

HOUSE BILL No. 4092

January 28, 1999, Introduced by Reps. Gosselin, Jansen, Tabor, Richner, Kuipers, Voorhees, Sanborn, Bishop, DeWeese, Pappageorge, Kukuk, Bisbee, Vander Roest and Bradstreet and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 5, 6, 11a, 613, 616, 617, 661, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 932, 945, and 1361 (MCL 380.3, 380.5, 380.6, 380.11a, 380.613, 380.616, 380.617, 380.661, 380.701, 380.702, 380.703, 380.705, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.932, 380.945, and 380.1361), sections 3, 5, and 6 as amended and section 11a as added by 1995 PA 289, section 617 as amended by 1989 PA 268, section 703 as amended by 1981 PA 87, section 705 as amended by 1994 PA 258, sections 857 and 858 as amended by 1992 PA 263, and section 945 as added by 1984 PA 154, and by adding section 1206; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "ANNUAL SCHOOL ELECTION" OR "ANNUAL ELECTION"
2 MEANS THE ELECTION HELD IN A SCHOOL DISTRICT, LOCAL ACT SCHOOL
3 DISTRICT, OR INTERMEDIATE SCHOOL DISTRICT ON THE FIRST TUESDAY
4 FOLLOWING THE FIRST MONDAY OF NOVEMBER IN EVERY YEAR.

5 (2) ~~(1)~~ "Area" as used in the phrase "area
6 vocational-technical education program" means the geographical
7 territory, both within and without the boundaries of either a K
8 to 12 school district or a community college district, that is
9 designated by the state board as the service area for the opera-
10 tion of an area vocational-technical education program.

11 (3) ~~(2)~~ "Area vocational-technical education program"
12 means a program of organized, systematic instruction designed to
13 prepare the following persons for useful employment in recognized
14 occupations:

15 (a) Persons enrolled in high school.

16 (b) Persons who have completed or left high school and who
17 are available for full-time study in preparation for entering the
18 labor market.

19 (c) Persons who have entered the labor market and who need
20 training or retraining to achieve stability or advancement in
21 employment.

22 (4) ~~(3)~~ "Board" or "school board" means the governing body
23 of a local school district or a local act school district unless
24 clearly otherwise stated.

25 (5) ~~(4)~~ "Boarding school" means a place accepting for
26 board, care, and instruction 5 or more children under 16 years of
27 age.

1 (6) ~~(5)~~ "Constituent district" means a ~~local~~ school
2 district or ~~special~~ LOCAL act school district the territory of
3 which is entirely within and is an integral part of an intermedi-
4 ate school district.

5 Sec. 5. (1) "Local act school district" or "special act
6 school district" means a district governed by a special or local
7 act or chapter of a local act. "Local school district" and
8 "local school district board" as used in article 3 include local
9 act school district and a local act school district board.

10 (2) "Membership" means the number of full-time equivalent
11 pupils in a public school as determined by the number of pupils
12 registered for attendance plus pupils received by transfer and
13 minus pupils lost as defined by rules promulgated by the state
14 board.

15 (3) "MICHIGAN ELECTION LAW" MEANS THE MICHIGAN ELECTION LAW,
16 1954 PA 116, MCL 168.1 TO 168.992.

17 (4) ~~(3)~~ "Nonpublic school" means a private, denomination-
18 al, or parochial school.

19 (5) ~~(4)~~ "Objectives" means measurable pupil academic
20 skills and knowledge.

21 (6) ~~(5)~~ "Public school" means a public elementary or sec-
22 ondary educational entity or agency that is established under
23 this act, has as its primary mission the teaching and learning of
24 academic and vocational-technical skills and knowledge, and is
25 operated by a school district, local act school district, special
26 act school district, intermediate school district, public school
27 academy corporation, or by the department or state board. Public

1 school also includes a laboratory school or other elementary or
2 secondary school that is controlled and operated by a state
3 public university described in section 4, 5, or 6 of article VIII
4 of the state constitution of 1963.

5 (7) ~~(6)~~ "Pupil membership count day" of a school district
6 means that term as defined in section 6 of the state school aid
7 act of 1979, ~~being section 388.1606 of the Michigan Compiled~~
8 ~~Laws~~ MCL 388.1606.

9 (8) ~~(7)~~ "Reorganized intermediate school district" means
10 an intermediate school district formed by consolidation or annex-
11 ation of 2 or more intermediate school districts under sections
12 701 and 702.

13 (9) ~~(8)~~ "Rule" means a rule promulgated pursuant to the
14 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
15 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
16 ~~Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328.

17 Sec. 6. (1) "School district" or "local school district"
18 means a general powers school district organized under this act,
19 regardless of previous classification, or a school district of
20 the first class.

21 (2) "School elector" means a person qualified as an elector
22 under section 492 of the Michigan election law, ~~Act No. 116 of~~
23 ~~the Public Acts of 1954, being section 168.492 of the Michigan~~
24 ~~Compiled Laws, registered as provided in part 12~~ MCL 168.492,
25 and resident of the school district, local act school district,
26 or intermediate school district on or before the thirtieth day
27 before the next ensuing annual or special school election.

1 (3) "School month" means a 4-week period of 5 days each
2 unless otherwise specified in the teacher's contract.

3 (4) "Special education building and equipment" means a
4 structure or portion of a structure or personal property accept-
5 ed, leased, purchased, or otherwise acquired, prepared, or used
6 for special education programs and services.

7 (5) "Special education personnel" means persons engaged in
8 and having professional responsibility for the training, care,
9 and education of handicapped persons in special education pro-
10 grams and services including, but not limited to, teachers,
11 aides, school social workers, diagnostic personnel, physical
12 therapists, occupational therapists, audiologists, teachers of
13 speech and language, instructional media-curriculum specialists,
14 mobility specialists, teacher consultants, supervisors, and
15 directors.

16 (6) "Special education programs and services" means educa-
17 tional and training services designed for handicappers and oper-
18 ated by local school districts, local act school districts,
19 intermediate school districts, the Michigan school for the blind,
20 the Michigan school for the deaf, the department of mental
21 health, the department of social services, or a combination
22 thereof, and ancillary professional services for handicappers
23 rendered by agencies approved by the state board. The programs
24 shall include vocational training, but need not include academic
25 programs of college or university level.

