

REPRINT

SUBSTITUTE FOR

SENATE BILL NO. 143

(As passed the Senate November 1, 2001)

(As amended by the House December 3 & 13, 2002)

Page 1 (1 of 7)

[A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 372, 373, 374, 502, 951, 954, 955, and 971 (MCL
380.372, 380.373, 380.374, 380.502, 380.951, 380.954, 380.955, and
380.971), sections 372 and 373 as amended by 2000 PA 230, section 374 as
amended by 1999 PA 23, section 951 as amended by 1990 PA 147 and sections
502 and 971 as amended by 1995 PA 289, and by adding
section 957.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

[Sec. 372. (1) Not later than April 25, 1999 or, if a qualifying
school district becomes a school district of the first class after April
25, 1999, not later than 30 days after the date the qualifying school
district becomes a school district of the first class, the mayor shall
appoint a school reform board for a qualifying school district.
(2) A school reform board established under this section shall consist of
~~the following 7 members:~~

~~(a) Six 7 members appointed by the mayor.~~
~~(b) For a period of 5 years after the date of the initial appointment~~
~~of the members of the school reform board appointed under subdivision (a),~~
~~the superintendent of public instruction or his or her designee. After~~
~~this period, the mayor shall appoint the seventh member of the school~~
~~reform board.~~

(3) A person who is a current member of the elected school board of a
qualifying school district is not eligible for appointment as a member of
the school reform board for that qualifying school district. Section
1101(1) does not disqualify any person from appointment to a school reform
board under this section or from appointment as an officer under section
374. However, at least a majority of the appointed members of a school

SB0143, As Passed House, December 13, 2002

reform board must be school electors of the qualifying school district.

(4) ~~Except for the superintendent of public instruction or his or her designee, members~~ MEMBERS of a school reform board shall serve at the will of the mayor. The term of an appointed member shall be 4 years, except that of the members first appointed under subsection ~~(2)(a)~~ (2), 2 shall be appointed for a term of 2 years, 2 shall be appointed for a term of 3 years, and ~~(2)~~ 3 shall be appointed for a term of 4 years.

(5) If a member of a school reform board is removed from office by the mayor or is unable to complete his or her term, the mayor shall appoint a successor for the balance of the unexpired term. At the end of a member's term, the mayor shall appoint a successor or reappoint the member.

(6) The mayor shall call the first meeting of the school reform board and shall designate a chairperson of the school reform board from among its members. If there is a vacancy in the office of chairperson, the mayor shall designate a successor.

(7) At the first meeting of the school reform board, the school reform board may elect from among its members other officers as it considers necessary or appropriate. After the first meeting, the school reform board shall meet at least monthly, or more frequently at the call of the chairperson or if requested by 4 or more members.

(8) A majority of the members of the school reform board constitute a quorum for the transaction of business at a meeting of the school reform board. A majority of the members present and serving are required for official action of the school reform board.

(9) Members of the school reform board shall serve without compensation. However, members may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the school reform board.

Sec. 373. (1) Beginning on the effective date of the amendatory act that added this part or the date on which a school district becomes a qualifying school district, the powers and duties of the elected school board of the qualifying school district and of its secretary and treasurer are suspended unless and until a new school board is elected under section 375. However, until the expiration of each individual member's current term, the members of the elected school board of a qualifying school district may continue to meet as an advisory board to provide input to the school reform board on an advisory basis only. Notwithstanding section 417a or any board policy, bylaw, or resolution to the contrary, these advisory board members shall serve without compensation or reimbursement, and funds of the qualifying school district shall not be used to staff or otherwise support the advisory board in any way.

(2) Beginning on the effective date of the amendatory act that added this part or the date on which a school district becomes a qualifying school district, and until appointment of a school reform board for a qualifying school district under this part, all provisions of this act that would otherwise apply to the school board of the qualifying school district or to the school reform board or chief executive officer apply to the mayor, and the mayor immediately may exercise all the powers and duties otherwise vested by law in the board of the qualifying school district and in its secretary and treasurer, and all powers and duties of the school reform board or chief executive officer as provided under this part. Within 30 days after appointing a school reform board under this part, the mayor shall initiate a financial audit of the qualifying school district. The mayor shall provide the results of this audit to the school reform board.

