

THE REVISED SCHOOL CODE (EXCERPT)

Act 451 of 1976

PART 10

ANNEXATION

380.901 Annexation of school district; resolution; approval; ballot vote; election; filing certified statement of vote; funds, property, and outstanding indebtedness; liability; effective date of annexation; annexation by concurrent proceedings; annexation by separate proceedings.

Sec. 901. (1) A school district shall be annexed to another school district if the board of the annexing school district adopts a resolution approving the annexation and a majority of the school electors of the district to be annexed approve the annexation. The resolution may specify an effective date for the annexation. The vote on the question shall be by ballot. Before the election is held, the board of the annexing school district shall obtain the approval of the state board of the proposed annexation. The election shall be held within 120 days after passage of the resolution by the board of the annexing school district.

(2) Within 10 days after the election the secretary of the board of the school district in which the election was held shall file a certified statement of the vote for annexation with the secretary of the board of the annexing school district.

(3) Within 15 days after the effective date of the annexation, the officers of the board of the annexed school district shall account to the board of the annexing school district for funds and property of the district. Property and money belonging to the annexed school district shall be the property of the annexing school district. Outstanding indebtedness of the annexed school district shall become the liability of the annexing school district. Upon receipt of the funds and property by the board of the annexing school district, the officers of the annexed school district shall be released from liability for the funds and property and their offices terminated.

(4) The annexation is effective on the date of the annexation election or the date specified in the board resolution as the effective date of the annexation, whichever is later, except that if an election is required in the annexing school district under section 904, the annexation is effective on the date of the official canvass in the annexing school district or the date specified in the board resolution as the effective date of the annexation, whichever is later.

(5) Except as provided in this section, the annexation of 2 or more school districts may be by concurrent proceedings. Elections in the annexed school districts may be held on the same or different days.

(6) If the annexing school district and 1 or more of the school districts to be annexed have bonded indebtedness that is to be mutually assumed at the time of annexation under section 907, the annexation of each district having bonded debt shall be by separate proceedings that shall not be concurrent with the proceedings for annexation of another school district.

(7) If a school district to be annexed has bonded debt that is to be assumed by an annexing school district, annexation of the district shall be by separate proceedings that shall not be concurrent with proceedings by which another school district is annexed.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 140, Imd. Eff. July 15, 1992.

Popular name: Act 451

380.902 Notice of annexation.

Sec. 902. Within 15 days after the effective date of an annexation the secretary of the board of the annexing school district shall give written notice of the annexation to the intermediate superintendent of each of the intermediate school districts in which the territory of the combined school district is situated and to the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

***** 380.902a THIS SECTION DOES NOT APPLY AFTER JUNE 30, 1988: See (5) of 380.902a *****

380.902a Merger of teachers for purpose of making layoff and recall determinations; standards and procedures; applicability of subsection (1); altering provisions of subsection (1); applicability of section.

Sec. 902a. (1) Upon the annexation of 1 school district by another, the teachers of the annexed and annexing school districts shall be merged for the purpose of making determinations in the layoff and recall of

those teachers. The teachers of the annexed school district shall be merged with the teachers of the annexing school district as if those teachers had been employed in the annexing school district for the length of time equal to their accumulated seniority with the annexed school district at the date of the annexation, according to the applicable standards in the annexed school district for acquired seniority. Layoff and recall determinations shall then be made according to the standards and procedures in effect in the annexing school district. A teacher on layoff in the annexed or the annexing district on the date of the annexation shall not displace any teacher who is actively employed with either school district at the time of the annexation. Teachers on layoff in the annexed and annexing school district at the time of the annexation shall be merged with each other in the same manner as those actively employed and shall be considered for assignment for the next available vacancy for which they are certified, if applicable, and qualified. This subsection shall not apply to teachers of annexed and annexing school districts in which the annexation takes place after June 30, 1986.

(2) The provisions of subsection (1) may be altered by a future collective bargaining agreement after the annexation has been complete for 2 years.

(3) This section shall not apply to any school district in which annexation has been complete for 3 years.

(4) This section shall only apply to school districts located in a county with a population of more than 2,000,000.

(5) This section shall not apply after June 30, 1988.

History: Add. 1982, Act 284, Imd. Eff. Oct. 7, 1982;—Am. 1985, Act 11, Imd. Eff. Apr. 24, 1985.