26 (7) "SPECIAL SCHOOL ELECTION" OR "SPECIAL ELECTION" MEANS AN
27 ELECTION HELD IN A SCHOOL DISTRICT AT A DATE OTHER THAN THE

1 ANNUAL SCHOOL ELECTION, AS PROVIDED UNDER THE MICHIGAN ELECTION
2 LAW.

3 (8) ~~-(7)-~~ "State approved nonpublic school" means a nonpub-
4 lic school that complies with ~~Act No. 302 of the Public Acts of~~
5 ~~1921, being sections 388.551 to 388.558 of the Michigan Compiled~~
6 ~~Laws~~ 1921 PA 302, MCL 388.551 TO 388.558.

7 (9) ~~-(8)-~~ "State board" means the state board of education
8 unless clearly otherwise stated.

9 (10) ~~-(9)-~~ "Department" means the department of education
10 created and operating under sections 300 to 305 of the executive
11 organization act of 1965, ~~Act No. 380 of the Public Acts of~~
12 ~~1965, being sections 16.400 to 16.405 of the Michigan Compiled~~
13 ~~Laws~~ 1965 PA 380, MCL 16.400 TO 16.405.

14 (11) ~~-(10)-~~ "State school aid" means allotments from the
15 general appropriating act for the purpose of aiding in the sup-
16 port of the public schools of the state.

17 (12) ~~-(11)-~~ "The state school aid act of 1979" means ~~Act~~
18 ~~No. 94 of the Public Acts of 1979, being sections 388.1601 to~~
19 ~~388.1772 of the Michigan Compiled Laws~~ THE STATE SCHOOL AID ACT
20 OF 1979, 1979 PA 94, MCL 388.1601 TO 388.1772.

21 Sec. 11a. (1) Beginning on the effective date of this sec-
22 tion, each school district formerly organized as a primary school
23 district or as a school district of the fourth class, third
24 class, or second class shall be a general powers school district
25 under this act.

26 (2) Beginning on the effective date of this section, a
27 school district operating under a special or local act shall

1 operate as a general powers school district under this act except
2 to the extent that the special or local act is inconsistent with
3 this act. Upon repeal of a special or local act that governs a
4 school district, that school district shall become a general
5 powers school district under this act.

6 (3) A general powers school district has all of the rights,
7 powers, and duties expressly stated in this act; may exercise a
8 power implied or incident to any power expressly stated in this
9 act; and, except as provided by law, may exercise a power inci-
10 dental or appropriate to the performance of any function related
11 to operation of the school district in the interests of public
12 elementary and secondary education in the school district,
13 including, but not limited to, all of the following:

14 (a) Educating pupils. In addition to educating pupils in
15 grades K-12, this function may include operation of preschool,
16 lifelong education, adult education, community education, train-
17 ing, enrichment, and recreation programs for other persons.

18 (b) Providing for the safety and welfare of pupils while at
19 school or a school sponsored activity or while en route to or
20 from school or a school sponsored activity.

21 (c) Acquiring, constructing, maintaining, repairing, reno-
22 vating, disposing of, or conveying school property, facilities,
23 equipment, technology, or furnishings.

24 (d) Hiring, contracting for, scheduling, supervising, or
25 terminating employees, independent contractors, and others to
26 carry out school district powers. A school district may
27 indemnify its employees.

1 (e) Receiving, accounting for, investing, or expending
2 school district money; borrowing money and pledging school dis-
3 trict funds for repayment; and qualifying for state school aid
4 and other public or private money from local, regional, state, or
5 federal sources.

6 (4) A general powers school district may enter into agree-
7 ments or cooperative arrangements with other entities, public or
8 private, or join organizations as part of performing the func-
9 tions of the school district.

10 (5) A general powers school district is a body corporate and
11 shall be governed by a school board. An act of a school board is
12 not valid unless approved, at a meeting of the school board, by a
13 majority vote of the members lawfully serving on the board.

14 (6) The board of a general powers school district shall
15 adopt bylaws. These bylaws may establish or change board proce-
16 dures, the number of board officers, titles and duties of board
17 officers, and any other matter related to effective and efficient
18 functioning of the board. Regular meetings of the board shall be
19 held at least once each month, at the time and place fixed by the
20 bylaws. Special meetings may be called and held in the manner
21 and for the purposes specified in the bylaws. Board procedures,
22 bylaws, and policies in effect on the effective date of this sec-
23 tion shall continue in effect until changed by action of the
24 board.

25 (7) THE BOARD OF A GENERAL POWERS SCHOOL DISTRICT SHALL HOLD
26 ITS ANNUAL SCHOOL ELECTION ON THE FIRST TUESDAY AFTER THE FIRST
27 MONDAY OF NOVEMBER IN EVERY YEAR.

1 (8) ~~-(7)-~~ The board of a school district shall be elected as
2 provided under this act and the Michigan election law. ~~-, Act~~
3 ~~No. 116 of the Public Acts of 1954, being sections 168.1 to~~
4 ~~168.992 of the Michigan Compiled Laws.~~ The number of members of
5 the board of a general powers school district ~~and the term of~~
6 ~~office for a board member of a general powers school district~~
7 shall remain the same as ~~they were~~ for that school district
8 before ~~the effective date of this section unless either or both~~
9 ~~are~~ JULY 1, 1996 UNLESS changed by the school electors of the
10 school district at ~~a regular~~ AN ANNUAL or special election. A
11 proposition for changing the number of board members ~~or term of~~
12 ~~office~~ may be placed on the ballot by action of the board or by
13 petition submitted by school electors as provided under ~~this~~
14 ~~act~~ THE MICHIGAN ELECTION LAW.

15 (9) ~~-(8)-~~ ~~On the effective date of this section, the~~ THE
16 board of each school district shall continue to be the board of
17 the school district and to function in that capacity. A person
18 lawfully serving on ~~the effective date of this act~~ JULY 1, 1996
19 as a member of the board of a school district shall continue to
20 be a member of the board and shall continue in office for the
21 remainder of the term for which the person was elected or
22 appointed OR UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED.

