REORGANIZATION OF SCHOOL DISTRICTS

Act 239 of 1967

AN ACT to provide recognition of a state of emergency in certain school districts in the state; to provide for continuance of the state committee on reorganization of school districts; and to provide certain powers and duties of the state board of education in connection therewith.

History: 1967, Act 239, Imd. Eff. July 12, 1967

The People of the State of Michigan enact:

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388.711 Reorganization of school districts; determination of emergency.

Sec. 1.

The state committee for the reorganization of school districts, created by Act No. 289 of the Public Acts of 1964, being sections 388.681 to 388.693 of the Compiled Laws of 1948 shall determine the existence of an emergency warranting immediate reorganization within any primary school district or school district of the fourth class not reorganized under the provisions of Act No. 289 of the Public Acts of 1964.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.712 Emergency school district; reorganization; applicability; determination of emergency.

Sec. 2.

This act applies only to school districts lying wholly in, or the major part of the territory of which lies wholly in, a county having a population of more than 1,000,000. The board of education or 5% of the school electors, but not less than 5 electors in a primary school district or less than 25 electors in a school district of the fourth class, of any primary school district or school district of the fourth class not reorganized under the provisions of Act No. 289 of the Public Acts of 1964, may petition the state board of education to determine if an emergency warranting immediate reorganization exists within the district.

History: 1967, Act 239, Imd. Eff. July 12, 1967 ;-- Am. 1968, Act 130, Imd. Eff. June 11, 1968

388.713 Determination of emergency; hearing.

Sec. 3.

Upon receipt of the petition, the state committee shall conduct, or cause to be conducted, an impartial study to determine if an emergency exists. Within 20 days following publication of the results of the study, a member of the state committee, or the secretary designated by the committee, shall hold a hearing in the district. Notice of the time and place of the hearing shall be given the voters of the district and the superintendent of the intermediate school district to which the district is constituent.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.714 Reorganization committee; findings, contents.

Sec. 4.

Within 20 days following receipt of a transcript of the hearing, the state committee shall make a finding relative to the existence of a condition or conditions warranting immediate reorganization of the district. The finding shall include consideration of the adequacy of the district to provide the following:

(a) An educational program meeting standards established by the state department of education or by accrediting agencies.

(b) A physical plant which can contain an acceptable school program.

(c) Transportation for students.

(d) Necessary tax base.

(e) Pupil services, administrative and teaching staff, and auxiliary services in compliance with rules prescribed by the department of education.

History: 1967, Act 239, Imd. Eff. July 12, 1967

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388.715 Need for immediate reorganization; report and recommendations.

Sec. 5.

Upon a finding by the state committee that conditions in a school district warrant immediate reorganization, the state committee shall transmit its report with recommendations to the state board of education.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.716 State committee report and recommendations; publication; filing of objections and recommendations; determination of state board.

Sec. 6.

The state board of education shall publish the report and recommendations of the state committee and shall invite objections or comments to be filed with it within 20 days following publication of the report. The state board then shall consider the report of the state committee, together with the comments and objections filed, and make a determination as to endorsement of the finding of the state committee.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.717 Attachment of territory by annexation; effective date; finality; conclusiveness.

Sec. 7.

The state board of education, upon the finding that an emergency warrants immediate reorganization of a school district, shall attach the district by annexation or division to such other district or districts as will provide the most equitable educational opportunity for all of the students of the reorganized district and shall determine the effective date of attachment. Action of the state board of education shall be final. For the 4 fiscal years immediately subsequent to the annexation, the receiving district may elect to compute and receive state aid for that portion of

the district annexed based upon the per pupil state equalized valuation of the annexed portion.

History: 1967, Act 239, Imd. Eff. July 12, 1967 ;-- Am. 1968, Act 130, Imd. Eff. June 11, 1968

388.718 Reorganized school district; bonded indebtedness, levy of taxes.

Sec. 8.