Popular name: Act 451

380.903 Bonded indebtedness of annexed school district at time of annexation; territory of annexed district as separate assessing unit; board of trustees; officers.

Sec. 903. (1) If a school district which is annexed to another school district has bonded indebtedness at the time of annexation, the identity of the district shall not be lost by virtue of annexation. Its territory shall remain as a separate assessing unit for purposes of bonded indebtedness until the indebtedness has been retired or the outstanding bonds refunded by the annexing school district. The board of the annexing school district shall constitute the board of trustees for the annexed school district having bonded indebtedness. The officers of the annexing school district are the officers for the annexed district.

(2) The board of the annexing school district shall certify and order the levy of taxes for bonded indebtedness in the name of the annexed school district, shall not commingle the debt retirement funds of the annexed school district with those of the annexing school district, and shall do all things relative to the indebtedness required by law and by the terms under which the issuance and sale of the bonds were originally authorized.

(3) Other taxes of any nature levied for purposes of the combined school district shall be spread uniformly over the entire area of the combined school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.904 Assumption of bonded indebtedness; resolution; approval; payment; final responsibility; uniform tax spread.

Sec. 904. (1) If a school district which has bonded indebtedness proposes to annex to a school district which has no outstanding bonded indebtedness, the resolution of the board of the annexing school district prescribed by section 901 may provide that the annexation shall not become effective unless the school electors of the annexing school district approve the assumption of the indebtedness.

(2) If the assumption of bonded indebtedness is approved by the school electors, the annexing school district shall assume the obligation of the bonded indebtedness of the annexed school district and pay the same by levying debt retirement taxes uniformly over the territory of the combined school district. The assumption of bonded indebtedness of an annexed school district shall not release the territory of the annexed school district from the final responsibility of paying the bonded debt.

(3) If an annexing school district has bonded indebtedness at the time of the annexation of another school district, the territory of the annexing school district shall remain as a separate assessing unit for purposes of the bonded indebtedness until the indebtedness is retired or the outstanding bonds are refunded by the combined school district.

(4) Other taxes of any nature for purposes of the combined school district shall be spread uniformly over the entire area of the district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.905 Assumption of bonded indebtedness; resolution; approval; uniform levy of debt retirement taxes; final responsibility.

Sec. 905. (1) If a school district which has bonded indebtedness proposes to annex a school district which has no bonded indebtedness, the resolution of the board of the annexing school district prescribed by section 901 may provide that the annexation shall become effective only if the school electors of the district to be annexed approve the assumption of the bonded indebtedness at the same election at which the school electors of the district to be annexed approve the annexation.

(2) If the assumption of bonded indebtedness and annexation are approved by the school electors, the annexing school district shall levy debt retirement taxes uniformly over the territory of the combined school district. The assumption of the bonded indebtedness by the district shall not release the original territory from the final responsibility of paying the bonded obligation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.906 Bonded indebtedness of both annexing and annexed school districts; identity of annexed school district; territory as separate assessing unit; board of trustees; officers; certification and levy of taxes; commingling; uniform spread of taxes.

Sec. 906. (1) If a school district which has bonded indebtedness is annexed to another school district which has bonded indebtedness, the identity of the annexed school district shall not be lost by virtue of the annexation. The territory of each district shall remain as a separate assessing unit for the purposes of bonded indebtedness until the indebtedness of each is refunded or retired. The board of the annexing school district is the board of trustees for the annexed school district having bonded indebtedness. The officers of the annexing school district are the officers for the annexed school district.

(2) The board of the annexing school district shall certify and order the levy of taxes for the bonded indebtedness in the name of the annexed school district and shall not commingle the debt retirement funds of the annexed school district with those of the annexing school district and shall do all things relative to the bonded indebtedness required by law and by the terms under which the issuance and sale of the bonds were originally authorized.

(3) Other taxes of whatever nature levied for the purposes of the combined school district shall be spread uniformly over the entire area of the combined school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.907 Annexation of school districts both having bonded indebtedness; resolution; approval; assumption and payment of bonded indebtedness; final responsibility.

Sec. 907. (1) If a school district which has bonded indebtedness proposes to annex a school district which has bonded indebtedness, the resolution of the annexing board prescribed by section 901 may provide that the annexation shall become effective only if the school electors of the annexing school district approve the assumption of the bonded indebtedness of the school district to be annexed and the school electors of the school district to be annexed at the same election approve the assumption of the bonded indebtedness of the annexing school district and approve the annexation.

