

SENATE BILL No. 1195

March 12, 2002, Introduced by Senators SMITH, PETERS, DE BEAUSSAERT, MURPHY, EMERSON, YOUNG, DINGELL, LELAND and SCOTT and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 375 (MCL 380.375), as added by 1999 PA 10.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 375. (1) ~~After the expiration of 5 years after the~~
2 ~~initial appointment of a school reform board in a qualifying~~
3 ~~school district under this part, the~~ THE question of whether to
4 retain the school reform board and the chief executive officer,
5 and the authority under this part to appoint the school reform
6 board and the chief executive officer, shall be placed on the
7 ballot in the qualifying school district under this section AT
8 THE AUGUST 2002 PRIMARY ELECTION IN THE CITY IN WHICH THE QUALI-
9 FYING SCHOOL DISTRICT IS LOCATED.

10 ~~(2) The question under subsection (1) shall be placed on~~
11 ~~the ballot in the qualifying school district at the next November~~

1 ~~general election occurring at least 90 days after the expiration~~
2 ~~of 5 years after the date of the initial appointment of the~~
3 ~~school reform board.~~

4 (2) ~~(3)~~ The question under subsection (1) shall be in sub-
5 stantially the following form:

6 "Shall the school reform board and chief executive officer
7 serving in _____ (name of qualifying school district)
8 under part 5a of the revised school code be retained and shall
9 the mayor of _____ (name of city in which the school
10 district is located) retain the authority to appoint members of
11 the school reform board? A vote in the affirmative continues the
12 school reform board and chief executive officer in place in the
13 school district and continues the authority of the mayor to
14 appoint members of the school reform board. A vote in the nega-
15 tive will result in the election of a new elected school board as
16 the governing body of the school district and will render the
17 provisions of law establishing authority to appoint a school
18 reform board inapplicable for this school district.

19 Yes ()

20 No ()".

21 (3) ~~(4)~~ If the question under subsection (1) is approved
22 by a majority of the school electors voting on the question
23 either under subsection (1) or pursuant to subdivision (c), all
24 of the following apply:

25 (a) The school reform board and chief executive officer con-
26 tinue in place in the qualifying school district.

1 (b) The authority of the mayor to appoint members of the
2 school reform board continues in the qualifying school district.

3 (c) The question may not be placed on the ballot again in
4 the qualifying school district until the expiration of 5 years
5 after the election at which the question was approved. The ques-
6 tion may be placed on the ballot again in the qualifying school
7 district under this subdivision if petitions calling for the
8 question to be placed on the ballot are filed with the county
9 clerk for the county in which the qualifying school district is
10 located not sooner than 4 years after the question was most
11 recently on the ballot and if the petitions are signed by a
12 number of school electors of the qualifying school district at
13 least equal to 10% of the number of votes cast within the city in
14 which the qualifying school district is located for secretary of
15 state in the most recent November general election in which a
16 secretary of state was elected. If those petitions are submitted
17 and verified, the question shall be placed on the ballot in the
18 qualifying school district at the next November general election
19 occurring at least 5 years after the question was most recently
20 on the ballot and at least 90 days after the petitions are sub-
21 mitted and verified.

22 (4) ~~(5)~~ If the question under subsection (1) is not
23 approved by a majority of the school electors voting on the ques-
24 tion either under subsection (1) or pursuant to subsection
25 ~~(4)(c)~~ (3)(C), all of the following apply:

26 (a) The school reform board shall arrange with local
27 elections officials for election of a new elected school board

1 for the school district. This election shall be at a special
2 election held as soon as practicable, but not sooner than 90 days
3 after the election under subsection (1). This election shall be
4 conducted in the manner otherwise provided under this act for an
5 initial school board election in a newly formed first class
6 school district.

7 (b) Effective on the next July 1 following the election
8 under subdivision (a), the new elected school board of the quali-
9 fying school district shall serve as the governing body of the
10 qualifying school district and this elected school board and its
11 secretary and treasurer shall be fully vested with all powers and
12 duties that those officials had before the appointment of the
13 school reform board.

14 (c) Effective on the next July 1 following the election
15 under subdivision (a), the powers of the school reform board
16 established for the qualifying school district under this part,
17 of the chief executive officer, and of all other officers
18 appointed under section 374 cease.

19 (d) Effective on the next July 1 following the election
20 under subdivision (a), the provisions of this part do not apply
21 to that qualifying school district.