

HOUSE BILL No. 4114

January 24, 2007, Introduced by Reps. Moss and Knollenberg and referred to the Committee on Government Operations.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 951, 952, 953, 953a, 954, 955, and 971 (MCL 380.951, 380.952, 380.953, 380.953a, 380.954, 380.955, and 380.971), section 951 as amended by 1990 PA 147, section 952 as amended by 1982 PA 370 and section 953a as added and section 971 as amended by 1995 PA 289, and by adding section 951a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 951. (1) ~~An~~**SUBJECT TO SECTION 951A, AN** intermediate
2 school board may detach territory from 1 school district and attach
3 the territory to another school district ~~if~~**THAT IS CONTIGUOUS TO**
4 **THE TERRITORY IN ANY OF THE FOLLOWING CIRCUMSTANCES:**

5 **(A) IF** requested to do so by resolution of the board of a
6 school district whose boundaries would be changed by the action. +

1 subject

2 (B) **SUBJECT** to subsection ~~(2)~~ (3), by resolution of the board
 3 of a condominium association acting pursuant to a petition signed
 4 by not less than 2/3 of the co-owners of the condominium
 5 association who reside on the land to be transferred. ~~or if~~

6 (C) **IF** petitioned by not less than 2/3 of the persons who own
 7 and reside on the land to be transferred.

8 (2) The intermediate school board shall take final action
 9 within 60 days after the receipt of ~~the~~ A resolution or petition
 10 **UNDER SUBSECTION (1)**. ~~The territory to be detached shall be~~
 11 ~~contiguous to the school district to which it is attached. If~~
 12 **SUBJECT TO SECTION 951A, IF** the latest assessed valuation **TAXABLE**
 13 **VALUE** of the territory to be detached is more than 10% of the
 14 latest assessed valuation **TAXABLE VALUE** of the entire school
 15 district from which the territory is to be detached, the action of
 16 the intermediate school board shall not be effective unless
 17 approved by an affirmative vote of a majority of the school
 18 electors of the school district from which the territory is to be
 19 detached.

20 (3) ~~(2)~~ The board of a condominium association may request
 21 that an intermediate school board detach territory from 1 school
 22 district and attach the territory to another school district as
 23 described in subsection (1) only if the board of the condominium
 24 association represents the co-owners of a condominium project that
 25 is completed and not less than 75% of the units are sold and
 26 occupied.

27 **SEC. 951A. (1) AN INTERMEDIATE SCHOOL BOARD SHALL TRANSFER**

1 TERRITORY UNDER THIS SECTION BY DETACHING TERRITORY FROM 1 SCHOOL
2 DISTRICT AND ATTACHING THE TERRITORY TO ANOTHER SCHOOL DISTRICT
3 THAT IS CONTIGUOUS TO THE TERRITORY IF ALL OF THE FOLLOWING ARE
4 MET:

5 (A) THE TERRITORY TO BE TRANSFERRED IS A SUBDIVISION, VILLAGE,
6 CITY, OR TOWNSHIP THAT INCLUDES PROPERTY IN MORE THAN 1 SCHOOL
7 DISTRICT OR IS A SUBDIVISION THAT IS LOCATED IN A VILLAGE, CITY, OR
8 TOWNSHIP THAT INCLUDES PROPERTY IN MORE THAN 1 SCHOOL DISTRICT.

9 (B) THE TERRITORY TO BE TRANSFERRED HAS NOT BEEN PREVIOUSLY
10 TRANSFERRED UNDER THIS SECTION WITHIN THE IMMEDIATELY PRECEDING 15
11 YEARS.

12 (C) THE INTERMEDIATE SCHOOL BOARD IS PETITIONED TO MAKE THE
13 TRANSFER BY NOT LESS THAN 80% OF THE SCHOOL ELECTORS WHO RESIDE IN
14 THE TERRITORY TO BE TRANSFERRED. IF THE AFFECTED SCHOOL DISTRICTS
15 ARE IN MORE THAN 1 INTERMEDIATE SCHOOL DISTRICT, THE PETITION MAY
16 BE FILED WITH EITHER INTERMEDIATE SCHOOL BOARD. THE PETITION SHALL
17 SPECIFICALLY INCLUDE ALL OF THE FOLLOWING:

18 (i) THE BOUNDARIES OF THE TERRITORY TO BE TRANSFERRED.

19 (ii) THE TOTAL NUMBER OF MILLS OF AD VALOREM PROPERTY TAX
20 LEVIED BY THE SCHOOL DISTRICT FROM WHICH THE TERRITORY IS TO BE
21 DETACHED, INCLUDING BOTH OPERATING MILLAGE AND DEBT MILLAGE.

22 (iii) THE TOTAL NUMBER OF MILLS OF AD VALOREM PROPERTY TAX
23 LEVIED BY THE SCHOOL DISTRICT TO WHICH THE TERRITORY IS TO BE
24 ATTACHED, INCLUDING BOTH OPERATING MILLAGE AND DEBT MILLAGE.

