

HOUSE BILL No. 4141

January 26, 2011, Introduced by Rep. Melton and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding sections 762 and 763.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 762. (1) THE SCHOOL DISTRICT SERVICES CONSOLIDATION
2 COMMISSION IS CREATED AS A TEMPORARY COMMISSION UNDER SECTION 4 OF
3 ARTICLE V OF THE STATE CONSTITUTION OF 1963. THE DEPARTMENT SHALL
4 PROVIDE STAFFING AND ADMINISTRATIVE SUPPORT FOR THE SCHOOL DISTRICT
5 SERVICES CONSOLIDATION COMMISSION.

6 (2) THE SCHOOL DISTRICT SERVICES CONSOLIDATION COMMISSION
7 SHALL CONSIST OF THE FOLLOWING 13 MEMBERS:

8 (A) FOUR MEMBERS APPOINTED BY THE GOVERNOR.

9 (B) FOUR MEMBERS APPOINTED BY THE SENATE MAJORITY LEADER.

1 (C) FOUR MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
2 REPRESENTATIVES.

3 (D) THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR HIS OR HER
4 DESIGNEE AS AN EX OFFICIO MEMBER WITHOUT A VOTE.

5 (3) THE MEMBERS FIRST APPOINTED TO THE SCHOOL DISTRICT
6 SERVICES CONSOLIDATION COMMISSION SHALL BE APPOINTED WITHIN 45 DAYS
7 AFTER THE EFFECTIVE DATE OF THIS SECTION.

8 (4) IF A VACANCY OCCURS ON THE SCHOOL DISTRICT SERVICES
9 CONSOLIDATION COMMISSION, THE VACANCY SHALL BE FILLED IN THE SAME
10 MANNER AS THE ORIGINAL APPOINTMENT.

11 (5) THE FIRST MEETING OF THE SCHOOL DISTRICT SERVICES
12 CONSOLIDATION COMMISSION SHALL BE CALLED BY THE SUPERINTENDENT OF
13 PUBLIC INSTRUCTION. AT THE FIRST MEETING, THE SCHOOL DISTRICT
14 SERVICES CONSOLIDATION COMMISSION SHALL ELECT FROM AMONG ITS
15 MEMBERS A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY
16 OR APPROPRIATE. AFTER THE FIRST MEETING, THE SCHOOL DISTRICT
17 SERVICES CONSOLIDATION COMMISSION SHALL MEET AT LEAST MONTHLY, OR
18 MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 8
19 OR MORE MEMBERS.

20 (6) A MAJORITY OF THE MEMBERS OF THE SCHOOL DISTRICT SERVICES
21 CONSOLIDATION COMMISSION CONSTITUTE A QUORUM FOR THE TRANSACTION OF
22 BUSINESS AT A MEETING OF THE SCHOOL DISTRICT SERVICES CONSOLIDATION
23 COMMISSION. A MAJORITY OF THE MEMBERS PRESENT AND SERVING ARE
24 REQUIRED FOR OFFICIAL ACTION OF THE SCHOOL DISTRICT SERVICES
25 CONSOLIDATION COMMISSION.

26 (7) THE BUSINESS THAT THE SCHOOL DISTRICT SERVICES
27 CONSOLIDATION COMMISSION MAY PERFORM SHALL BE CONDUCTED AT A PUBLIC

1 MEETING OF THE SCHOOL DISTRICT SERVICES CONSOLIDATION COMMISSION
2 HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL
3 15.261 TO 15.275.

4 (8) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
5 RETAINED BY THE SCHOOL DISTRICT SERVICES CONSOLIDATION COMMISSION
6 IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE
7 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

8 (9) MEMBERS OF THE SCHOOL DISTRICT SERVICES CONSOLIDATION
9 COMMISSION SHALL SERVE WITHOUT COMPENSATION. HOWEVER, MEMBERS OF
10 THE SCHOOL DISTRICT SERVICES CONSOLIDATION COMMISSION MAY BE
11 REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
12 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE SCHOOL
13 DISTRICT SERVICES CONSOLIDATION COMMISSION.

