

HOUSE BILL No. 4830

June 12, 2003, Introduced by Reps. Pappageorge, Farhat, Vander Veen, Ward, Ruth Johnson and Steil and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 4, 5, 6, 616, 661, 662, 681, 701, 705, 856, 932, 1001, 1031, and 1229a (MCL 380.3, 380.4, 380.5, 380.6, 380.616, 380.661, 380.662, 380.681, 380.701, 380.705, 380.856, 380.932, 380.1001, 380.1031, and 380.1229a), sections 3 and 6 as amended and sections 1031 and 1229a as added by 1995 PA 289, section 5 as amended by 1999 PA 23, section 662 as amended by 1982 PA 369, and sections 681 and 705 as amended by 1994 PA 258; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Annual election", "annual school election",
2 "regular election", or "regular school election" means the
3 election held on the education election day at which a school
4 district, local act school district, or intermediate school

1 district holds the election to elect a school board member in the
2 regular course of the terms of that office.

3 (2) ~~-(1)-~~ "Area" as used in the phrase "area
4 vocational-technical education program" means the geographical
5 territory, both within and without the boundaries of either a K
6 to 12 school district or a community college district, that is
7 designated by the state board as the service area for the
8 operation of an area vocational-technical education program.

9 (3) ~~-(2)-~~ "Area vocational-technical education program" means
10 a program of organized, systematic instruction designed to
11 prepare the following persons for useful employment in recognized
12 occupations:

13 (a) Persons enrolled in high school.

14 (b) Persons who have completed or left high school and who
15 are available for full-time study in preparation for entering the
16 labor market.

17 (c) Persons who have entered the labor market and who need
18 training or retraining to achieve stability or advancement in
19 employment.

20 (4) ~~-(3)-~~ "Board" or "school board" means the governing body
21 of a local school district or a local act school district unless
22 clearly otherwise stated.

23 (5) ~~-(4)-~~ "Boarding school" means a place accepting for
24 board, care, and instruction 5 or more children under 16 years of
25 age.

26 (6) ~~-(5)-~~ "Constituent district" means a local school
27 district or special act school district the territory of which is

1 entirely within and is an integral part of an intermediate school
2 district.

3 Sec. 4. (1) "Education election day" means the date
4 established in section 641 of the Michigan election law, MCL
5 168.641.

6 (2) "Education special election" means a special election
7 scheduled by a school board or intermediate school board as
8 provided in section 641 of the Michigan election law, MCL
9 168.641.

10 (3) ~~(1)~~ "Educational media center" means a program operated
11 by an intermediate school district and approved by the state
12 board, which provides services to local school districts or
13 constituent districts under section 671.

14 (4) ~~(2)~~ "Handicapped person" shall be defined by rules
15 promulgated by the state board. Handicaps include, but are not
16 limited to, mental, physical, emotional, behavioral, sensory, and
17 speech handicaps.

18 (5) ~~(3)~~ "Intermediate school board" means the board of an
19 intermediate school district.

20 (6) ~~(4)~~ "Intermediate school district" means a corporate
21 body established under part 7.

22 (7) ~~(5)~~ "Intermediate school district election" means an
23 election called by an intermediate school board and held on ~~the~~
24 ~~date of the annual school elections of constituent districts or~~
25 ~~on~~ a date determined by the intermediate school board under
26 sections 661 and 662.

27 (8) ~~(6)~~ "Intermediate school elector" means a person who is

1 a school elector of a constituent district and who is registered
2 in the city or township in which the person resides.

3 (9) ~~(7)~~ "Intermediate superintendent" means the
4 superintendent of an intermediate school district.

5 Sec. 5. (1) "Local act school district" or "special act
6 school district" means a district governed by a special or local
7 act or chapter of a local act. "Local school district" and
8 "local school district board" as used in article 3 include a
9 local act school district and a local act school district board.

10 (2) "Membership" means the number of full-time equivalent
11 pupils in a public school as determined by the number of pupils
12 registered for attendance plus pupils received by transfer and
13 minus pupils lost as defined by rules promulgated by the ~~state~~
14 ~~board~~ **superintendent of public instruction.**

15 (3) **"Michigan election law" means the Michigan election law,**
16 **1954 PA 116, MCL 168.1 to 168.992.**

17 (4) ~~(3)~~ "Nonpublic school" means a private, denominational,
18 or parochial school.

