

# HOUSE BILL No. 4718

April 17, 1991, Introduced by Reps. Baade, Dobronski, DeMars, Joe Young, Jr., Gire, Stallworth, Barns, Anthony, Kosteva, Munsell, Knight, Bouchard and Jonker and referred to the Committee on Education.

A bill to amend sections 605 and 953 of Act No. 451 of the Public Acts of 1976, entitled as amended  
"The school code of 1976,"  
section 605 as amended by Act No. 86 of the Public Acts of 1985, being sections 380.605 and 380.953 of the Michigan Compiled Laws; to add section 972; and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 605 and 953 of Act No. 451 of the  
2 Public Acts of 1976, section 605 as amended by Act No. 86 of the  
3 Public Acts of 1985, being sections 380.605 and 380.953 of the  
4 Michigan Compiled Laws, are amended and section 972 is added to  
5 read as follows:

6       Sec. 605. (1) If constituent districts of more than 1  
7 intermediate school district are reorganized into a single school  
8 district, the reorganized school district shall be constituent to

1 the intermediate school district designated by the board of the  
2 reorganized school district. If a decision is not reached within  
3 30 days after the effective date of the reorganization of the  
4 constituent districts, the determination shall be made by the  
5 state board.

6 (2) A constituent district, by resolution of its board, may  
7 transfer and become constituent to another contiguous intermedi-  
8 ate school district if approval is given by each intermediate  
9 school board affected. The intermediate school board shall take  
10 final action within 60 days after receiving a resolution. If an  
11 intermediate school district from which a constituent district  
12 wishes to transfer has fewer than 4,000 constituent district  
13 pupils and fails to take action or denies a transfer, the inac-  
14 tion or decision may be appealed to the state board. ~~using the~~  
15 ~~procedures described in section 971 of this act.~~ THE STATE BOARD  
16 MAY GRANT OR DENY APPROVAL OF THE TRANSFER IF THE INTERMEDIATE  
17 BOARD HAS FAILED TO TAKE ACTION AND MAY CONFIRM, MODIFY, OR SET  
18 ASIDE A DENIAL BY THE INTERMEDIATE SCHOOL BOARD. THE ACTION OF  
19 THE STATE BOARD ON THE APPEAL IS FINAL. If the intermediate  
20 school district to which transfer is proposed has adopted by ref-  
21 erendum a program for financing special education programs for  
22 handicapped persons, or has bonded indebtedness outstanding for  
23 special education building facilities, the registered school  
24 electors of the constituent district to be transferred shall vote  
25 on the acceptance of those sections and the assumption of the  
26 district's pro rata share of bonded indebtedness outstanding for  
27 special education facilities for handicapped persons.

1       (3) If the intermediate school district to which transfer is  
2 proposed has established an area vocational-technical education  
3 program by referendum, or has bonded indebtedness outstanding for  
4 area vocational-technical education facilities, the registered  
5 school electors of the district to be transferred shall vote on  
6 the acceptance of those sections and the assumption of the  
7 district's pro rata share of bonded indebtedness outstanding for  
8 area vocational-technical education facilities.

9       (4) The transfer is effective only if the applicable issues  
10 relating to special education programs, area vocational-technical  
11 education programs, and bonded indebtedness for special education  
12 and area vocational-technical facilities are approved at an elec-  
13 tion in the constituent district proposing transfer at which all  
14 applicable issues are submitted and receive favorable  
15 majorities.

16       (5) The territory of a constituent district of an intermedi-  
17 ate school district having bonded indebtedness for special educa-  
18 tion facilities or area vocational-technical education facilities  
19 which is transferred to another intermediate school district  
20 shall remain as a part of the intermediate school district from  
21 which transferred for the purpose of levying debt retirement  
22 taxes for the bonded indebtedness until the bonds are redeemed or  
23 sufficient funds are available in the debt retirement funds for  
24 that purpose. The transferred constituent district shall be a  
25 constituent district of the intermediate school district to which  
26 transferred for all other purposes.

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

18        (2) IN MAKING A DECISION ON A PROPOSED TRANSFER OF TERRITO-  
19 RY, THE INTERMEDIATE SCHOOL BOARD OR THE INTERMEDIATE BOARDS  
20 MEETING JOINTLY SHALL CONSIDER THE FOLLOWING FACTORS AND THE  
21 EFFECT OF EACH ON THE EDUCATIONAL WELFARE OF ALL OF THE PUPILS  
22 RESIDING IN THE AFFECTED SCHOOL DISTRICTS:

23        (A) THE EDUCATIONAL NEEDS OF ALL PUPILS RESIDING IN THE  
24 AFFECTED SCHOOL DISTRICTS, THE EDUCATIONAL PROGRAMS CURRENTLY  
25 OFFERED BY EACH AFFECTED SCHOOL DISTRICT, THE IMPACT THE PROPOSED  
26 TRANSFER WOULD HAVE ON EACH AFFECTED SCHOOL DISTRICT'S SCHOOL  
27 IMPROVEMENT PLAN, THE ABILITY OF EACH AFFECTED SCHOOL DISTRICT TO

1 MEET CURRENT EDUCATIONAL NEEDS, AND THE COMMITMENT OF EACH  
2 AFFECTED SCHOOL DISTRICT TO ITS LONG-RANGE EDUCATIONAL PLAN.

