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BILL ANALYSIS

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Senate Bill 766 (as enrolled)
Sponsor: Senator Loren Bennett
Committee: Education

Date Completed: 2-8-00

RATIONALE

The Revised School Code contains procedures and deadlines for filling vacancies on school boards. If less than a majority of the offices of a school district become vacant, the remaining members of the board must fill the vacancy immediately. If a vacancy is not filled within 20 days after it occurs, the intermediate school board must fill the vacancy by appointment. If a majority of the offices are vacant at the same time, the remaining member or members of the board must immediately call a special election of the school district to fill the vacancies. If the election is not called by the remaining member(s) within 20 days after the vacancies occur, or if all of the offices of the board members are vacant, the superintendent of the intermediate school district must call a special election of the school district to fill the vacancies. Many times vacancies on a school board can occur unexpectedly, such as when a member dies or resigns due to personal circumstances. When vacancies have occurred in these situations, many school boards reportedly have had difficulty filling the posts within the required 20-day time period, but they would have been able to do so in 30 days or less. Since many school boards could have filled vacancies on their own if they had more time, it has been suggested that the time period for filling a vacancy be extended.

CONTENT

The bill would amend the Revised School Code to extend, from 20 days to 30 days, the time limit for filling vacancies on local school boards when less than a majority of the offices become vacant, and for calling a special election when a majority of the offices are vacant at the same time.

MCL 380.1104

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

School boards hold meetings either once or twice a month. When a board member announces his or her resignation well in advance of a certain date, the remaining board members generally have enough time to solicit and interview candidates before naming a replacement within the time period prescribed in the Revised School Code. Sometimes a vacancy occurs unexpectedly, however, and boards often have difficulty meeting the Code's 20-day time limit for naming a replacement member. If a board meets twice monthly, for example, the board has only two weeks from the meeting when the resignation was announced to solicit and interview candidates and select a new member by the next meeting. If a board starts the process for finding a replacement at the second meeting of the month, it most likely cannot fill the vacancy in time to comply with the 20-day time limit. When a board meets once a month, the board may have to hold special meetings to meet candidates and select a replacement, since the next regularly scheduled board meeting will occur after the 20-day period. While many boards have needed more than 20 days to find a replacement, they often have been able to do so in less than 30 days. An intermediate school board should have to intervene in the naming of a replacement and a special election should have to be held only when local boards members are at an impasse and cannot agree on a replacement, but not merely because a time-limit has expired. The bill would allow an additional 10 days for the remaining members of a board to fill a vacancy. Providing additional time for a board to make an appointment following a vacancy in some cases could prevent intervention by an intermediate school board or could save a district the cost of holding a special election.

Response: Allowing an additional 10 days following a school board vacancy could be detrimental to the decision-making process required of the remaining board members.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local

government.

Fiscal Analyst: J. Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.