

HOUSE BILL No. 6026

May 2, 2006, Introduced by Rep. Ward and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614),
sections 4 and 5 as amended by 2005 PA 61 and section 614 as
amended by 2004 PA 419.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) "Educational media center" means a program
2 operated by an intermediate school district and approved by the
3 state board that provides services to local school districts or
4 constituent districts under section 671.

5 (2) "Handicapped person" shall be defined by rules promulgated
6 by the state board. Handicaps include, but are not limited to,
7 mental, physical, emotional, behavioral, sensory, and speech
8 handicaps.

1 (3) "Intermediate school board" means the board of an
2 intermediate school district.

3 (4) "Intermediate school district" means a corporate body
4 established under part 7.

5 (5) "Intermediate school district election" means an election
6 called by an intermediate school board and held on the date of the
7 regular school elections of constituent districts or on a date
8 determined by the intermediate school board under section ~~642 or~~
9 ~~642a~~ **642C** of the Michigan election law, ~~MCL 168.642 and 168.642a~~
10 **MCL 168.642C**.

11 (6) "Intermediate school elector" means a person who is a
12 school elector of a constituent district and who is registered in
13 the city or township in which the person resides.

14 (7) "Intermediate superintendent" means the superintendent of
15 an intermediate school district.

16 Sec. 5. (1) "Local act school district" or "special act school
17 district" means a district governed by a special or local act or
18 chapter of a local act. "Local school district" and "local school
19 district board" as used in article 3 include a local act school
20 district and a local act school district board.

21 (2) "Membership" means the number of full-time equivalent
22 pupils in a public school as determined by the number of pupils
23 registered for attendance plus pupils received by transfer and
24 minus pupils lost as defined by rules promulgated by the state
25 board.

26 (3) "Michigan election law" means the Michigan election law,
27 1954 PA 116, MCL 168.1 to 168.992.

1 (4) "Nonpublic school" means a private, denominational, or
2 parochial school.

3 (5) "Objectives" means measurable pupil academic skills and
4 knowledge.

5 (6) "Public school" means a public elementary or secondary
6 educational entity or agency that is established under this act,
7 has as its primary mission the teaching and learning of academic
8 and vocational-technical skills and knowledge, and is operated by a
9 school district, local act school district, special act school
10 district, intermediate school district, public school academy
11 corporation, strict discipline academy corporation, urban high
12 school academy corporation, or by the department or state board.
13 Public school also includes a laboratory school or other elementary
14 or secondary school that is controlled and operated by a state
15 public university described in section 4, 5, or 6 of article VIII
16 of the state constitution of 1963.

17 (7) "Public school academy" means a public school academy
18 established under part 6a and, except as used in part 6a, also
19 includes an urban high school academy established under part 6c and
20 a strict discipline academy established under sections 1311b to
21 1311l.

22 (8) "Pupil membership count day" of a school district means
23 that term as defined in section 6 of the state school aid act of
24 1979, MCL 388.1606.

25 (9) "Regular school election" or "regular election" means the
26 election held in a school district, local act school district, or
27 intermediate school district to elect a school board member in the

1 regular course of the terms of that office and held on the school
2 district's regular election date as determined under section ~~642~~
3 ~~or 642a~~ **642C** of the Michigan election law, ~~MCL 168.642~~ and
4 ~~168.642a~~ **MCL 168.642C**.

5 (10) "Reorganized intermediate school district" means an
6 intermediate school district formed by consolidation or annexation
7 of 2 or more intermediate school districts under sections 701 and
8 702.

9 (11) "Rule" means a rule promulgated under the administrative
10 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

11 Sec. 614. (1) Except as provided in section 615 and subject to
12 section ~~642~~ **642C** of the Michigan election law, ~~MCL 168.642~~ **MCL**
13 **168.642C**, the members of the intermediate school board shall be
14 elected biennially on the first Monday in June by an electoral body
15 composed of 1 person designated by the board of each constituent
16 school district.

17 (2) The board of a constituent district shall designate its
18 representative to this electoral body by resolution adopted not
19 earlier than 21 days before the date of this biennial election. The
20 board shall consider the resolution at not less than 1 public
21 meeting before adopting the resolution. The resolution shall be
22 adopted by majority vote of the members serving on the board. In
23 its resolution designating its representative, the board of a
24 constituent district shall identify the candidate the board
25 supports for each position to be filled on the intermediate school
26 board and shall direct its representative to vote for that
27 individual or individuals at least on the first ballot taken by the

1 electoral body. The secretary of the intermediate school board
2 shall send a notice by certified mail of the hour and place of the
3 meeting of the electoral body described in subsection (1) to the
4 secretary of the board of each constituent school district at least
5 10 days before the meeting. The president and secretary of the
6 intermediate school board shall act as chairperson and secretary at
7 the meeting. The meeting of the electoral body shall be an open
8 meeting conducted in the manner prescribed under the open meetings
9 act, 1976 PA 267, MCL 15.261 to 15.275.

10 (3) Except as provided in section 703, the term of office of
11 each member elected to the intermediate school board is 6 years and
12 begins on July 1 following election. Not more than 2 members of the
13 intermediate school board shall be from the same school district
14 unless there are fewer districts than there are positions to be
15 filled.

16 (4) A vacancy shall be filled by the remaining members of the
17 intermediate school board until the next biennial election at which
18 time the vacancy shall be filled for the balance of the unexpired
19 term. Notice of the vacancy shall be filed with the state board
20 within 5 days after the vacancy occurs. If the vacancy is not
21 filled within 30 days after it occurs, the vacancy shall be filled
22 by the state board.

23 (5) Subject to subsection (7), a candidate for election to the
24 intermediate school board shall be nominated by petitions that are
25 signed by a number of school electors of the combined constituent
26 school districts of the intermediate school district, as follows:

27 (a) If the population of the intermediate school district is

1 less than 10,000 according to the most recent federal census, a
2 minimum of 6 and a maximum of 20.

3 (b) If the population of the intermediate school district is
4 10,000 or more according to the most recent federal census, a
5 minimum of 40 and a maximum of 100.

6 (6) A school elector may sign as many petitions as there are
7 vacancies to fill. Nominating petitions and an affidavit as
8 provided in section 558 of the Michigan election law, 1954 PA 116,
9 MCL 168.558, shall be filed with the school district filing
10 official not later than 30 days before the date of the biennial
11 election under subsection (1). The school district filing official
12 shall determine the sufficiency of the petitions and the
13 eligibility of the candidates nominated. The school district filing
14 official shall provide ballots for the biennial election, listing
15 on the ballots the names of all candidates properly nominated. The
16 chairperson of the biennial election meeting may accept nominations
17 for a vacancy from the floor only if no nominating petitions have
18 been filed for the vacancy.

19 (7) Instead of filing nominating petitions, a candidate for
20 election to the intermediate school board may pay a nonrefundable
21 filing fee of \$100.00 to the school district filing official. If
22 this fee is paid by the due date for nominating petitions, the
23 payment has the same effect under this section as the filing of
24 nominating petitions.

25 Enacting section 1. This amendatory act takes effect January
26 1, 2007.

27 Enacting section 2. This amendatory act does not take effect

1 unless House Bill No. 4755 of the 93rd Legislature is enacted into
2 law.