23 (10) MEMBERS OF THE BOARD OF A GENERAL POWERS SCHOOL DIS-
24 TRICT SHALL BE ELECTED BY THE SCHOOL ELECTORS FOR TERMS OF 4
25 YEARS. AT EACH ANNUAL SCHOOL ELECTION HELD IN AN ODD-NUMBERED
26 YEAR, MEMBERS OF THE BOARD SHALL BE ELECTED TO FILL THE POSITIONS
27 OF THOSE WHOSE TERMS WILL EXPIRE. THE TERM OF OFFICE SHALL

1 COMMENCE ON JANUARY 1 AND CONTINUE UNTIL A SUCCESSOR IS ELECTED
2 AND QUALIFIED.

3 (11) THE BOARD OF A GENERAL POWERS SCHOOL DISTRICT MAY
4 SUBMIT TO THE SCHOOL ELECTORS OF THE SCHOOL DISTRICT A MEASURE,
5 PROPOSITION, OR QUESTION THAT IS WITHIN THE SCOPE OF THE POWERS
6 OF THE SCHOOL ELECTORS AND THAT THE BOARD CONSIDERS JUST AND
7 PROPER FOR THE PROPER MANAGEMENT OR CONDUCT OF THE SCHOOL SYSTEM
8 OR THE ADVANCEMENT OF EDUCATION IN THE SCHOOLS OF THE SCHOOL
9 DISTRICT. UPON THE ADOPTION OF A MEASURE OR QUESTION BY THE
10 BOARD, THE BOARD SHALL SUBMIT THE MEASURE OR QUESTION TO THE
11 SCHOOL ELECTORS OF THE SCHOOL DISTRICT AT THE NEXT ENSUING ANNUAL
12 SCHOOL ELECTION OR AT A SPECIAL ELECTION.

13 (12) A SPECIAL ELECTION MAY BE CALLED BY THE BOARD AS PRO-
14 VIDED IN THIS ACT AND THE MICHIGAN ELECTION LAW.

15 (13) ~~-(9)-~~ Unless expressly provided in ~~the amendatory act~~
16 ~~that added this section~~ 1995 PA 289, the powers of a school
17 board or school district are not diminished by this section or by
18 ~~the amendatory act that added this section~~ 1995 PA 289.

19 (14) ~~-(10)-~~ A school district operating a public library,
20 public museum, or community recreational facility as of ~~the~~
21 ~~effective date of the amendatory act that added this section~~
22 JULY 1, 1996 may continue to operate the public library, public
23 museum, or community recreational facility.

24 Sec. 613. The intermediate school board shall meet annually
25 on or before the fourth Monday of ~~July~~ JANUARY and shall orga-
26 nize by electing a president, a vice-president, a secretary, and
27 a treasurer. The president and vice-president shall be members

1 of the intermediate school board, but the secretary and treasurer
 2 need not be. The officers shall perform duties provided by law
 3 and prescribed by the policies and regulations of the intermedi-
 4 ate school board not inconsistent with this part or other laws of
 5 the state. The treasurer shall post with the secretary a bond in
 6 an amount approved by the intermediate school board, conditioned
 7 upon the faithful performance of the treasurer's duties.

8 Sec. 616. (1) An intermediate school board may submit to
 9 the school electors of the constituent districts comprising the
 10 intermediate school district the question of adoption of sections
 11 615 to 617. The question shall be in substantially the following
 12 form:

13

14 "Shall sections 615 to 617 of the REVISED school code, ~~of~~
 15 ~~1976, as amended,~~ providing for the popular election of members
 16 of the intermediate school board be effective within the constit-
 17 uent districts of _____ (name of intermediate school
 18 district)?

19 Yes ()

20 No ()"

21 (2) The intermediate school board shall submit the question
 22 upon receipt of resolutions adopted by a majority of the boards
 23 of constituent districts and representing more than 1/2 of the
 24 combined memberships of the constituent districts of the interme-
 25 diate school district as of the latest pupil membership count
 26 day. The resolutions of the constituent district boards shall be
 27 adopted between ~~December~~ MARCH 1 and the next succeeding

1 ~~March~~ JULY 1. The question shall be presented to the school
2 electors of the constituent districts at the next annual election
3 after resolutions of constituent district boards meeting the
4 requirements of this section have been filed with the secretary
5 of the intermediate school board.

6 (3) If a majority of the school electors votes in favor of
7 popular election, members of the intermediate school board shall
8 be elected at the next annual election HELD IN AN ODD-NUMBERED
9 YEAR and biennially thereafter at the annual school elections of
10 the constituent districts. ~~If a constituent district holds its~~
11 ~~annual election on a date other than the second Monday in June,~~
12 ~~an election for the purpose of choosing members of the intermedi-~~
13 ~~ate school board shall be held in that district on the second~~
14 ~~Monday in June.~~

15 (4) An intermediate school district ~~which~~ THAT adopts sec-
16 tions 615 to 617 may ~~in the same manner~~ terminate the popular
17 election of members of the intermediate school board IN THE SAME
18 MANNER.

19 Sec. 617. ~~(1)~~ In an intermediate school district in which
20 sections 615 to 617 are effective, a candidate for the office of
21 member of the intermediate school board shall be nominated, ~~by~~
22 ~~filing nominating petitions and an affidavit~~ AND MEMBERS SHALL
23 BE ELECTED, as provided in ~~section 558 of~~ the Michigan election
24 law. ~~, Act No. 116 of the Public Acts of 1954, being section~~
25 ~~168.558 of the Michigan Compiled Laws, with the secretary of the~~
26 ~~board of the intermediate school district before 4 p.m. of the~~
27 ~~ninth Monday before the election.~~

1 ~~(2) The nominating petitions shall be in the form provided~~
2 ~~in section 1066. Nominating petitions shall contain signatures~~
3 ~~of school electors who are registered to vote in the city or~~
4 ~~township in which they reside equal in number to not less than~~
5 ~~1.5% of the combined pupil memberships of the constituent dis-~~
6 ~~tricts on the latest pupil membership count day. A candidate is~~
7 ~~not required to file signatures of more than 5,000 voters. Each~~
8 ~~sheet of the petition shall be circulated in 1 city or township~~
9 ~~only.~~