(3) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), UPON appointment of a school reform board for a qualifying school district under this part, and until appointment of a chief executive officer under section 374, all provisions of this act that would otherwise apply to the school board of the qualifying school district or to the chief executive officer apply to the school reform board, and the school reform board immediately may exercise all the powers and duties otherwise vested by law in the board of the qualifying school district and in its secretary and

SB0143, As Passed House, December 13, 2002

treasurer, and all powers and duties of the chief executive officer as provided under this part.

(4) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), UPON appointment of a chief executive officer for a qualifying school district under section 374, all provisions of this act that would otherwise apply to the elected school board of the qualifying school district apply to the chief executive officer; the chief executive officer immediately may exercise all the powers and duties otherwise vested by law in the elected school board of the qualifying school district and in its secretary and treasurer, and all additional powers and duties provided under this part; and the chief executive officer accedes to all the rights, duties, and obligations of the elected school board of the qualifying school district. These powers, rights, duties, and obligations include, but are not limited to, all of the following:

(a) Authority over the expenditure of all school district funds, including proceeds from bonded indebtedness and other funds dedicated to capital projects.

(b) Rights and obligations under collective bargaining agreements and employment contracts entered into by the elected school board, except for employment contracts of those employees described in subsection ~~(6)~~ (7).

(c) Rights to prosecute and defend litigation.

(d) Obligation under any judgments entered against the elected school board.

(e) Rights and obligations under statute, rule, and common law.

(f) Authority to delegate any of the chief executive officer's powers and duties to 1 or more designees, with proper supervision by the school reform board.

(5) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION ALL OF THE FOLLOWING APPLY:

(A) THE MAYOR SHALL ALSO HAVE THE POWER OF THE BOARD OF THE QUALIFYING SCHOOL DISTRICT UNDER SECTION 502 TO ACT AS AN AUTHORIZING BODY TO ISSUE A CONTRACT TO ORGANIZE AND OPERATE 1 OR MORE PUBLIC SCHOOL ACADEMIES WITHIN THE QUALIFYING SCHOOL DISTRICT'S BOUNDARIES.

(B) IN ISSUING A CONTRACT TO ORGANIZE AND OPERATE A PUBLIC SCHOOL ACADEMY UNDER THIS SUBSECTION, THE MAYOR SHALL GIVE PRIORITY TO QUALIFIED APPLICANTS THAT ESTABLISH AT LEAST ALL OF THE FOLLOWING CRITERIA: IN EVALUATING IF AN APPLICANT IS QUALIFIED, THE MAYOR SHALL EXAMINE THE PERFORMANCE STANDARDS, ACADEMIC PROGRAM, FINANCIAL VIABILITY AND THE ABILITY OF THE APPLICANT TO MEET THE CONTRACT GOALS AND OBJECTIVES.

(i) THE PUBLIC SCHOOL ACADEMY WILL INCLUDE GRADES 9 THROUGH 12.

(ii) THE PUBLIC SCHOOL ACADEMY WILL OCCUPY A BUILDING CONSTRUCTED AFTER OCTOBER 1, 2002.

(iii) THE PUBLIC SCHOOL ACADEMY HAS A STATED GOAL OF INCREASING THE GRADUATION RATE.

(C) THE MAYOR SHALL ISSUE NOT LESS THAN 15 CONTRACTS UNDER THIS SUBSECTION. THE MAYOR SHALL ISSUE NOT LESS THAN 3 CONTRACTS PER SCHOOL YEAR FOR 5 YEARS. THE MAYOR SHALL ISSUE CONTRACTS UNDER THIS SECTION NOT LATER THAN MAY 1, OF EACH SCHOOL YEAR. IF THE MAYOR DOES NOT ISSUE 3 CONTRACTS BY MAY 1 IN ANY GIVEN YEAR, THOSE CONTRACTS NOT ISSUED BY THE MAYOR MAY BE ISSUED BY A STATE PUBLIC UNIVERSITY PROVIDED THAT SUCH CONTRACTS MEET THE CRITERIA ESTABLISHED IN THIS SUBSECTION.

