

SENATE BILL No. 143

February 6, 2001, Introduced by Senator BENNETT and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 951, 954, 955, and 971 (MCL 380.951, 380.954, 380.955, and 380.971), section 951 as amended by 1990 PA 147 and section 971 as amended by 1995 PA 289, and by adding section 957.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

26 Sec. 954. If the intermediate school board, ~~or~~ the joint
27 intermediate school boards, ~~approve~~ OR THE SUPERINTENDENT OF

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

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

1 SEC. 957. (1) NOT LATER THAN 20 DAYS AFTER RECEIPT OF A
2 RESOLUTION OR PETITION UNDER SECTION 951 REQUESTING A TRANSFER OF
3 TERRITORY, AN INTERMEDIATE SCHOOL BOARD MAY REFER THE RESOLUTION
4 OR PETITION DIRECTLY TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION
5 FOR ACTION. IF THE TERRITORY OF THE SCHOOL DISTRICTS WITH BOUND-
6 ARIES AFFECTED BY THE PROPOSED ALTERATION EXTENDS INTO 2 OR MORE
7 INTERMEDIATE SCHOOL DISTRICTS, THE INTERMEDIATE SCHOOL BOARD WITH
8 WHICH THE RESOLUTION OR PETITION IS FILED AS DESCRIBED UNDER SEC-
9 TION 953 MAY REFER THE RESOLUTION OR PETITION TO THE SUPERINTEN-
10 DENT OF PUBLIC INSTRUCTION FOR ACTION UNDER THIS SECTION ONLY
11 WITH THE WRITTEN CONCURRENCE OF EACH OF THE OTHER AFFECTED INTER-
12 MEDIATE SCHOOL BOARDS. THE REFERRAL, AND ANY NECESSARY CONCUR-
13 RENCE, SHALL BE BY RESOLUTION OF THE INTERMEDIATE SCHOOL BOARD.

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

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

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

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

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

1 to and from school, on a school bus or otherwise. The action of
2 the ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION on the
3 appeal is final.

4 (3) AN APPEAL UNDER THIS SECTION SHALL BE HEARD AS A CON-
5 TESTED CASE UNDER CHAPTER 4 OF THE ADMINISTRATIVE PROCEDURES ACT
6 OF 1969, 1969 PA 306, MCL 24.271 TO 24.287.