



SENATE BILL No. 830

January 30, 1996, Introduced by Senators BENNETT, GAST, DUNASKISS, GEAKE and SHUGARS and referred to the Committee on Education.

A bill to amend the title and sections 132, 179, 247, 346, 471a, and 623 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

section 179 as added by Act No. 236 of the Public Acts of 1992, section 471a as amended by Act No. 71 of the Public Acts of 1982, and section 623 as amended by Act No. 416 of the Public Acts of 1994, being sections 380.132, 380.179, 380.247, 380.346, 380.471a, and 380.623 of the Michigan Compiled Laws; and to add sections 655, 1245, and 1246a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 132, 179, 247, 346, 471a, and 623 of
2 Act No. 451 of the Public Acts of 1976, section 179 as added by
3 Act No. 236 of the Public Acts of 1992, section 471a as amended
4 by Act No. 71 of the Public Acts of 1982, and section 623 as

1 amended by Act No. 416 of the Public Acts of 1994, being sections
2 380.132, 380.179, 380.247, 380.346, 380.471a, and 380.623 of the
3 Michigan Compiled Laws, are amended and sections 655, 1245, and
4 1246a are added to read as follows:

5 Sec. 132. (1) The board shall employ a superintendent of
6 schools if 12 or more teachers are employed. If less than 12
7 teachers are employed, the board may employ a superintendent of
8 schools. The superintendent shall possess the qualifications
9 prescribed in section 1246. ~~The~~ SUBJECT TO SECTION 1246A, THE
10 contract with the superintendent shall be for a term ~~, not to~~
11 ~~exceed 3 years,~~ fixed by the board. ~~Notification of nonrenewal~~
12 ~~of contract shall be given in writing at least 90 days before the~~
13 ~~contract termination date or the contract is renewed for an addi-~~
14 ~~tional 1 year period.~~

15 (2) The board may employ assistant superintendents, princi-
16 pals, assistant principals, guidance directors, and other admin-
17 istrators who do not assume tenure in position, for terms, not to
18 exceed 3 years, fixed by the board and shall define their
19 duties. The employment shall be under written contract.
20 ~~Notification of nonrenewal of contract shall be given in writing~~
21 ~~at least 60 days before the contract termination date or the con-~~
22 ~~tract is renewed for an additional 1 year period.~~

23 ~~(3) A notification of nonrenewal of contract of a person~~
24 ~~described in this section may be given only for a reason that is~~
25 ~~not arbitrary or capricious. The board shall not issue a notice~~
26 ~~of nonrenewal under this section unless the affected person has~~
27 ~~been provided with not less than 30 days' advance notice that the~~

~~1 board is considering the nonrenewal together with a written
2 statement of the reasons the board is considering the
3 nonrenewal. After the issuance of the written statement but
4 before the nonrenewal statement is issued the affected person
5 shall be given the opportunity to meet with not less than a
6 majority of the board to discuss the reasons stated in the writ-
7 ten statement. The meeting shall be open to the public or a
8 closed session as the affected person elects under section 8 of
9 Act No. 267 of the Public Acts of 1976, being section 15.268 of
10 the Michigan Compiled Laws. The failure to provide for a meeting
11 with the board or the finding of a court that the reason for non-
12 renewal is arbitrary or capricious shall result in the renewal of
13 the affected person's contract for an additional 1 year period.
14 This subsection does not apply to the nonrenewal of the contract
15 of a superintendent of schools.~~

16 (3) ~~(4)~~ The superintendent shall:

17 (a) Recommend in writing teachers necessary for the
18 schools.

19 (b) Suspend a teacher for cause until the board may consider
20 the suspension.

21 (c) Supervise and direct the work of the teachers and other
22 employees of the board.

23 (d) Classify and control the promotion of pupils.

24 (e) Recommend to the board the best methods of arranging the
25 course of study and the proper textbooks to be used.

1 (f) Make written reports to the board and to the state board
2 at least once each year in regard to matters pertaining to the
3 educational interests of the school district.

4 (g) Assist the board in matters pertaining to the general
5 welfare of the school and perform other duties ~~which~~ THAT the
6 board requires.

7 (h) Put into practice the educational policies of the state
8 and of the board within the means provided by the board.