19 (5) ~~(4)~~ "Objectives" means measurable pupil academic skills
20 and knowledge.

21 (6) ~~(5)~~ "Public school" means a public elementary or
22 secondary educational entity or agency that is established under
23 this act, has as its primary mission the teaching and learning of
24 academic and vocational-technical skills and knowledge, and is
25 operated by a school district, local act school district, special
26 act school district, intermediate school district, public school
27 academy corporation, **or** strict discipline academy corporation, or

1 by the department or state board. Public school also includes a
2 laboratory school or other elementary or secondary school that is
3 controlled and operated by a state public university described in
4 section 4, 5, or 6 of article VIII of the state constitution of
5 1963.

6 (7) ~~-(6)-~~ "Public school academy" means a public school
7 academy established under part 6a and, except as used in part 6a,
8 also includes a strict discipline academy established under
9 sections 1311b to 1311l.

10 (8) ~~-(7)-~~ "Pupil membership count day" of a school district
11 means that term as defined in section 6 of the state school aid
12 act of 1979, MCL 388.1606.

13 (9) ~~-(8)-~~ "Reorganized intermediate school district" means an
14 intermediate school district formed by consolidation or
15 annexation of 2 or more intermediate school districts under
16 sections 701 and 702.

17 (10) ~~-(9)-~~ "Rule" means a rule promulgated ~~pursuant to~~
18 **under** the administrative procedures act of 1969, 1969 PA 306,
19 MCL 24.201 to 24.328.

20 Sec. 6. (1) "School district" or "local school district"
21 means a general powers school district organized under this act,
22 regardless of previous classification, or a school district of
23 the first class.

24 (2) "School elector" means a person qualified as an elector
25 under section 492 of the Michigan election law, ~~Act No. 116 of~~
26 ~~the Public Acts of 1954, being section 168.492 of the Michigan~~
27 ~~Compiled Laws, registered as provided in part 12~~ **MCL 168.492,**

1 and resident of the school district, local act school district,
2 or intermediate school district on or before the thirtieth day
3 before the next ensuing annual or special school election.

4 (3) "School month" means a 4-week period of 5 days each
5 unless otherwise specified in the teacher's contract.

6 (4) "Special education building and equipment" means a
7 structure or portion of a structure or personal property
8 accepted, leased, purchased, or otherwise acquired, prepared, or
9 used for special education programs and services.

10 (5) "Special education personnel" means persons engaged in
11 and having professional responsibility for the training, care,
12 and education of handicapped persons in special education
13 programs and services including, but not limited to, teachers,
14 aides, school social workers, diagnostic personnel, physical
15 therapists, occupational therapists, audiologists, teachers of
16 speech and language, instructional media-curriculum specialists,
17 mobility specialists, teacher consultants, supervisors, and
18 directors.

19 (6) "Special education programs and services" means
20 educational and training services designed for handicappers and
21 operated by local school districts, local act school districts,
22 intermediate school districts, the Michigan school for the **deaf**
23 **and** blind, ~~the Michigan school for the deaf,~~ the department of
24 ~~mental~~ **community** health, the ~~department of social services~~
25 **family independence agency**, or a combination ~~thereof~~ **of these**,
26 and ancillary professional services for handicappers rendered by
27 agencies approved by the state board. The programs shall include

1 vocational training, but need not include academic programs of
2 college or university level.

3 (7) "Special school election" or "special election" means a
4 school district election to fill a vacancy on the school board or
5 submit a ballot question to the school electors that is held on a
6 regular election date established under section 641 of the
7 Michigan election law, MCL 168.641, or at an education special
8 election.

9 (8) ~~-(7)-~~ "State approved nonpublic school" means a nonpublic
10 school that complies with ~~Act No. 302 of the Public Acts of~~
11 ~~1921, being sections 388.551 to 388.558 of the Michigan Compiled~~
12 ~~Laws 1921 PA 302, MCL 388.551 to 388.558.~~

13 (9) ~~-(8)-~~ "State board" means the state board of education
14 unless clearly otherwise stated.

15 (10) ~~-(9)-~~ "Department" means the department of education
16 created and operating under sections 300 to 305 of the executive
17 organization act of 1965, ~~Act No. 380 of the Public Acts of~~
18 ~~1965, being sections 16.400 to 16.405 of the Michigan Compiled~~
19 ~~Laws 1965 PA 380, MCL 16.400 to 16.405.~~

20 (11) ~~-(10)-~~ "State school aid" means allotments from the
21 general appropriating act for the purpose of aiding in the
22 support of the public schools of the state.

