

# HOUSE BILL No. 6157

June 4, 2002, Introduced by Rep. Bishop and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 951 and 971 (MCL 380.951 and 380.971), section 951 as amended by 1990 PA 147 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 intermediate school board may detach territory from 1 school district and attach the territory to another  
2       school district ~~if~~ IN ANY OF THE FOLLOWING CIRCUMSTANCES:

3       (A) IF requested to do so by resolution of the board of a  
4       school district whose boundaries would be changed by the action.  
5       ~~subject~~

6       (B) SUBJECT to subsection ~~(2)~~ (3), by resolution of the  
7       board of a condominium association acting pursuant to a petition  
8

1 signed by not less than 2/3 of the co-owners of the condominium  
2 association who reside on the land to be transferred. ~~or if~~

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

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

16 (3) ~~(2)~~ The board of a condominium association may request  
17 that an intermediate school board detach territory from 1 school  
18 district and attach the territory to another school district as  
19 described in subsection (1) only if the board of the condominium  
20 association represents the co-owners of a condominium project  
21 that is completed and not less than 75% of the units are sold and  
22 occupied.

23 SEC. 951A. (1) AN INTERMEDIATE SCHOOL BOARD SHALL DETACH  
24 TERRITORY FROM 1 SCHOOL DISTRICT AND ATTACH THE TERRITORY TO  
25 ANOTHER SCHOOL DISTRICT THAT IS CONTIGUOUS TO THE TERRITORY IF  
26 ALL OF THE FOLLOWING ARE MET:

1 (A) THE TERRITORY TO BE TRANSFERRED IS LOCATED IN A FAILING  
2 SCHOOL DISTRICT.

3 (B) THE INTERMEDIATE SCHOOL BOARD IS PETITIONED TO MAKE THE  
4 TRANSFER BY NOT LESS THAN 2/3 OF THE PERSONS WHO OWN PROPERTY AND  
5 RESIDE IN THE TERRITORY TO BE TRANSFERRED. THE PETITION SHALL  
6 SPECIFICALLY IDENTIFY THE TERRITORY TO BE TRANSFERRED.

7 (C) THE BOARD OF THE SCHOOL DISTRICT TO WHICH THE TERRITORY  
8 IS TO BE ATTACHED APPROVES THE TRANSFER.

9 (D) THE TRANSFER IS APPROVED BY AN AFFIRMATIVE VOTE OF A  
10 MAJORITY OF THE SCHOOL ELECTORS WHO RESIDE IN THE TERRITORY TO BE  
11 TRANSFERRED.

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

15 Sec. 971. (1) ~~One~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSEC-  
16 TION (3), 1 or more resident owners of land considered for trans-  
17 fer from 1 school district to another, or the board of a school  
18 district whose territory is affected, may appeal the action of  
19 the intermediate school board or joint intermediate school boards  
20 in transferring the land, the failure to transfer the land, or  
21 action relative to the accounting determination to the ~~state~~  
22 ~~board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION within 10 days after  
23 the action or determination by the intermediate school board or  
24 the joint intermediate school boards. If the intermediate school  
25 board or the joint intermediate school boards fail to take action  
26 within the time limit under section 951, the appeal may be made  
27 to the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION within

1 10 days following the termination of the period. The pendency of  
2 an appeal shall suspend the action or determination of the inter-  
3 mediate school board or joint intermediate school boards.

4 (2) ~~The state board~~ UPON APPEAL UNDER SUBSECTION (1), THE  
5 SUPERINTENDENT OF PUBLIC INSTRUCTION may confirm, modify, or set  
6 aside the order of the intermediate school board or the joint  
7 intermediate school boards. In considering an appeal, the ~~state~~  
8 ~~board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION shall consider the  
9 welfare of ~~the~~ ANY affected ~~pupil~~ PUPILS, including, but not  
10 limited to, the length of the ~~pupil's~~ PUPILS' commute to and  
11 from school, on a school bus or otherwise. The action of the  
12 ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION on the appeal  
13 is final.

14 (3) THE BOARD OF THE SCHOOL DISTRICT FROM WHICH THE TERRI-  
15 TORY IS DETACHED MAY NOT APPEAL A TRANSFER OF TERRITORY UNDER  
16 SECTION 951A.