9 Sec. 179. (1) The governing board of a joint high school
10 district shall not employ a superintendent or assistant
11 superintendent. The governing board may employ a principal or
12 director for the joint high school, who shall perform duties as
13 specified in the written agreement described in section 173,
14 including, but not limited to, some or all of the duties of a
15 superintendent under section ~~+32(4)~~ 132(3).

16 (2) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION, THE
17 TERM OF AN EMPLOYMENT CONTRACT BETWEEN THE GOVERNING BOARD AND A
18 PRINCIPAL OR DIRECTOR OF THE JOINT HIGH SCHOOL SHALL NOT EXCEED 3
19 YEARS. THE EMPLOYMENT CONTRACT SHALL NOT BE RENEWED EXCEPT BY
20 MAJORITY VOTE OF THE GOVERNING BOARD. AN EMPLOYMENT CONTRACT IN
21 EFFECT AS OF THE EFFECTIVE DATE OF THIS SUBSECTION THAT DOES NOT
22 COMPLY WITH THIS SECTION IS VOID.

23 Sec. 247. (1) The board shall employ a superintendent of
24 schools, not a member of the board, who shall meet the require-
25 ments of section 1246. ~~, and who~~ SUBJECT TO SECTION 1246A, THE
26 SUPERINTENDENT shall hold office for a term ~~, not to exceed 5~~
27 ~~years,~~ fixed by the board.

1 (2) The board may employ assistant superintendents,
2 principals, assistant principals, guidance directors, and other
3 administrators who do not assume tenure in position for terms,
4 not to exceed 3 years, fixed by the board. The board shall pre-
5 scribe their duties.

6 (3) Employment OF ADMINISTRATORS shall be by written
7 contract. ~~which is renewed for an additional 1 year period~~
8 ~~unless written notice of nonrenewal of the contract is given at~~
9 ~~least 90 days before the termination date of the contract of a~~
10 ~~superintendent of schools, and at least 60 days before the termi-~~
11 ~~nation date of the contract of a person described in subsection~~
12 ~~(2).~~

13 ~~(4) A notification of nonrenewal of contract of a person~~
14 ~~described in this section may be given only for a reason that is~~
15 ~~not arbitrary or capricious. The board shall not issue a notice~~
16 ~~of nonrenewal under this section unless the affected person has~~
17 ~~been provided with not less than 30 days' advance notice that the~~
18 ~~board is considering the nonrenewal together with a written~~
19 ~~statement of the reasons the board is considering the~~
20 ~~nonrenewal. After the issuance of the written statement but~~
21 ~~before the nonrenewal statement is issued the affected person~~
22 ~~shall be given the opportunity to meet with not less than a~~
23 ~~majority of the board to discuss the reasons stated in the writ-~~
24 ~~ten statement. The meeting shall be open to the public or a~~
25 ~~closed session as the affected person elects under section 8 of~~
26 ~~Act No. 267 of the Public Acts of 1976. The failure to provide~~
27 ~~for a meeting with the board or the finding of a court that the~~

~~1 reason for nonrenewal is arbitrary or capricious shall result in
2 the renewal of the affected person's contract for an additional
3 + year period. This subsection does not apply to the nonrenewal
4 of the contract of a superintendent of schools.~~

5 Sec. 346. (1) The board by written contract shall appoint
6 and employ a suitable person, not a member of the board, as
7 superintendent of schools. ~~who~~ THE SUPERINTENDENT shall meet
8 the requirements prescribed in section 1246, and, ~~who~~ SUBJECT
9 TO SECTION 1246A, shall hold office for a term established in the
10 contract. ~~, but not to exceed 5 years.~~ The contract shall pre-
11 scribe the salary of the superintendent. ~~and may provide for an
12 annual revision of salary.~~ During the period of employment, the
13 superintendent shall have the executive management and adminis-
14 trative control of the school system, under the policies adopted
15 by the board. ~~Notification of nonrenewal of contract shall be
16 given in writing at least 90 days before the contract termination
17 date or the contract is renewed for an additional + year period.~~

18 ~~(2) The board may appoint a suitable person, not a member
19 of the board, as fiscal agent, directly responsible to it, for a
20 period not to exceed 3 years and delegate to the fiscal agent
21 rather than to the superintendent that part of the management and
22 control of purchases, contracts, and other business matters the
23 board determines in its regulations. The employment shall be
24 under written contract. Notification of nonrenewal of contract
25 shall be given in writing at least 60 days before the contract
26 termination date or the contract is renewed for an additional
27 + year period.~~