23 (12) ~~-(11)-~~ "The state school aid act of 1979" means ~~Act~~
24 ~~No. 94 of the Public Acts of 1979, being sections 388.1601 to~~
25 ~~388.1772 of the Michigan Compiled Laws~~ **the state school aid act**
26 **of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.**

27 Sec. 616. (1) An intermediate school board may submit to

1 the school electors of the constituent districts comprising the
2 intermediate school district the question of adoption of sections
3 615 to 617. The question shall be in substantially the following
4 form:

5 "Shall sections 615 to 617 of the **revised** school code, ~~of~~
6 ~~1976, as amended,~~ providing for the popular election of members
7 of the intermediate school board be effective within the
8 constituent districts of _____ (name of intermediate school
9 district)?

10 Yes ()

11 No ()"

12 (2) The intermediate school board shall submit the question
13 upon receipt of resolutions adopted by a majority of the boards
14 of constituent districts and representing more than 1/2 of the
15 combined memberships of the constituent districts of the
16 intermediate school district as of the latest pupil membership
17 count day. The resolutions of the constituent district boards
18 shall be adopted between December 1 and the next succeeding March
19 1. The question shall be presented to the school electors of the
20 constituent districts at the next annual election after
21 resolutions of constituent district boards meeting the
22 requirements of this section have been filed with the secretary
23 of the intermediate school board.

24 (3) If a majority of the school electors votes in favor of
25 popular election, members of the intermediate school board shall
26 be elected at the next annual election and biennially thereafter

1 at the annual school elections of the constituent districts. ~~If~~
2 ~~a constituent district holds its annual election on a date other~~
3 ~~than the second Monday in June, an election for the purpose of~~
4 ~~choosing members of the intermediate school board shall be held~~
5 ~~in that district on the second Monday in June.~~

6 (4) An intermediate school district ~~which~~ **that** adopts
7 sections 615 to 617 may ~~in the same manner~~ terminate the
8 popular election of members of the intermediate school board **in**
9 **the same manner.**

10 Sec. 661. (1) The intermediate school board may submit
11 questions to the school electors of the intermediate school
12 district at an annual or special election held in each of the
13 constituent districts. A question shall not be submitted to the
14 intermediate school electors unless the question is within the
15 lawful authority of the **intermediate school** electors ~~of the~~
16 ~~intermediate school district~~ to decide.

17 (2) A person who is a school elector of a constituent
18 district of an intermediate school district and who is registered
19 in the city or township in which that person resides is an
20 elector of that intermediate school district.

21 ~~(3) If a question is submitted to intermediate school~~
22 ~~electors at an annual school election, and a constituent district~~
23 ~~does not hold its annual election on the second Monday of June,~~
24 ~~the intermediate school board shall call a special election in~~
25 ~~that constituent district to be held on the same date as the~~
26 ~~annual school election.~~

27 (3) ~~(4)~~ The secretary shall be the chief election officer

1 of the intermediate school district with authority to delegate
2 election duties to a member of the administrative staff.

3 Sec. 662. (1) The date of a special election of the
4 intermediate school district ~~shall be subject to the approval of~~
5 ~~the county election scheduling committee under section 639 of Act~~
6 ~~No. 116 of the Public Acts of 1954, as amended, being section~~
7 ~~168.639 of the Michigan Compiled Laws~~ **is subject to section 641**
8 **of the Michigan election law, MCL 168.641.** The intermediate
9 school board secretary shall file a copy of the resolution of the
10 intermediate school board calling a special election with the
11 secretary of each constituent district at least 60 days before
12 the date of the election. If a question is submitted at a
13 special election to the school electors of an intermediate school
14 district having a population of more than 1,400,000, the special
15 election shall be held at a state primary or state general
16 election.

17 (2) The resolution of the intermediate school board shall
18 contain a statement of the proposition to be submitted to the
19 school electors.

20 (3) If a proposition is submitted at the annual election of
21 the constituent districts, the intermediate school board
22 secretary shall give notice of that fact together with a
23 statement of the proposition to the secretary of each constituent
24 district at least 60 days before the date of the annual school
25 election. If the intermediate school board submits a proposition
26 to the school electors at an annual election, the secretary of
27 each constituent district board shall include in the constituent

1 district's notice of election a statement of the proposition.