10 ~~(3) Within 14 days after the last date for filing, the sec-~~
11 ~~retary of the intermediate school board shall certify the names~~
12 ~~and addresses of those candidates whose petitions are found to be~~
13 ~~sufficient to the secretaries of the boards of the constituent~~
14 ~~districts. The secretary of the intermediate school board shall~~
15 ~~certify the number to be elected. The secretary of the interme-~~
16 ~~diate school board shall notify the county clerk of the names and~~
17 ~~addresses of the candidates not later than 3 days after the last~~
18 ~~day for candidate withdrawal. However, if the third day is a~~
19 ~~Saturday, Sunday, or legal holiday, the notice may be sent on the~~
20 ~~next day that is not a Saturday, Sunday, or legal holiday.~~

21 ~~(4) The intermediate school board shall provide ballots for~~
22 ~~the election of members of the intermediate school board and dis-~~
23 ~~tribute the ballots to the secretaries of each of the constituent~~
24 ~~districts not less than 20 days before the annual school~~
25 ~~elections.~~

26 ~~(5) At the first election, 3 members of an intermediate~~
27 ~~school board shall be elected for a term of 6 years, 2 for a term~~

~~1 of 4 years, and 2 for a term of 2 years. After the first
2 election, their successors shall be elected biennially for terms
3 of 6 years.~~

~~4 (6) The intermediate school board of an intermediate school
5 district adopting sections 615 to 617 shall fill a vacancy in the
6 board's membership by appointing a member to serve until the next
7 biennial election, at which time a member shall be elected for
8 the balance of the unexpired term.~~

9 Sec. 661. (1) The intermediate school board may submit
10 questions to the INTERMEDIATE school electors of the intermediate
11 school district at an annual or special SCHOOL election held in
12 each of the constituent districts. A question shall not be sub-
13 mitted to the intermediate school electors unless the question is
14 within the lawful authority of the INTERMEDIATE SCHOOL electors
15 ~~of the intermediate school district~~ to decide.

16 (2) A person who is a school elector of a constituent dis-
17 trict of an intermediate school district and who is registered in
18 the city or township in which that person resides is an
19 INTERMEDIATE SCHOOL elector of that intermediate school
20 district.

~~21 (3) If a question is submitted to intermediate school elec-
22 tors at an annual school election, and a constituent district
23 does not hold its annual election on the second Monday of June,
24 the intermediate school board shall call a special election in
25 that constituent district to be held on the same date as the
26 annual school election.~~

1 ~~(4) The secretary shall be the chief election officer of~~
2 ~~the intermediate school district with authority to delegate~~
3 ~~election duties to a member of the administrative staff.~~

4 Sec. 701. (1) Two or more adjoining intermediate school
5 districts may combine to form a single intermediate school dis-
6 trict when the reorganization is approved by a majority of the
7 electors of each intermediate school district voting on the ques-
8 tion in the annual elections of the constituent districts.

9 (2) The question of combining intermediate school districts
10 may be submitted by a resolution of the intermediate school
11 boards meeting in joint session.

12 (3) The question shall be submitted ~~when~~ IF petitions
13 signed by a number of school electors of each intermediate school
14 district equal to not less than 5% of the number of pupil member-
15 ships on the latest pupil membership count day of the combined
16 constituent districts of the intermediate school district are
17 filed with the secretary of 1 of the intermediate school boards.
18 Within 30 days after receiving sufficient petitions, the secre-
19 tary shall apply for approval to the state board. The secretary
20 shall cause the question to be submitted at the next annual
21 school election after the state board approves the merger.

22 (4) The ballots shall be furnished by each intermediate
23 school board for its constituent districts and shall be in sub-
24 stantially the following form:

25

26 "Shall the following intermediate school districts be
27 organized as a single intermediate school district?"

1 (List names of intermediate school districts)

2 Yes ()

3 No ()".

4 (5) If the consolidation is approved by a majority of the
5 school electors voting on the question in each of the participat-
6 ing intermediate school districts, the reorganization ~~shall~~
7 ~~become~~ IS effective in the combined intermediate school dis-
8 tricts 30 days after the annual election at which the question is
9 submitted. The reorganized intermediate school district ~~shall~~
10 ~~be~~ IS a single intermediate school district subject to this
11 part.

12 (6) The members of the intermediate school boards of the
13 original intermediate school districts shall act as an interim
14 board until a board of the combined intermediate school district
15 is elected. The interim board ~~shall possess~~ HAS all the powers
16 and duties of an intermediate school board under this part. The
17 person chosen by the interim intermediate school board as inter-
18 mediate superintendent shall serve only until a successor is
19 chosen by the elected intermediate school board. The secretary
20 of the intermediate school board having the largest number of
21 pupils in membership in its combined constituent districts at the
22 time of reorganization shall call a meeting of the members of the
23 interim intermediate school board for the purpose of organization
24 within 15 days after the effective date of the reorganization.
25 The secretary of the interim intermediate school board shall pro-
26 vide for the election of a board of the reorganized intermediate
27 school district under ~~section 617~~ THE MICHIGAN ELECTION LAW.

1 ~~At the first election there shall be elected 3 members of a~~
2 ~~board for 6 years, 2 for 4 years, and 2 for 2 years. Their suc-~~
3 ~~cessors shall be elected biennially on the first Monday of June~~
4 ~~for terms of 6 years. The time from the date of election to the~~
5 ~~next July 1 shall be considered 1 year.~~

6 (7) The reorganized intermediate school district shall oper-
7 ate as a single intermediate school district from the effective
8 date of the reorganization. Within 10 days after the reorganiza-
9 tion, all accounts of the reorganized intermediate school dis-
10 tricts shall be audited in the manner established by the interim
11 intermediate school board. The contracts of the intermediate
12 superintendents in force on the effective date of reorganization
13 ~~shall~~ continue in effect ~~to~~ UNTIL THE time of their termina-
14 tion except as to position as intermediate superintendents.