25 (iv) A STATEMENT THAT THE TERRITORY MAY CONTINUE TO BE PART OF
26 THE SCHOOL DISTRICT FROM WHICH IT IS DETACHED FOR THE PURPOSE OF
27 LEVYING DEBT RETIREMENT TAXES FOR BONDED INDEBTEDNESS EXISTING AT

1 THE TIME OF THE TRANSFER UNTIL THE BONDS ARE REDEEMED, BUT THAT THE
2 TERRITORY WILL BE A PART OF THE SCHOOL DISTRICT TO WHICH IT IS TO
3 BE ATTACHED FOR ALL OTHER PURPOSES.

4 (D) THE INTERMEDIATE SCHOOL BOARD DETERMINES THAT THE NUMBER
5 OF PUPILS WHO RESIDE IN THE TERRITORY TO BE TRANSFERRED AND ARE
6 CURRENTLY ENROLLED IN THE SCHOOL DISTRICT FROM WHICH THE TERRITORY
7 IS TO BE DETACHED DOES NOT EXCEED 125.

8 (E) THE AGGREGATE DISTRICTWIDE TEST SCORES ON THE MICHIGAN
9 EDUCATIONAL ASSESSMENT PROGRAM (MEAP) TESTS FOR THE SCHOOL DISTRICT
10 FROM WHICH THE TERRITORY IS TO BE DETACHED ARE LOWER THAN THE
11 STATEWIDE AGGREGATE TEST SCORES ON THOSE TESTS, USING DATA FOR THE
12 MOST RECENT YEAR FOR WHICH THE DATA ARE AVAILABLE.

13 (F) THE BOARD OF THE SCHOOL DISTRICT TO WHICH THE TERRITORY IS
14 TO BE ATTACHED APPROVES THE PROPOSED TRANSFER.

15 (G) THE TRANSFER IS APPROVED BY A MAJORITY OF THOSE SCHOOL
16 ELECTORS RESIDING IN THE TERRITORY TO BE TRANSFERRED VOTING ON THE
17 QUESTION. THE ELECTION ON THIS QUESTION SHALL BE ARRANGED BY THE
18 BOARD OF THE SCHOOL DISTRICT TO WHICH THE TERRITORY IS TO BE
19 ATTACHED.

20 (2) A TRANSFER OF TERRITORY UNDER THIS SECTION IS NOT SUBJECT
21 TO APPROVAL BY THE SCHOOL ELECTORS OR SCHOOL BOARD OF THE SCHOOL
22 DISTRICT FROM WHICH THE TERRITORY IS DETACHED.

23 (3) IF AN INTERMEDIATE SCHOOL BOARD RECEIVES A PETITION UNDER
24 SUBSECTION (1) (C), ALL OF THE FOLLOWING APPLY:

25 (A) THE INTERMEDIATE SCHOOL BOARD SHALL NOTIFY THE BOARD OF
26 THE SCHOOL DISTRICT TO WHICH THE TERRITORY IS TO BE ATTACHED OF THE
27 PETITION AND FORWARD THE PETITION TO THAT BOARD WITHIN 3 DAYS AFTER

1 RECEIVING THE PETITION.

2 (B) THE BOARD OF THE SCHOOL DISTRICT TO WHICH THE TERRITORY IS
3 TO BE ATTACHED SHALL ACT TO APPROVE OR DISAPPROVE THE PROPOSED
4 TRANSFER WITHIN 45 DAYS AFTER RECEIVING THE PETITION.

5 (C) IF THE BOARD OF THE SCHOOL DISTRICT TO WHICH THE TERRITORY
6 IS TO BE ATTACHED APPROVES THE TRANSFER, THAT BOARD SHALL ARRANGE
7 FOR THE BALLOT QUESTION REQUIRED UNDER SUBSECTION (1) (G) TO BE
8 PRESENTED TO THE SCHOOL ELECTORS RESIDING IN THE TERRITORY TO BE
9 TRANSFERRED ON THE NEXT ELECTION DATE AT WHICH THE QUESTION MAY BE
10 PRESENTED UNDER THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1
11 TO 168.992, AND THAT OCCURS AFTER BOARD APPROVAL OF THE PROPOSED
12 TRANSFER.

13 (D) IF THE TRANSFER OF TERRITORY IS APPROVED AT THE ELECTION,
14 THE TRANSFER OF TERRITORY TAKES EFFECT AT THE BEGINNING OF THE NEXT
15 SCHOOL FISCAL YEAR IMMEDIATELY FOLLOWING FINAL CERTIFICATION OF THE
16 ELECTION RESULTS.

17 (4) AS USED IN THIS SECTION, "SUBDIVISION" MEANS A SUBDIVISION
18 PLATTED UNDER THE LAND DIVISION ACT, 1967 PA 288, MCL 560.101 TO
19 560.293, OR UNDER A PREDECESSOR ACT, OR A CONDOMINIUM PROJECT WITH
20 A CONDOMINIUM SUBDIVISION PLAN UNDER SECTION 66 OF THE CONDOMINIUM
21 ACT, 1978 PA 59, MCL 559.166, THAT HAS BEEN RECORDED BY THE
22 REGISTER OF DEEDS.

