

CHAPTER I

LEGAL BASIS AND ORGANIZATION

Four County Intermediate School Districts Community College Feasibility Study

PREFACE

The Community College is a legally-recognized institution in the State of Michigan. A series of statutes of the Legislature has authorized the establishment of Community College programs; has provided for the creation of Community College districts of various kinds; and has set up programs for the government, control, administration and financial support of such institutions.

In the following analysis on Legal Basis and Organization, an attempt is made to summarize the principle details of the existing No. 189 of the Public Acts of 1951, and Act No. 188 of Public Acts of 1955, as amended.

I. Legal Definition

A community College means an educational institution providing primarily for all persons above the twelfth grade age-level and primarily for those within commuting distance, collegiate and non-collegiate level education, including area vocational-technical education programs which may result in the granting of diplomas and certificates, including those known as associate degrees. An area vocational-technical education program means a program of organized systematic instruction designed to prepare the following individuals for useful employment in recognized occupations:

- (A) Persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market.
- (B) Persons who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment.
- (C) Persons enrolled in high school. In those instances when programs or courses are provided for persons enrolled in high school, the provision of the programs or courses shall be requested for each of the individuals by the superintendent or his designated representative of the school district in which the person is enrolled in high school. The word "area", in the phrase "area vocational-technical education program", refers to the geographical territory of the district and, in addition, whatever territory without the district as is designated as the service area of the district by the State Board of Education.

II. Alternative Organizational Bases

- A. The law provides for the establishment of a Community College program, upon approval of the Superintendent of Public Instruction, by:
 1. The Board of Education of an existing school district of the first, second or third class, or one created ~~by special act or a graded school district having a population over 10,000. (Act 189 of P.A. 1951 as amended).~~
 2. One or more contiguous counties or parts of counties, upon the approval of the Superintendent of Public Instruction and advice of the State Board of Education and a favorable public vote in the area.
 3. Two or more school districts, operating grades kindergarten through twelve, within a county or contiguous counties, may form a Community College District upon the approval of the Superintendent of Public Instruction and advice of the State Board of Education, and favorable public vote in the area.

The Board of Education of such intermediate school districts may designate the territory to be included in the proposed Community College District along with a property tax question for the support of Community Colleges, both subject to the approval of the Superintendent of Public Instruction.

Nominating petitions for candidates for the first Board of Trustees shall be filed with the secretary of the Intermediate School District Board instead of the County Clerk. Six trustees shall be elected at large from the territory to be included in the Community College District.

Whenever the Intermediate School District Board directs that the question of coming under the provisions of this Act shall be submitted to the school electors of an Intermediate School District, its secretary shall give notice to local school districts 30 days in advance of the election.

III. Governing Body

- A. If a Community College is established as a part of an existing school district, then the local Board of Education exercises control.
- B. If the electors of one or more counties, or parts of counties, or two or more school districts vote to form a Community College District, then a Board of Trustees, elected, controls the Community College.
 1. The Board of Trustees shall number six members if the district consists of one county of intermediate district to be elected at large. If the district consists of two or more counties, three members shall be elected at large from each of the counties.
 2. Any elector in the County, or part of the County (school districts, or townships, or cities) included in the Community College District is eligible to be chosen a trustee.
 3. Term of office of the trustees is six years, if elected at the general election in November. They will proportionally be chosen for two, four and six years, as set forth in the Act. If elected at a special election, they shall serve on an interim basis until the next general election.
- C. The Board of Trustees shall have the power to acquire property, erect buildings, employ persons, to establish and finance programs and all other things permitted by law which it deems necessary for the proper establishment and carrying on of the Community College.

IV. FINANCING

A. Borrowing and Bonding

1. The Board of Trustees may borrow funds (subject to Act No. 202, Public Acts of 1943, as amended) for temporary school purposes in amounts not to exceed that authorized by the Board or the district electors.
2. The Board of Trustees may borrow funds (subject to Act No. 202, Public Acts of 1943, as amended) for site, buildings and equipment and for improvements, by sale of bonds, and other reasonable means, upon proper public election, but not to exceed 15 percent of the state equalized valuation of the district, and for not more than 30 years.
3. The Board of Trustees may finance self-liquidating projects through bonds payable solely from revenue, and for periods not to exceed 40 years.
4. Notwithstanding the provision outlined in Item 2 above, the Board of Trustees may make loans or issue bonds in any year for any sum up to an amount which will be serviced to their maximum principle and interest requirement by an amount equal to one-half of a sum determined by the application of the tax rate authorized by the qualified electors to the last confirmed State Equalized Valuation of all property of the district.