15 (8) If, ~~prior to~~ BEFORE reorganization of the intermediate
16 school districts each of the combining intermediate school dis-
17 tricts adopted special education programs by referendum pursuant
18 to part 30 and approved the same annual property tax rates for
19 the education of handicapped persons, the special education pro-
20 grams and the annual property tax rates shall continue in effect
21 in the reorganized intermediate school district.

22 Sec. 702. (1) An intermediate school district may be
23 annexed to another intermediate school district if the intermedi-
24 ate school board of the annexing intermediate school district
25 approves the annexation by resolution, and a majority of the
26 school electors of the intermediate school district to be annexed
27 voting on the question at an annual or special election in the

1 intermediate school district approve the annexation. If prior to
2 annexation the annexing intermediate school district adopts a
3 special education program by referendum pursuant to part 30, the
4 intermediate school electors of the intermediate school district
5 to be annexed must vote to adopt that special education program
6 and annual tax rate. The vote on the question shall be by ballot
7 furnished by the intermediate school board of the intermediate
8 school district to be annexed. Before the election is held, the
9 annexing intermediate school board shall obtain the approval of
10 the state board of the proposed annexation.

11 (2) Within 10 days after the election, each constituent dis-
12 trict secretary shall file the result with the secretary of the
13 intermediate school ~~district~~ BOARD, and 5 days later the inter-
14 mediate school board secretary shall file the election result
15 with the secretary of the INTERMEDIATE SCHOOL board of the annex-
16 ing intermediate school district. Within 15 days after the
17 annexation election the intermediate school board of the annexed
18 intermediate school district shall account to the intermediate
19 school board of the annexing intermediate school district for the
20 funds and property in its hands and shall turn over the ~~same~~
21 FUNDS AND PROPERTY to that INTERMEDIATE SCHOOL board. Property
22 and money belonging to the annexed intermediate school district
23 shall become the property of the annexing intermediate school
24 district. The outstanding indebtedness of the annexed intermedi-
25 ate school district shall become the liability of the annexing
26 intermediate school district. Upon receipt of the funds and
27 property, the members of the annexed intermediate school board

1 shall be released from liability ~~therefor~~ FOR THE FUNDS AND
2 PROPERTY and their offices terminated.

3 (3) The annexation is effective on the latest date on which
4 the election was held in a constituent district of the annexed
5 intermediate school district. The secretary of the intermediate
6 school board of the annexing intermediate school district shall
7 give written notice of the annexation to the state board within
8 15 days after the annexation election. Within 30 days after
9 annexation, the board of the annexing intermediate school dis-
10 trict shall appoint 2 school electors of the annexed intermediate
11 school district to membership on the intermediate school board of
12 the reorganized intermediate school district, who shall serve
13 until ~~July~~ JANUARY 1 after the next ~~biennial~~ INTERMEDIATE
14 SCHOOL DISTRICT election. Notification of the appointments shall
15 be filed with the state board. If the appointments are not made
16 within the 30 days, the state board shall make the appointments.
17 At the next ~~biennial~~ INTERMEDIATE SCHOOL DISTRICT election,
18 members of the intermediate school board shall be elected in the
19 number and for the terms required in section 701. The terms of
20 the members of the intermediate school board whose terms have not
21 expired shall determine the terms of the additional members to be
22 elected.

23 Sec. 703. (1) An intermediate school district comprised of
24 less than 5 constituent districts and having no bonded indebted-
25 ness may be disorganized and its constituent districts attached
26 to contiguous intermediate school districts under this section.

1 (2) The board of each constituent district may request the
2 intermediate school board to prescribe a plan for disorganization
3 of the intermediate school district. Each request shall desig-
4 nate another intermediate school district to which the constitu-
5 ent district desires to be attached. The intermediate school
6 board shall prescribe, by resolution, a plan under which each of
7 the constituent districts will be attached in whole to contiguous
8 intermediate school districts designated in the requests. If the
9 designated intermediate school district is not contiguous, the
10 intermediate school board's plan may prescribe attachment to a
11 contiguous intermediate school district.

12 (3) The intermediate superintendent of the intermediate
13 school district ~~which~~ THAT is to be disorganized shall give 30
14 days' notice of the time and place of the meeting of the interme-
15 diate school board and of the proposed plan for disorganization
16 by publication of the notice in a newspaper of general circula-
17 tion in the intermediate school district. The intermediate
18 school board shall present the adopted plan for dissolution to
19 the board of each of its constituent districts and to the inter-
20 mediate school board of each intermediate school district whose
21 boundaries would be enlarged by the proposal.

22 (4) The intermediate superintendent of each intermediate
23 school district whose boundaries would be enlarged by the disso-
24 lution shall give 30 days' notice of the time and place of the
25 meeting of the intermediate school board and of the recommended
26 plan for enlargement of the intermediate school district by

1 publication of the notice in a newspaper of general circulation
2 in the intermediate school district.

3 (5) If the intermediate school board of each affected inter-
4 mediate school district approves the plan for disorganization,
5 the intermediate school board of the intermediate school district
6 to be dissolved shall refer the matter to the state board for
7 approval. The action of the state board declaring the intermedi-
8 ate school district dissolved shall be final. Disorganization of
9 the intermediate school district and attachment of its constitu-
10 ent districts to contiguous intermediate school districts ~~shall~~
11 ~~be effective~~ TAKES EFFECT on July 1 after the date of the
12 approval of the state board.

13 (6) The intermediate school boards of the intermediate
14 school districts to which territory is attached by dissolution
15 shall meet jointly, sitting as a single board, and make an equi-
16 table distribution of the money, property, and other assets
17 belonging to the disorganized INTERMEDIATE SCHOOL district among
18 the intermediate school districts affected. The territory of
19 constituent districts transferred to other intermediate school
20 districts by dissolution shall be subject to all taxes levied for
21 purposes of the intermediate school district to which trans-
22 ferred, including taxes for the retirement of bonded indebted-
23 ness, special education programs, and area vocational-technical
24 education programs.