14 SEC. 763. (1) THE SCHOOL DISTRICT SERVICES CONSOLIDATION
15 COMMISSION SHALL DO ALL OF THE FOLLOWING:

16 (A) REVIEW THE CURRENT METHODS BY WHICH SCHOOL DISTRICTS,
17 INTERMEDIATE SCHOOL DISTRICTS, AND PUBLIC SCHOOL ACADEMIES ARE
18 PROVIDING THE NONINSTRUCTIONAL SERVICES IDENTIFIED IN SECTION 761
19 AND ANY OTHER SERVICES THE COMMISSION CONSIDERS APPROPRIATE FOR
20 CONSOLIDATION TO IDENTIFY INSTANCES WHERE CONSOLIDATION OF THOSE
21 SERVICES ON THE LOCAL, REGIONAL, OR STATE LEVEL WOULD LIKELY RESULT
22 IN SIGNIFICANT COST SAVINGS WITHOUT NEGATIVE EDUCATIONAL IMPACT.

23 (B) NOT LATER THAN 18 MONTHS AFTER THE COMMISSION IS FIRST
24 APPOINTED, COMPILE AND SUBMIT TO THE SUPERINTENDENT OF PUBLIC
25 INSTRUCTION AND TO THE LEGISLATURE A REPORT DETAILING SPECIFIC
26 INSTANCES WHERE THE COMMISSION IS RECOMMENDING CONSOLIDATION OF
27 NONINSTRUCTIONAL SERVICES ON THE LOCAL, REGIONAL, OR STATE LEVEL.

1 THE COMMISSION SHALL ONLY RECOMMEND A CONSOLIDATION OF SERVICES IF
2 THE COMMISSION DETERMINES THAT THE CONSOLIDATION WOULD LIKELY
3 RESULT IN SIGNIFICANT COST SAVINGS WITHOUT NEGATIVE EDUCATIONAL
4 IMPACT. THE RECOMMENDED CONSOLIDATIONS MAY BE ON THE LOCAL,
5 REGIONAL, OR STATEWIDE LEVEL INVOLVING AS MANY SCHOOL DISTRICTS,
6 INTERMEDIATE SCHOOL DISTRICTS, PUBLIC SCHOOL ACADEMIES, OR STATE
7 ENTITIES AS THE COMMISSION CONSIDERS APPROPRIATE. THE REPORT SHALL
8 CONTAIN SPECIFIC, IDENTIFIABLE SERVICE CONSOLIDATION
9 RECOMMENDATIONS THAT CLEARLY IDENTIFY THE SERVICES TO BE
10 CONSOLIDATED; THE SCHOOL DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS,
11 PUBLIC SCHOOL ACADEMIES, AND OTHER ENTITIES TO BE INVOLVED IN THE
12 SPECIFIC CONSOLIDATION; THE METHOD BY WHICH THE SERVICES ARE TO BE
13 CONSOLIDATED; AND THE ENTITY THAT IS TO PROVIDE THE SERVICES.

14 (2) SUBJECT TO SUBSECTION (3), THE SUPERINTENDENT OF PUBLIC
15 INSTRUCTION SHALL ISSUE ORDERS TO SCHOOL DISTRICTS, INTERMEDIATE
16 SCHOOL DISTRICTS, AND PUBLIC SCHOOL ACADEMIES AFFECTED BY THE
17 SERVICE CONSOLIDATION RECOMMENDATIONS MADE UNDER SUBSECTION (1) (B)
18 TO IMPLEMENT THE RECOMMENDATIONS AS SOON AS IS POSSIBLE, SUBJECT TO
19 EXISTING CONTRACTS AND COLLECTIVE BARGAINING AGREEMENTS. EACH ORDER
20 SHALL CLEARLY IDENTIFY THE SERVICES TO BE CONSOLIDATED; THE SCHOOL
21 DISTRICTS, INTERMEDIATE SCHOOL DISTRICTS, PUBLIC SCHOOL ACADEMIES,
22 AND OTHER ENTITIES TO BE INVOLVED IN THE SPECIFIC CONSOLIDATION;
23 THE METHOD BY WHICH THE SERVICES ARE TO BE CONSOLIDATED; AND THE
24 ENTITY THAT IS TO PROVIDE THE SERVICES.

