

HOUSE BILL No. 4506

March 21, 2007, Introduced by Reps. Ward, Wenke and LaJoy and referred to the Committee on Education.

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),
sections 4 and 5 as amended by 2005 PA 61 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) "Handicapped person" shall be defined by rules promulgated
6 by the state board. Handicaps include, but are not limited to,
7 mental, physical, emotional, behavioral, sensory, and speech

1 handicaps.

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

4 (4) "Intermediate school district" means a corporate body
5 established under part 7.

6 (5) "Intermediate school district election" means an election
7 called by an intermediate school board and held on the date of the
8 regular school elections of constituent districts or on a date
9 determined by the intermediate school board under section ~~642 or~~
10 ~~642a-642C~~ of the Michigan election law, ~~MCL 168.642 and 168.642a~~
11 **MCL 168.642C**.

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

15 (7) "Intermediate superintendent" means the superintendent of
16 an intermediate school district.

17 Sec. 5. (1) "Local act school district" or "special act school
18 district" means a district governed by a special or local act or
19 chapter of a local act. "Local school district" and "local school
20 district board" as used in article 3 include a local act school
21 district and a local act school district board.

22 (2) "Membership" means the number of full-time equivalent
23 pupils in a public school as determined by the number of pupils
24 registered for attendance plus pupils received by transfer and
25 minus pupils lost as defined by rules promulgated by the state
26 board.

27 (3) "Michigan election law" means the Michigan election law,

1 1954 PA 116, MCL 168.1 to 168.992.

2 (4) "Nonpublic school" means a private, denominational, or
3 parochial school.

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

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

18 (7) "Public school academy" means a public school academy
19 established under part 6a and, except as used in part 6a, also
20 includes an urban high school academy established under part 6c and
21 a strict discipline academy established under sections 1311b to
22 1311l.

23 (8) "Pupil membership count day" of a school district means
24 that term as defined in section 6 of the state school aid act of
25 1979, MCL 388.1606.

26 (9) "Regular school election" or "regular election" means the
27 election held in a school district, local act school district, or

1 intermediate school district to elect a school board member in the
2 regular course of the terms of that office and held on the school
3 district's regular election date as determined under section ~~642 or~~
4 ~~642a-642C~~ of the Michigan election law, ~~MCL 168.642 and 168.642a~~
5 **MCL 168.642C**.

6 (10) "Reorganized intermediate school district" means an
7 intermediate school district formed by consolidation or annexation
8 of 2 or more intermediate school districts under sections 701 and
9 702.

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

12 Sec. 614. (1) Except as provided in section 615 and subject to
13 section ~~642-642C~~ of the Michigan election law, ~~MCL 168.642~~ **MCL**
14 **168.642C**, the members of the intermediate school board shall be
15 elected biennially on the first Monday in June by an electoral body
16 composed of 1 person designated by the board of each constituent
17 school district.

18 (2) The board of a constituent district shall designate its
19 representative to this electoral body by resolution adopted not
20 earlier than 21 days before the date of this biennial election. The
21 board shall consider the resolution at not less than 1 public
22 meeting before adopting the resolution. The resolution shall be
23 adopted by majority vote of the members serving on the board. In
24 its resolution designating its representative, the board of a
25 constituent district shall identify the candidate the board
26 supports for each position to be filled on the intermediate school
27 board and shall direct its representative to vote for that

1 individual or individuals at least on the first ballot taken by the
2 electoral body. The secretary of the intermediate school board
3 shall send a notice by certified mail of the hour and place of the
4 meeting of the electoral body described in subsection (1) to the
5 secretary of the board of each constituent school district at least
6 10 days before the meeting. The president and secretary of the
7 intermediate school board shall act as chairperson and secretary at
8 the meeting. The meeting of the electoral body shall be an open
9 meeting conducted in the manner prescribed under the open meetings
10 act, 1976 PA 267, MCL 15.261 to 15.275.

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

17 (4) A vacancy shall be filled by the remaining members of the
18 intermediate school board until the next biennial election at which
19 time the vacancy shall be filled for the balance of the unexpired
20 term. Notice of the vacancy shall be filed with the state board
21 within 5 days after the vacancy occurs. If the vacancy is not
22 filled within 30 days after it occurs, the vacancy shall be filled
23 by the state board.

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

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

4 (b) If the population of the intermediate school district is
5 10,000 or more according to the most recent federal census, a
6 minimum of 40 and a maximum of 100.

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

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

26 Enacting section 1. This amendatory act takes effect January
27 1, 2008.

1 Enacting section 2. This amendatory act does not take effect
2 unless Senate Bill No.____ or House Bill No. 4507(request no.
3 00243'07) of the 94th Legislature is enacted into law.