The Board of Trustees need not limit the tax rate levied for this purpose to that which has been authorized by the electors.

B. Tax Levies

1. The Board of Trustees of each Community College District may levy for any and all purposes of the district a tax which shall not exceed the rate which has been heretofore or hereafter authorized by the qualified electors of the district. The total rate authorized by the electors cannot exceed five mills.
2. The Community College District is defined as a charter unit of government in accordance with Sec. 6 of Article 9 of the 1963 Constitution of the State of Michigan. Thus, the tax levies are not subject to the property tax limitations as set forth in this constitution. (15 and 18 mills).

V. PROCEDURE TO ESTABLISH COMMUNITY COLLEGE DISTRICT

After an area study program such as contained herein is completed, and an application for approval to establish a Community College is made ready for submitting to the Superintendent of Public Instruction for his consideration in granting approval for the establishment of a Community College (such application is to contain general information, the basis for the proposal, the proposed program, and information as to finance and other substantiating data), then whenever the secretary of the County Board of Education shall be requested in writing by not less than 25 school electors of the counties or the school districts to initiate proceedings for the organization of a community college district, he shall refer the question of organization to the Superintendent of Public Instruction.

The Board of Education of an intermediate school district or the boards of two or more adjoining intermediate school districts acting as a single board, may direct that the question of coming under the provisions of this act shall be submitted to the school electors of the territory affected at the annual school elections, or at special school elections held in the local school districts of such territory. If any school district holds its annual election on a different date, such district shall call a special election to be held on the same day of the annual elections. Act 19, P.A. of 1965.

The Board of Education of such intermediate school district or the joint board of two or more intermediate school districts may designate the territory to be included in the proposed community college district, along with a property tax question for the support of community colleges, both subject to the approval of the Superintendent of Public Instruction.

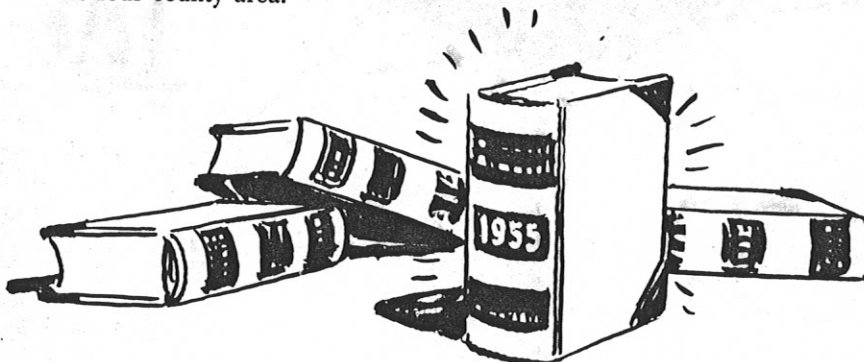
Nominating petitions for candidates for the first Board of Trustees shall be filed with the secretary of the intermediate school district board.

VI. ANNEXATION

There is also a procedure provided for the Board of Trustees of a community college district, upon the written request of not less than 50 qualified electors of each of one or more counties or school districts, to initiate proceedings for the annexation of one or more counties or school districts to an existing community college district.

CONCLUSION

After studying the various alternative ways in which a Community College District may be legally organized, the provisions of Act 188 of the P.A. of 1955, as amended, whereby two or more adjoining intermediate school districts may vote to form a Community College district, is the best organizational basis for this four county area.



RECOMMENDATIONS

1. It is recommended that a Community College District for Ogemaw, Oscoda, Roscommon and Crawford Counties be established under the provisions of Public Act No. 188 of 1955, as amended.
2. It is recommended that an application for approval to establish a Four County Community College District be made ready for submitting to the Superintendent of Public Instruction for his consideration in granting approval for the establishment of the Community College District to serve the Ogemaw, Oscoda, Roscommon and Crawford County School Districts. The Secretary of the County Boards of Education shall be requested in writing by not less than 25 school electors of the area to initiate proceedings for the organization of a Community College District, and refer the question of organization to the Superintendent of Public Instruction.
3. After approval of the Superintendent of Public Instruction has been received, it is recommended that the Four County School District Boards of Education follow the procedures as set forth in Act 188 of P.A. of 1955, as amended, and briefly outlined in this report, and designate the territory, get the Superintendent of Public Instruction approval of the designated territory and direct the question at a regular school election or a special election, whichever shall be most feasible.

