

# SENATE BILL No. 1398

September 5, 2006, Introduced by Senator KUIPERS and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 11a (MCL 380.11a), as amended by 2003 PA 299.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 11a. (1) Beginning on July 1, 1996, each school district  
2 formerly organized as a primary school district or as a school  
3 district of the fourth class, third class, or second class shall be  
4 a general powers school district under this act.

5       (2) Beginning on July 1, 1996, a school district operating  
6 under a special or local act shall operate as a general powers  
7 school district under this act except to the extent that the  
8 special or local act is inconsistent with this act. Upon repeal of

1 a special or local act that governs a school district, that school  
2 district shall become a general powers school district under this  
3 act.

4 (3) A general powers school district has all of the rights,  
5 powers, and duties expressly stated in this act; may exercise a  
6 power implied or incident to a power expressly stated in this act;  
7 and, except as provided by law, may exercise a power incidental or  
8 appropriate to the performance of a function related to operation  
9 of the school district in the interests of public elementary and  
10 secondary education in the school district, including, but not  
11 limited to, all of the following:

12 (a) Educating pupils. In addition to educating pupils in  
13 grades K-12, this function may include operation of preschool,  
14 lifelong education, adult education, community education, training,  
15 enrichment, and recreation programs for other persons.

16 (b) Providing for the safety and welfare of pupils while at  
17 school or a school sponsored activity or while en route to or from  
18 school or a school sponsored activity.

19 (c) Acquiring, constructing, maintaining, repairing,  
20 renovating, disposing of, or conveying school property, facilities,  
21 equipment, technology, or furnishings.

22 (d) Hiring, contracting for, scheduling, supervising, or  
23 terminating employees, independent contractors, and others to carry  
24 out school district powers. A school district may indemnify its  
25 employees.

26 (e) Receiving, accounting for, investing, or expending school  
27 district money; borrowing money and pledging school district funds

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1 for repayment; and qualifying for state school aid and other public  
2 or private money from local, regional, state, or federal sources.

3 (4) A general powers school district may enter into agreements  
4 or cooperative arrangements with other entities, public or private,  
5 or join organizations as part of performing the functions of the  
6 school district. **AN AGREEMENT OR COOPERATIVE ARRANGEMENT THAT IS**  
7 **ENTERED INTO UNDER THIS ACT IS NOT REQUIRED TO COMPLY WITH THE**  
8 **PROVISIONS OF THE URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA**  
9 **7, MCL 124.501 TO 124.512, AS PROVIDED UNDER SECTION 503 OF THAT**  
10 **ACT, MCL 124.503. [**

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15 (5) A general powers school district is a body corporate and  
16 shall be governed by a school board. An act of a school board is  
17 not valid unless approved, at a meeting of the school board, by a  
18 majority vote of the members lawfully serving on the board.

19 (6) The board of a general powers school district shall adopt  
20 bylaws. These bylaws may establish or change board procedures, the  
21 number of board officers, titles and duties of board officers, and  
22 any other matter related to effective and efficient functioning of  
23 the board. Regular meetings of the board shall be held at least  
24 once each month, at the time and place fixed by the bylaws. Special  
25 meetings may be called and held in the manner and for the purposes  
26 specified in the bylaws. Board procedures, bylaws, and policies in  
27 effect on the effective date of this section shall continue in

1 effect until changed by action of the board.

2 (7) The board of a school district shall be elected as  
3 provided under this act and the Michigan election law. The number  
4 of members of the board of a general powers school district shall  
5 remain the same as for that school district before July 1, 1996  
6 unless changed by the school electors of the school district at a  
7 regular or special school election. A ballot question for changing  
8 the number of board members may be placed on the ballot by action  
9 of the board or by petition submitted by school electors as  
10 provided under chapter XIV of the Michigan election law, MCL  
11 168.301 to 168.315.

12 (8) Members of the board of a general powers school district  
13 shall be elected by the school electors for terms of 4 or 6 years,  
14 as provided by the school district's bylaws. At each regular school  
15 election, members of the board shall be elected to fill the  
16 positions of those whose terms will expire. A term of office begins  
17 as provided in section 302 of the Michigan election law, MCL  
18 168.302, and continues until a successor is elected and qualified.

19 (9) The board of a general powers school district may submit  
20 to the school electors of the school district a question that is  
21 within the scope of the powers of the school electors and that the  
22 board considers proper for the management of the school system or  
23 the advancement of education in the school district. Upon the  
24 adoption of a question by the board, the board shall submit the  
25 question to the school electors by complying with section 312 of  
26 the Michigan election law, MCL 168.312.

27 (10) A special election may be called by the board of a

1 general powers school district as provided under chapter XIV of the  
2 Michigan election law, MCL 168.301 to 168.315.

3 (11) Unless expressly provided in 1995 PA 289, the powers of a  
4 school board or school district are not diminished by this section  
5 or by 1995 PA 289.

6 (12) A school district operating a public library, public  
7 museum, or community recreational facility as of July 1, 1996 may  
8 continue to operate the public library, public museum, or community  
9 recreational facility.