25 (7) Within 30 days after a district attaches to a contiguous
26 intermediate school district under this section, the board of the
27 intermediate school district whose boundaries have been enlarged

1 by the dissolution may appoint 2 school electors of constituent
2 districts, 1 of whom shall be an elector of the attached dis-
3 trict, to membership on the intermediate school board.

4 Intermediate school board members appointed pursuant to this sub-
5 section shall serve until ~~July~~ JANUARY 1 after the next
6 ~~biennial~~ INTERMEDIATE SCHOOL DISTRICT election. The intermedi-
7 ate school board may determine 1 initial term of less than ~~6~~ 4
8 years for 1 of the additional members to be elected at the
9 ~~biennial~~ INTERMEDIATE SCHOOL DISTRICT election. Notification
10 of an appointment shall be filed with the state board.

11 Sec. 705. (1) Beginning in 1997, and IN each year after
12 1997, a regional enhancement property tax may be levied by an
13 intermediate school district at a rate not to exceed 3 mills to
14 enhance other state and local funding for local school district
15 operations if approved by a majority of the intermediate school
16 electors voting on the question.

17 (2) If a resolution requesting that the question of a
18 regional enhancement property tax be submitted to the voters is
19 adopted within a 180-day period and transmitted to the intermedi-
20 ate school board by 1 or more boards of its constituent school
21 districts representing a majority of the combined membership of
22 the constituent school districts as of the most recent pupil mem-
23 bership count day and if those resolutions all contain an identi-
24 cal specified number of mills to be levied under this section and
25 an identical specified number of years for which the tax shall be
26 levied, the question of levying a regional enhancement property
27 tax by the intermediate school district shall be placed on the

1 ballot by the intermediate school district at the next annual
2 school election held in each of the constituent districts.
3 ~~However, if the question is to be submitted at an annual school~~
4 ~~election and a constituent district does not hold its annual~~
5 ~~election on the second Monday in June, the intermediate school~~
6 ~~board shall call a special election in that constituent district~~
7 ~~to be held on the same day as the annual school election.~~ If the
8 question is to be submitted to the intermediate school electors
9 of an intermediate school district having a population of more
10 than 1,400,000, the intermediate school board shall call a spe-
11 cial election to be held at the next state primary or general
12 election. However, if the resolution requirement is met more
13 than 180 days before the next annual school district elections,
14 ~~to be held on the second Monday in June,~~ and if requested in
15 the resolutions, the intermediate school board shall submit the
16 question of levying a regional enhancement property tax within
17 the intermediate school district on the ballot at a special elec-
18 tion ~~under section 662~~ called by the intermediate school board
19 for that purpose not earlier than 90 days ~~or later than 120~~
20 ~~days~~ after the resolution requirements are met.

21 (3) Not later than 10 days after receipt by the intermediate
22 school district of the revenue from the regional enhancement
23 property tax, the intermediate school district shall calculate
24 and pay to each of its constituent school districts an amount of
25 the revenue calculated by dividing the total amount of the reve-
26 nue by the combined membership of the constituent school
27 districts within the intermediate district, as of the most recent

1 pupil membership count day, and multiplying that quotient by the
2 constituent school district's membership, as of the most recent
3 pupil membership count day for which a final department-audited
4 pupil count is available.

5 (4) Regional enhancement property tax under this section may
6 be levied for a term not to exceed 20 years, as specified in the
7 ballot question, and may be renewed for the same term with the
8 approval of a majority of the intermediate school electors voting
9 on the question.

10 (5) The question of levying a regional enhancement property
11 tax under this section shall be presented to the intermediate
12 school electors as a separate question.

13 Sec. 856. (1) If the intermediate superintendent of schools
14 is presented with petitions signed by school electors in each
15 SCHOOL district to the number of not less than 50% of the number
16 of ~~registered general~~ SCHOOL electors residing in each primary
17 school district as of the date the intermediate superintendent
18 releases petitions, and by school electors of not less than 5% of
19 the number of ~~registered general~~ SCHOOL electors residing in
20 other school districts, the intermediate superintendent shall
21 cause the question of consolidation to be submitted to the vote
22 of the school electors of the school districts at THE NEXT ANNUAL
23 SCHOOL ELECTION OR a special election. ~~called to be held within~~
24 ~~90 days after the receipt of the petitions.~~

25 ~~(2) The special election shall be held on a date approved by~~
26 ~~the county election scheduling committee under section 639 of Act~~

1 No. ~~116~~ of the Public Acts of 1954, as amended, being section
2 ~~168.639~~ of the Michigan Compiled Laws.

3 (2) ~~(3)~~ Petitions ~~shall~~ ARE not ~~be~~ required in a
4 school district operating 12 grades if a resolution adopted by
5 the board of the SCHOOL district requesting consolidation of
6 school districts has been filed with the intermediate
7 superintendent.

8 ~~(4)~~ Each city and township clerk shall certify to the
9 intermediate superintendent the number of registered general
10 electors residing in a school district upon request of the inter-
11 mediate superintendent.

12 Sec. 857. (1) The question of establishing a consolidated
13 school district shall be submitted to the school electors at AN
14 ANNUAL SCHOOL ELECTION OR AT a special election held for that
15 purpose. In voting to form the consolidated school district, a
16 school district operating 12 grades shall vote separately as a
17 unit. The remaining school districts to be included in the con-
18 solidation shall vote together as a unit.

19 ~~(2)~~ The local board shall conduct the election in each
20 school district operating 12 grades. The intermediate school
21 board, the intermediate superintendent of which called the elec-
22 tion, shall conduct the election for the other school districts
23 voting together as a unit.

24 (2) ~~(3)~~ The elections shall be held on the same day and
25 during the same hours. ~~Each school district shall vote as pro-~~
26 ~~vided in part 12.~~

1 Sec. 858. ~~(1) The intermediate superintendent shall give~~
 2 ~~notice of the last day of registration and notice of the date,~~
 3 ~~place, the propositions to be submitted, and the hours the polls~~
 4 ~~will be open for the special election to the school electors of~~
 5 ~~the districts operating less than 12 grades in the manner and at~~
 6 ~~the times prescribed by sections 1002 and 1058. (2) The inter-~~
 7 ~~mediate superintendent shall give written notice to the secretary~~
 8 ~~of the board of each affected school district operating 12~~
 9 ~~grades of the day and hours for holding the special election.~~
 10 ~~Each secretary shall give the statutory notice of the day, place~~
 11 ~~or places, and the hours for holding the election and of the last~~
 12 ~~day of registration. The intermediate superintendent shall~~
 13 ~~notify the secretary of the board of each school district of the~~
 14 ~~date of the consolidation election at least 60 days before the~~
 15 ~~election.~~

16 Sec. 859. (1) The proposition shall be in substantially the
 17 following form:

18 "Shall the territory of the following school districts be
 19 united to form 1 school district?

