

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

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. AN AGREEMENT OR COOPERATIVE ARRANGEMENT UNDER**
11 **THIS ACT MAY INCLUDE COOPERATIVES TO RECEIVE, WAREHOUSE, ALLOCATE,**
12 **AND DISTRIBUTE FOOD COMMODITIES TO ANY SCHOOL DISTRICT IN THIS**
13 **STATE UNDER A UNITED STATES DEPARTMENT OF AGRICULTURE FOOD PROGRAM**
14 **ADMINISTERED IN WHOLE OR IN PART BY THIS STATE.**

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.