

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

PART 9

CONSOLIDATION OF SCHOOL DISTRICTS

380.851 Consolidation of school districts to form single school district.

Sec. 851. Two or more school districts may consolidate to form a single school district.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.852 Request to initiate consolidation proceedings; referral of question by intermediate superintendent; approval, denial, or other action by state board.

Sec. 852. (1) If the intermediate superintendent is requested in writing by not less than 10 school electors of each of 2 or more school districts to initiate proceedings for consolidation of the districts, the intermediate superintendent shall refer the question of consolidating the districts to the state board for its approval. A resolution of the board requesting this action by the intermediate superintendent shall have the same effect as a written request by the school electors of a district.

(2) The state board may approve or deny the proposal to initiate proceedings to effectuate the proposed consolidation, or the state board may require that 1 or more of the school districts be excluded from the proposed consolidation. The action of the state board in the matter shall be final.

(3) If the school districts proposed to be consolidated are located in more than 1 intermediate school district, the request to initiate consolidation proceedings shall be filed with the intermediate superintendent of the intermediate school district containing the largest portion of the assessed valuation of the proposed consolidated school district. The intermediate superintendent shall refer the question to the state board. Upon approval of the state board the intermediate superintendent shall perform the duties of an intermediate superintendent in connection with the consolidation.

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

Popular name: Act 451

380.853 Petitions; preparation; form; contents; signature; circulation; return of petitions to school district filing official; expiration date.

Sec. 853. (1) Within 30 days after the receipt of the approval of the state board to the consolidation, the intermediate superintendent shall notify the school district filing official, who shall have petitions prepared for circulation within the designated school districts. The petitions shall be printed or duplicated.

(2) A petition under this section shall be substantially in the form prescribed for other petitions under this act and is subject to section 14.

(3) Upon the request of a school elector of the district proposed to be consolidated, the school district filing official shall provide a petition for consolidation to the school elector. A petition shall be circulated only by a school elector of the district. The statement appearing below the signatures of petitioners shall be dated and signed on each page before filing the petition with the school district filing official.

(4) A school elector circulating a petition under this section shall return the petition to the school district filing official before the expiration date stated on the petition that is the sixtieth day after the school district filing official certifies the number of registered general electors residing in each of the affected school districts. The expiration date shall be not later than 180 days after the date of approval by the state board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 1998, Act 406, Eff. Mar. 23, 1999;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.854 Certification of number of registered general electors; basis for determining required number of signatures; registration after date of certification; effect of additional registrations; eligibility to sign petition.

Sec. 854. (1) Immediately upon receipt of the approval of the state board to the consolidation, the intermediate superintendent shall request the school district filing official to certify the number of registered general electors residing in each of the affected school districts. The number of registered general electors certified is the basis for determining the required number of signatures for calling an election on the question of consolidation.

(2) The signature of a person registering after the date of certification by the school district filing official is

a valid signature if the person is registered at the time of signing the petition. Additional registrations do not affect the number of registered general electors originally certified. Only a registered school elector is eligible to sign a petition and to vote on the question of consolidation.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.855 Canvass of petitions; purpose; determining validity of signatures.

Sec. 855. The school district filing official shall canvass the petitions to determine the number of school electors who have signed them. For the purpose of determining the validity of doubtful signatures, the school district filing official may have the signatures checked against the registration records by the clerk of a political subdivision in which petitions were circulated or may use other methods to determine the validity of doubtful signatures.

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

Popular name: Act 451

380.856 Submitting question of consolidation to school electors at next regular school election or special election; petitions not required in certain school districts.

Sec. 856. (1) If the school district filing official is presented with petitions signed by school electors in each school district in a number at least equal to 5% of the number of school electors residing in each school district, the school district filing official shall submit the question of consolidation to be submitted to the vote of the school electors of the school districts at the next regular school election or a special election.

(2) Petitions are not required in a school district operating 12 grades if a resolution adopted by the board of the school district requesting consolidation of school districts has been filed with the intermediate superintendent.

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

Popular name: Act 451

380.857 Submitting question of establishing consolidated school district to school electors at regular school election or special election; voting as unit; day and hours of elections.

Sec. 857. (1) The question of establishing a consolidated school district shall be submitted to the school electors at a regular school election or at a special election held for that purpose. In voting to form the consolidated school district, a school district operating 12 grades shall vote separately as a unit. The remaining school districts to be included in the consolidation shall vote together as a unit.

(2) The elections shall be held on the same day and during the same hours.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.858 Election notices.

Sec. 858. The school district filing official shall give written notice to the secretary of the board of each affected school district of the date of the consolidation election at least 60 days before the election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1992, Act 263, Eff. Jan. 1, 1993;—Am. 2003, Act 299, Eff. Jan. 1, 2005.

Popular name: Act 451

380.859 Form of ballot question; affirmative vote of majority required; effective date of consolidation; reimbursements; expenses.

Sec. 859. (1) The ballot question shall be in substantially the following form:

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

(Names of school districts to be consolidated listed here)

Yes ()

No ()".

(2) The affirmative vote of a majority of the school electors voting on the question in each of the election units is necessary to effect the consolidation of the school districts. The consolidation takes effect July 1 after the election.

