

HOUSE BILL No. 4607

April 29, 1999, Introduced by Reps. Cherry and Bogardus and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 951 and 953a (MCL 380.951 and 380.953a), section 951 as amended by 1990 PA 147 and section 953a as added by 1995 PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 951. (1) ~~An~~ SUBJECT TO SUBSECTIONS (2) AND (3), AN
2 intermediate school board, OR INTERMEDIATE SCHOOL BOARDS ACTING
3 JOINTLY, may detach territory from 1 school district and attach
4 the territory to another school district if requested to do so by
5 resolution of the board of a school district whose boundaries
6 would be changed by the action; ~~subject to subsection (2),~~ by
7 resolution of the board of a condominium association acting
8 pursuant to a petition signed by not less than 2/3 of the
9 co-owners of the condominium association who reside on the land

1 to be transferred; or if petitioned by not less than 2/3 of the
2 persons who own and reside on the land to be transferred. The
3 intermediate school board OR JOINT INTERMEDIATE SCHOOL BOARDS
4 shall take final action within 60 days after the receipt of the
5 resolution or petition. The territory to be detached shall be
6 contiguous to the school district to which it is attached. If
7 the latest assessed valuation of the territory to be detached is
8 more than 10% of the latest assessed valuation of the entire
9 school district from which the territory is to be detached, the
10 action of the intermediate school board OR JOINT INTERMEDIATE
11 SCHOOL BOARDS shall not be effective unless approved by an affir-
12 mative vote of a majority of the school electors of the school
13 district from which the territory is to be detached.

14 (2) The board of a condominium association may request that
15 an intermediate school board OR JOINT INTERMEDIATE SCHOOL BOARDS
16 detach territory from 1 school district and attach the territory
17 to another school district as described in subsection (1) only if
18 the board of the condominium association represents the co-owners
19 of a condominium project that is completed and not less than 75%
20 of the units are sold and occupied.

21 (3) IF A TRANSFER OF TERRITORY WOULD RESULT IN THE RESIDENCE
22 OF A SCHOOL-AGE CHILD BEING CHANGED FROM 1 SCHOOL DISTRICT TO
23 ANOTHER, AN INTERMEDIATE SCHOOL BOARD OR INTERMEDIATE SCHOOL
24 BOARDS ACTING JOINTLY SHALL NOT CONSIDER THE REQUEST FOR THE
25 TRANSFER OF TERRITORY UNLESS THE PARENT OR LEGAL GUARDIAN OF THE
26 SCHOOL-AGE CHILD HAS REQUESTED THE BOARD OF THE CHILD'S SCHOOL
27 DISTRICT OF RESIDENCE TO GIVE ITS APPROVAL FOR THE CHILD TO BE

1 COUNTED IN MEMBERSHIP IN ANOTHER SCHOOL DISTRICT UNDER THE STATE
2 SCHOOL AID ACT AND THAT REQUEST HAS BEEN DENIED.

3 Sec. 953a. In making a decision on a proposed transfer of
4 territory under this part, the intermediate school board, or the
5 intermediate school boards meeting jointly, shall consider the
6 welfare of the affected pupil, including, but not limited to, the
7 length of the pupil's commute to and from school, on a school bus
8 or otherwise, AND AT LEAST ALL OF THE FOLLOWING FACTORS THAT ARE
9 APPLICABLE TO THE PROPOSED TRANSFER AND THE EFFECT OF EACH OF
10 THEM ON THE EDUCATIONAL WELFARE OF ALL OF THE PUPILS RESIDING IN
11 THE AFFECTED SCHOOL DISTRICTS:

12 (A) THE EDUCATIONAL NEEDS OF ALL PUPILS RESIDING IN THE
13 AFFECTED SCHOOL DISTRICTS, THE EDUCATIONAL PROGRAMS CURRENTLY
14 OFFERED BY EACH AFFECTED SCHOOL DISTRICT, THE IMPACT THE PROPOSED
15 TRANSFER WOULD HAVE ON EACH AFFECTED SCHOOL DISTRICT'S SCHOOL
16 IMPROVEMENT PLAN UNDER SECTION 1277, AND THE ABILITY OF EACH
17 AFFECTED SCHOOL DISTRICT TO MEET CURRENT EDUCATIONAL NEEDS.

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

22 (C) THE GEOGRAPHICAL AND TOPOGRAPHICAL CHARACTERISTICS OF
23 THE AFFECTED SCHOOL DISTRICTS, INCLUDING THE ESTIMATED TRAVEL
24 TIME TO AND FROM SCHOOL FOR PUPILS IN THE AFFECTED SCHOOL DIS-
25 TRICTS AND THE RELATIONSHIP BETWEEN SCHOOL DISTRICT AND MUNICIPAL
26 BOUNDARIES.

1 (D) THE IMPACT THE PROPOSED TRANSFER WOULD HAVE ON THE
2 AFFECTED SCHOOL DISTRICTS' FISCAL RESOURCES, INCLUDING EACH
3 AFFECTED SCHOOL DISTRICT'S TAX BASE, BONDED INDEBTEDNESS, AND
4 STATE SCHOOL AID.

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

7 (F) THE IMPACT THE PROPOSED TRANSFER WOULD HAVE ON THE
8 AFFECTED SCHOOL DISTRICTS' HUMAN RESOURCES AND COLLECTIVE BAR-
9 GAINING AGREEMENTS.