2 (4) If a special election is called by the intermediate
3 school board, the secretary of each constituent district board
4 shall give notice of the last day of registration for the
5 election.

6 (5) If an intermediate school district proposition is
7 submitted at an election, the secretary of each constituent
8 district board shall perform the duties prescribed under the laws
9 relating to elections of the intermediate school district in the
10 same manner as for a proposition submitted in an election of the
11 constituent district, including furnishing ballots and necessary
12 election supplies.

13 (6) Expenses incurred by a constituent district in the
14 conduct of a special election shall be paid by the intermediate
15 school board upon the presentation of statements itemizing the
16 costs of the special election. The intermediate school board
17 shall pay a pro rata share of the costs incurred by a constituent
18 district if an intermediate school district proposition is
19 submitted at the annual election of a constituent district.

20 (7) Election returns shall be filed with the secretary of
21 the board of each constituent district. Before 11 a.m. on the
22 day following the election the secretary of each constituent
23 district shall deliver the election returns to the clerk of the
24 board of county canvassers in the county in which the greatest
25 number of registered school electors of the intermediate school
26 district reside at the close of the registration for the
27 election. The canvass shall be made in accordance with sections

1 821 to 830 of ~~Act No. 116 of the Public Acts of 1954, as~~
2 ~~amended, being sections 168.821 to 168.830 of the Michigan~~
3 ~~Compiled Laws~~ **the Michigan election law, MCL 168.821 to**
4 **168.830.** Notice of the determination of the canvass shall be
5 filed with the secretary of the intermediate school board, who
6 shall file copies of the canvass with the board of each
7 constituent district and the state board.

8 Sec. 681. (1) An intermediate school district may establish
9 an area vocational-technical education program and operate the
10 program under sections 681 to 690 if approved by a majority of
11 the intermediate school electors of the intermediate school
12 district voting on the question. The election shall be called
13 and conducted ~~pursuant to~~ **in accordance with** sections 661 and
14 662. The establishment of the area vocational-technical
15 education program may be rescinded by the same process.

16 (2) The question of establishing an area
17 vocational-technical education program may be submitted to the
18 intermediate school electors of an intermediate school district
19 at an annual election or at a special election held in each of
20 the constituent districts. ~~The~~ **Subject to section 641 of the**
21 **Michigan election law, MCL 168.641, the** intermediate school board
22 shall determine the date of the election and shall give notice
23 under section 662 to the secretary of each constituent district
24 at least 60 days in advance of the date the proposition is to be
25 submitted to the intermediate school electors.

26 (3) The ballot for referring the question of adopting
27 sections 681 to 690 and establishing an area vocational-technical

1 education program to the intermediate school electors of an
 2 intermediate school district shall be substantially in the
 3 following form:

4 "Shall _____, state
 5 (legal name of intermediate school district)
 6 of Michigan, come under sections 681 to 690 of the **revised** school
 7 code ~~of 1976~~ and establish an area vocational-technical education
 8 program ~~which~~ **that** is designed to encourage the operation of area
 9 vocational-technical education programs if the annual property tax
 10 levied for this purpose is limited to _____ mills?

11 Yes ()

12 No ()".

13 (4) Beginning in 1995, the number of mills of ad valorem
 14 property taxes an intermediate school board may levy for area
 15 vocational-technical education program operating purposes under
 16 sections 681 to 690 is limited to the following:

17 (a) If the intermediate school district did not levy any
 18 millage in 1993 for area vocational-technical education program
 19 operating purposes under sections 681 to 690, the intermediate
 20 school board, with the approval of the intermediate school
 21 electors, may levy not more than 1 mill for those purposes.

22 (b) If the intermediate school district levied millage in
 23 1993 for area vocational-technical education program operating
 24 purposes under sections 681 to 690, the intermediate school
 25 board, with the approval of the intermediate school electors, may
 26 levy mills for those purposes at a rate not to exceed 1.5 times

1 the number of mills authorized for those purposes in the
2 intermediate school district in 1993. Approval of the
3 intermediate school electors is not required for the levy under
4 this subdivision of previously authorized mills until that
5 authorization expires.

6 (5) An intermediate school district shall not hold more than
7 2 elections in a calendar year concerning the authorization of a
8 millage rate for area vocational-technical education program
9 operating purposes under sections 681 to 690.

