

HOUSE BILL No. 4006

January 13, 2011, Introduced by Rep. Heise and referred to the Committee on Redistricting and Elections.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), section 4 as amended by 2008 PA 1, section 5 as amended by 2009 PA 205, and section 614 as amended by 2004 PA 419.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Educational media center" means a program
2 operated by an intermediate school district and approved by the
3 state board that provides services to local school districts or
4 constituent districts under section 671.

5 (2) "Intermediate school board" means the board of an
6 intermediate school district.

7 (3) "Intermediate school district" means a corporate body
8 established under part 7.

1 (4) "Intermediate school district election" means an election
2 called by an intermediate school board and held on the date of the
3 regular school elections of constituent districts or on a date
4 determined by the intermediate school board under **SECTION 642C OF**
5 the Michigan election law, **MCL 168.642C**.

6 (5) "Intermediate school elector" means a person who is a
7 school elector of a constituent district and who is registered in
8 the city or township in which the person resides.

9 (6) "Intermediate superintendent" means the superintendent of
10 an intermediate school district.

11 Sec. 5. (1) "Local act school district" or "special act school
12 district" means a district governed by a special or local act or
13 chapter of a local act. "Local school district" and "local school
14 district board" as used in article 3 include a local act school
15 district and a local act school district board.

16 (2) "Membership" means the number of full-time equivalent
17 pupils in a public school as determined by the number of pupils
18 registered for attendance plus pupils received by transfer and
19 minus pupils lost as defined by rules promulgated by the state
20 board.

21 (3) "Michigan election law" means the Michigan election law,
22 1954 PA 116, MCL 168.1 to 168.992.

23 (4) "Nonpublic school" means a private, denominational, or
24 parochial school.

25 (5) "Objectives" means measurable pupil academic skills and
26 knowledge.

27 (6) "Public school" means a public elementary or secondary

1 educational entity or agency that is established under this act,
2 has as its primary mission the teaching and learning of academic
3 and vocational-technical skills and knowledge, and is operated by a
4 school district, local act school district, special act school
5 district, intermediate school district, school of excellence,
6 public school academy corporation, strict discipline academy
7 corporation, urban high school academy corporation, or by the
8 department or state board. Public school also includes a laboratory
9 school or other elementary or secondary school that is controlled
10 and operated by a state public university described in section 4,
11 5, or 6 of article VIII of the state constitution of 1963.

12 (7) "Public school academy" means a public school academy
13 established under part 6a and, except as used in part 6a, also
14 includes an urban high school academy established under part 6c, a
15 school of excellence established under part 6e, and a strict
16 discipline academy established under sections 1311b to ~~1311f~~**1311M**.

17 (8) "Pupil membership count day" of a school district means
18 that term as defined in section 6 of the state school aid act of
19 1979, MCL 388.1606.

20 (9) "Regular school election" or "regular election" means the
21 election held in a school district, local act school district, or
22 intermediate school district to elect a school board member in the
23 regular course of the terms of that office and held on the school
24 district's regular election date as determined under section ~~642~~**or**
25 ~~642a~~**642C** of the Michigan election law, ~~MCL 168.642~~ and ~~168.642a~~
26 **MCL 168.642C**.

27 (10) "Reorganized intermediate school district" means an

1 intermediate school district formed by consolidation or annexation
2 of 2 or more intermediate school districts under sections 701 and
3 702.

4 (11) "Rule" means a rule promulgated under the administrative
5 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

6 Sec. 614. (1) Except as provided in section 615 and subject to
7 section ~~642-642C~~ of the Michigan election law, ~~MCL 168.642~~ MCL
8 **168.642C**, the members of the intermediate school board shall be
9 elected biennially on the first Monday in June by an electoral body
10 composed of 1 person designated by the board of each constituent
11 school district.

12 (2) The board of a constituent district shall designate its
13 representative to this electoral body by resolution adopted not
14 earlier than 21 days before the date of this biennial election. The
15 board shall consider the resolution at not less than 1 public
16 meeting before adopting the resolution. The resolution shall be
17 adopted by majority vote of the members serving on the board. In
18 its resolution designating its representative, the board of a
19 constituent district shall identify the candidate the board
20 supports for each position to be filled on the intermediate school
21 board and shall direct its representative to vote for that
22 individual or individuals at least on the first ballot taken by the
23 electoral body. The secretary of the intermediate school board
24 shall send a notice by certified mail of the hour and place of the
25 meeting of the electoral body described in subsection (1) to the
26 secretary of the board of each constituent school district at least
27 10 days before the meeting. The president and secretary of the

1 intermediate school board shall act as chairperson and secretary at
2 the meeting. The meeting of the electoral body shall be an open
3 meeting conducted in the manner prescribed under the open meetings
4 act, 1976 PA 267, MCL 15.261 to 15.275.

5 (3) Except as provided in section 703, the term of office of
6 each member elected to the intermediate school board is 6 years and
7 begins on July 1 following election. Not more than 2 members of the
8 intermediate school board shall be from the same school district
9 unless there are fewer districts than there are positions to be
10 filled.

11 (4) A vacancy shall be filled by the remaining members of the
12 intermediate school board until the next biennial election at which
13 time the vacancy shall be filled for the balance of the unexpired
14 term. Notice of the vacancy shall be filed with the state board
15 within 5 days after the vacancy occurs. If the vacancy is not
16 filled within 30 days after it occurs, the vacancy shall be filled
17 by the state board.

18 (5) Subject to subsection (7), a candidate for election to the
19 intermediate school board shall be nominated by petitions that are
20 signed by a number of school electors of the combined constituent
21 school districts of the intermediate school district, as follows:

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

25 (b) If the population of the intermediate school district is
26 10,000 or more according to the most recent federal census, a
27 minimum of 40 and a maximum of 100.

1 (6) A school elector may sign as many petitions as there are
2 vacancies to fill. Nominating petitions and an affidavit as
3 provided in section 558 of the Michigan election law, ~~1954 PA 116,~~
4 MCL 168.558, shall be filed with the school district filing
5 official not later than 30 days before the date of the biennial
6 election under subsection (1). The school district filing official
7 shall determine the sufficiency of the petitions and the
8 eligibility of the candidates nominated. The school district filing
9 official shall provide ballots for the biennial election, listing
10 on the ballots the names of all candidates properly nominated. The
11 chairperson of the biennial election meeting may accept nominations
12 for a vacancy from the floor only if no nominating petitions have
13 been filed for the vacancy.

14 (7) Instead of filing nominating petitions, a candidate for
15 election to the intermediate school board may pay a nonrefundable
16 filing fee of \$100.00 to the school district filing official. If
17 this fee is paid by the due date for nominating petitions, the
18 payment has the same effect under this section as the filing of
19 nominating petitions.

20 Enacting section 1. This amendatory act takes effect January
21 1, 2012.

22 Enacting section 2. This amendatory act does not take effect
23 unless Senate Bill No. ____ or House Bill No. 4005 (request no.
24 00266'11) of the 96th Legislature is enacted into law.