(D) THERE IS APPROPRIATED FROM THE SCHOOL AID FUND TO THE QUALIFYING SCHOOL DISTRICT \$2,500,000.00 IN FISCAL YEAR 2003-2004, \$2,500,000.00 IN FISCAL YEAR 2004-2005 AND \$2,500,000.00 IN FISCAL YEAR 2005-2006 FOR DECLINING ENROLLMENT.

(E) IF THE LEGISLATURE FAILS TO APPROPRIATE FUNDS PROVIDED IN SUBSECTION (D), THE MAYOR SHALL NOT BE BOUND BY SUBSECTION (C).

(6) ~~(5)~~ In addition to his or her other powers, the chief executive officer appointed under this part may terminate any contract entered into by the elected school board of the qualifying school district except for a collective bargaining agreement. However, this subsection does not allow any termination or diminishment of obligations to pay debt service on legally authorized bonds. A contract terminated by a chief executive officer under this subsection is void.

(7) ~~(6)~~ Beginning on the effective date of the amendatory act that

SB0143, As Passed House, December 13, 2002

added this part or the date on which a school district becomes a
qualifying school district, and until appointment of a school reform board

for a qualifying school district under this part, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the mayor. Upon appointment of a school reform board for a qualifying school district under this part, and until appointment of a chief executive officer under section 374, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the school reform board. Upon appointment of a chief executive officer for a qualifying school district under section 374, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the chief executive officer.

(8) ~~(7)~~ Not later than 90 days after the initial appointment of a chief executive officer under this part, and at least annually thereafter, the chief executive officer with the approval of the school reform board shall develop and submit to the school district accountability board created in section 376 a school district improvement plan that includes at least detailed academic, financial, capital, and operational goals and benchmarks for improvement and a description of strategies to be used to accomplish those goals and benchmarks. The plan also shall include an assessment of available resources and recommendations concerning additional resources or changes in statute or rule, if any, needed to meet those goals and benchmarks. The plan also shall include an evaluation of local school governance issues, including criteria for establishing building-level governance.

(9) ~~(8)~~ A chief executive officer with the approval of the school reform board for the qualifying school district shall submit an annual report to the mayor, governor, school district accountability board created in section 376, and legislature and shall make the annual report available to the community in the qualifying school district. The annual report shall contain at least all of the following:

(a) A summary of the initiatives that have been implemented to improve school quality in the qualifying school district.

(b) Measurements that may be useful in determining improvements in school quality in the qualifying school district. These measurements shall indicate changes from baseline data from the school year before the appointment of the school reform board, and shall include at least all of the following:

(i) Standardized test scores of pupils.

(ii) Dropout rates.

(iii) Daily attendance figures.

(iv) Enrollment figures.

(v) High school completion and other pertinent completion rates.

(vi) Changes made in course offerings.

(vii) Proportion of school district resources devoted to direct educational services.

(c) A description of long-term performance goals that may include statewide averages or comparable measures of long-term improvement.

(10) ~~(9)~~ A school reform board may organize and establish community assistance teams to work with the school reform board to implement a cohesive, full service community school program addressing the needs and concerns of the qualifying school district's population. The school reform board may delegate to a community assistance team the authority to devise and implement family, community, cultural, and recreational activities to assure that the academic mission of the schools is successful. The community assistance teams may also develop parental involvement activities that focus on the encouragement of voluntary parenting education, enhancing parent and family involvement in education, and promoting adult and family literacy.

(11) ~~(10)~~ The mayor, superintendent of public instruction, state board, school district accountability board created in section 376, this state, the city in which a qualifying school district is located, a school reform board established under this part, or a chief executive officer or

other officer appointed under section 374 is not liable for any obligation of or claim against a qualifying school district resulting from an action taken under this part.

Sec. 374. (1) A school reform board established under this part shall appoint for the qualifying school district a chief executive officer. The appointment of a chief executive officer must be by at least a 2/3 majority vote of the school reform board. ~~, and, for the 5-year period described in section 372(2)(b), the majority vote must include the vote of the superintendent of public instruction or his or her designee on the school reform board.~~ The chief executive officer is employed at the will of the school reform board and has the powers and duties provided under this part.

(2) The chief executive officer, with the approval of the school reform board, shall appoint for the qualifying school district a chief financial officer, chief academic officer, chief operations officer, and chief purchasing officer. These officers are employed at the will of the chief executive officer.

