

SENATE BILL No. 742

October 11, 2011, Introduced by Senators ROBERTSON and MARLEAU and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1229 (MCL 380.1229), as amended by 2011 PA 105.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1229. (1) Except as otherwise provided in subsection (4),
2 the board of a school district, other than a school district that
3 was organized as a primary school district during the 1995-1996
4 school year, or of an intermediate school district shall employ a
5 superintendent of schools, who shall meet the requirements of
6 section 1246. The superintendent shall not be a member of the
7 board. Employment of a superintendent shall be by written contract.
8 The term of the superintendent's contract shall be fixed by the

1 board, not to exceed 5 years. If written notice of nonrenewal of
2 the contract of a superintendent is not given at least 90 days
3 before the termination of the contract, the contract is renewed for
4 an additional 1-year period.

5 (2) The board of a school district or intermediate school
6 district may employ assistant superintendents, principals,
7 assistant principals, guidance directors, and other administrators
8 who do not assume tenure in that position under 1937 (Ex Sess) PA
9 4, MCL 38.71 to 38.191. The employment shall be by written
10 contract. The term of the employment contract shall be fixed by the
11 board, not to exceed 3 years. The board shall prescribe the duties
12 of a person described in this subsection. If written notice of
13 nonrenewal of the contract of a person described in this subsection
14 is not given at least 60 days before the termination date of the
15 contract, the contract is renewed for an additional 1-year period.

16 (3) A notification of nonrenewal of contract of a person
17 described in subsection (2) may be given only for a reason that is
18 not arbitrary or capricious. The board shall not issue a notice of
19 nonrenewal under this section unless the affected person has been
20 provided with not less than 30 days' advance notice that the board
21 is considering the nonrenewal together with a written statement of
22 the reasons the board is considering the nonrenewal. After the
23 issuance of the written statement, but before the nonrenewal
24 statement is issued, the affected person shall be given the
25 opportunity to meet with not less than a majority of the board to
26 discuss the reasons stated in the written statement. The meeting
27 shall be open to the public or a closed session, as the affected

1 person elects under section 8 of the open meetings act, 1976 PA
2 267, MCL 15.268. If the board fails to provide for a meeting with
3 the board, or if a court finds that the reason for nonrenewal is
4 arbitrary or capricious, the affected person's contract is renewed
5 for an additional 1-year period. This subsection does not apply to
6 the nonrenewal of the contract of a superintendent of schools
7 described in subsection (1).

8 (4) A school district, instead of directly employing a
9 superintendent of schools, may contract with its intermediate
10 school district for the intermediate superintendent to serve as the
11 superintendent of schools for the school district or for the
12 intermediate school district to provide another person to serve as
13 superintendent of schools for the school district. **HOWEVER, A**
14 **SCHOOL DISTRICT SHALL NOT CONTRACT WITH ITS INTERMEDIATE SCHOOL**
15 **DISTRICT FOR A SUPERINTENDENT AS OTHERWISE ALLOWED UNDER THIS**
16 **SUBSECTION UNLESS BOTH OF THE FOLLOWING HAVE BEEN CONDUCTED WITHIN**
17 **THE 3-MONTH PERIOD IMMEDIATELY PRECEDING THE CONTRACT:**

18 (A) A FINANCIAL AUDIT OF ALL OF THE INTERMEDIATE SCHOOL
19 DISTRICT'S FINANCIAL RECORDS, PERFORMED BY AN INDEPENDENT AUDITOR
20 CHOSEN FROM THE LIST MAINTAINED UNDER SUBSECTION (5).

21 (B) A PERFORMANCE AUDIT OF ALL OF THE INTERMEDIATE SCHOOL
22 DISTRICT'S OPERATIONS, PERFORMED BY AN INDEPENDENT AUDITOR CHOSEN
23 FROM THE LIST MAINTAINED UNDER SUBSECTION (5).

24 (5) THE DEPARTMENT OF TREASURY SHALL DEVELOP AND MAINTAIN A
25 LIST OF INDEPENDENT AUDITORS QUALIFIED TO PERFORM THE FINANCIAL
26 AUDIT REQUIRED UNDER SUBSECTION (4) (A) AND A LIST OF INDEPENDENT
27 AUDITORS QUALIFIED TO PERFORM THE PERFORMANCE AUDIT REQUIRED UNDER

1 SUBSECTION (4) (B) .