If a district attached under the provisions of this act at the time of reorganization, has a bonded indebtedness incurred after December 8, 1932, its identity shall not be lost and its territory shall remain as an assessing unit for purposes of such bonded indebtedness until the indebtedness has been retired or the outstanding bonds refunded by the reorganized district. The board of the reorganized district, or the board of the district which has succeeded to the largest share of the state equalized valuation of the attached district, shall constitute the board of trustees for the original district having bonded indebtedness and the officers of the reorganized or successor district shall be the officers for the original district. The board of the reorganized or successor district shall certify and order the levy of taxes for the bonded indebtedness in the name of the original district, shall not commingle the debt retirement funds of the original district with funds of the reorganized or successor district and shall do all things relative to such bonded indebtedness required by law and by the terms under which the issue and sale of the bonds were originally authorized. All other tax levies for purposes of the reorganized district shall be spread over the entire area of the reorganized district.

History: 1967, Act 239, Imd. Eff. July 12, 1967

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388.719 Reorganized school district; assumption of bonded indebtedness of original school district; effect; certification, levy of taxes; election.

Sec. 9.

Any time after 3 years following reorganization, the reorganized district, or that district which has succeeded to the largest share of the attached district's state equalized valuation, may assume the obligation of the bonded indebtedness incurred after December 8, 1932, of the original district which has become a part of the reorganization and pay the same from the proceeds of a debt retirement tax levy spread uniformly over the territory of the reorganized or successor district whenever the electors of the reorganized or successor district shall have approved an increase in the limitation on taxes for that purpose and the school tax electors of the district have approved the assumption of such bonded indebtedness. Assumption of the bonded indebtedness of an original school district shall not release the territory of the original district from the final responsibility of paying the obligation or rescind the increase in the limitation on taxes pledged to the bond issue or available to it in the original district, nor be construed as so doing. When the bonded indebtedness of an original district has been so assumed, the board of the reorganized or successor 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 carry out all provisions of the original bond contract. The election to assume the bonded indebtedness of an attached district may be held at any time after 3 years following the effective date of reorganization when a proposal is placed before the school tax electors to increase the bonded indebtedness of the combined district.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.720 Petitions for emergency reorganization; intermediate district superintendent to furnish; form; who may sign; circulation signatures.

Sec. 10.

The intermediate district superintendent upon request shall furnish any school district with petitions. The petitions shall be printed or duplicated and the first page shall be in the following form:

Petition no. ..... consisting of .....pages.

(Signed).....

Superintendent of intermediate district of.....

To the state committee on reorganization of school districts, Lansing, Michigan.

We, the undersigned, qualified (here insert "registered" in the case of a registration district) electors of ....

(name of school district)

declare that in the following school district there does exist an emergency calling for immediate reorganization, and we do call upon the state board of education to reorganize the district:

Name of school district to be reorganized to be listed here.

Signatures of petitioners

Name	Address	Date of signing

Each additional page of any such petition shall have at or near the top of the page the following:

Official petition

No. ..... Page no. .....

Signature of intermediate district superintendent.....

Each page shall have printed or duplicated the following statement below the space for signature for petitioners:

The undersigned certifies that he is a qualified (here insert "registered" in the case of a registration district) elector of .....

(name of school district)

and that each signature appearing on this page is the genuine signature of the person signing the same and that to his best knowledge and belief each such person was at the time of signing a qualified (here insert "registered" in the case of a registration district) elector of the school district.

Dated this .....day of.....19.....

Each petition shall be signed by the intermediate district superintendent as indicated in the foregoing form before being issued to any person for circulation.

Only qualified school electors of the districts in which signatures to the petitions are being sought shall circulate such petitions and the statement appearing below the signatures of petitioners shall be dated or signed on each page before returning to the state committee.

History: 1967, Act 239, Imd. Eff. July 12, 1967

388.720a State committee on reorganization of school districts; continuation.

Sec. 10a.

The state committee on reorganization of school districts shall continue in existence for purposes of this act, notwithstanding any expiration date otherwise provided by law.

History: Add. 1968, Act 130, Imd. Eff. June 11, 1968

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388.721 Repealed. 1968, Act 130, Imd. Eff. June 11, 1968.

Compiler's Notes: The repealed section pertained to termination of school aid act July 1, 1968.

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