(3) If the consolidation becomes effective, expenses incurred for the election in each election unit shall be certified to the board of the consolidated school district. The school board of the consolidated school district shall pay election reimbursements from the funds of the consolidated school district. If the proposition to consolidate is not approved, the intermediate school board shall determine the expenses of the election held in

the election unit operating less than 12 grades and apportion the required reimbursements equally among the school districts of the election unit. Each school board of the election unit shall pay the apportionment to the local unit of government that conducted the election.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 509, Imd. Eff. July 23, 2002;—Am. 2003, Act 299, Eff. Jan. 1, 2005;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

Popular name: Act 451

380.860 Submitting questions of assuming bonded indebtedness or increasing constitutional limitation on taxes; form; payment of bonded indebtedness; applicability of MCL 380.864.

Sec. 860. (1) If the petitions filed with a school district filing official under section 853 request submission of the question of assuming the bonded indebtedness of 1 or more of the school districts proposing consolidation, or the question of increasing the constitutional limitation on taxes of the consolidated school district for operating purposes to the school electors at the consolidation election, the school district filing official shall include the question or questions in the notice of the election ballot questions filed with each of the election units.

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

"We petition that the question of assumption and payment by the proposed consolidated school district of the bonded indebtedness of _____ be
(name of school district or districts)
submitted to the electors at the same election in which the proposed consolidation is submitted", and if applicable,

"We petition that the question of increasing the constitutional limitation on taxes which may be assessed against all property in the proposed consolidated school district by _____ mills for a period of _____ years, ___ to ___, inclusive, for operating purposes, be submitted to the electors at the same election with the question of consolidating the above listed districts".

(3) If the school electors approve the consolidation of school districts and the assumption of the bonded indebtedness of an original district, the consolidated school district shall assume the obligation of the bonded indebtedness. The consolidated school district shall pay the bonded indebtedness by spreading debt retirement taxes uniformly over the territory of the consolidated district. Section 864 applies to the debt retirement tax levies, the continuing obligations of the original school districts, and the rights and remedies of a bondholder.

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

Popular name: Act 451

380.861 Appointment of board; filing acceptance of office and affidavit of eligibility; election and terms of board members.

Sec. 861. Within 10 days after the date of the official canvass of the consolidation election, the intermediate school board of the intermediate school district containing the territory of the consolidated school district shall appoint school electors of the school district in the number required by section 11a to act as a board for the school district. This board shall continue to operate the affected school districts as separate school districts until the effective date of the consolidation. If a consolidated school district includes territory in more than 1 intermediate school district, the appointment shall be made by the intermediate school board of each intermediate school district acting jointly as a single board. Within 7 days after appointment, each member shall file with the intermediate superintendent an acceptance of the office, accompanied by a written affidavit setting forth the fact of eligibility for office. Each appointed board member shall hold office until January 1, or, if the consolidated school district's regular election is in May, until July 1, next following appointment. A new board shall be elected at the first regular school election held after the effective date of consolidation in the manner prescribed by law for the election of a first board.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 43, Imd. Eff. June 29, 1977;—Am. 2003, Act 299, Eff. Jan. 1, 2005;—Am. 2008, Act 1, Imd. Eff. Jan. 11, 2008.

Popular name: Act 451

380.862 Accounting for records, funds, and property; release from liability; termination of offices.

Sec. 862. Within 20 days after the effective date of a consolidation the board of each of the original school

districts shall account to the board of the consolidated school district for all records, funds, and property belonging to the original school district and shall turn over the same to the board of the consolidated school district. Upon receipt of records, funds, and property by the board of the consolidated school district, the officers of the original school districts shall be released from liability therefor and their offices terminated.

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

Popular name: Act 451

380.862a Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to mergers of joint high school districts into consolidated school districts.

Popular name: Act 451

380.863 Bonded indebtedness or outstanding tax anticipation notes of original school district; territory of original school district as assessing unit; board of trustees; officers; certification and levy of taxes; commingling; uniform spread of taxes.

Sec. 863. (1) If a school district becoming part of a consolidated school district has bonded indebtedness, or has outstanding tax anticipation notes at the time of consolidation, the identity of the district shall not be lost by virtue of the consolidation. Territory of the original school district shall remain as an assessing unit for purposes of bonded indebtedness and tax anticipation notes until the indebtedness is retired or the outstanding bonds are refunded by the consolidated school district. The board of the consolidated school district shall constitute the board of trustees for the original school district having bonded indebtedness or tax anticipation notes. The officers of the consolidated school district shall be the officers for the original school district for this purpose.

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

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

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

Popular name: Act 451

380.864 Assumption of bonded indebtedness of consolidated school district; payment; liability; certification and levy of taxes; election.

Sec. 864. (1) Beginning 3 years after the consolidation election, a consolidated school district may assume and pay the obligation of the bonded indebtedness of an original school district which joined the consolidation from the proceeds of a debt retirement tax levy spread uniformly over the territory of the consolidated school district if the school electors of the district approve the assumption of the bonded indebtedness. Assumption of bonded indebtedness of an original school district shall not release the territory of the original school district from the final responsibility of paying the obligation to bondholders.

(2) If the bonded indebtedness of an original school district is assumed, the board of the consolidated school district shall certify and order the levy of taxes for the bonded indebtedness equivalent in terms of money to those required by the terms under which the indebtedness was originally incurred, and shall carry out provisions of the original bond contract. Following the effective date of consolidation a question of assuming bonded indebtedness of an original school district may be presented at an election to issue new bonds of the consolidated school district.

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

Popular name: Act 451

380.871 Expired. 1976, Act 451, Eff. Jan. 1, 1978.

Compiler's note: The expired section pertained to disbandment of consolidated school district.

Popular name: Act 451