1 (2) ~~(3)~~ Subject to the approval of the board, the
2 superintendent may employ and fix the salaries of administrative
3 assistants, including a fiscal agent if not appointed by the
4 board, as the superintendent determines. Administrative assist-
5 ants shall serve under and be responsible to the superintendent.
6 The employment shall be under written contract. ~~Notification of~~
7 ~~nonrenewal of contract shall be given in writing at least 60 days~~
8 ~~before the contract termination date or the contract is renewed~~
9 ~~for an additional + year period.~~

10 (3) ~~(4)~~ The board may employ assistant superintendents,
11 principals, assistant principals, guidance directors, and other
12 administrators who do not assume tenure in position for terms,
13 not to exceed 3 years, fixed by the board and shall define their
14 duties. The employment shall be under written contract.
15 ~~Notification of nonrenewal of contract shall be given in writing~~
16 ~~at least 60 days before the contract termination date or the con-~~
17 ~~tract is renewed for an additional + year period.~~

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

~~1 majority of the board to discuss the reasons stated in the
2 written statement. The meeting shall be open to the public or a
3 closed session as the affected person elects under section 8 of
4 Act No. 267 of the Public Acts of 1976. The failure to provide
5 for a meeting with the board or the finding of a court that the
6 reason for nonrenewal is arbitrary or capricious shall result in
7 the renewal of the affected person's contract for an additional
8 1 year period. This subsection does not apply to the nonrenewal
9 of the contract of a superintendent of schools.~~

10 Sec. 471a. (1) ~~The~~ SUBJECT TO SECTION 1246A, THE first
11 class school district board may appoint a superintendent of
12 schools ~~for a term not exceeding 6 years~~ pursuant to the first
13 class school district board's bylaws. The person appointed shall
14 meet the qualifications prescribed in section 1246. The board
15 may employ assistant superintendents, principals, assistant prin-
16 cipals, guidance directors, and other administrators who do not
17 assume tenure in position for a term, not to exceed 3 years,
18 fixed by the board and shall define their duties. Administrative
19 and personnel services shall be provided on a centralized basis
20 throughout the first class school district and shall not be
21 established on a voting district basis. The employment shall be
22 under written contract. ~~Notification of nonrenewal of contract
23 shall be given in writing not less than 90 days before the termi-
24 nation date of the contract of a superintendent of schools, and
25 at least 60 days before the termination date of the contract of
26 other administrators described in this subsection. If
27 notification of nonrenewal is not given as required in this~~

1 ~~subsection, the contract is renewed for an additional 1 year~~
2 ~~period.~~

3 ~~(2) A notification of nonrenewal of a contract of a person~~
4 ~~described in this section may be given only for a reason that is~~
5 ~~not arbitrary or capricious. The board shall not issue a notice~~
6 ~~of nonrenewal under this section unless the affected person has~~
7 ~~been provided with not less than 30 days' advance notice that the~~
8 ~~board is considering the nonrenewal together with a written~~
9 ~~statement of the reasons the board is considering the~~
10 ~~nonrenewal. After the issuance of the written statement, but~~
11 ~~before the nonrenewal statement is issued, the affected person~~
12 ~~shall be given the opportunity to meet with not less than a~~
13 ~~majority of the board to discuss the reasons stated in the writ-~~
14 ~~ten statement. The meeting shall be open to the public or a~~
15 ~~closed session as the affected person elects under section 8 of~~
16 ~~the open meetings act, Act No. 267 of the Public Acts of 1976,~~
17 ~~being section 15.268 of the Michigan Compiled Laws. The failure~~
18 ~~to provide for a meeting with the board or the finding of a court~~
19 ~~that the reason for nonrenewal is arbitrary or capricious shall~~
20 ~~result in the renewal of the affected person's contract for an~~
21 ~~additional 1 year period. This subsection does not apply to the~~
22 ~~nonrenewal of the contract of a superintendent of schools.~~

23 (2) ~~(3)~~ Except for certification requirements determined
24 by the state board, the first class school district board shall
25 have full power over employees and may specify the duties to be
26 performed by them and fix the qualifications necessary for a
27 position. The qualifications shall not conflict with the rules,

1 regulations, or licensing laws of the state, county, or
2 municipality governing qualifications of engineers or members of
3 other trades.

