

# HOUSE BILL No. 5065

September 24, 2003, Introduced by Reps. Taub, Amos, Ward, Howell, Drolet, DeRoche, Milosch, Sheen and Wenke 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  
3 attach the territory to another school district ~~if~~ **in any of**  
4 **the following circumstances:**

5       **(a)** If requested to do so by resolution of the board of a  
6 school district whose boundaries would be changed by the action.  
7 ~~;~~ subject

1           **(b) Subject** to subsection ~~-(2)-~~ **(3)**, by resolution of the  
 2 board of a condominium association acting pursuant to a petition  
 3 signed by not less than 2/3 of the co-owners of the condominium  
 4 association who reside on the land to be transferred. ~~—; or if~~

5           **(c) If** petitioned by not less than 2/3 of the persons who own  
 6 and reside on the land to be transferred.

7           **(2)** The intermediate school board shall take final action  
 8 within 60 days after the receipt of the resolution or petition.  
 9 The territory to be detached shall be contiguous to the school  
 10 district to which it is attached. ~~—If~~ **Subject to section 951a,**  
 11 **if** the latest ~~—assessed valuation—~~ **taxable value** of the territory  
 12 to be detached is more than 10% of the latest ~~—assessed~~  
 13 ~~valuation—~~ **taxable value** of the entire school district from which  
 14 the territory is to be detached, the action of the intermediate  
 15 school board shall not be effective unless approved by an  
 16 affirmative vote of a majority of the school electors of the  
 17 school district from which the territory is to be detached.

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

25           **Sec. 951a. (1) An intermediate school board shall transfer**  
 26 **territory under this section by detaching territory from 1 school**  
 27 **district and attaching the territory to another school district**

1 that is contiguous to the territory if all of the following are  
2 met:

3 (a) The territory to be transferred is a subdivision,  
4 village, city, or township that includes property in more than 1  
5 school district or is a subdivision that is located in a village,  
6 city, or township that includes property in more than 1 school  
7 district.

8 (b) The territory to be transferred has not been previously  
9 transferred under this section within the immediately preceding  
10 15 years.

11 (c) The intermediate school board is petitioned to make the  
12 transfer by not less than a majority of the persons who own  
13 property and reside in the territory to be transferred. If the  
14 affected school districts are in more than 1 intermediate school  
15 district, the petition may be filed with either intermediate  
16 school board. The petition shall specifically include all of the  
17 following:

18 (i) The boundaries of the territory to be transferred.

19 (ii) The total number of mills of ad valorem property tax  
20 levied by the school district from which the territory is to be  
21 detached, including both operating millage and debt millage.

22 (iii) The total number of mills of ad valorem property tax  
23 levied by the school district to which the territory is to be  
24 attached, including both operating millage and debt millage.

25 (iv) A statement that the territory may continue to be part  
26 of the school district from which it is detached for the purpose  
27 of levying debt retirement taxes for bonded indebtedness existing

1 at the time of the transfer until the bonds are redeemed, but  
2 that the territory will be a part of the school district to which  
3 it is to be attached for all other purposes.

4 (d) The board of the school district to which the territory  
5 is to be attached approves the proposed transfer.

6 (e) The transfer is approved by a majority of those school  
7 electors residing in the territory to be transferred voting on  
8 the question. The election shall be conducted by the board of  
9 the school district to which the territory is to be attached.

10 (2) A transfer of territory under this section is not subject  
11 to approval by the school electors or school board of the school  
12 district from which the territory is detached.

13 (3) If an intermediate school board receives a petition under  
14 subsection (1)(c), all of the following apply:

15 (a) The intermediate school board shall notify the board of  
16 the school district to which the territory is to be attached of  
17 the petition and forward the petition to that board within 3 days  
18 after receiving the petition.

19 (b) The board of the school district to which the territory  
20 is to be attached shall act to approve or disapprove the proposed  
21 transfer within 45 days after receiving the petition.

22 (c) If the board of the school district to which the  
23 territory is to be attached approves the transfer, that board  
24 shall conduct the election required under subsection (1)(e)  
25 within 60 days after approving the proposed transfer.

26 (d) If the transfer of territory is approved at the election,  
27 the transfer of territory takes effect at the beginning of the

1 next school fiscal year immediately following final certification  
2 of the election results.

3 (4) As used in this section, "subdivision" means a  
4 subdivision platted under the land division act, 1967 PA 288, MCL  
5 560.101 to 560.293, or under a predecessor act, or a condominium  
6 project with a condominium subdivision plan under section 66 of  
7 the condominium act, 1978 PA 59, MCL 559.166, that has been  
8 recorded by the register of deeds.

