Series 2000: Bylaws

2200 Board Powers

2201 Board Powers/General Powers

The Board exercises powers that are expressly conferred upon the Board by Michigan Constitution or statute, and that are necessarily implied or incidental to expressly conferred powers. Except as otherwise provided by law, the Board may exercise a power incidental or appropriate to the performance of a function related to the operation of a public school and the provision of public education services in the interests of public elementary and secondary education in the District.

A. Expressly Conferred Powers

1. The Board will establish and maintain the grades, schools, programs, and departments it deems necessary, which may include grades Pre-K through 12, and may provide lifelong education, adult education, community education, training, enrichment, and recreation programs.

    a. The Board may educate persons by:

        i. directly operating 1 or more public schools as defined in Revised School Code Section 5(6); and/or

        ii. causing public education services to be provided for students through an agreement, contract, or other cooperative agreement with another public entity.

    b. The Board will:

        i. ensure that each public school within the District is accredited or certified by the State Superintendent as having met or exceeded established standards;

        ii. ensure that the requirements of Revised School Code Sections 1204a (annual reports), 1277a (disaggregation of data by gender for school improvement planning purposes), 1278 (core academic curriculum), and 1280 (accreditation) are met for any consortium program in which the District participates;

        iii. ensure each student in grades 8-12 is provided with information on college-level equivalent courses;

        iv. determine the length of the school year;

        v. select, approve, and purchase textbooks as defined under Revised School Code Section 1421;

        vi. administer state-required standardized tests;

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vii. adopt a Parent involvement plan; and

viii. adopt, implement, and annually make available to MDE a copy of a 3 to 5-year school improvement plan and continuing school improvement process for each school in the District in compliance with Revised School Code Section 1277.

2. The Board will provide for the safety and welfare of students while at school or a school-sponsored activity or event, and while traveling to or from school or a school-sponsored activity or event, as required by law.

3. The Board may acquire, construct, maintain, repair, renovate, dispose of, or convey school property, facilities, equipment, technology, or furnishings as it deems appropriate, within applicable legal parameters.

4. The Board may hire, contract with, schedule, supervise, or terminate employees, independent contractors, and other persons or entities to carry out District powers. The Board may defend and indemnify its employees and Board members to the extent authorized by law.

5. The Board may receive, account for, invest, or expend public school money; borrow money and pledge public school funds for repayment; and qualify for state school aid and other public or private money from local, regional, state, or federal sources.

6. The Board delegates to the Superintendent the authority to take action in circumstances not authorized by Board action or Policy when required to effectively maintain the District's day-to-day operations. The Superintendent should (a) promptly inform the Board of the action taken and the need for taking expedited action; and (b) report the action to the Board at the Board's first meeting after the Superintendent takes such action.

B. Limitations on Powers

1. The Board will not use money received from any source to unlawfully aid or maintain any private, denominational, or other nonpublic, pre-elementary, elementary, or secondary school. The Board may provide transportation, auxiliary services, and nonessential elective classes for students attending nonpublic schools to the extent permitted by law.

2. The Board will use public funds, including state school aid allocations, tax revenue, and bond proceeds only for designated purposes.

3. The Board will not permit a fraternity, sorority, or other secret society to operate in the District. See Policy 5511.

4. The Board will not award a high school diploma to a student unless the student meets the requirements of Revised School Code Sections 1278a and 1278b.

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C. Authority

1. Consistent with Policy 2101, the general powers reside within the Board as a whole, not individual Board members. The Board speaks only through its minutes and resolutions.

2. Consistent with Policy 2503, Board action is not valid unless approved by a majority vote in a lawfully convened meeting.

Legal Authority: Const 1963, art 8, §2; MCL 380.5(6), 380.11a, 380.1146, 380.1153, 380.1216, 380.1217, 380.1277, 380.1278a, 380.1278b, 380.1280, 380.1280a, 380.1282, 380.1284, 380.1294, 380.1321, 380.1322, 380.1421, 380.1422, 380.1472, 380.1804, 380.1807, 380.1816; MCL 388.1766b; MCL 691.1408; Mich Admin Code R 340.281, 340.282 (transportation services for nonpublic school children), 340.291-.295 (auxiliary services for nonpublic school children); *Tavener v Elk Rapids Rural Agric Sch Dist*, 341 Mich 244 (1954)

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