20 (Names of school districts to be consolidated to be listed
 21 here)

22 Yes ()

23 No ()".

24 ~~(2) Printed ballots, voting machines, or other voting~~
 25 ~~devices shall be used. The intermediate superintendent shall~~
 26 ~~supply printed ballots, poll books, and other necessary election~~

1 ~~supplies to each board of election inspectors of the election~~
2 ~~unit of the school districts operating less than 12 grades.~~

3 ~~(3) The secretary of the board of each school district oper-~~
4 ~~ating 12 grades shall provide printed ballots for the election~~
5 ~~and supply all election materials necessary for the election.~~
6 ~~The board of each school district shall appoint the necessary~~
7 ~~school electors to the board of election inspectors.~~

8 ~~(4) The members of the intermediate school board shall act~~
9 ~~as the board of election inspectors for the election held in~~
10 ~~school districts operating less than 12 grades. The intermediate~~
11 ~~board may appoint additional persons to a board of election~~
12 ~~inspectors. If more than 1 place for holding the election is~~
13 ~~designated by the intermediate superintendent, the members of the~~
14 ~~intermediate school board shall be apportioned by the intermedi-~~
15 ~~ate superintendent to the boards of election inspectors. If a~~
16 ~~member of the intermediate school board or other person appointed~~
17 ~~to a board of election inspectors is unable to be present at the~~
18 ~~election or is required to leave during the hours the polls are~~
19 ~~open, the remaining members of the board of election inspectors~~
20 ~~may appoint another person to fill the vacancy.~~

21 ~~(5) Each member of a board of election inspectors shall take~~
22 ~~the constitutional oath of office before entering on the duties~~
23 ~~of an election inspector.~~

24 ~~(2) -(6)-~~ The affirmative vote of a majority of the school
25 electors voting on the question in each of the election units
26 ~~shall be~~ IS necessary to effect the consolidation of the school

1 districts. The consolidation shall become effective as of the
2 date of the official canvass.

3 (3) ~~(7) The members of the intermediate school board and~~
4 ~~other inspectors of election acting in the election unit of a~~
5 ~~school district operating less than 12 grades shall receive the~~
6 ~~same compensation for conducting the election as is authorized~~
7 ~~for election inspectors in a general state election.~~ If the con-
8 solidation becomes effective, expenses incurred for the election
9 in each election unit shall be certified to the board of the con-
10 solidated school district. The school board OF THE CONSOLIDATED
11 SCHOOL DISTRICT shall pay election ~~costs~~ REIMBURSEMENTS from
12 the funds of the consolidated school district. If the proposi-
13 tion to consolidate is not approved, the intermediate school
14 board shall determine the expenses of the election held in the
15 election unit operating less than 12 grades and apportion the
16 ~~expenses~~ REQUIRED REIMBURSEMENTS equally among the school dis-
17 tricts of the election unit. Each school board of the election
18 unit shall pay the apportionment to the ~~intermediate school~~
19 ~~board~~ LOCAL UNIT OF GOVERNMENT THAT CONDUCTED THE ELECTION.

20 Sec. 860. (1) If the petitions filed with an intermediate
21 superintendent under section 853 request submission of the ques-
22 tion of assuming the bonded indebtedness of 1 or more of the
23 school districts proposing consolidation, or the question of
24 increasing the constitutional limitation on taxes of the consoli-
25 dated school district for operating purposes to the school elec-
26 tors at the consolidation election, the intermediate
27 superintendent shall include the question or questions in the

1 notice of the election propositions filed with each of the
2 election units. ~~under section 857.~~

3 (2) A request for including assumption by the consolidated
4 school district of the bonded indebtedness of 1 or more of the
5 districts proposing consolidation shall be stated on the petition
6 after the names of the school districts to be consolidated in
7 substantially the following form:

8 "We petition that the question of assumption and payment by
9 the proposed consolidated school district of the bonded indebted-
10 ness of _____ be submitted to the

11 (name of school district or districts)
12 electors at the same election in which the proposed consolidation
13 is submitted", and if applicable,

14 "We petition that the question of increasing the constitu-
15 tional limitation on taxes which may be assessed against all
16 property in the proposed consolidated school district by _____
17 mills for a period of _____ years, ~~19~~ ___ to ~~19~~ ___, inclu-
18 sive, for operating purposes, be submitted to the electors at the
19 same election with the question of consolidating the above listed
20 districts".

21 (3) If the school electors approve the consolidation of
22 school districts and the assumption of the bonded indebtedness of
23 an original district, the consolidated school district shall
24 assume the obligation of the bonded indebtedness. The consoli-
25 dated school district shall pay the bonded indebtedness by
26 spreading debt retirement taxes uniformly over the territory of
27 the consolidated district. Section 864 ~~shall apply~~ APPLIES to

1 the debt retirement tax levies, the continuing obligations of the
2 original school districts, and the rights and remedies of a
3 bondholder.

4 Sec. 861. ~~(1)~~ Within 10 days after the date of the offi-
5 cial canvass of the consolidation election, the intermediate
6 school board of the intermediate school district containing the
7 territory of the consolidated school district shall appoint
8 school electors of the SCHOOL district in the number required by
9 the classification of the school district to act as a board for
10 the SCHOOL district. If a consolidated school district includes
11 territory in more than 1 intermediate school district, the
12 appointment shall be made by the intermediate school board of
13 each intermediate school district acting jointly as a single
14 board. Within 7 days after appointment, each member shall file
15 with the intermediate superintendent an acceptance of the office,
16 accompanied by a written affidavit setting forth the fact of eli-
17 gibility ~~as provided in section 1102~~ FOR OFFICE. ~~Except as~~
18 ~~otherwise provided in subsection (2), each~~ EACH appointed board
19 member shall hold office until ~~June thirtieth~~ DECEMBER 31 next
20 following appointment. A new board shall be elected at the first
21 annual election held after the effective date of consolidation IN
22 AN ODD-NUMBERED YEAR in the manner prescribed ~~in part 3 or part~~
23 ~~4~~ BY LAW for the election of a first board.