25 (3) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOT ORDER
26 THE IMPLEMENTATION OF A SERVICE CONSOLIDATION RECOMMENDATION MADE
27 UNDER SUBSECTION (1) (B) IF THE LEGISLATURE ENACTS LEGISLATION TO

1 PREVENT THE IMPLEMENTATION OF THE SERVICE CONSOLIDATION
2 RECOMMENDATION BEFORE THE END OF THE 45-DAY PERIOD BEGINNING ON THE
3 DATE THE COMMISSION SUBMITS ITS RECOMMENDATIONS UNDER SUBSECTION
4 (1) (B) OR BEFORE THE DATE THE LEGISLATURE ADJOURNS SINE DIE,
5 WHICHEVER IS EARLIER. THE SUPERINTENDENT OF PUBLIC INSTRUCTION
6 SHALL NOT ISSUE AN ORDER UNTIL AFTER THE LEGISLATURE HAS THIS
7 OPPORTUNITY TO ENACT THIS LEGISLATION.

8 (4) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC
9 SCHOOL ACADEMY THAT IS SUBJECT TO AN ORDER OF THE SUPERINTENDENT OF
10 PUBLIC INSTRUCTION UNDER SUBSECTION (2) SHALL IMPLEMENT THE ORDER
11 AS SOON AS POSSIBLE AND SHALL NOT RENEW OR ENTER INTO ANY CONTRACT
12 OR COLLECTIVE BARGAINING AGREEMENT THAT WOULD IMPEDE THE
13 IMPLEMENTATION OF THE ORDER OR TAKE ANY ACTION THAT WOULD IMPEDE
14 IMPLEMENTATION OF THE ORDER. ANY CONTRACT, COLLECTIVE BARGAINING
15 AGREEMENT, OR OTHER ACTION TAKEN THAT VIOLATES THIS SUBSECTION IS
16 VOID AND UNENFORCEABLE.

17 (5) IF THE SCHOOL DISTRICT SERVICES CONSOLIDATION COMMISSION
18 DETERMINES THAT IT WOULD BE HELPFUL IN CARRYING OUT ITS DUTIES
19 UNDER SUBSECTION (1), THE COMMISSION MAY APPOINT FROM AMONG ITS
20 MEMBERS REGIONAL SUBCOMMITTEES TO FOCUS ON CONSOLIDATION OF
21 SERVICES IN SPECIFIC REGIONS OF THIS STATE. THE RECOMMENDATIONS OF
22 A REGIONAL SUBCOMMITTEE MUST BE APPROVED BY THE FULL COMMISSION TO
23 BE INCLUDED IN THE SPECIFIC RECOMMENDATIONS UNDER SUBSECTION
24 (1) (B).

25 (6) IN ADDITION TO ITS DUTIES UNDER SUBSECTION (1), THE SCHOOL
26 DISTRICT SERVICES CONSOLIDATION COMMISSION MAY INCLUDE IN ITS
27 REPORT UNDER SUBSECTION (1) RECOMMENDATIONS CONCERNING

1 CONSOLIDATION OF SCHOOL DISTRICTS OR INTERMEDIATE SCHOOL DISTRICTS.
2 HOWEVER, THE SCHOOL DISTRICT SERVICES CONSOLIDATION COMMISSION OR
3 THE SUPERINTENDENT OF PUBLIC INSTRUCTION DOES NOT HAVE AUTHORITY
4 UNDER THIS SECTION TO RECOMMEND CLOSURE OF A SCHOOL BUILDING OR
5 CONSOLIDATION OF SCHOOL DISTRICTS OR INTERMEDIATE SCHOOL DISTRICTS
6 OR ANY OTHER ACTION THAT WOULD AFFECT SCHOOL DISTRICT OR
7 INTERMEDIATE SCHOOL DISTRICT BOUNDARIES.