

HOUSE BILL No. 4233

February 10, 2011, Introduced by Reps. Huuki, Lindberg, Johnson, McMillin, Brown, Cotter, Somerville, Zorn, Foster, Tyler, Shirkey, Townsend and McBroom and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1229 (MCL 380.1229), as added by 1995 PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1229. (1) ~~The~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
2 **(4), THE** board of a school district, other than a school district
3 that was organized as a primary school district during the 1995-
4 1996 school year, or **OF AN** intermediate school district shall
5 employ a superintendent of schools, who shall meet the requirements
6 of section 1246. The superintendent shall not be a member of the
7 board. Employment of a superintendent shall be by written contract.
8 The term of the superintendent's contract shall be fixed by the
9 board, not to exceed 5 years. If written notice of nonrenewal of
10 the contract of a superintendent is not given at least 90 days

1 before the termination of the contract, the contract is renewed for
2 an additional 1-year period.

3 (2) The board of a school district or intermediate school
4 district may employ assistant superintendents, principals,
5 assistant principals, guidance directors, and other administrators
6 who do not assume tenure in that position under ~~Act No. 4 of the~~
7 ~~Public Acts of the Extra Session of 1937, being sections 38.71 to~~
8 ~~38.191 of the Michigan Compiled Laws. 1937 (EX SESS) PA 4, MCL~~
9 **38.71 TO 38.191**. The employment shall be by written contract. The
10 term of the employment contract shall be fixed by the board, not to
11 exceed 3 years. The board shall prescribe the duties of a person
12 described in this subsection. If written notice of nonrenewal of
13 the contract of a person described in this subsection is not given
14 at least 60 days before the termination date of the contract, the
15 contract is renewed for an additional 1-year period.

16 (3) A notification of nonrenewal of contract of a person
17 described in subsection (2) may be given only for a reason that is
18 not arbitrary or capricious. The board shall not issue a notice of
19 nonrenewal under this section unless the affected person has been
20 provided with not less than 30 days' advance notice that the board
21 is considering the nonrenewal together with a written statement of
22 the reasons the board is considering the nonrenewal. After the
23 issuance of the written statement, but before the nonrenewal
24 statement is issued, the affected person shall be given the
25 opportunity to meet with not less than a majority of the board to
26 discuss the reasons stated in the written statement. The meeting
27 shall be open to the public or a closed session, as the affected

1 person elects under section 8 of the open meetings act, ~~Act No. 267~~
2 ~~of the Public Acts of 1976, being section 15.268 of the Michigan~~
3 ~~Compiled Laws. 1976 PA 267, MCL 15.268.~~ If the board fails to
4 provide for a meeting with the board, or if a court finds that the
5 reason for nonrenewal is arbitrary or capricious, the affected
6 person's contract is renewed for an additional 1-year period. This
7 subsection does not apply to the nonrenewal of the contract of a
8 superintendent of schools described in subsection (1).

9 **(4) A SCHOOL DISTRICT, INSTEAD OF DIRECTLY EMPLOYING A**
10 **SUPERINTENDENT OF SCHOOLS, MAY CONTRACT WITH ITS INTERMEDIATE**
11 **SCHOOL DISTRICT FOR THE INTERMEDIATE SUPERINTENDENT TO SERVE AS THE**
12 **SUPERINTENDENT OF SCHOOLS FOR THE SCHOOL DISTRICT OR FOR THE**
13 **INTERMEDIATE SCHOOL DISTRICT TO PROVIDE ANOTHER PERSON TO SERVE AS**
14 **SUPERINTENDENT OF SCHOOLS FOR THE SCHOOL DISTRICT.**

15 Enacting section 1. This amendatory act does not take effect
16 unless all of the following bills of the 96th Legislature are
17 enacted into law:

18 (a) Senate Bill No. _____ or House Bill No. 4232 (request no.
19 01124'11).

20 (b) Senate Bill No. _____ or House Bill No. 4234 (request no.
21 01126'11).