

HOUSE BILL NO. 4191

February 10, 2021, Introduced by Rep. Hornberger and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 611, 612, 614, 616, 617, and 703 (MCL 380.611, 380.612, 380.614, 380.616, 380.617, and 380.703), sections 611 and 612 as amended by 2004 PA 419, section 614 as amended by 2011 PA 232, sections 616, 617, and 703 as amended by 2003 PA 299; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 611. (1) Except as otherwise provided in this section, an

1 intermediate school district ~~shall be is~~ under the supervision and
2 control of an intermediate school board ~~composed consisting~~ of 5
3 members elected under this part. **Beginning January 1, 2023, an**
4 **intermediate school district is under the supervision and control**
5 **of an intermediate school board consisting of 7 members popularly**
6 **elected under section 617.**

7 (2) In an intermediate school district that adopts sections
8 615 to 617 for popular election of its members, or in an
9 intermediate school district reorganized under section 701, the
10 number of intermediate school board members ~~shall be is~~ 7. **This**
11 **subsection only applies until December 31, 2022.**

12 (3) In an intermediate school district whose boundaries are
13 enlarged by a dissolution under section 703, the number of
14 intermediate school board members, at the option of the
15 intermediate school board, may be 7. **This subsection only applies**
16 **until December 31, 2022.**

17 (4) ~~Beginning on the effective date of this subsection, Until~~
18 **December 31, 2022,** an intermediate school board may by resolution
19 change the number of intermediate school board members to 7. Before
20 adopting the resolution to change the number of intermediate school
21 board members to 7, an intermediate school board ~~shall must~~ hold at
22 least 2 public hearings on the resolution. If an intermediate
23 school board determines that the terms of intermediate school board
24 members should be staggered differently than provided under this
25 act or any bylaws of the intermediate school board due to a change
26 in the number of board members under this subsection, the
27 intermediate school board may adopt bylaws or amend its bylaws to
28 change the way that intermediate school board members' terms are
29 staggered. The bylaws may alter the current terms of members

1 serving at the time the bylaws are adopted to implement the change
 2 in the way that terms are staggered. If an intermediate school
 3 board adopts or amends bylaws under this subsection that alter a
 4 member's existing term, the member's term is subject to that
 5 action.

6 **(5) If, as of January 1, 2022, an intermediate school district**
 7 **does not have a popularly elected intermediate school board, a**
 8 **first popularly elected intermediate school board must be elected**
 9 **in that intermediate school district at the 2022 general November**
 10 **election under section 617. On January 1, 2023, this popularly**
 11 **elected intermediate school board takes over supervision and**
 12 **control of the intermediate school district and the intermediate**
 13 **school board that had been elected under section 614 is dissolved.**

14 Sec. 612. (1) Subject to subsection (2), a school elector of a
 15 constituent district is eligible to election or appointment to
 16 membership on the intermediate school board.

17 ~~(2) Until the 2005 intermediate school board election, a~~
 18 ~~member of a board of a constituent district is eligible to election~~
 19 ~~or appointment to membership on the intermediate school board.~~
 20 ~~Beginning with the 2005 intermediate school board election, **Until**~~
 21 **December 31, 2022,** not more than 3 members of the intermediate
 22 school board may also be serving at the same time as a member of
 23 the board of a constituent district or board of directors of a
 24 public school academy. ~~However, if an intermediate school board has~~
 25 ~~more than 3 members serving as of September 1, 2004 who are also~~
 26 ~~serving at the same time as members of the board of a constituent~~
 27 ~~district, this limitation does not apply to that intermediate~~
 28 ~~school board until the expiration of the current terms of those~~
 29 ~~intermediate school board members. **Beginning with the 2022 general**~~

1 November election, a member of a board of a constituent district is
 2 ineligible for election or appointment to membership on the
 3 intermediate school board. Notwithstanding any other provision of
 4 law under this act to the contrary, if as of the 2022 general
 5 November election a member of the intermediate school board is also
 6 a member of the board of a constituent district, the member's term
 7 on the intermediate school board expires on December 31, 2022.

8 (3) A member of an intermediate school board who is a member
 9 of a constituent district board shall not participate in
 10 proceedings conducted ~~pursuant to~~ **under** part 11 to detach territory
 11 from or attach territory to the constituent district of which he or
 12 she is a board member.

13 Sec. 614. **(1) This section only applies to an intermediate**
 14 **school district until the election of a popularly elected**
 15 **intermediate school board for that intermediate school district as**
 16 **described in section 611(1) and (5).**

17 **(2)** ~~(1)~~ Except as provided in section 615 and subject to
 18 section 642c of the Michigan election law, MCL 168.642c, the
 19 members of the intermediate school board ~~shall~~ **must** be elected
 20 biennially on the first Monday in June by an electoral body
 21 composed of 1 person designated by the board of each constituent
 22 ~~school~~ district.

