

# HOUSE BILL No. 5388

December 2, 1997, Introduced by Rep. Profit and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 11a and 601a (MCL 380.11a and 380.601a), as added by 1995 PA 289.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6       (2) Beginning on the effective date of this section, a  
7 school district operating under a special or local act shall  
8 operate as a general powers school district under this act except  
9 to the extent that the special or local act is inconsistent with  
10 this act. Upon repeal of a special or local act that governs a

1 school district, that school district shall become a general  
2 powers school district under this 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 any power expressly stated in this  
6 act; and, except as provided by law, may exercise a power inci-  
7 dental or appropriate to the performance of any function related  
8 to operation of the school district in the interests of public  
9 elementary and secondary education in the school district,  
10 including, but not limited to, all of the following:

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

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

18 (c) Acquiring, constructing, maintaining, repairing, reno-  
19 vating, disposing of, or conveying school property, facilities,  
20 equipment, technology, or furnishings.

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

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

1 and other public or private money from local, regional, state, or  
2 federal sources.

3 (4) A general powers school district may enter into agree-  
4 ments or cooperative arrangements with other entities, public or  
5 private, or join organizations as part of performing the func-  
6 tions of the school district.

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

11 (6) The board of a general powers school district shall  
12 adopt bylaws. These bylaws may establish or change board proce-  
13 dures, the number of board officers, titles and duties of board  
14 officers, and any other matter related to effective and efficient  
15 functioning of the board. Regular meetings of the board shall be  
16 held at least once each month, at the time and place fixed by the  
17 bylaws. Special meetings may be called and held in the manner  
18 and for the purposes specified in the bylaws. Board procedures,  
19 bylaws, and policies in effect on the effective date of this sec-  
20 tion shall continue in effect until changed by action of the  
21 board.

22 (7) The board of a school district shall be elected as pro-  
23 vided under this act and the Michigan election law, ~~Act No. 116~~  
24 ~~of the Public Acts of 1954, being sections 168.1 to 168.992 of~~  
25 ~~the Michigan Compiled Laws 1954 PA 116, MCL 168.1 TO 168.992.~~  
26 The number of members of the board of a general powers school  
27 district and the term of office for a board member of a general

1 powers school district shall remain the same as they were for  
2 that school district before the effective date of this section  
3 unless either or both are changed by the school electors of the  
4 school district at a regular or special election. A proposition  
5 for changing the number of board members or term of office may be  
6 placed on the ballot by action of the board or by petition sub-  
7 mitted by school electors as provided under this act.

8 (8) On the effective date of this section, the board of each  
9 school district shall continue to be the board of the school dis-  
10 trict and to function in that capacity. A person lawfully serv-  
11 ing on the effective date of this act as a member of the board of  
12 a school district shall continue to be a member of the board and  
13 shall continue in office for the remainder of the term for which  
14 the person was elected or appointed.

15 (9) Unless expressly provided in the amendatory act that  
16 added this section, the powers of a school board or school dis-  
17 trict are not diminished by this section or by the amendatory act  
18 that added this section.

19 (10) A school district operating a public library, public  
20 museum, or community recreational facility as of the effective  
21 date of the amendatory act that added this section may continue  
22 to operate the public library, public museum, or community recre-  
23 ational facility.

24 (11) THE BOARD OF A GENERAL POWERS SCHOOL DISTRICT MAY  
25 RECEIVE, OWN, AND ENJOY A GIFT OF REAL OR PERSONAL PROPERTY MADE  
26 BY GRANT, DEVISE, BEQUEST, OR IN ANY OTHER MANNER, THAT IS MADE  
27 FOR SCHOOL PURPOSES UNDER THIS ACT. IF THE BOARD DETERMINES THAT

1 A GIFT OR PROCEEDS FROM A GIFT CAN BE BETTER USED FOR SCHOOL  
2 PURPOSES BY TRANSFERRING THE GIFT OR PROCEEDS, THE BOARD MAY  
3 TRANSFER THE GIFT OR PROCEEDS TO A COMMUNITY FOUNDATION. IF THE  
4 GIFT WAS SUBJECT TO CONDITIONS, LIMITATIONS, OR REQUIREMENTS, THE  
5 TRANSFER MUST BE TO A COMPONENT FUND WITHIN THE COMMUNITY FOUNDA-  
6 TION THAT INCORPORATES CONDITIONS, LIMITATIONS, OR REQUIREMENTS  
7 THAT ARE SUBSTANTIALLY SIMILAR TO THOSE THE GIFT WAS SUBJECT TO.  
8 IF THE GIFT WAS NOT SUBJECT TO CONDITIONS, LIMITATIONS, OR  
9 REQUIREMENTS, THE TRANSFER MUST BE TO A COMPONENT FUND WITHIN THE  
10 COMMUNITY FOUNDATION THAT IMPOSES CONDITIONS, LIMITATIONS, OR  
11 REQUIREMENTS ON THE USE OF THE GIFT PROPERTY FOR 1 OR MORE SCHOOL  
12 PURPOSES UNDER THIS ACT. A TRANSFER OF A GIFT MADE IN ACCORDANCE  
13 WITH THIS SUBSECTION THAT OCCURRED BEFORE THE EFFECTIVE DATE OF  
14 THIS SUBSECTION IS RATIFIED AND CONFIRMED AND THE TRANSFER IS  
15 CONSIDERED VALID AS IF IT HAD BEEN MADE UNDER THIS SUBSECTION.  
16 AS USED IN THIS SUBSECTION:

17 (A) "COMMUNITY FOUNDATION" MEANS THAT TERM AS DEFINED IN  
18 SECTION 261 OF THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL  
19 206.261.