9 Sec. 952. ~~The~~ For a transfer of territory under section  
10 951, the intermediate superintendent shall give 10 days' notice  
11 of the time and place of the meeting of the intermediate school  
12 board and of the proposed alterations in school district  
13 boundaries to be considered by publication once before the  
14 meeting in newspapers of general circulation in the territory of  
15 the affected school districts.

16 Sec. 953. If the territory of school districts the  
17 boundaries of which are affected by ~~the~~ a proposed alteration  
18 under section 951 extends into 2 or more intermediate school  
19 districts, the intermediate school board of each intermediate  
20 school district shall meet jointly and sit as a single board to  
21 act upon the request for the transfer of territory. The  
22 resolution or petition for the transfer of territory may be filed  
23 with the intermediate school board of 1 of the intermediate  
24 school districts. The intermediate superintendent shall call the  
25 joint meeting of the affected intermediate school boards and give  
26 the notice of the intermediate school districts' meeting under  
27 section 952. Action on the resolution or petition for transfer

1 of territory shall be taken only at a meeting attended by at  
2 least a quorum of each of the intermediate school boards. The  
3 intermediate school boards meeting jointly shall elect 1 of their  
4 members chairperson and another secretary of the meeting.

5       Sec. 953a. In making a decision on a proposed transfer of  
6 territory under ~~this part~~ **section 951**, the intermediate school  
7 board, or the intermediate school boards meeting jointly, shall  
8 consider the welfare of the affected pupil, including, but not  
9 limited to, the length of the pupil's commute to and from school,  
10 on a school bus or otherwise.

11       Sec. 954. If the intermediate school board or the joint  
12 intermediate school boards approve ~~alterations in the boundaries~~  
13 ~~of school districts~~ **a transfer of territory under section 951 or**  
14 **if there is a transfer of territory under section 951a**, the board  
15 or joint boards shall cause a map to be prepared showing in  
16 detail the boundaries of the affected school districts before  
17 alteration and the boundaries of territory attached or detached.  
18 A copy of the map bearing the certification of the intermediate  
19 superintendent or the chairperson of the joint boards shall be  
20 filed with the secretary of each affected school district and  
21 with each affected township supervisor or city assessor.

22       Sec. 955. (1) ~~The~~ **For a transfer of territory under**  
23 **section 951, the** intermediate school board or joint intermediate  
24 school boards shall determine the effective date of the transfer,  
25 which shall not be less than 10 days after the date of the  
26 determination. ~~—and~~

27       (2) **For a transfer of territory under either section 951 or**

1 **951a, the intermediate school board or joint intermediate school**  
2 **boards** shall determine whether personal property of a school  
3 district is to be transferred. If real property owned by a  
4 school district is **located in the territory to be** transferred to  
5 another school district, the intermediate school board shall  
6 determine an equitable payment for the loss of the property. The  
7 intermediate school board or joint intermediate school boards may  
8 require an accounting from the affected boards of education and,  
9 for the purpose of making the determination, may adjourn subject  
10 to the call of the president of the intermediate school board or  
11 chairperson of the joint intermediate school boards.

12       Sec. 971. (1) ~~One~~ **Except as otherwise provided in**  
13 **subsection (3), 1** or more resident owners of land considered for  
14 transfer from 1 school district to another, or the board of a  
15 school district whose territory is affected, may appeal the  
16 action of the intermediate school board or joint intermediate  
17 school boards in transferring the land, the failure to transfer  
18 the land, or action relative to the accounting determination to  
19 the ~~state board~~ **superintendent of public instruction** within 10  
20 days after the action or determination by the intermediate school  
21 board or the joint intermediate school boards. If the  
22 intermediate school board or the joint intermediate school boards  
23 fail to take action within the time limit under section 951, the  
24 appeal may be made to the ~~state board~~ **superintendent of public**  
25 **instruction** within 10 days following the termination of the  
26 period. The pendency of an appeal shall suspend the action or  
27 determination of the intermediate school board or joint

1 intermediate school boards.

2       (2) ~~The state board~~ **Upon appeal under subsection (1), the**  
3 **superintendent of public instruction** may confirm, modify, or set  
4 aside the order of the intermediate school board or the joint  
5 intermediate school boards. In considering an appeal, the ~~state~~  
6 ~~board~~ **superintendent of public instruction** shall consider the  
7 welfare of ~~the~~ **any** affected ~~pupil~~ **pupils**, including, but not  
8 limited to, the length of the ~~pupil's~~ **pupils'** commute to and  
9 from school, on a school bus or otherwise. The action of the  
10 ~~state board~~ **superintendent of public instruction** on the appeal  
11 is final.

12       (3) **This section does not apply to a transfer of territory**  
13 **under section 951a.**