



HOUSE BILL No. 4526

March 23, 1993, Introduced by Reps. Baade, Barns, Stille, Pitoniak, Joe Young, Jr., Keith, Agee, Stallworth, DeMars, Horton and Cropsey and referred to the Committee on Education.

A bill to amend section 971 of Act No. 451 of the Public Acts of 1976, entitled as amended
"The school code of 1976,"
being section 380.971 of the Michigan Compiled Laws; and to add section 953a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 971 of Act No. 451 of the Public Acts of
2 1976, being section 380.971 of the Michigan Compiled Laws, is
3 amended and section 953a is added to read as follows:

4 SEC. 953A. (1) IN MAKING A DECISION ON A PROPOSED TRANSFER
5 OF TERRITORY UNDER THIS PART, THE INTERMEDIATE SCHOOL BOARD, OR
6 THE INTERMEDIATE SCHOOL BOARDS MEETING JOINTLY, SHALL CONSIDER AT
7 LEAST ALL OF THE FOLLOWING FACTORS THAT ARE APPLICABLE TO THE
8 PROPOSED TRANSFER AND THE EFFECT OF EACH OF THEM ON THE

1 EDUCATIONAL WELFARE OF ALL OF THE PUPILS RESIDING IN THE AFFECTED
2 SCHOOL DISTRICTS:

3 (A) THE EDUCATIONAL NEEDS OF ALL PUPILS RESIDING IN THE
4 AFFECTED SCHOOL DISTRICTS, THE EDUCATIONAL PROGRAMS CURRENTLY
5 OFFERED BY EACH AFFECTED SCHOOL DISTRICT, THE IMPACT THE PROPOSED
6 TRANSFER WOULD HAVE ON EACH AFFECTED SCHOOL DISTRICT'S SCHOOL
7 IMPROVEMENT PLAN UNDER SECTION 1277, AND THE ABILITY OF EACH
8 AFFECTED SCHOOL DISTRICT TO MEET CURRENT EDUCATIONAL NEEDS.

9 (B) THE IMPACT THE PROPOSED TRANSFER WOULD HAVE ON THE
10 AFFECTED SCHOOL DISTRICTS' CAPACITY TO OPERATE A QUALITY EDUCA-
11 TIONAL PROGRAM, INCLUDING BOTH THE CURRICULAR AND EXTRACURRICULAR
12 ASPECTS OF THAT PROGRAM.

13 (C) THE GEOGRAPHICAL AND TOPOGRAPHICAL CHARACTERISTICS OF
14 THE AFFECTED SCHOOL DISTRICTS, INCLUDING THE ESTIMATED TRAVEL
15 TIME TO AND FROM SCHOOL FOR PUPILS IN THE AFFECTED SCHOOL DIS-
16 TRICTS AND THE RELATIONSHIP BETWEEN SCHOOL DISTRICT AND MUNICIPAL
17 BOUNDARIES.

18 (D) THE IMPACT THE PROPOSED TRANSFER WOULD HAVE ON THE
19 AFFECTED SCHOOL DISTRICTS' FISCAL RESOURCES, INCLUDING EACH
20 AFFECTED SCHOOL DISTRICT'S TAX BASE, BONDED INDEBTEDNESS, AND
21 STATE SCHOOL AID.

22 (E) THE IMPACT THE PROPOSED TRANSFER WOULD HAVE ON THE
23 AFFECTED SCHOOL DISTRICTS' PHYSICAL FACILITIES.

24 (F) THE IMPACT THE PROPOSED TRANSFER WOULD HAVE ON THE
25 AFFECTED SCHOOL DISTRICTS' HUMAN RESOURCES AND COLLECTIVE BAR-
26 GAINING AGREEMENTS.

1 (G) THE SOCIOECONOMIC STATUS AND THE RACIAL AND ETHNIC
2 COMPOSITION OF THE PUPILS RESIDING IN THE AFFECTED SCHOOL
3 DISTRICTS AND THE IMPACT THE PROPOSED TRANSFER WOULD HAVE ON
4 THESE FACTORS.

5 (H) THE COMMENTS OF AND WRITTEN STATEMENTS OFFERED BY RESI-
6 DENTS OF THE AFFECTED SCHOOL DISTRICTS CONCERNING THE PROPOSED
7 TRANSFER.

8 (2) THE MEETING OF THE INTERMEDIATE SCHOOL BOARD OR JOINT
9 INTERMEDIATE SCHOOL BOARDS TO CONSIDER A TRANSFER OF PROPERTY
10 UNDER THIS PART SHALL BE CONDUCTED INFORMALLY, BUT SHALL ALLOW
11 ALL CONTENTIONS AND RESPONSES TO BE AMPLY AND FAIRLY PRESENTED.
12 THE INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL BOARDS
13 MAY CONSIDER ONLY THE EVIDENCE PRESENTED AT THE MEETING. THE
14 INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL BOARDS
15 SHALL RENDER A WRITTEN DECISION APPROVING OR DENYING THE TRANSFER
16 OF TERRITORY AND STATING THE FACTORS CONSIDERED IN THE DECISION,
17 AND SHALL DELIVER WRITTEN NOTICE OF THE DECISION TO EACH PETI-
18 TIONER AND EACH AFFECTED SCHOOL DISTRICT NOT LATER THAN 15 DAYS
19 AFTER THE MEETING. THE WRITTEN DECISION REQUIREMENT OF THIS SUB-
20 SECTION MAY BE MET BY INCLUDING THE DECISION IN THE OFFICIAL
21 MINUTES OF THE MEETING.

22 Sec. 971. (1) One or more resident owners of land consid-
23 ered for transfer from 1 school district to another, or the board
24 of a school district whose territory is affected, may appeal the
25 action of the intermediate school board or joint intermediate
26 school boards ~~in transferring the land, the failure to transfer~~
27 ~~the land,~~ UNDER SECTION 953A or action relative to the

1 accounting determination to the state board within 10 days after
2 the action or determination by the intermediate school board or
3 the joint intermediate school boards. If the intermediate SCHOOL
4 board or the joint intermediate school boards fail to take action
5 within the time limit under section 951, the appeal may be made
6 to the state board within 10 days following the termination of
7 the period. The pendency of an appeal shall suspend the action
8 or determination of the intermediate school board or joint inter-
9 mediate school boards.

10 (2) The state board may confirm, modify, or set aside the
11 order of the intermediate school board or the joint intermediate
12 school boards. IN CONSIDERING AN APPEAL, THE STATE BOARD SHALL
13 REVIEW THE DECISION OF THE INTERMEDIATE SCHOOL BOARD OR THE JOINT
14 INTERMEDIATE SCHOOL BOARDS CONSIDERING ONLY THOSE FACTORS CONSID-
15 ERED BY THE INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE
16 SCHOOL BOARDS. A DECISION OF AN INTERMEDIATE SCHOOL BOARD OR
17 JOINT INTERMEDIATE SCHOOL BOARDS SHALL BE SET ASIDE OR MODIFIED
18 ONLY IF THE STATE BOARD FINDS IN WRITING THAT THE DECISION IS NOT
19 SUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL EVIDENCE
20 PRESENTED AT THE MEETING OR THAT THE INTERMEDIATE SCHOOL BOARD OR
21 JOINT INTERMEDIATE SCHOOL BOARDS ACTED ARBITRARILY. The action of
22 the state board on the appeal ~~shall be~~ IS final.