

# HOUSE BILL No. 4085

February 1, 2005, Introduced by Reps. Taub and Amos and referred to the Committee on Education.

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~~ **IN ANY OF THE**  
4 **FOLLOWING CIRCUMSTANCES:**

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

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

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

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

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

1           SEC. 951A. (1) AN INTERMEDIATE SCHOOL BOARD SHALL TRANSFER  
2 TERRITORY UNDER THIS SECTION BY DETACHING TERRITORY FROM 1 SCHOOL  
3 DISTRICT AND ATTACHING THE TERRITORY TO ANOTHER SCHOOL DISTRICT  
4 THAT IS CONTIGUOUS TO THE TERRITORY IF ALL OF THE FOLLOWING ARE  
5 MET:

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

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

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

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

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

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

26           (iv) A STATEMENT THAT THE TERRITORY MAY CONTINUE TO BE PART OF  
27 THE SCHOOL DISTRICT FROM WHICH IT IS DETACHED FOR THE PURPOSE OF

1 LEVYING DEBT RETIREMENT TAXES FOR BONDED INDEBTEDNESS EXISTING AT  
2 THE TIME OF THE TRANSFER UNTIL THE BONDS ARE REDEEMED, BUT THAT THE  
3 TERRITORY WILL BE A PART OF THE SCHOOL DISTRICT TO WHICH IT IS TO  
4 BE ATTACHED FOR ALL OTHER PURPOSES.

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

9 (E) THE BOARD OF THE SCHOOL DISTRICT TO WHICH THE TERRITORY IS  
10 TO BE ATTACHED APPROVES THE PROPOSED TRANSFER.

11 (F) THE TRANSFER IS APPROVED BY A MAJORITY OF THOSE SCHOOL  
12 ELECTORS RESIDING IN THE TERRITORY TO BE TRANSFERRED VOTING ON THE  
13 QUESTION. THE ELECTION SHALL BE CONDUCTED BY THE BOARD OF THE  
14 SCHOOL DISTRICT TO WHICH THE TERRITORY IS TO BE ATTACHED.

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

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

20 (A) THE INTERMEDIATE SCHOOL BOARD SHALL NOTIFY THE BOARD OF  
21 THE SCHOOL DISTRICT TO WHICH THE TERRITORY IS TO BE ATTACHED OF THE  
22 PETITION AND FORWARD THE PETITION TO THAT BOARD WITHIN 3 DAYS AFTER  
23 RECEIVING THE PETITION.

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

27 (C) IF THE BOARD OF THE SCHOOL DISTRICT TO WHICH THE TERRITORY

1 IS TO BE ATTACHED APPROVES THE TRANSFER, THAT BOARD SHALL CONDUCT  
2 THE ELECTION REQUIRED UNDER SUBSECTION (1)(F) WITHIN 60 DAYS AFTER  
3 APPROVING THE PROPOSED TRANSFER.

4 (D) IF THE TRANSFER OF TERRITORY IS APPROVED AT THE ELECTION,  
5 THE TRANSFER OF TERRITORY TAKES EFFECT AT THE BEGINNING OF THE NEXT  
6 SCHOOL FISCAL YEAR IMMEDIATELY FOLLOWING FINAL CERTIFICATION OF THE  
7 ELECTION RESULTS.

8 (4) AS USED IN THIS SECTION, "SUBDIVISION" MEANS A SUBDIVISION  
9 PLATTED UNDER THE LAND DIVISION ACT, 1967 PA 288, MCL 560.101 TO  
10 560.293, OR UNDER A PREDECESSOR ACT, OR A CONDOMINIUM PROJECT WITH  
11 A CONDOMINIUM SUBDIVISION PLAN UNDER SECTION 66 OF THE CONDOMINIUM  
12 ACT, 1978 PA 59, MCL 559.166, THAT HAS BEEN RECORDED BY THE  
13 REGISTER OF DEEDS.

14 Sec. 952. ~~The~~ FOR A TRANSFER OF TERRITORY UNDER SECTION 951,  
15 THE intermediate superintendent shall give 10 days' notice of the  
16 time and place of the meeting of the intermediate school board and  
17 of the proposed alterations in school district boundaries to be  
18 considered by publication once before the meeting in newspapers of  
19 general circulation in the territory of the affected school  
20 districts.

21 Sec. 953. If the territory of school districts the boundaries  
22 of which are affected by ~~the~~ A proposed alteration UNDER SECTION  
23 951 extends into 2 or more intermediate school districts, the  
24 intermediate school board of each intermediate school district  
25 shall meet jointly and sit as a single board to act upon the  
26 request for the transfer of territory. The resolution or petition  
27 for the transfer of territory may be filed with the intermediate

1 school board of 1 of the intermediate school districts. The  
2 intermediate superintendent shall call the joint meeting of the  
3 affected intermediate school boards and give the notice of the  
4 intermediate school districts' meeting under section 952. Action on  
5 the resolution or petition for transfer of territory shall be taken  
6 only at a meeting attended by at least a quorum of each of the  
7 intermediate school boards. The intermediate school boards meeting  
8 jointly shall elect 1 of their members chairperson and another  
9 secretary of the meeting.

10 Sec. 953a. In making a decision on a proposed transfer of  
11 territory under ~~this part~~ **SECTION 951**, the intermediate school  
12 board, or the intermediate school boards meeting jointly, shall  
13 consider the welfare of the affected pupil, including, but not  
14 limited to, the length of the pupil's commute to and from school,  
15 on a school bus or otherwise.

16 Sec. 954. If the intermediate school board or the joint  
17 intermediate school boards approve ~~alterations in the boundaries~~  
18 ~~of school districts~~ **A TRANSFER OF TERRITORY UNDER SECTION 951 OR**  
19 **IF THERE IS A TRANSFER OF TERRITORY UNDER SECTION 951A**, the board  
20 or joint boards shall cause a map to be prepared showing in detail  
21 the boundaries of the affected school districts before alteration  
22 and the boundaries of territory attached or detached. A copy of the  
23 map bearing the certification of the intermediate superintendent or  
24 the chairperson of the joint boards shall be filed with the  
25 secretary of each affected school district and with each affected  
26 township supervisor or city assessor.

27 Sec. 955. (1) ~~The~~ **FOR A TRANSFER OF TERRITORY UNDER SECTION**

1 951, THE intermediate school board or joint intermediate school  
2 boards shall determine the effective date of the transfer, which  
3 shall not be less than 10 days after the date of the determination.

4 ~~and~~

5 (2) FOR A TRANSFER OF TERRITORY UNDER EITHER SECTION 951 OR  
6 951A, THE INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL  
7 BOARDS shall determine whether personal property of a school  
8 district is to be transferred. If real property owned by a school  
9 district is LOCATED IN THE TERRITORY TO BE transferred to another  
10 school district, the intermediate school board shall determine an  
11 equitable payment for the loss of the property. The intermediate  
12 school board or joint intermediate school boards may require an  
13 accounting from the affected boards of education and, for the  
14 purpose of making the determination, may adjourn subject to the  
15 call of the president of the intermediate school board or  
16 chairperson of the joint intermediate school boards.

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

1 the time limit under section 951, the appeal may be made to the  
2 ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION** within 10 days  
3 following the termination of the period. The pendency of an appeal  
4 shall suspend the action or determination of the intermediate  
5 school board or joint intermediate school boards.

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

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