(2) If the annexation is effective, the combined school district shall assume the obligation of the bonded indebtedness of both the annexing and annexed school districts and shall pay the same by levying debt retirement tax levies uniformly over the territory of the district. The assumption of the bonded indebtedness by the annexing school district shall not operate to release the territory of the annexing school district or of the annexed school district from the final responsibility of paying the bonded obligation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.908 Annexation of school districts both having bonded indebtedness; resolution; approval.

Sec. 908. If a school district which has bonded indebtedness proposes to annex a school district which has bonded indebtedness, the resolution of the annexing board prescribed by section 901 may provide that the annexation shall become effective only if the school electors of the district to be annexed approve both the assumption of the bonded indebtedness of the annexing school district and annexation at the same election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.911 Assumption and payment of bonded indebtedness by combined school district; final responsibility; election to issue new bonds; refunding bonds; vote by school electors.

Sec. 911. (1) Beginning 3 years after the effective date of an annexation in which 1 or more of the school districts forming the combined school district have outstanding bonded indebtedness, the combined school district may assume the obligation of the bonded indebtedness and pay the same by levying debt retirement tax levies uniformly over the territory of the combined school district if the school electors of the combined school district approve the assumption of the bonded indebtedness. The assumption of the indebtedness shall not release the territory of the district originally incurring the bonded indebtedness from the final responsibility of paying the bonded obligation.

(2) After the effective date of annexation, the election may be held when a proposal to issue new bonds of the combined school district is submitted to the school electors. The assumption of indebtedness, if approved, shall become effective immediately.

(3) At an election to issue new bonds of the combined school district, outstanding bond issues of 1 or more of the original school districts may be refunded as a part of the new bond issue. It shall not be necessary to present the question of assumption of the indebtedness as a separate proposition.

(4) If a school district is attached to another school district under section 921, the vote by the school electors of the combined school district may be held at any time after the effective date of annexation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.912 Annexation of school district; increase in tax limitation.

Sec. 912. If a school district which has voted to increase the constitutional limitation on taxes for either building and site or general fund purposes and the term of years for which the millage was voted has not expired proposes to annex a school district, the resolution of the annexing board prescribed by section 901 may provide that the annexation shall become effective only if the school electors of the district to be annexed approve an increase in the constitutional limitation on taxes for the same amounts, for the same purposes, and for the same years as are in effect in the annexing school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451

380.921 Constituent districts not operating schools; list; compliance; duties.

Sec. 921. (1) Subject to subsection (2), annually on June 1 each intermediate superintendent shall compile a list of constituent districts that did not operate school within the constituent district during the preceding 2 or more years. Before June 10, the intermediate superintendent shall direct in writing the board of each constituent district on this list to comply with this section and section 922. Within 1 year after issuance of this directive by the intermediate superintendent, the constituent district shall do 1 of the following:

(a) Attach itself either totally or in part to 1 or more operating school districts, including, but not limited to, a reorganization under section 12 or 12b.

(b) Transfer the functions and responsibilities of the constituent district relating to operating public schools to 1 or more other public entities authorized to operate public schools, including, but not limited to, another school district or an intermediate school district.

(c) Reopen and operate its own school.

(2) For the purposes of this section, a constituent district shall be considered to have operated a school within the school district if the constituent district did either or both of the following:

(a) Directly operated 1 or more schools on its own.

(b) Caused public education services to be provided within the school district to residents of the school district through an agreement, contract, or other cooperative agreement with another public entity, including, but not limited to, another school district or an intermediate school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2016, Act 192, Imd. Eff. June 21, 2016.

Popular name: Act 451

380.922 Noncompliance with MCL 380.921; total or partial annexation or attachment; procedures; appeal; hearing; order; taxes; forfeiture of financial benefits.

Sec. 922. (1) If a constituent district fails to comply with either of the requirements of section 921, the intermediate school board, upon the approval of the state board, shall annex or attach the district either totally or in part to 1 or more operating school districts pursuant to the following procedures:

(a) Not later than 30 days after the expiration of the 1-year period described in section 921, the intermediate school board shall hold a hearing to determine facts and shall make recommendations regarding the attachment of the constituent district, or parts of the constituent district, to 1 or more operating school districts. At least 5 days before the hearing, notice of the hearing shall be given to the secretary of the board of each school district whose boundaries are affected by the proposed attachment of territory of the closed school district.