23 **(3)** ~~(2)~~ The board of a constituent district shall designate
 24 its representative to ~~this~~ **the** electoral body **described in**
 25 **subsection (2)** by resolution adopted not earlier than 21 days
 26 before the date of ~~this~~ **the** biennial election **described in**
 27 **subsection (2)**. The board shall consider the resolution at not less
 28 than 1 public meeting before adopting the resolution. The
 29 resolution ~~shall~~ **must** be adopted by majority vote of the members

1 serving on the board. In its resolution designating its
 2 representative, the board of a constituent district shall identify
 3 the candidate the board supports for each position to be filled on
 4 the intermediate school board and shall direct its representative
 5 to vote for that individual or individuals at least on the first
 6 ballot taken by the electoral body. The secretary of the
 7 intermediate school board shall send a notice by certified mail of
 8 the hour and place of the meeting of the electoral body described
 9 in subsection ~~(1)~~ **(2)** to the secretary of the board of each
 10 constituent ~~school~~ district at least 10 days before the meeting.
 11 The president and secretary of the intermediate school board shall
 12 act as chairperson and secretary at the meeting. The meeting of the
 13 electoral body ~~shall~~ **must** be an open meeting conducted in the
 14 manner prescribed under the open meetings act, 1976 PA 267, MCL
 15 15.261 to 15.275.

16 **(4)** ~~(3)~~ Except as provided in section 703, the term of office
 17 of each member elected to the intermediate school board is 6 years
 18 and begins on July 1 following election. Not more than 2 members of
 19 the intermediate school board shall be from the same school
 20 district unless there are fewer districts than there are positions
 21 to be filled.

22 **(5)** ~~(4)~~ A vacancy ~~shall~~ **must** be filled by the remaining
 23 members of the intermediate school board until the next biennial
 24 election at which time the vacancy ~~shall~~ **must** be filled for the
 25 balance of the unexpired term. Notice of the vacancy ~~shall~~ **must** be
 26 filed with the state board within 5 days after the vacancy occurs.
 27 If the vacancy is not filled within 30 days after it occurs, the
 28 vacancy ~~shall~~ **must** be filled by the state board.

29 **(6)** ~~(5)~~ Subject to subsection ~~(7)~~, **(8)**, a candidate for

1 election to the intermediate school board ~~shall~~**must** be nominated
 2 by petitions that are signed by a number of school electors of the
 3 combined constituent ~~school~~-districts of the intermediate school
 4 district, as follows:

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

8 (b) If the population of the intermediate school district is
 9 10,000 or more, ~~according to the most recent federal census,~~ a
 10 minimum of 40 and a maximum of 100.

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

24 (8) ~~(7)~~—Instead of filing nominating petitions, a candidate
 25 for election to the intermediate school board may pay a
 26 nonrefundable filing fee of \$100.00 to the school district filing
 27 official. If this fee is paid by the due date for nominating
 28 petitions, the payment has the same effect under this section as
 29 the filing of nominating petitions.

1 Sec. 616. **(1) This section only applies to an intermediate**
 2 **school district until the election of a popularly elected**
 3 **intermediate school board for that intermediate school district as**
 4 **described in section 611(1) and (5).**

5 **(2)** ~~(1)~~—An intermediate school board may submit to the school
 6 electors of the constituent districts comprising the intermediate
 7 school district the question of adoption of sections 615 to 617.
 8 The question ~~shall~~**must** be in substantially the following form:

9 "Shall sections 615 to 617 of the revised school code,
 10 providing for the popular election of members of the intermediate
 11 school board, be effective within the constituent districts of
 12 _____ (name of intermediate school district)?

13 Yes ()

14 No ()".

15 **(3)** ~~(2)~~—The intermediate school board shall submit the
 16 question **described in subsection (2)** upon receipt of resolutions
 17 adopted by a majority of the boards of constituent districts and
 18 representing more than 1/2 of the combined memberships of the
 19 constituent districts of the intermediate school district as of the
 20 latest pupil membership count day. The resolutions of the
 21 constituent district boards ~~shall~~**must** be adopted between March 1
 22 and the next succeeding July 1. The question ~~shall~~**must** be
 23 presented to the school electors of the constituent districts at
 24 the next regular school election after resolutions of constituent
 25 district boards meeting the requirements of this section have been
 26 filed with the school district filing official.

27 **(4)** ~~(3)~~—If a majority of the school electors votes in favor of
 28 popular election, members of the intermediate school board ~~shall~~
 29 **must** be elected at the next regular school election and biennially

1 thereafter at the regular school elections of the constituent
2 districts.