24 ~~(2) If the effective date of the consolidation is between~~
25 ~~the thirtieth day prior to the annual election and December 31,~~
26 ~~the board appointed by the intermediate school board at its first~~
27 ~~meeting shall call a district election to be held within 45 days~~

1 ~~after the day of the meeting. At the election, a board of the~~
2 ~~requisite number of members shall be elected for terms required~~
3 ~~for the election of a first board in section 111 or section 211.~~
4 ~~The election shall be in lieu of the first annual election, and~~
5 ~~the first year of each term of office shall extend until July 1~~
6 ~~following the next succeeding annual election. The board shall~~
7 ~~hold its first meeting and elect officers as provided in section~~
8 ~~114 or section 231.~~

9 Sec. 932. (1) The ~~secretary of the~~ board of the school
10 district to be divided shall call an election at which the ques-
11 tion of the division of the school district shall be submitted to
12 the school electors. Vote on the proposition shall be by ballot
13 in the form determined by the intermediate school board and shall
14 clearly describe the division. Before an election is held, the
15 state board shall approve the proposed division and the attach-
16 ment of the parts to existing operating school districts. The
17 election in the school district to be divided shall be held not
18 later than ~~60 days~~ THE NEXT AVAILABLE DATE FOR AN ANNUAL SCHOOL
19 ELECTION OR SPECIAL SCHOOL ELECTION following the date of
20 approval by the state board.

21 (2) The affirmative vote of a majority of the school elec-
22 tors voting on the question ~~shall be~~ IS necessary to ratify the
23 action of the intermediate school board.

24 (3) Territory attached to an existing operating school dis-
25 trict shall be a part of that SCHOOL district for all purposes,
26 including the levy of all taxes ~~which~~ the SCHOOL district to

1 which the territory is attached ~~has the authority~~ IS AUTHORIZED
2 to levy.

3 (4) Within 5 days after the election the secretary of the
4 board of the school district in which the election is held shall
5 file a certified statement of the vote for division with the
6 intermediate superintendent.

7 (5) Within 30 days after the filing of the certified state-
8 ment of the vote approving the division, the intermediate school
9 board, by resolution, shall declare the school district divided,
10 attach the territory ~~thereof~~ to the specified operating school
11 districts, and make an equitable distribution of the money, prop-
12 erty, and other material belonging to the SCHOOL district among
13 the SCHOOL districts to which the territory is attached.

14 (6) If the effective date is determined by the resolution of
15 the board or by the petition of the school electors under section
16 931, the intermediate school board shall declare the school dis-
17 trict divided on that date.

18 Sec. 945. Upon receipt of an order transmitted pursuant to
19 section 944 and approving the division of the school district,
20 the board of the school district to be annexed, divided, and
21 transferred shall provide by resolution for the election on the
22 question of annexing, dividing, and transferring the school
23 district. ~~, which~~ THE election shall be conducted and canvassed
24 in the dividing district ~~pursuant to parts 12 and 13~~ AS PRO-
25 VIDED IN THE MICHIGAN ELECTION LAW. The question to be submitted
26 to the electors shall be whether the territory of the dividing

1 school district shall be annexed and transferred in the manner
2 specified in the resolution of the dividing school district.

3 SEC. 1206. A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, OR
4 INTERMEDIATE SCHOOL DISTRICT ANNUAL SCHOOL ELECTION OR SPECIAL
5 ELECTION SHALL BE ADMINISTERED AND CONDUCTED AS PROVIDED IN THE
6 MICHIGAN ELECTION LAW. A SCHOOL DISTRICT, LOCAL ACT SCHOOL DIS-
7 TRICT, OR INTERMEDIATE SCHOOL DISTRICT MAY USE GENERAL OPERATING
8 FUNDS TO REIMBURSE UNITS OF LOCAL GOVERNMENT INVOLVED IN ADMINIS-
9 TERING AND CONDUCTING AN ANNUAL SCHOOL ELECTION OR SPECIAL SCHOOL
10 ELECTION FOR THE SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, OR
11 INTERMEDIATE SCHOOL DISTRICT, AS REQUIRED UNDER THE MICHIGAN
12 ELECTION LAW.

13 Sec. 1361. (1) School district elections upon the issuance
14 of bonds shall be held and conducted ~~as elections in registra-~~
15 ~~tion districts~~ in accordance with ~~part 13~~ THIS ACT AND THE
16 MICHIGAN ELECTION LAW. Members of the SCHOOL board ~~of education~~
17 shall not serve on a board of election inspectors.

18 (2) The question shall be submitted by ballot in substan-
19 tially the following form:

20 "Shall,
21 (here state the legal name of the school district)
22 county/or counties of and state of
23 Michigan, borrow the sum of not to exceed
24 dollars (\$.....) and issue its bonds therefor,
25 for the purpose of?

26 Yes ()

1 No ()".

2 (3) Anything contained in the ballot not specified in this
3 section shall be considered surplusage and of no legal effect.

4 Enacting section 1. The following sections and parts of the
5 revised school code, 1976 PA 451, MCL 380.1 to 380.1852, are
6 repealed effective January 1, 2002:

7 (a) Section 662, MCL 380.662.

8 (b) Part 12, MCL 380.1001 to 380.1071.

9 (c) Part 14, MCL 380.1101 to 380.1106.

10 Enacting section 2. This amendatory act takes effect
11 January 1, 2002.

12 Enacting section 3. This amendatory act does not take
13 effect unless Senate Bill No. _____ or House Bill
14 No. _____ (request no. 01075'99 a) of the 90th Legislature
15 is enacted into law.