

SUBSTITUTE FOR
HOUSE BILL NO. 4884

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 a member of an
2 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
5 in office, or any other misfeasance or malfeasance in office.

6 (2) Before the governor removes an intermediate school board
7 member under this section, all of the following procedures ~~shall~~
8 **must** be followed:

1 (a) Charges ~~shall~~**against the intermediate school board member**
2 **must** be submitted to the governor in writing **by an intermediate**
3 **school elector of the intermediate school district that the**
4 **intermediate school board member represents** specifying the grounds
5 for removal. The charges ~~shall~~**must** be accompanied by any
6 supporting evidence and by the affidavit of the person making the
7 charges verifying that the person believes the charges to be true.

8 (b) ~~A~~**Within 10 business days after receiving charges under**
9 **subdivision (a), the governor shall serve or cause to be served a**
10 copy of the charges ~~shall be served~~ on the intermediate school
11 board member. Service ~~shall~~**must** be made as follows:

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

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

22 (c) The intermediate school board member ~~shall~~**must** be given
23 ~~an opportunity~~**a minimum of 10 business days after service is made**
24 **under subdivision (b)** to respond to the charges.

25 (d) **Subject to subdivision (e), within 60 calendar days after**
26 **receiving charges under this subsection, the governor shall do all**
27 **of the following:**

28 (i) **Review the charges to determine whether the evidence**
29 **supports a finding of gross neglect of duty, corrupt conduct in**

1 office, or any other misfeasance or malfeasance in office by the
2 intermediate school board member.

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

5 (iii) Notify the accused intermediate school board member of the
6 determination made under subparagraph (i).

7 (e) If, after reviewing the charges, the governor does not
8 make a determination within 60 calendar days as required under
9 subdivision (d), the governor shall notify the individual making
10 the charges and the accused intermediate school board member that
11 no action will be taken on the charges. The individual making the
12 charges is not prohibited from filing the same or similar charges
13 against the accused intermediate school board member under this
14 section.

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

19 (4) ~~(3)~~—A person removed from office under this section is not
20 eligible for election or appointment to a school board or
21 intermediate school board for a period of 3 years from the date of
22 removal.

23 Sec. 1107. (1) The governor may remove a member of a school
24 board from office under this section if the governor is satisfied
25 from the evidence submitted to the governor that the member is
26 guilty of gross neglect of duty, corrupt conduct in office, or any
27 other misfeasance or malfeasance in office.

28 (2) Before the governor removes a school board member under
29 this section, all of the following procedures ~~shall~~**must** be

1 followed:

2 (a) Charges ~~shall~~**against the school board member must** be
3 submitted to the governor in writing **by a school elector of the**
4 **school district that the school board member represents** specifying
5 the grounds for removal. The charges ~~shall~~**must** be accompanied by
6 any supporting evidence and by the affidavit of the person making
7 the charges verifying that the person believes the charges to be
8 true.

9 (b) ~~A~~**Within 10 business days after receiving charges under**
10 **subdivision (a), the governor shall serve or cause to be served a**
11 copy of the charges ~~shall be served~~ on the school board member.
12 Service ~~shall~~**must** be made as follows:

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

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

23 (c) The school board member ~~shall~~**must** be given ~~an opportunity~~
24 **a minimum of 10 business days after service is made under**
25 **subdivision (b)** to respond to the charges.

26 (d) **Subject to subdivision (e), within 60 calendar days after**
27 **receiving charges under this subsection, the governor shall do all**
28 **of the following:**

29 (i) **Review the charges to determine whether the evidence**

1 supports a finding of gross neglect of duty, corrupt conduct in
2 office, or any other misfeasance or malfeasance in office by the
3 school board member.

4 (ii) Notify the person making the charges of the determination
5 made under subparagraph (i).

6 (iii) Notify the accused school board member of the
7 determination made under subparagraph (i).

8 (e) If, after reviewing the charges, the governor does not
9 make a determination within 60 calendar days as required under
10 subdivision (d), the governor shall notify the individual making
11 the charges and the accused school board member that no action will
12 be taken on the charges. The individual making the charges is not
13 prohibited from filing the same or similar charges against the
14 accused school board member under this section.

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

19 (4) ~~(3)~~—A person removed from office under this section is not
20 eligible for election or appointment to a school board or
21 intermediate school board for a period of 3 years from the date of
22 removal.