

Legislative Analysis



DETROIT SCHOOL BOARD: ELECTION OF PRESIDENT AND VICE PRESIDENT

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House Bill 4661 (Substitute H-1)
Sponsor: Rep. LaMar Lemmons, Jr.
Committee: Education

First Analysis (5-8-07)

BRIEF SUMMARY: The bill would allow members of the Detroit School Board to elect a president and vice president in the January following the election of board members.

FISCAL IMPACT: The bill would have no fiscal impact.

THE APPARENT PROBLEM:

Public Act 10 of 1999 essentially suspended the powers and duties of the elected school board of the Detroit Public Schools and instead authorized the appointment of a seven-member school reform board by the mayor of the city. The act further required that the question of whether to retain the new system be put before school district voters after five years. On November 2, 2004, voters chose a traditional 11-member elected board. The first election for board members was held in November of 2005 and the new school board, composed of four members elected at-large and seven members elected by districts, took office January 1, 2006. To prevent all board members from leaving office at the same time, the initial four at-large members were elected to four-year terms, and the initial seven members elected from districts were elected to two-year terms. Subsequent elections are to be held in the November general election of odd-numbered years. For example, in November 2007, the seats held by the seven members elected by the districts for two-year terms will be up for election again, only this time for four-year terms. In November 2009, the four at-large seats will be up for election.

The problem the bill seeks to address is largely a technical problem created when PA 10 interrupted the election cycle. Prior to that time, the election of school board members were held in even-numbered years. Indeed, the Revised School Code requires the board to elect its president and vice president from among seated board members in January of each odd-numbered year. Now that the elections are held in odd-numbered years, with new members taking office in January of even-numbered years, the statutory restriction on the election of a new president and vice president no longer coincides with the seating of new board members. Legislation has been offered to address the concern.

THE CONTENT OF THE BILL:

The bill would amend the Revised School Code to require that the Detroit School Board elect its officers during the month of January following the election of board members. Currently, the code requires "a first class school district" to elect its officers in January

"of each odd-numbered year." (Detroit is the only district that qualifies, based on student population, as a first class district. Board members are elected at November elections in odd-numbered years.)

The bill specifies that, for the board members elected president and vice president of the board in 2006, their initial terms would continue until successors were elected by the board in January 2008. From then on, successors for president and vice president would be elected by the board biennially as provided in the code.

MCL: 380.411a and 380.416

ARGUMENTS:

For:

The bill merely corrects a contradiction in law created when legislation shifted the powers and duties of the Detroit School Board to an appointed reform school board. When a subsequent ballot proposal was passed that reinstated an elected school board, the timing of school board elections was no longer in sync with existing language in the school code regarding when board members were to elect a new board president and vice president. The code requires the election of these officers to be held in January of odd-numbered years, which worked when school board elections were held in the general elections of even-numbered years. However, school board elections are now held in odd-numbered years, with new members being seated in January of even-numbered years. The bill would correct the problem by amending the code to allow a board president and vice president to be elected during the January that follows the election of school board members. Simply put, the bill would return this provision of the code to its original intent – that officers be elected soon after a school board election, not a year later.

POSITIONS:

Representatives from the Detroit Public Schools testified in support of the bill. (5-8-07)

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