(3) If a vacancy occurs in a position described in this section, a successor shall be appointed in the same manner as the original appointment.

Sec. 502. (1) A public school academy shall be organized and administered under the direction of a board of directors in accordance with this part and with bylaws adopted by the board of directors. A public school academy corporation shall be organized under the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws, except that a public school academy corporation is not required to comply with sections 170 to 177 of Act No. 327 of the Public Acts of 1931, being sections 450.170 to 450.177 of the Michigan Compiled Laws. To the extent disqualified under the state or federal constitution, a public school academy shall not be organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more public school academies under this part:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not issue a contract for a public school academy to operate outside the school district's boundaries, and a public school academy authorized by the board of a school district shall not operate outside that school district's boundaries.

(b) An intermediate school board. However, the board of an intermediate school district shall not issue a contract for a public school academy to operate outside the intermediate school district's boundaries, and a public school academy authorized by the board of an intermediate school district shall not operate outside that intermediate school district's boundaries.

(c) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a public school academy to operate in a school district organized as a school district of the first class, a public school academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a public school academy to operate outside the boundaries of the community college district, and a public school academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 public school academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a public school academy itself on the grounds of such a federal military installation, if the federal military installation is not located within

SB0143, As Passed House, December 13, 2002

the boundaries of any community college district and the community college

has previously offered courses on the grounds of the federal military installation for at least 10 years.

(d) The governing board of a state public university. However, EXCEPT AS OTHERWISE PROVIDED IN SECTION 373, the combined total number of contracts for public school academies issued by all state public universities shall not exceed 85 through 1996, and, after the initial evaluation under section 501a, shall not exceed 100 through 1997, 125 through 1998, or 150 thereafter. Further, the total number of contracts issued by any 1 state public university shall not exceed 50 through 1996, and thereafter shall not exceed 50% of the maximum combined total number that may be issued under this subdivision.

(3) To obtain a contract to organize and operate 1 or more public school academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application shall include at least all of the following:

(a) Identification of the applicant for the contract.

(b) Subject to the resolution adopted by the authorizing body under section 503(4), a list of the proposed members of the board of directors of the public school academy and a description of the qualifications and method for appointment or election of members of the board of directors.

(c) The proposed articles of incorporation, which shall include at least all of the following:

(i) The name of the proposed public school academy.

(ii) The purposes for the public school academy corporation. This language shall provide that the public school academy is incorporated pursuant to this part and that the public school academy corporation is a governmental entity.

(iii) The name of the authorizing body.

(iv) The proposed time when the articles of incorporation will be effective.

(v) Other matters considered expedient to be in the articles of incorporation.

(d) A copy of the proposed bylaws of the public school academy.

(e) Documentation meeting the application requirements of the authorizing body, including at least all of the following:

(i) The governance structure of the public school academy.

(ii) A copy of the educational goals of the public school academy and the curricula to be offered and methods of pupil assessment to be used by the public school academy. To the extent applicable, the progress of the pupils in the public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.

(iii) The admission policy and criteria to be maintained by the public school academy. The admission policy and criteria shall comply with section 504. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a public school academy is being created and adequate information on the admission policy, criteria, and process.

(iv) The school calendar and school day schedule.

(v) The age or grade range of pupils to be enrolled.

(f) Descriptions of staff responsibilities and of the public school academy's governance structure.

(g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the public school academy will be located.

(h) An agreement that the public school academy will comply with the provisions of this part and, subject to the provisions of this part, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.

(i) For a public school academy authorized by a school district, an assurance that employees of the public school academy will be covered by

SB0143, As Passed House, December 13, 2002

the collective bargaining agreements that apply to other employees of the

school district employed in similar classifications in schools that are not public school academies.

(j) A description of and address for the proposed physical plant in which the public school academy will be located.

(4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each public school academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the authorizing body can certify that the public school academy is in compliance with statute, rules, and the terms of the contract.

(5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more public school academies operating under a contract issued by the authorizing body, the state board may suspend the power of the authorizing body to issue new contracts to organize and operate public school academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension.

(6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a public school academy in an amount that exceeds a combined total of 3% of the total state school aid received by the public school academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a public school academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the public school academy.

(7) A public school academy shall be presumed to be legally organized if it has exercised the franchises and privileges of a public school academy for at least 2 years.]