(b) Not later than 30 days after the hearing described in subdivision (a), the intermediate school board shall issue a written order regarding the attachment of the closed school district either totally or in part to 1 or more operating school districts. The order shall indicate the date on which the annexation or property attachment is to take place. The intermediate school board shall transmit a copy of the order to the secretary of the board of each school district whose boundaries are changed by the order. The order has full effect in law on all affected school districts unless an appeal is taken under this section.

(c) Not later than 20 days after receipt of the order described in subdivision (b), a school district affected by the order shall comply with the order made by the intermediate school district or appeal to the state board for a review of the order.

(2) Not later than 90 days after the receipt of an appeal from 1 or more of the affected school districts, the state board shall confirm the order made under subsection (1) or hold a hearing on the basis of the appeal. Not later than 60 days after the hearing, the state board shall ratify or amend the order of the intermediate school board. An order issued by the state board under this subsection shall have full effect in law.

(3) As of the date of attachment, territory attached to an operating school district is a part of that district for all purposes, including the levy of all taxes, except taxes levied for the retirement of outstanding bonded indebtedness. For territory attached to an operating school district after January 1, 1990, the territory is subject to the levy of taxes levied for the retirement of outstanding bonded indebtedness and all other taxes levied by the operating school district.

(4) In addition to any applicable penalty under article 4, a school district that fails to comply with an order of the intermediate school board or the state board under this section shall forfeit all financial benefits to which the district might be entitled under legislative appropriations for school aid purposes.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1990, Act 113, Imd. Eff. June 21, 1990.

Popular name: Act 451

380.931 Division of district; resolution; petition; election; certifying number of registered school electors; effective date of division; description of division.

Sec. 931. (1) An intermediate school board may divide a constituent district that has no bonded indebtedness and attach the parts thereof to 2 or more operating school districts if requested to do so by resolution of the board of the school district to be divided, or if petitioned by not less than 5% of the registered school electors residing in the district on the date the petition is received, and if the school electors of the school district, voting on the question at a regular or special school election, approve the division.

(2) The school district filing official shall certify the number of registered school electors residing in a school district as needed for voting on the ballot question.

(3) The resolution of the board of the school district to be divided or the petition of the registered school electors residing in the district may specify the effective date of the division of the school district, which date shall not be later than the end of the fiscal year in which the election takes place.

(4) The resolution of the intermediate school board to which the school district to be divided is constituent shall clearly describe the division. The description of the division shall be based on the resolution of the board of the school district to be divided or on the petition of the school electors.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

380.932 Division of district; election; submission of question; ballot; approval; ratification; territory; taxes; certified statement of vote; declaration of division; attachment to operating district; distribution of money and property; effective date.

Sec. 932. (1) The board of the school district to be divided shall call an election at which the question of the division of the school district shall be submitted to the school electors. Vote on the ballot question shall be by ballot in the form determined by the school district filing official and shall clearly describe the division. Before an election is held, the superintendent of public instruction shall approve the proposed division and the attachment of the parts to existing operating school districts. The election in the school district to be divided shall be held not later than the next available day for a regular school election or special school election following the date of approval by the superintendent of public instruction.

(2) The affirmative vote of a majority of the school electors voting on the question is necessary to ratify the action of the intermediate school board.

(3) Territory attached to an existing operating school district shall be a part of that school district for all purposes, including the levy of all taxes the school district to which the territory is attached is authorized to levy.

(4) Within 5 days after the election, the school district filing official shall file a certified statement of the vote for division with the intermediate superintendent.

(5) Within 30 days after the filing of the certified statement of the vote approving the division, the intermediate school board, by resolution, shall declare the school district divided, attach the territory to the specified operating school districts, and make an equitable distribution of the money, property, and other material belonging to the school district among the school districts to which the territory is attached.

(6) If the effective date is determined by the resolution of the board or by the petition of the school electors under section 931, the intermediate school board shall declare the school district divided on that date.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.933 Notice of boundary change; map.

Sec. 933. The intermediate superintendent shall notify the secretaries of the school districts whose boundaries are changed, the affected township supervisors or city assessors, and the state board of the division of the school district. The notification shall contain a map clearly indicating in detail the boundaries of the affected school districts before the alteration in boundaries and the boundaries of the affected school districts as altered by the division of the school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977.

Popular name: Act 451