3 (5) ~~(4)~~—An intermediate school district that adopts sections
4 615 to 617 may terminate the popular election of members of the
5 intermediate school board in the same manner.

6 Sec. 617. (1) In an intermediate school district in which
7 sections 615 to ~~617~~**this section** are effective, **and in all**
8 **intermediate school districts beginning with the 2022 general**
9 **November election**, a candidate for the office of member of the
10 intermediate school board ~~shall~~**must** be nominated, and members
11 ~~shall~~**must** be elected, as provided in chapter XIV of the Michigan
12 election law, MCL 168.301 to ~~168.315~~**168.316**, **and subject to**
13 **section 642c of the Michigan election law, MCL 168.642c.**

14 (2) At the first election, 3 members of an intermediate school
15 board ~~shall~~**must** be elected for a term of 6 years, 2 for a term of
16 4 years, and 2 for a term of 2 years. After the first election,
17 their successors ~~shall~~**must** be elected biennially for terms of 6
18 years.

19 Sec. 703. (1) An intermediate school district comprised of
20 less than 5 constituent districts and having no bonded indebtedness
21 may be disorganized and its constituent districts attached to
22 contiguous intermediate school districts under this section.

23 (2) The board of each constituent district may request the
24 intermediate school board to prescribe a plan for disorganization
25 of the intermediate school district. Each request ~~shall~~**must**
26 designate another intermediate school district to which the
27 constituent district desires to be attached. The intermediate
28 school board shall prescribe, by resolution, a plan under which
29 each of the constituent districts will be attached in whole to

1 contiguous intermediate school districts designated in the
2 requests. If the designated intermediate school district is not
3 contiguous, the intermediate school board's plan may prescribe
4 attachment to a contiguous intermediate school district.

5 (3) The intermediate superintendent of the intermediate school
6 district that is to be disorganized shall give 30 days' notice of
7 the time and place of the meeting of the intermediate school board
8 and of the proposed plan for disorganization by publication of the
9 notice in a newspaper of general circulation in the intermediate
10 school district. The intermediate school board shall present the
11 adopted plan for dissolution to the board of each of its
12 constituent districts and to the intermediate school board of each
13 intermediate school district whose boundaries would be enlarged by
14 the proposal.

15 (4) The intermediate superintendent of each intermediate
16 school district whose boundaries would be enlarged by the
17 dissolution shall give 30 days' notice of the time and place of the
18 meeting of the intermediate school board and of the recommended
19 plan for enlargement of the intermediate school district by
20 publication of the notice in a newspaper of general circulation in
21 the intermediate school district.

22 (5) If the intermediate school board of each affected
23 intermediate school district approves the plan for disorganization,
24 the intermediate school board of the intermediate school district
25 to be dissolved shall refer the matter to the superintendent of
26 public instruction for approval. The action of the superintendent
27 of public instruction declaring the intermediate school district
28 dissolved is final. Disorganization of the intermediate school
29 district and attachment of its constituent districts to contiguous

1 intermediate school districts takes effect on July 1 after the date
2 of the approval of the superintendent of public instruction.

3 (6) The intermediate school boards of the intermediate school
4 districts to which territory is attached by dissolution shall meet
5 jointly, sitting as a single board, and make an equitable
6 distribution of the money, property, and other assets belonging to
7 the disorganized intermediate school district among the
8 intermediate school districts affected. The territory of
9 constituent districts transferred to other intermediate school
10 districts by dissolution ~~shall be~~ **is** subject to all taxes levied
11 for purposes of the intermediate school district to which
12 transferred, including taxes for the retirement of bonded
13 indebtedness, special education programs, and area vocational-
14 technical education programs.

15 (7) Within 30 days after a district attaches to a contiguous
16 intermediate school district under this section, the board of the
17 intermediate school district whose boundaries have been enlarged by
18 the dissolution may appoint 2 school electors of constituent
19 districts, 1 of whom ~~shall~~ **must** be an elector of the attached
20 district, to membership on the intermediate school board.
21 Intermediate school board members appointed under this subsection
22 serve until January 1 or, if the intermediate school district's
23 regular school election is held in May, until July 1 after the next
24 intermediate school district election. The intermediate school
25 board may determine 1 initial term of less than 6 years for 1 of
26 the additional members to be elected at the intermediate school
27 district election. Notification of an appointment ~~shall~~ **must** be
28 filed with the superintendent of public instruction. **This**
29 **subsection only applies until December 31, 2022.**

1 Enacting section 1. Section 615 of the revised school code,
2 1976 PA 451, MCL 380.615, is repealed effective January 1, 2023.

3 Enacting section 2. This amendatory act takes effect 90 days
4 after the date it is enacted into law.