be filled
18 by the state board.

19 (5) Subject to subsection (7), a candidate for election to the
20 intermediate school board shall be nominated by petitions that are
21 signed by a number of school electors of the combined constituent
22 school districts of the intermediate school district, as follows:

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

26 (b) If the population of the intermediate school district is
27 10,000 or more according to the most recent federal census, a

1 minimum of 40 and a maximum of 100.

2 (6) A school elector may sign as many petitions as there are
3 vacancies to fill. Nominating petitions and an affidavit as
4 provided in section 558 of the Michigan election law, ~~1954 PA 116,~~
5 MCL 168.558, shall be filed with the school district filing
6 official not later than 30 days before the date of the biennial
7 election under subsection (1). The school district filing official
8 shall determine the sufficiency of the petitions and the
9 eligibility of the candidates nominated. The school district filing
10 official shall provide ballots for the biennial election, listing
11 on the ballots the names of all candidates properly nominated. The
12 chairperson of the biennial election meeting may accept nominations
13 for a vacancy from the floor only if no nominating petitions have
14 been filed for the vacancy.

15 (7) Instead of filing nominating petitions, a candidate for
16 election to the intermediate school board may pay a nonrefundable
17 filing fee of \$100.00 to the school district filing official. If
18 this fee is paid by the due date for nominating petitions, the
19 payment has the same effect under this section as the filing of
20 nominating petitions.

21 Sec. 616. (1) An intermediate school board may submit to the
22 school electors of the constituent districts comprising the
23 intermediate school district the question of adoption of sections
24 615 to 617. The question shall be in substantially the following
25 form:

26 "Shall sections 615 to 617 of the revised school code,
27 providing for the popular election of members of the intermediate

1 school board, be effective within the constituent districts of
 2 _____ (name of intermediate school district)?

3 Yes ()

4 No ()".

5 (2) The intermediate school board shall ~~submit~~**CERTIFY** the
 6 question **TO THE INTERMEDIATE SCHOOL DISTRICT'S ELECTION COORDINATOR**
 7 upon receipt of resolutions adopted by a majority of the boards of
 8 constituent districts and representing more than 1/2 of the
 9 combined memberships of the constituent districts of the
 10 intermediate school district as of the latest pupil membership
 11 count day. The resolutions of the constituent district boards shall
 12 be adopted ~~between March 1 and the next succeeding July 1~~ **WITHIN A**
 13 **4-MONTH PERIOD OF TIME**. The question shall be presented to the
 14 school electors of the constituent districts ~~at~~**ON** the next regular
 15 ~~school-election~~ **DATE OCCURRING NOT LESS THAN 84 DAYS** after
 16 resolutions of constituent district boards meeting the requirements
 17 of this section have been filed with the **INTERMEDIATE** school
 18 district. ~~filing official.~~

19 (3) If a majority of the school electors votes in favor of
 20 popular election, members of the intermediate school board shall be
 21 elected at the next ~~regular school election~~ **GENERAL NOVEMBER**
 22 **ELECTION OR EVEN YEAR AUGUST ELECTION AS DETERMINED BY RESOLUTION**
 23 **ADOPTED BY THE MEMBERS OF THE INTERMEDIATE SCHOOL BOARD** and
 24 biennially thereafter. ~~at the regular school elections of the~~
 25 ~~constituent districts.~~

26 (4) An intermediate school district that adopts sections 615
 27 to 617 may terminate the popular election of members of the

1 intermediate school board in the same manner.

2 Enacting section 1. This amendatory act does not take effect
3 unless all of the following bills of the 95th Legislature are
4 enacted into law:

5 (a) Senate Bill No. 751.

6 (b) Senate Bill No. 753.

7 (c) Senate Bill No. 754.