23 Sec. 952. ~~The~~ FOR A TRANSFER OF TERRITORY UNDER SECTION 951,
24 THE intermediate superintendent shall give 10 days' notice of the
25 time and place of the meeting of the intermediate school board and
26 of the proposed alterations in school district boundaries to be
27 considered by publication once before the meeting in newspapers of

1 general circulation in the territory of the affected school
2 districts.

3 Sec. 953. If the territory of school districts the boundaries
4 of which are affected by ~~the~~**A** proposed alteration **UNDER SECTION**
5 **951** extends into 2 or more intermediate school districts, the
6 intermediate school board of each intermediate school district
7 shall meet jointly and sit as a single board to act upon the
8 request for the transfer of territory. The resolution or petition
9 for the transfer of territory may be filed with the intermediate
10 school board of 1 of the intermediate school districts. The
11 intermediate superintendent shall call the joint meeting of the
12 affected intermediate school boards and give the notice of the
13 intermediate school districts' meeting under section 952. Action on
14 the resolution or petition for transfer of territory shall be taken
15 only at a meeting attended by at least a quorum of each of the
16 intermediate school boards. The intermediate school boards meeting
17 jointly shall elect 1 of their members chairperson and another
18 secretary of the meeting.

19 Sec. 953a. In making a decision on a proposed transfer of
20 territory under ~~this part~~**SECTION 951**, the intermediate school
21 board, or the intermediate school boards meeting jointly, shall
22 consider the welfare of the affected pupil, including, but not
23 limited to, the length of the pupil's commute to and from school,
24 on a school bus or otherwise.

25 Sec. 954. If the intermediate school board or the joint
26 intermediate school boards approve ~~alterations in the boundaries of~~
27 ~~school districts~~**A TRANSFER OF TERRITORY UNDER SECTION 951 OR IF**

1 **THERE IS A TRANSFER OF TERRITORY UNDER SECTION 951A**, the board or
2 joint boards shall cause a map to be prepared showing in detail the
3 boundaries of the affected school districts before alteration and
4 the boundaries of territory attached or detached. A copy of the map
5 bearing the certification of the intermediate superintendent or the
6 chairperson of the joint boards shall be filed with the secretary
7 of each affected school district and with each affected township
8 supervisor or city assessor.

9 Sec. 955. (1) ~~The~~**FOR A TRANSFER OF TERRITORY UNDER SECTION**
10 **951, THE** intermediate school board or joint intermediate school
11 boards shall determine the effective date of the transfer, which
12 shall not be less than 10 days after the date of the determination.
13 ~~—and~~

14 (2) **FOR A TRANSFER OF TERRITORY UNDER EITHER SECTION 951 OR**
15 **951A, THE INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL**
16 **BOARDS** shall determine whether personal property of a school
17 district is to be transferred. If real property owned by a school
18 district is **LOCATED IN THE TERRITORY TO BE** transferred to another
19 school district, the intermediate school board shall determine an
20 equitable payment for the loss of the property. The intermediate
21 school board or joint intermediate school boards may require an
22 accounting from the affected boards of education and, for the
23 purpose of making the determination, may adjourn subject to the
24 call of the president of the intermediate school board or
25 chairperson of the joint intermediate school boards.

26 Sec. 971. (1) ~~One~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
27 **(3), 1** or more resident owners of land considered for transfer from

1 1 school district to another, or the board of a school district
2 whose territory is affected, may appeal the action of the
3 intermediate school board or joint intermediate school boards in
4 transferring the land, the failure to transfer the land, or action
5 relative to the accounting determination to the ~~state board~~
6 **SUPERINTENDENT OF PUBLIC INSTRUCTION** within 10 days after the
7 action or determination by the intermediate school board or the
8 joint intermediate school boards. If the intermediate school board
9 or the joint intermediate school boards fail to take action within
10 the time limit under section 951, the appeal may be made to the
11 ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION** within 10 days
12 following the termination of the period. The pendency of an appeal
13 shall suspend the action or determination of the intermediate
14 school board or joint intermediate school boards.

15 (2) ~~The state board~~ **UPON APPEAL UNDER SUBSECTION (1), THE**
16 **SUPERINTENDENT OF PUBLIC INSTRUCTION** may confirm, modify, or set
17 aside the order of the intermediate school board or the joint
18 intermediate school boards. In considering an appeal, the ~~state~~
19 ~~board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION** shall consider the
20 welfare of ~~the~~ **ANY** affected ~~pupil~~ **PUPILS**, including, but not
21 limited to, the length of the ~~pupil's~~ **PUPILS'** commute to and from
22 school, on a school bus or otherwise. The action of the ~~state board~~
23 **SUPERINTENDENT OF PUBLIC INSTRUCTION** on the appeal is final.

24 (3) **THIS SECTION DOES NOT APPLY TO A TRANSFER OF TERRITORY**
25 **UNDER SECTION 951A.**