

HOUSE BILL NO. 5665

March 17, 2020, Introduced by Reps. Yaroch, Vaupel and Marino and referred to the Committee on Elections and Ethics.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 619 and 1107 (MCL 380.619 and 380.1107), as
added by 2004 PA 234.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 619. (1) The governor may remove **or suspend** a member of
2 an intermediate school board from office under this section if the
3 governor is satisfied from the evidence submitted to the governor
4 that the member is guilty of gross neglect of duty, corrupt conduct



1 in office, or any other misfeasance or malfeasance in office.

2 (2) Before the governor removes **or suspends** an intermediate
3 school board member under this section, all of the following
4 procedures ~~shall~~**must** be followed:

5 (a) Charges ~~shall~~**must** be submitted to the governor in writing
6 specifying the grounds for removal **or suspension**. The charges ~~shall~~
7 **must** be accompanied by any supporting evidence and by the affidavit
8 of the person making the charges verifying that the person believes
9 the charges to be true.

10 (b) A copy of the charges ~~shall~~**must** be served on the
11 intermediate school board member. Service ~~shall~~**must** be made as
12 follows:

13 (i) If the intermediate school board member can be found, by
14 handing the intermediate school board member a copy of the charges
15 and of any affidavits or exhibits accompanying the charges.

16 (ii) If the intermediate school board member cannot be found,
17 by leaving a copy of the charges and of any affidavits or exhibits
18 accompanying the charges with a person of suitable age at the
19 intermediate school board member's last known place of residence
20 or, if a person of suitable age is not available, by posting the
21 copy or copies in a conspicuous place at the intermediate school
22 board member's last known place of residence.

23 (c) The intermediate school board member ~~shall~~**must** be given
24 an opportunity to respond to the charges.

25 (d) **Within 60 days after receiving charges under this**
26 **subsection, the governor shall do both of the following:**

27 (i) **Review the charges to determine whether the evidence**
28 **supports a finding of gross neglect of duty, corrupt conduct in**
29 **office, or any other misfeasance or malfeasance in office by the**



1 intermediate school board member.

2 (ii) Notify the person making the charges of the determination
3 made under subparagraph (i).

4 (3) The governor may consider the determination under
5 subsection (2) (d) (i) in exercising his or her powers and duties
6 under any law of this state relating to the removal of an
7 intermediate school board member.

8 (4) ~~(3)~~—A person removed from office under this section is not
9 eligible for election or appointment to a school board or
10 intermediate school board for a period of 3 years from the date of
11 removal.

12 Sec. 1107. (1) The governor may remove **or suspend** a member of
13 a school board from office under this section if the governor is
14 satisfied from the evidence submitted to the governor that the
15 member is guilty of gross neglect of duty, corrupt conduct in
16 office, or any other misfeasance or malfeasance in office.

17 (2) Before the governor removes **or suspends** a school board
18 member under this section, all of the following procedures ~~shall~~
19 **must** be followed:

20 (a) Charges ~~shall~~**must** be submitted to the governor in writing
21 specifying the grounds for removal **or suspension**. The charges ~~shall~~
22 **must** be accompanied by any supporting evidence and by the affidavit
23 of the person making the charges verifying that the person believes
24 the charges to be true.

25 (b) A copy of the charges ~~shall~~**must** be served on the school
26 board member. Service ~~shall~~**must** be made as follows:

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



1 (ii) If the school board member cannot be found, by leaving a
 2 copy of the charges and of any affidavits or exhibits accompanying
 3 the charges with a person of suitable age at the school board
 4 member's last known place of residence or, if a person of suitable
 5 age is not available, by posting the copy or copies in a
 6 conspicuous place at the school board member's last known place of
 7 residence.

8 (c) The school board member ~~shall~~**must** be given an opportunity
 9 to respond to the charges.

10 (d) **Within 60 days after receiving charges under this**
 11 **subsection, the governor shall do both of the following:**

12 (i) **Review the charges to determine whether the evidence**
 13 **supports a finding of gross neglect of duty, corrupt conduct in**
 14 **office, or any other misfeasance or malfeasance in office by the**
 15 **school board member.**

16 (ii) **Notify the person making the charges of the determination**
 17 **made under subparagraph (i) .**

18 (3) **The governor may consider the determination under**
 19 **subsection (2) (d) (i) in exercising his or her powers and duties**
 20 **under any law of this state relating to the removal of a school**
 21 **board member.**

22 (4) ~~(3)~~**A person removed from office under this section is not**
 23 **eligible for election or appointment to a school board or**
 24 **intermediate school board for a period of 3 years from the date of**
 25 **removal.**