1 Sec. 951. (1) An intermediate school board, OR INTERMEDIATE
2 SCHOOL BOARDS ACTING JOINTLY UNDER SECTION 953, may detach terri-
3 tory from 1 school district and attach the territory to another
4 school district if requested to do so by resolution of the board
5 of a school district whose boundaries would be changed by the
6 action; subject to subsection ~~-(2)-~~ (3), by resolution of the
7 board of a condominium association acting pursuant to a petition
8 signed by not less than 2/3 of the co-owners of the condominium

SB0143, As Passed House, December 13, 2002

Senate Bill No. 143

2

1 association who reside on the land to be transferred; or if
2 petitioned by not less than 2/3 of the persons who own and reside
3 on the land to be transferred. ~~The~~ EXCEPT AS OTHERWISE PRO-
4 VIDED IN SECTION 957, THE intermediate school board OR JOINT
5 INTERMEDIATE SCHOOL BOARDS shall take final action within 60 days
6 after the receipt of the resolution or petition. The territory
7 to be detached shall be contiguous to the school district to
8 which it is attached.

9 (2) If the latest ~~assessed valuation~~ TAXABLE VALUE of the
10 territory to be detached is more than 10% of the latest ~~assessed~~
11 ~~valuation~~ TAXABLE VALUE of the entire school district from which
12 the territory is to be detached, the action of the intermediate
13 school board, JOINT INTERMEDIATE SCHOOL BOARDS, OR SUPERINTENDENT
14 OF PUBLIC INSTRUCTION UNDER SECTION 957 shall not be effective
15 unless approved by an affirmative vote of a majority of the
16 school electors of the school district from which the territory
17 is to be detached.

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

25 Sec. 954. If the intermediate school board, ~~or~~ the joint
26 intermediate school boards, ~~approve~~ OR THE SUPERINTENDENT OF
27 PUBLIC INSTRUCTION, AS APPLICABLE, APPROVES alterations in the

SB0143, As Passed House, December 13, 2002

Senate Bill No. 143

3

1 boundaries of school districts, the INTERMEDIATE SCHOOL board or
2 joint INTERMEDIATE SCHOOL boards shall cause a map to be prepared
3 showing in detail the boundaries of the affected school districts
4 before alteration and the boundaries of territory attached or
5 detached. A copy of the map bearing the certification of the
6 intermediate superintendent or the chairperson of the joint
7 INTERMEDIATE SCHOOL boards shall be filed with the secretary of
8 each affected school district and with each affected township
9 supervisor or city assessor.

10 Sec. 955. The intermediate school board, ~~or~~ joint inter-
11 mediate school boards, OR SUPERINTENDENT OF PUBLIC INSTRUCTION,
12 AS APPLICABLE, shall determine the effective date of the trans-
13 fer, which shall not be less than 10 days after the date of the
14 determination, and shall determine whether personal property of a
15 school district is to be transferred. If real property owned by
16 a school district is transferred to another school district, the
17 intermediate school board, JOINT INTERMEDIATE SCHOOL BOARDS, OR
18 SUPERINTENDENT OF PUBLIC INSTRUCTION shall determine an equitable
19 payment for the loss of the property. The intermediate school
20 board, ~~or~~ joint intermediate school boards, OR SUPERINTENDENT
21 OF PUBLIC INSTRUCTION may require an accounting from the affected
22 boards of education and, for the purpose of making the determina-
23 tion, may adjourn subject to the call of the president of the
24 intermediate school board, ~~or~~ chairperson of the joint interme-
25 diate school boards, OR SUPERINTENDENT OF PUBLIC INSTRUCTION.

