

HOUSE BILL No. 6367

September 25, 2018, Introduced by Reps. Howrylak and Gay-Dagnogo and referred to the Committee on Education Reform.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 11a (MCL 380.11a), as amended by 2016 PA 192.

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
9 a special or local act that governs a school district, that school

1 district shall become a general powers school district under this
2 act.

3 (3) A general powers school district has all of the rights,
4 powers, and duties expressly stated in this act; may exercise a
5 power implied or incident to a power expressly stated in this act;
6 and, except as otherwise provided by law, may exercise a power
7 incidental or appropriate to the performance of a function related
8 to operation of a public school and the provision of public
9 education services 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. A school
16 district may do either or both of the following:

17 (i) Educate pupils by directly operating 1 or more public
18 schools on its own.

19 (ii) Cause public education services to be provided for pupils
20 of the school district through an agreement, contract, or other
21 cooperative agreement with another public entity, including, but
22 not limited to, another school district or an intermediate school
23 district.

24 (b) Providing for the safety and welfare of pupils while at
25 school or a school sponsored activity or while en route to or from
26 school or a school sponsored activity.

27 (c) Except as otherwise provided in this section, acquiring,

1 constructing, maintaining, repairing, renovating, disposing of, or
2 conveying school property, facilities, equipment, technology, or
3 furnishings.

4 (d) Hiring, contracting for, scheduling, supervising, or
5 terminating employees, independent contractors, and others,
6 including, but not limited to, another school district or an
7 intermediate school district, to carry out school district powers.
8 A school district may indemnify its employees.

9 (e) Receiving, accounting for, investing, or expending public
10 school money; borrowing money and pledging public school funds for
11 repayment; and qualifying for state school aid and other public or
12 private money from local, regional, state, or federal sources.

13 **(4) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
14 **ADDED THIS SUBSECTION, A GENERAL POWERS SCHOOL DISTRICT SHALL NOT**
15 **SELL 5 OR MORE ACRES OF LAND OWNED BY THE SCHOOL DISTRICT UNLESS**
16 **THE SALE OF THAT LAND IS APPROVED BY A MAJORITY OF THE SCHOOL**
17 **ELECTORS OF THE SCHOOL DISTRICT VOTING ON THE QUESTION AT A GENERAL**
18 **OR SPECIAL ELECTION.**

19 (5) ~~(4)~~—A general powers school district may enter into
20 agreements, contracts, or other cooperative arrangements with other
21 entities, public or private, including, but not limited to, another
22 school district or an intermediate school district, or join
23 organizations as part of performing the functions of the school
24 district. An agreement, contract, or other cooperative arrangement
25 that is entered into under this act is not required to comply with
26 the provisions of the urban cooperation act of 1967, 1967 (Ex Sess)
27 PA 7, MCL 124.501 to 124.512, as provided under section ~~503~~—3 of

1 that act, MCL 124.503.

2 (6) ~~(5)~~—A general powers school district is a body corporate
3 and shall be governed by a school board. An act of a school board
4 is not valid unless approved, at a meeting of the school board, by
5 a majority vote of the members lawfully serving on the board.

6 (7) ~~(6)~~—The board of a general powers school district shall
7 adopt bylaws. These bylaws may establish or change board
8 procedures, the number of board officers, titles and duties of
9 board officers, and any other matter related to effective and
10 efficient functioning of the board. Regular meetings of the board
11 shall be held at least once each month, at the time and place fixed
12 by the bylaws. Special meetings may be called and held in the
13 manner and for the purposes specified in the bylaws. Board
14 procedures, bylaws, and policies in effect on ~~the effective date of~~
15 ~~this section~~ **JULY 1, 1996** shall continue in effect until changed by
16 action of the board.

17 (8) ~~(7)~~—The board of a school district shall be elected as
18 provided under this act and the Michigan election law. The number
19 of members of the board of a general powers school district shall
20 remain the same as for that school district before July 1, 1996
21 unless changed by the school electors of the school district at a
22 regular or special school election. A ballot question for changing
23 the number of board members may be placed on the ballot by action
24 of the board or by petition submitted by school electors as
25 provided under chapter XIV of the Michigan election law, MCL
26 168.301 to 168.316.

27 (9) ~~(8)~~—Members of the board of a general powers school

1 district shall be elected by the school electors for terms of 4 or
2 6 years, as provided by the school district's bylaws. At each
3 regular school election, members of the board shall be elected to
4 fill the positions of those whose terms will expire. A term of
5 office begins as provided in section 302 of the Michigan election
6 law, MCL 168.302, and continues until a successor is elected and
7 qualified.

8 **(10)** ~~(9)~~—Except as provided under part 5b, a community
9 district shall be organized and conducted in the same manner as a
10 general powers school district. As provided under part 5b, a
11 community district has all of the powers of a general powers school
12 district under **THIS** section ~~11a~~ and has all additional powers
13 granted by law to a community district or the school board of a
14 community district. The members of the board of a community
15 district shall be elected by the school electors in the manner and
16 for the terms as provided under part 5b and the Michigan election
17 law.

18 **(11)** ~~(10)~~—The board of a general powers school district may
19 submit to the school electors of the school district a question
20 that is within the scope of the powers of the school electors and
21 that the board considers proper for the management of the school
22 system or the advancement of education in the school district. Upon
23 the adoption of a question by the board, the board shall submit the
24 question to the school electors by complying with section 312 of
25 the Michigan election law, MCL 168.312.

26 **(12)** ~~(11)~~—A special election may be called by the board of a
27 general powers school district as provided under chapter XIV of the

1 Michigan election law, MCL 168.301 to 168.316.

2 **(13)** ~~(12)~~—Unless expressly provided in 1995 PA 289, the powers
3 of a school board or school district are not diminished by this
4 section or by 1995 PA 289.

5 **(14)** ~~(13)~~—A school district operating a public library, public
6 museum, or community recreational facility as of July 1, 1996 may
7 continue to operate the public library, public museum, or community
8 recreational facility.

9 **(15)** ~~(14)~~—A school district may establish and administer
10 scholarships for its students or graduates to support their
11 attendance at a postsecondary educational institution from funds
12 the school district receives as a result of a compact entered into
13 between this state and a federally recognized Indian tribe pursuant
14 to the Indian gaming regulatory act, Public Law 100-497. A school
15 district that establishes a scholarship program funded under this
16 subsection shall ensure that the scholarship program provides for
17 all of the following:

18 (a) That a student or graduate is not eligible to be awarded a
19 scholarship unless the student or graduate is enrolled in the
20 school district for all of grades 9 to 12 and meets 1 of the
21 following:

22 (i) Is a resident of the school district for all of grades 9
23 to 12.

24 (ii) Was enrolled in the school district for the 2009-2010
25 school year but was not a resident of the school district for that
26 school year, and is enrolled in the school district continuously
27 after that school year until graduation.

1 (b) That the amount of a scholarship awarded to a student or
2 graduate who was not enrolled in and a continuous resident of the
3 school district for all of grades K to 12 shall be adjusted based
4 on length of enrollment and continuous residency or, for a student
5 or graduate described in subdivision (a) *(ii)*, based on length of
6 enrollment.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.