10 Sec. 701. (1) Two or more adjoining intermediate school
11 districts may combine to form a single intermediate school
12 district when the reorganization is approved by a majority of the
13 electors of each intermediate school district voting on the
14 question in the annual elections of the constituent districts.

15 (2) The question of combining intermediate school districts
16 may be submitted by a resolution of the intermediate school
17 boards meeting in joint session.

18 (3) The question shall be submitted ~~when~~ **if** petitions
19 signed by a number of school electors of each intermediate school
20 district equal to not less than 5% of the number of pupil
21 memberships on the latest pupil membership count day of the
22 combined constituent districts of the intermediate school
23 district are filed with the secretary of 1 of the intermediate
24 school boards. Within 30 days after receiving sufficient
25 petitions, the secretary shall apply for approval to the ~~state~~
26 ~~board~~ **superintendent of public instruction**. The secretary shall
27 cause the question to be submitted at the next annual school

1 election after the ~~state board~~ **superintendent of public**
 2 **instruction** approves the merger.

3 (4) The ballots shall be furnished by each intermediate
 4 school board for its constituent districts and shall be in
 5 substantially the following form:

6 "Shall the following intermediate school districts be
 7 organized as a single intermediate school district?

8 (List names of intermediate school districts)

9 Yes ()

10 No ()"

11 (5) If the consolidation is approved by a majority of the
 12 school electors voting on the question in each of the
 13 participating intermediate school districts, the reorganization
 14 ~~shall become~~ **is** effective in the combined intermediate school
 15 districts 30 days after the annual election at which the question
 16 is submitted. The reorganized intermediate school district
 17 ~~shall be~~ **is** a single intermediate school district subject to
 18 this part.

19 (6) The members of the intermediate school boards of the
 20 original intermediate school districts shall act as an interim
 21 board until a board of the combined intermediate school district
 22 is elected. The interim board ~~shall possess~~ **has** all the powers
 23 and duties of an intermediate school board under this part. The
 24 person chosen by the interim intermediate school board as
 25 intermediate superintendent shall serve only until a successor is
 26 chosen by the elected intermediate school board. The secretary

1 of the intermediate school board having the largest number of
2 pupils in membership in its combined constituent districts at the
3 time of reorganization shall call a meeting of the members of the
4 interim intermediate school board for the purpose of organization
5 within 15 days after the effective date of the reorganization.
6 The secretary of the interim intermediate school board shall
7 provide for the election of a board of the reorganized
8 intermediate school district under section 617. At the first
9 election there shall be elected 3 members of a board for 6 years,
10 2 for 4 years, and 2 for 2 years. Their successors shall be
11 elected biennially ~~on the first Monday of June~~ for terms of 6
12 years. The time from the date of election to the next July 1
13 shall be considered 1 year.

14 (7) The reorganized intermediate school district shall
15 operate as a single intermediate school district from the
16 effective date of the reorganization. Within 10 days after the
17 reorganization, all accounts of the reorganized intermediate
18 school districts shall be audited in the manner established by
19 the interim intermediate school board. The contracts of the
20 intermediate superintendents in force on the effective date of
21 reorganization ~~shall~~ continue in effect ~~to~~ **until the** time of
22 their termination except as to position as intermediate
23 superintendents.

24 (8) If, ~~prior to~~ **before** reorganization of the intermediate
25 school districts each of the combining intermediate school
26 districts adopted special education programs by referendum
27 ~~pursuant to~~ **as provided in** part 30 and approved the same annual

1 property tax rates for the education of handicapped persons, the
2 special education programs and the annual property tax rates
3 shall continue in effect in the reorganized intermediate school
4 district.

5 Sec. 705. (1) Beginning in 1997 and **in** each year after
6 1997, a regional enhancement property tax may be levied by an
7 intermediate school district at a rate not to exceed 3 mills to
8 enhance other state and local funding for local school district
9 operations if approved by a majority of the intermediate school
10 electors voting on the question.