20 (B) "COMPONENT FUND" MEANS A COMPONENT PART OF A COMMUNITY  
21 TRUST AS DESCRIBED IN 26 C.F.R. 1.170A-9.

22 (C) "GIFT" DOES NOT INCLUDE STATE SCHOOL AID OR ANOTHER  
23 GRANT FROM STATE OR FEDERAL SOURCES.

24 Sec. 601a. (1) An intermediate school district has all of  
25 the rights, powers, and duties expressly stated in this act; may  
26 exercise a power implied or incident to any power expressly  
27 stated in this act; and, except as provided by law, may exercise

1 a power incidental or appropriate to the performance of any  
2 function related to the operation of the intermediate school dis-  
3 trict in the interests of public elementary and secondary educa-  
4 tion in the intermediate school district, including, but not  
5 limited to, all of the following:

6 (a) Educating pupils. In addition to educating pupils in  
7 grades K-12, this function may include operation of preschool,  
8 lifelong education, adult education, community education, train-  
9 ing, enrichment, and recreation programs for other persons.

10 (b) Providing for the safety and welfare of pupils while at  
11 school or a school sponsored activity or while en route to or  
12 from school or a school sponsored activity.

13 (c) Acquiring, constructing, maintaining, repairing, reno-  
14 vating, disposing of, or conveying intermediate school district  
15 property, facilities, equipment, technology, or furnishings.

16 (d) Hiring, contracting for, scheduling, supervising, or  
17 terminating employees, independent contractors, and others to  
18 carry out intermediate school district powers. An intermediate  
19 school district may indemnify its employees.

20 (e) Receiving, accounting for, investing, or expending  
21 intermediate school district money; borrowing money and pledging  
22 intermediate school district funds for repayment; and qualifying  
23 for state school aid and other public or private money from  
24 local, regional, state, or federal sources.

25 (2) An intermediate school district may enter into agree-  
26 ments or cooperative arrangements with other entities, public or

1 private, or join organizations as part of performing the  
2 functions of the intermediate school district.

3 (3) An intermediate school board may conduct, operate, par-  
4 ticipate in, administer, or serve as fiscal agent or administra-  
5 tive entity, or both, for 1 or more programs involving workforce  
6 development, including, but not limited to, job training and  
7 development programs, school-to-work initiatives, work first or  
8 programs under the job training partnership act, Public Law  
9 97-300, 96 Stat. 1322, or a successor program.

10 (4) THE INTERMEDIATE BOARD OF AN INTERMEDIATE SCHOOL DIS-  
11 TRICT MAY RECEIVE, OWN, AND ENJOY A GIFT OF REAL OR PERSONAL  
12 PROPERTY MADE BY GRANT, DEVISE, BEQUEST, OR IN ANY OTHER MANNER,  
13 THAT IS MADE FOR INTERMEDIATE SCHOOL DISTRICT PURPOSES UNDER THIS  
14 ACT. IF THE INTERMEDIATE BOARD DETERMINES THAT A GIFT OR PRO-  
15 CEEDS FROM A GIFT CAN BE BETTER USED FOR INTERMEDIATE SCHOOL DIS-  
16 TRICT PURPOSES BY TRANSFERRING THE GIFT OR PROCEEDS, THE INTERME-  
17 DIATE BOARD MAY TRANSFER THE GIFT OR PROCEEDS TO A COMMUNITY  
18 FOUNDATION. IF THE GIFT WAS SUBJECT TO CONDITIONS, LIMITATIONS,  
19 OR REQUIREMENTS, THE TRANSFER MUST BE TO A COMPONENT FUND WITHIN  
20 THE COMMUNITY FOUNDATION THAT INCORPORATES CONDITIONS, LIMITA-  
21 TIONS, OR REQUIREMENTS THAT ARE SUBSTANTIALLY SIMILAR TO THOSE  
22 THE GIFT WAS SUBJECT TO. IF THE GIFT WAS NOT SUBJECT TO CONDI-  
23 TIONS, LIMITATIONS, OR REQUIREMENTS, THE TRANSFER MUST BE TO A  
24 COMPONENT FUND WITHIN THE COMMUNITY FOUNDATION THAT IMPOSES CON-  
25 DITIONS, LIMITATIONS, OR REQUIREMENTS ON THE USE OF THE GIFT  
26 PROPERTY FOR 1 OR MORE INTERMEDIATE SCHOOL DISTRICT PURPOSES  
27 UNDER THIS ACT. A TRANSFER OF A GIFT MADE IN ACCORDANCE WITH

1 THIS SUBSECTION THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS  
2 SUBSECTION IS RATIFIED AND CONFIRMED AND THE TRANSFER IS CONSID-  
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9 TRUST AS DESCRIBED IN 26 C.F.R. 1.170A-9.

10 (C) "GIFT" DOES NOT INCLUDE STATE SCHOOL AID OR ANOTHER  
11 GRANT FROM STATE OR FEDERAL SOURCES.

12 (5) ~~(4)~~ Unless expressly provided in the amendatory act  
13 that added this section, the powers of an intermediate school  
14 board or intermediate school district are not diminished by this  
15 section or by the amendatory act that added this section.