4 Sec. 623. (1) The intermediate school board shall do all of
5 the following:

6 (a) Perform duties required by law and by the state board,
7 but shall not supersede or replace the board of a constituent
8 district ~~, nor shall the intermediate school board~~ AND SHALL
9 NOT control or otherwise interfere with the rights of constituent
10 districts or public school academies except as provided in this
11 part.

12 (b) ~~Employ~~ SUBJECT TO SECTION 655, EMPLOY a superinten-
13 dent, assistants, and other employees the intermediate school
14 board considers necessary and fix their compensation. The com-
15 pensation of the intermediate superintendent, assistants, and
16 other employees shall include salaries, travel expenses incurred
17 in the discharge of their official duties, and other benefits the
18 board approves. The necessary contingent expenses of the office
19 of the intermediate school board and the intermediate superinten-
20 dent shall be paid by the treasurer subject to the authorization
21 of the intermediate school board. ~~A contract with the interme-~~
22 ~~diate superintendent shall be for a term not to exceed 4 years.~~
23 The intermediate superintendent shall have the qualifications
24 prescribed in section 651 and perform the duties provided by law
25 and by the intermediate school board.

26 (2) The business the intermediate school board is authorized
27 to perform shall be conducted at a public meeting of the board

1 held in compliance with the open meetings act, Act No. 267 of
2 the Public Acts of 1976, being sections 15.261 to 15.275 of the
3 Michigan Compiled Laws. An act of the board shall not be valid
4 unless voted at a meeting by a majority vote of the members
5 elected and serving on the board and a record made of the vote.
6 An action of an intermediate school board on matters of person-
7 nel, property transfers, bonding, expenditures of money, or other
8 matters designated by the board's bylaws shall be by yea and nay
9 vote entered upon its record. Public notice of the time, date,
10 and place of the meeting shall be given in the manner required by
11 section 5 of Act No. 267 of the Public Acts of 1976, being sec-
12 tion 15.265 of the Michigan Compiled Laws.

13 SEC. 655. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION,
14 THE TERM OF AN EMPLOYMENT CONTRACT BETWEEN AN INTERMEDIATE SCHOOL
15 BOARD AND AN INTERMEDIATE SUPERINTENDENT SHALL NOT EXCEED 3
16 YEARS. THE EMPLOYMENT CONTRACT SHALL NOT BE RENEWED EXCEPT BY
17 MAJORITY VOTE OF THE SCHOOL BOARD. AN EMPLOYMENT CONTRACT IN
18 EFFECT AS OF THE EFFECTIVE DATE OF THIS SECTION THAT DOES NOT
19 COMPLY WITH THIS SECTION IS VOID.

20 SEC. 1245. THE BOARD OF A SCHOOL DISTRICT MAY APPOINT AS
21 ITS FISCAL AGENT A SUITABLE PERSON WHO IS NOT A MEMBER OF THE
22 BOARD. THE BOARD MAY DELEGATE TO THE FISCAL AGENT, RATHER THAN
23 TO THE SCHOOL DISTRICT SUPERINTENDENT, DUTIES RELATED TO THE MAN-
24 AGEMENT AND CONTROL OF PURCHASES, CONTRACTS, AND OTHER BUSINESS
25 MATTERS OF THE SCHOOL DISTRICT, AS DETERMINED IN THE BOARD'S POL-
26 ICIES AND REGULATIONS. THE EMPLOYMENT OF A FISCAL AGENT UNDER

1 THIS SECTION SHALL BE UNDER A WRITTEN CONTRACT, FOR A PERIOD NOT
2 TO EXCEED 3 YEARS.

3 SEC. 1246A. BEGINNING ON THE EFFECTIVE DATE OF THIS SEC-
4 TION, THE TERM OF AN EMPLOYMENT CONTRACT BETWEEN A SCHOOL BOARD
5 AND A SUPERINTENDENT SHALL NOT EXCEED 3 YEARS. THE EMPLOYMENT
6 CONTRACT SHALL NOT BE RENEWED EXCEPT BY MAJORITY VOTE OF THE
7 SCHOOL BOARD. AN EMPLOYMENT CONTRACT IN EFFECT AS OF THE EFFEC-
8 TIVE DATE OF THIS SECTION THAT DOES NOT COMPLY WITH THIS SECTION
9 IS VOID.