

Legislative Analysis



SCHOOL BOARD MEMBERS AS VOLUNTEERS

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House Bill 4220 as enrolled
Public Act 22 of 2008
Sponsor: Rep. John Espinoza
House Committee: Education
Senate Committee: Education

Third Analysis (7-16-08)

BRIEF SUMMARY: The bill would allow a school board member to serve as, a volunteer coach or supervisor of a student extracurricular activity, under certain conditions.

FISCAL IMPACT: The bill would have no fiscal impact on state or local government.

THE APPARENT PROBLEM:

Currently the law does not allow local school board members to serve as volunteers in the school districts where they hold elective office, in order to avoid conflicts of interest.

Small school districts often have difficulty finding coaches to guide sports teams—especially entry level teams, and teams for the so-called minor sports. For example, in four of the seven school districts of the 83rd Legislative District in Michigan's "Thumb," coaches could not be found to head junior varsity teams. In several instances, school board members volunteered to take the job without pay in order to preserve the sports program, while in another case, the junior varsity team was disbanded.

Legislation has been introduced to allow school board members to take volunteer posts in their school districts, under certain conditions.

THE CONTENT OF THE BILL:

The bill would amend Public Act 566 of 1978, which sets standards of duty for public officers and employees, to allow a school board member to be appointed to, or serve as, a volunteer coach or supervisor of a student extracurricular activity, if the following conditions were met:

- The school board member received no compensation for service as a volunteer coach or supervisor.
- During the period he or she served, the school board member abstained from voting on issues before the school board concerning that program.
- There is no qualified applicant available to fill a vacant position if the school board member is excluded.

- The appointing authority has received the results of a criminal history check from the Department of State Policy or the Federal Bureau of Investigation.

The bill would add this provision to a list of exceptions to the general statement in Section 2 of Public Act 566 that "a public officer or public employee shall not hold two or more incompatible offices at the same time."

MCL 15.183

BACKGROUND INFORMATION:

The sponsor introduced a similar bill in the 2005-06 Legislative Session (House Bill 5890), which passed the House of Representatives near the end of the session by a vote of 103 to 1. The bill was not reported from the Senate Education Committee.

ARGUMENTS:

For:

School district officials who work in areas having little population sometimes have difficulty attracting coaches to lead their entry level sports teams. Or, in some instances, budget cuts require school district officials to disband sports programs, in order to save the money paid to coaches. In these instances, a school board member should be able to volunteer as a coach, in order to preserve the sports program. This bill would allow school board members to volunteer, if they met three conditions: there was no compensation for their volunteer service; the members did not vote on any matter concerning the program for which they volunteered; and there was no other qualified candidate to fill the post, if the school board members were excluded.

Against:

In school districts, locally elected school board members hire the school superintendent and, together with that superintendent, guide the district by setting policies and adopting a budget each year. It would be very difficult for a school superintendent to discipline or remove a school board member who served as a program coordinator or sports coach if that school board member erred. It would also be difficult for a school superintendent to resist the efforts of a school board member who sought additional funds for the program or sport with which he volunteered. To avoid these difficulties, this legislation should be opposed, or at least further narrowed to ensure that volunteer school board members do not exert their influence in unacceptable ways.

Response:

The legislation is permissive. School districts would not be required to allow school board members to volunteer as coaches or activity coordinators. Indeed, a school district that did not intend to take advantage of this provision of the law could pass a resolution to make clear its policy.

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