26 SEC. 957. (1) NOT LATER THAN 60 DAYS AFTER RECEIPT OF A
27 RESOLUTION OR PETITION UNDER SECTION 951 REQUESTING A TRANSFER OF

SB0143, As Passed House, December 13, 2002

Senate Bill No. 143

4

1 TERRITORY, AN INTERMEDIATE SCHOOL BOARD MAY REFER THE RESOLUTION
2 OR PETITION DIRECTLY TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION
3 FOR ACTION. IF THE TERRITORY OF THE SCHOOL DISTRICTS WITH BOUND-
4 ARIES AFFECTED BY THE PROPOSED ALTERATION EXTENDS INTO 2 OR MORE
5 INTERMEDIATE SCHOOL DISTRICTS, THE INTERMEDIATE SCHOOL BOARD WITH
6 WHICH THE RESOLUTION OR PETITION IS FILED AS DESCRIBED UNDER SEC-
7 TION 953 MAY REFER THE RESOLUTION OR PETITION TO THE SUPERINTEN-
8 DENT OF PUBLIC INSTRUCTION FOR ACTION UNDER THIS SECTION ONLY
9 WITH THE WRITTEN CONCURRENCE OF EACH OF THE OTHER AFFECTED INTER-
10 MEDIATE SCHOOL BOARDS. THE REFERRAL, AND ANY NECESSARY CONCUR-
11 RENCE, SHALL BE BY RESOLUTION OF THE INTERMEDIATE SCHOOL BOARD.

12 (2) IF AN INTERMEDIATE SCHOOL BOARD REFERS A RESOLUTION OR
13 PETITION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER SUB-
14 SECTION (1), THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL HEAR
15 THE MATTER AS A CONTESTED CASE UNDER CHAPTER 4 OF THE ADMINISTRA-
16 TIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.271 TO 24.287.
17 IN CONSIDERING THE MATTER, THE SUPERINTENDENT OF PUBLIC INSTRUCC-
18 TION SHALL CONSIDER THE WELFARE OF THE AFFECTED PUPIL, INCLUDING,
19 BUT NOT LIMITED TO, THE LENGTH OF THE PUPIL'S COMMUTE TO AND FROM
20 SCHOOL, ON A SCHOOL BUS OR OTHERWISE.

21 (3) THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL PROVIDE
22 THE INTERMEDIATE SCHOOL BOARD OR JOINT INTERMEDIATE SCHOOL BOARDS
23 THAT REFERRED THE MATTER WITH A COPY OF HIS OR HER DECISION AND
24 ORDER AT THE SAME TIME IT IS PROVIDED TO THE PARTIES.

25 (4) EXCEPT AS OTHERWISE PROVIDED IN SECTION 951(2), THE
26 ACTION OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER THIS
27 SECTION IS FINAL.

SB0143, As Passed House, December 13, 2002

Senate Bill No. 143

5

1 Sec. 971. (1) One or more resident owners of land
2 considered for transfer from 1 school district to another, or the
3 board of a school district whose territory is affected, may
4 appeal the action of the intermediate school board or joint
5 intermediate school boards in transferring the land, the failure
6 to transfer the land, or action relative to the accounting deter-
7 mination to the ~~state board within 10~~ SUPERINTENDENT OF PUBLIC
8 INSTRUCTION. THE APPEAL MUST BE RECEIVED OR POSTMARKED NOT LATER
9 THAN 15 days after the action or determination by the intermedi-
10 ate school board or the joint intermediate school boards. If the
11 intermediate school board or the joint intermediate school boards
12 fail to take action within the time limit under section 951, the
13 appeal ~~may be made~~ to the ~~state board within 10~~
14 SUPERINTENDENT OF PUBLIC INSTRUCTION MUST BE RECEIVED OR POST-
15 MARKED NOT LATER THAN 15 days ~~following~~ AFTER the termination
16 of the period. The pendency of an appeal shall suspend the
17 action or determination of the intermediate school board or joint
18 intermediate school boards.

19 (2) The ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION
20 may confirm, modify, or set aside the order of the intermediate
21 school board or the joint intermediate school boards. In consid-
22 ering an appeal, the ~~state board~~ SUPERINTENDENT OF PUBLIC
23 INSTRUCTION shall consider the welfare of the affected pupil,
24 including, but not limited to, the length of the pupil's commute
25 to and from school, on a school bus or otherwise. The action of
26 the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION on the
27 appeal is final.

SB0143, As Passed House, December 13, 2002

Senate Bill No. 143

6

1 (3) AN APPEAL UNDER THIS SECTION SHALL BE HEARD AS A
2 CONTESTED CASE UNDER CHAPTER 4 OF THE ADMINISTRATIVE PROCEDURES
3 ACT OF 1969, 1969 PA 306, MCL 24.271 TO 24.287.