

HOUSE BILL NO. 4884

May 19, 2021, Introduced by Reps. Marino, Yaroch and Wozniak 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 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

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

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

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

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

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

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

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

27 (d) **Within 60 days after receiving charges under this**
28 **subsection, the governor shall do both 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 intermediate school board member.

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

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

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

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

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

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

27 (b) ~~A~~**Within 10 days after receiving charges under subdivision**
 28 **(a), the governor shall serve or cause to be served a** copy of the
 29 charges ~~shall be served~~ on the school board member. Service ~~shall~~

1 **must** be made as follows:

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

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

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

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

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

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

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

27 (4) ~~(3)~~**A person removed from office under this section is not**
28 **eligible for election or appointment to a school board or**
29 **intermediate school board for a period of 3 years from the date of**

1 removal.