

# Legislative Analysis

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## SCHOOL BOUNDARY DISPUTES

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**House Bill 4213 (Substitute H-1)**  
**Sponsor: Rep. Bruce Caswell**  
**Committee: Education**  
**First Analysis (6-15-04)**

**BRIEF SUMMARY:** The bill would require intermediate school board members to settle disputes concerning the boundaries of constituent districts (including the appropriate jurisdictional location of particular parcels of taxable property), after consulting the local tax assessor.

**FISCAL IMPACT:** This bill would have no state or local fiscal impact.

### **THE APPARENT PROBLEM:**

There are 524 local school districts located within Michigan's 83 counties. The number is large, and as the map of the districts attests, the boundaries between the hundreds of school districts often meander and are confusing. On occasion, a local tax assessor assigns a parcel of taxable property to the wrong school district. For example, a resident in the Hillsdale school district in Hillsdale County recently received a tax notice that his property taxes had increased significantly. When he sought an explanation from school officials, he learned his property had been incorrectly assigned by the tax assessor to the nearby Jonesville school district, and he was being assessed higher taxes following that district's successful millage election.

Currently under the law, the board of Michigan's 57 intermediate school district makes decisions about the consolidation of school districts, annexations of land to school districts, and the transfer of territory in consideration of students' welfare. Legislation has been introduced to also require intermediate school district board members to settle disputes between their constituent school districts, and when necessary between each other, when the proper location of a parcel of taxable land is being questioned.

### **THE CONTENT OF THE BILL:**

House Bill 4213 would amend the Revised School Code to specify that if there were a dispute concerning the boundaries of its constituent districts for any reason, including but not limited to a dispute concerning the constituent district in which a particular parcel of taxable property was located, then an intermediate school board would be required to decide the dispute, after consulting with the assessor of the local tax collection unit.

Further, if there were a dispute concerning the boundaries of two intermediate school districts, including a dispute about the location of a particular taxable property, then the intermediate school boards of the affected ISDs, meeting jointly, and after consulting

with the local tax assessor, would decide the dispute by a majority vote. Under the bill, the decisions of the boards would be final.

However, the bill specifies that a boundary change under Parts 9, 10, 10A, and 11 of the code would be governed by the applicable part of the current law. [These parts of the code concern consolidation of school districts, MCL 380.851; annexations, MCL 380.901; annexations and transfers, MCL 380.941; and proposed transfers of territory in consideration of pupil welfare, 380.951.]

MCL 380.626

### ***ARGUMENTS:***

#### ***For:***

School district boundaries can change for a variety of reasons—consolidations, annexations, or territory transfers. These kinds of changes are addressed in Parts 9, 10, 10a and 11 of the Revised School Code. The code also charges officials of intermediate school districts (ISDs) with preparing maps that show the lines of each of the ISD’s constituent districts, and after the map is prepared—or whenever it changes—it must be filed with all city and township clerks, all secretaries of local school boards, the state board of education, and the secretary of state. Although ISDs are responsible for accurate maps, the code does not contain a provision that addresses disputed borders. This bill would clarify that ISD board members are the final arbiters of disagreements about taxable property—among both constituent school districts, and also among disputing ISDs.

#### ***Against:***

The bill should be amended to ensure that any vote among two ISD boards is a fair one. Currently the bill would require the board members of disputing ISDs to settle their disputes about the proper location of taxable property by a majority vote. However, some of Michigan’s 56 ISDs have five board members; some have seven; and at least one has nine. As the bill is written, any ISD having a larger number of board members would have an unfair advantage in the vote that is called to settle the dispute.

### ***POSITIONS:***

The Macomb Intermediate School District supports the bill. (6-8-04)

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