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

7 (C) THE GEOGRAPHICAL AND TOPOGRAPHICAL CHARACTERISTICS OF  
8 THE AFFECTED SCHOOL DISTRICTS, INCLUDING THE ESTIMATED TRAVEL  
9 TIME TO AND FROM SCHOOL FOR PUPILS IN THE AFFECTED SCHOOL DIS-  
10 TRICTS AND THE RELATIONSHIP BETWEEN SCHOOL DISTRICT AND MUNICIPAL  
11 BOUNDARIES.

12 (D) THE IMPACT THE PROPOSED TRANSFER WOULD HAVE ON THE  
13 AFFECTED SCHOOL DISTRICTS' FISCAL RESOURCES, INCLUDING EACH  
14 AFFECTED SCHOOL DISTRICT'S TAX BASE AND BONDED INDEBTEDNESS.

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

17 (F) THE IMPACT THE PROPOSED TRANSFER WOULD HAVE ON THE  
18 AFFECTED SCHOOL DISTRICTS' HUMAN RESOURCES AND COLLECTIVE BAR-  
19 GAINING AGREEMENTS.

20 (G) THE SOCIOECONOMIC STATUS AND THE RACIAL AND ETHNIC COM-  
21 POSITION OF THE PUPILS RESIDING IN THE AFFECTED SCHOOL DISTRICTS  
22 AND THE IMPACT THE PROPOSED TRANSFER WOULD HAVE ON THESE  
23 FACTORS.

24 (H) THE TESTIMONY OF AND WRITTEN STATEMENTS FILED BY RESI-  
25 DENTS OF THE AFFECTED SCHOOL DISTRICTS CONCERNING THE PROPOSED  
26 TRANSFER.

1       (3) THE MEETING OF THE INTERMEDIATE SCHOOL BOARD OR JOINT  
2 INTERMEDIATE SCHOOL BOARDS TO CONSIDER A TRANSFER OF PROPERTY  
3 SHALL BE CONDUCTED INFORMALLY, BUT SHALL ALLOW ALL CONTENTIONS  
4 AND RESPONSES TO BE AMPLY AND FAIRLY PRESENTED. THE INTERMEDIATE  
5 SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL BOARDS MAY CONSIDER  
6 ONLY THE EVIDENCE PRESENTED AT THE MEETING. THE INTERMEDIATE  
7 SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL BOARDS SHALL RENDER A  
8 WRITTEN DECISION APPROVING OR DENYING THE TRANSFER OF TERRITORY,  
9 CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND SHALL  
10 DELIVER WRITTEN NOTICE OF THE DECISION TO THE AFFECTED SCHOOL  
11 DISTRICTS NOT LATER THAN 15 DAYS AFTER THE MEETING.

12       SEC. 972. (1) ONE OR MORE RESIDENT OWNERS OF LAND CONSID-  
13 ERED FOR TRANSFER FROM 1 SCHOOL DISTRICT TO ANOTHER, OR THE BOARD  
14 OF A SCHOOL DISTRICT WHOSE TERRITORY IS AFFECTED BY A PROPERTY  
15 TRANSFER DECISION UNDER SECTION 953, MAY APPEAL THE ACTION OF THE  
16 INTERMEDIATE SCHOOL BOARD OR THE JOINT INTERMEDIATE SCHOOL BOARDS  
17 UNDER SECTION 953 TO THE SCHOOL DISTRICT BOUNDARIES APPEALS BOARD  
18 AS PROVIDED IN THIS SECTION.

19       (2) THE SCHOOL DISTRICT BOUNDARIES APPEALS BOARD IS CREATED  
20 IN THE DEPARTMENT TO DECIDE APPEALS PURSUANT TO THIS SECTION.  
21 THE SCHOOL DISTRICT BOUNDARIES APPEALS BOARD SHALL CONSIST OF THE  
22 SUPERINTENDENT OF PUBLIC INSTRUCTION OR HIS OR HER DESIGNEE AND  
23 THE FOLLOWING 6 MEMBERS APPOINTED BY THE STATE BOARD, AT LEAST 4  
24 OF WHOM ARE RESIDENTS OR EMPLOYEES OF A SCHOOL DISTRICT THAT  
25 RECEIVES FORMULA AID UNDER SECTION 21(1) OF THE STATE SCHOOL AID  
26 ACT OF 1979, BEING SECTION 380.1621 OF THE MICHIGAN COMPILED  
27 LAWS:

1 (A) A MEMBER OF THE BOARD OF A FIRST-CLASS OR SECOND-CLASS  
2 SCHOOL DISTRICT.

3 (B) A MEMBER OF THE BOARD OF A THIRD-CLASS SCHOOL DISTRICT.