11 (2) If a resolution requesting that the question of a
12 regional enhancement property tax be submitted to the voters is
13 adopted within a 180-day period and transmitted to the
14 intermediate school board by 1 or more boards of its constituent
15 school districts representing a majority of the combined
16 membership of the constituent school districts as of the most
17 recent pupil membership count day and if those resolutions all
18 contain an identical specified number of mills to be levied under
19 this section and an identical specified number of years for which
20 the tax shall be levied, the question of levying a regional
21 enhancement property tax by the intermediate school district
22 shall be placed on the ballot by the intermediate school district
23 at the next annual school election held in each of the
24 constituent districts. ~~However, if the question is to be~~
25 ~~submitted at an annual school election and a constituent district~~
26 ~~does not hold its annual election on the second Monday in June,~~
27 ~~the intermediate school board shall call a special election in~~

1 ~~that constituent district to be held on the same day as the~~
2 ~~annual school election.~~ If the question is to be submitted to
3 the intermediate school electors of an intermediate school
4 district having a population of more than 1,400,000, the
5 intermediate school board shall call a special election to be
6 held at the next state primary or general election. ~~However,~~
7 ~~if~~ **If** the resolution requirement is met more than 180 days
8 before the next annual school district elections ~~to be held on~~
9 ~~the second Monday in June,~~ and if requested in the resolutions,
10 the intermediate school board shall submit the question of
11 levying a regional enhancement property tax within the
12 intermediate school district on the ballot at a special election
13 under section 662 called by the intermediate school board for
14 that purpose not earlier than 90 days or later than 120 days
15 after the resolution requirements are met.

16 (3) Not later than 10 days after receipt by the intermediate
17 school district of the revenue from the regional enhancement
18 property tax, the intermediate school district shall calculate
19 and pay to each of its constituent school districts an amount of
20 the revenue calculated by dividing the total amount of the
21 revenue by the combined membership of the constituent school
22 districts within the intermediate district, as of the most recent
23 pupil membership count day, and multiplying that quotient by the
24 constituent school district's membership, as of the most recent
25 pupil membership count day for which a final department-audited
26 pupil count is available.

27 (4) Regional enhancement property tax under this section may

1 be levied for a term not to exceed 20 years, as specified in the
 2 ballot question, and may be renewed for the same term with the
 3 approval of a majority of the intermediate school electors voting
 4 on the question.

5 (5) The question of levying a regional enhancement property
 6 tax under this section shall be presented to the intermediate
 7 school electors as a separate question.

8 Sec. 856. (1) If the intermediate superintendent of schools
 9 is presented with petitions signed by school electors in each
 10 **school** district ~~to the number of not less than 50% of the number~~
 11 ~~of registered general electors residing in each primary school~~
 12 ~~district as of the date the intermediate superintendent releases~~
 13 ~~petitions, and by school electors of~~ **equal to** not less than 5%
 14 of the number of registered general electors residing in ~~other~~
 15 ~~school districts~~ **each school district**, the intermediate
 16 superintendent shall cause the question of consolidation to be
 17 submitted to the vote of the school electors of the school
 18 districts at a special election called ~~to be held within 90 days~~
 19 ~~after the receipt of the petitions~~ **as provided in section 662.**

20 ~~(2) The special election shall be held on a date approved~~
 21 ~~by the county election scheduling committee under section 639 of~~
 22 ~~Act No. 116 of the Public Acts of 1954, as amended, being section~~
 23 ~~168.639 of the Michigan Compiled Laws.~~

24 **(2)** ~~(3)~~ Petitions ~~shall~~ **are** not ~~be~~ required in a
 25 school district operating 12 grades if a resolution adopted by
 26 the board of the **school** district requesting consolidation of
 27 school districts has been filed with the intermediate

1 superintendent.

2 (3) ~~(4)~~ Each city and township clerk shall certify to the
3 intermediate superintendent the number of registered general
4 electors residing in a school district upon request of the
5 intermediate superintendent.

6 Sec. 932. (1) The ~~secretary of the~~ board of the school
7 district to be divided shall call an election at which the
8 question of the division of the school district shall be
9 submitted to the school electors. Vote on the proposition shall
10 be by ballot in the form determined by the intermediate school
11 board and shall clearly describe the division. Before an
12 election is held, the ~~state board~~ **superintendent of public**
13 **instruction** shall approve the proposed division and the
14 attachment of the parts to existing operating school districts.
15 The election in the school district to be divided shall be held
16 not later than ~~60 days~~ **the next available day for a regular**
17 **school election or special school election** following the date of
18 approval by the ~~state board~~ **superintendent of public**
19 **instruction.**

20 (2) The affirmative vote of a majority of the school electors
21 voting on the question ~~shall be~~ **is** necessary to ratify the
22 action of the intermediate school board.