4 (C) A MEMBER OF THE BOARD OF A FOURTH-CLASS SCHOOL  
5 DISTRICT.

6 (D) AN INDIVIDUAL EMPLOYED BY A SCHOOL DISTRICT AS A  
7 TEACHER.

8 (E) AN INDIVIDUAL EMPLOYED BY A SCHOOL DISTRICT AS A SCHOOL  
9 ADMINISTRATOR.

10 (F) AN INDIVIDUAL REPRESENTING THE GENERAL PUBLIC.

11 (3) THE STATE BOARD SHALL NOT APPOINT MORE THAN 1 RESIDENT  
12 OF A PARTICULAR SCHOOL DISTRICT TO THE SCHOOL DISTRICT BOUNDARIES  
13 APPEALS BOARD.

14 (4) THE SCHOOL DISTRICT BOUNDARIES APPEALS BOARD SHALL MEET  
15 ANNUALLY TO CONSIDER APPEALS OF PROPERTY TRANSFER DECISIONS. THE  
16 MEETING PERIOD SHALL BEGIN NO EARLIER THAN THE THIRD WEEK IN  
17 JANUARY AND END NO LATER THAN THE END OF MARCH.

18 (5) A PERSON APPEALING UNDER THIS SECTION SHALL FILE A WRIT-  
19 TEN NOTICE OF APPEAL WITH THE SCHOOL DISTRICT BOUNDARIES APPEALS  
20 BOARD NO LATER THAN NOVEMBER 1 OF THE YEAR PRECEDING THE BOARD'S  
21 NEXT ANNUAL MEETING PERIOD. THE NOTICE OF APPEAL SHALL STATE  
22 SPECIFICALLY THE GROUNDS ON WHICH THE APPEAL IS BASED. THE  
23 DETERMINATION OF THE INTERMEDIATE SCHOOL BOARD OR THE JOINT  
24 INTERMEDIATE SCHOOL BOARDS IS SUSPENDED WHILE AN APPEAL IS  
25 PENDING.

26 (6) IN CONSIDERING AN APPEAL, THE SCHOOL DISTRICT BOUNDARIES  
27 APPEALS BOARD SHALL REVIEW THE DECISION OF THE INTERMEDIATE

1 SCHOOL BOARD OR THE JOINT INTERMEDIATE SCHOOL BOARDS AND MAY  
2 CONFIRM THAT DECISION OR MAY SET ASIDE OR MODIFY THAT DECISION.  
3 A DECISION OF AN INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE  
4 SCHOOL BOARDS SHALL BE SET ASIDE OR MODIFIED ONLY IF THE SCHOOL  
5 DISTRICT BOUNDARIES APPEALS BOARD FINDS IN WRITING THAT THE FAC-  
6 TUAL FINDINGS AND CONCLUSIONS OF LAW ARE NOT SUPPORTED BY COMPE-  
7 TENT, MATERIAL, AND SUBSTANTIAL EVIDENCE ON THE RECORD OR THAT  
8 THE INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL BOARDS  
9 ACTED ARBITRARILY OR WITHOUT AUTHORITY. AN AFFIRMATIVE VOTE BY  
10 THE MAJORITY OF THE MEMBERS SERVING ON THE SCHOOL DISTRICT BOUND-  
11 ARIES APPEALS BOARD IS REQUIRED TO MAKE A DECISION ON AN APPEAL.

12 (7) THE ACTION OF THE SCHOOL DISTRICT BOUNDARIES APPEALS  
13 BOARD ON THE APPEAL IS FINAL.

14 (8) THE SCHOOL DISTRICT BOUNDARIES APPEALS BOARD SHALL PRO-  
15 VIDE A COPY OF ITS DECISION TO THE APPELLANT, APPELLEE, AND ANY  
16 AFFECTED SCHOOL DISTRICTS NO LATER THAN MAY 15.

17 (9) THE SCHOOL DISTRICT BOUNDARIES APPEALS BOARD SHALL  
18 COMPLY WITH THE OPEN MEETINGS ACT, ACT NO. 267 OF THE PUBLIC ACTS  
19 OF 1976, BEING SECTIONS 15.261 TO 15.275 OF THE MICHIGAN COMPILED  
20 LAWS, AND THE FREEDOM OF INFORMATION ACT, ACT NO. 442 OF THE  
21 PUBLIC ACTS OF 1976, BEING SECTIONS 15.231 TO 15.246 OF THE  
22 MICHIGAN COMPILED LAWS.

23 (10) THE LEGISLATURE SHALL ESTABLISH ANNUALLY THE PER DIEM  
24 COMPENSATION OF THE APPOINTED MEMBERS OF THE SCHOOL DISTRICT  
25 BOUNDARIES APPEALS BOARD AND A SCHEDULE FOR REIMBURSEMENT OF  
26 THEIR EXPENSES.



1       Section 2.   Section 971 of Act No. 451 of the Public Acts of  
2 1976, being section 380.971 of the Michigan Compiled Laws, is  
3 repealed.