23 (3) Territory attached to an existing operating school
24 district shall be a part of that **school** district for all
25 purposes, including the levy of all taxes ~~which~~ the **school**
26 district to which the territory is attached ~~has the authority~~
27 **is authorized** to levy.

1 (4) Within 5 days after the election, the secretary of the
2 board of the school district in which the election is held shall
3 file a certified statement of the vote for division with the
4 intermediate superintendent.

5 (5) Within 30 days after the filing of the certified
6 statement of the vote approving the division, the intermediate
7 school board, by resolution, shall declare the school district
8 divided, attach the territory ~~thereof~~ to the specified
9 operating school districts, and make an equitable distribution of
10 the money, property, and other material belonging to the **school**
11 district among the **school** districts to which the territory is
12 attached.

13 (6) If the effective date is determined by the resolution of
14 the board or by the petition of the school electors under section
15 931, the intermediate school board shall declare the school
16 district divided on that date.

17 Sec. 1001. (1) The secretary of state shall be the chief
18 election officer of the state for elections held under this act
19 and shall have supervisory control over school election officials
20 in the performance of their duties under this act.

21 (2) The secretary of a school district, a local act school
22 district, or an intermediate school district shall be the chief
23 election officer of the respective district with authority to
24 delegate election duties to a member of the district's
25 administrative staff.

26 (3) **At an education election day, in addition to conducting**
27 **the election for a member of the school district's school board,**

1 a school district's chief election officer is responsible for
2 conducting the election for a member of the state board of
3 education, a university board, or a community college board, as
4 well as an election on a ballot question that is placed on the
5 ballot by any authorized jurisdiction.

6 Sec. 1031. (1) Each general powers school district shall
7 ~~continue to~~ hold its regular election on ~~the same date the~~
8 ~~election was held before the effective date of this section or~~
9 ~~shall hold its regular election on 1 of the following dates~~
10 ~~determined by the board by a resolution adopted at least 6 months~~
11 ~~before the proposed new election date: (a) Annually or~~
12 ~~biennially on the first Monday in April. (b) Annually or~~
13 ~~biennially on the second Monday in June. (c) Annually or~~
14 ~~biennially at the same time as the November general election.~~
15 **education election day.**

16 (2) The school electors shall elect members of the board at
17 the school district's regular election.

18 Sec. 1229a. (1) If a person employed by this state as
19 superintendent of public instruction is removed from that
20 position, the state board, or another state agency, shall not
21 enter into a settlement agreement concerning that removal unless
22 the agreement is in settlement of a lawsuit filed against this
23 state.

24 (2) The state board shall not grant administrative leave for
25 more than a total of 6 months to a person employed, or previously
26 employed, as state superintendent of public instruction.

27 (3) The state board shall not offer a contract for a person

1 to be employed by this state as superintendent of public
2 instruction, or extend the contract of a superintendent of public
3 instruction, within 6 months before ~~a general election~~ **an**
4 **education election day** at which state board members are elected
5 or within 2 months after ~~a general election~~ **an education**
6 **election day** at which state board members are elected. The state
7 board shall not offer a contract for employment of a
8 superintendent of public instruction in excess of 3 years and
9 shall not extend a contract in increments of more than 1 year.
10 This subsection does not prohibit the state board from employing
11 an interim superintendent of public instruction at any time there
12 is a vacancy.

13 Enacting section 1. Section 1023 and part 13 of the revised
14 school code, 1976 PA 451, MCL 380.1023 and 380.1052 to 380.1071,
15 are repealed.

16 Enacting section 2. This amendatory act takes effect
17 January 1, 2005.

18 Enacting section 3. This amendatory act does not take
19 effect unless all of the following bills of the 92nd Legislature
20 are enacted into law:

21 (a) Senate Bill No. _____ or House Bill No. 4831 (request
22 no. 02322'03).

23 (b) Senate Bill No. _____ or House Bill No. 4832 (request
24 no. 02323'03).

25 (c) Senate Bill No. _____ or House Bill No. 4829 (request
26 no. 02324'03).

27 Enacting section 4. This amendatory act does not take

1 effect unless Senate Joint Resolution _____ or House Joint
2 Resolution I (request no. 02320'03) of the 92nd Legislature
3 becomes a part of the state constitution of 1963 as provided in
4 section 1 of article XII of the state constitution of 1963.