

**REVISED CODE - 0121 - VOL. 26, NO. 2**

**REVISED BYLAW 0122 - VOL. 26, NO. 2**

**POWERS AND PHILOSOPHY**

0121           **Authority**

The supervision of this District shall be conducted by the Board of Education, hereinafter sometimes referred to as the "Board", which is constituted and is governed by the laws of the State of Michigan.

~~M.C.L.A.~~ M.C.L. 380.1201 et seq.

0122           **Board Powers**

The District shall operate as a General Powers School District. As such it has all of the rights, powers, and duties expressly stated in statute; may exercise a power implied or incident to any power expressly stated in statute; and, except as provided by law, may exercise a power incidental or appropriate to the performance of any function related to the operation of the District in the interests of public elementary and secondary education in the District, including, but not limited to, all of the following:

- A.    Educating Students. In addition to educating students in grades K-12, this function may include operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons.
- B.    Providing for the safety and welfare of students while at school or at a school-sponsored activity or while enroute to or from school or a school-sponsored activity.
- C.    Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying school property, facilities, equipment, technology, or furnishings.

- D. Hiring, contracting for, scheduling, supervising, or terminating employees, independent contractors, and others to carry out District powers.
- E. Receiving, accounting for, investing, or expending District money; borrowing money and pledging District funds for repayment; and qualifying for State-School Aid and other public or private money from local, regional, State, or Federal sources.

The District may enter into agreements or cooperative arrangements with other entities, public or private, or join organizations as part of performing the functions of the School District.

The District is a body corporate and shall be governed by a school board. An act of this Board is not valid unless approved, at a meeting of the Board, by a majority vote of the members lawfully serving on the Board.

The Board may submit a measure, proposition, or question concerning the management of the District or the improvement of the educational process to the electorate in accordance with the procedures described in ~~M.C.L.A.~~M.C.L. Section 1032.

The Board shall adopt bylaws. These bylaws may establish or change Board procedures, the number of Board officers, titles and duties of Board officers, and any other matter related to effective and efficient functioning of the Board.

The Board has authority, based on statute, to make decisions regarding the following subjects without resort to prior bargaining:

- A. the policyholder of the District's group insurance program
- B. the starting day for the school year and the amount of student contact time to receive full State school aid

- C. the composition of the District's site-based, decision-making groups or school-improvement committees
- D. the decision whether or not to have inter-district and intra-district open-enrollment opportunities
- E. the decision whether or not to permit authorization of Charter Schools (public school academies)
- F. contracting with outside parties for noninstructional support services including the procedures for obtaining a contract, the identity of the outside party, and the impact on individual staff members or a bargaining unit
- G. use of volunteers
- H. decisions regarding the use of experimental or pilot programs including staffing, use of technology, provision of the technology, and the impact on individual staff members or a bargaining unit
- I. compensation or reimbursement of a staff member for monetary penalties imposed on the staff member under ~~M.C.L.A.~~ M.C.L. 423.201, 202, 206, and 215
- J. any decision regarding the placement of teachers, or the impact of that decision on an individual employee or the bargaining unit

K. decisions about the development, content, standards, procedures, adoption and implementation of policies regarding personnel decisions when conducting a staffing or program reduction or a position elimination for staff covered under the Teacher Tenure Act (M.C.L. 38.71), as well as decisions regarding recall or hiring after any such reduction

This includes the impact of any such decisions on an individual employee or the bargaining unit.

L. decisions about the development, content, standards, procedures, adoption and implementation of a performance evaluation system under M.C.L. 380.1249 for teachers and administrators

M. decisions concerning the content of a teacher's or administrator's performance evaluation or the impact of such decision

N. decisions about the format, timing or number of classroom observations required for evaluation under the Teacher Tenure Act (M.C.L. 38.83a)

O. decisions concerning the classroom observation of an individual teacher, and the impact of such decision on an individual teacher or the bargaining unit

P. decisions about the development, content, standards, procedures, adoption and implementation of the method of performance based compensation for teachers and administrators in accordance with M.C.L. 380.1250

Q. decisions about how performance evaluation is used to determine the performance based compensation for teachers and administrators

R. decisions concerning the performance based pay of an individual teacher or administrator, or the impact of such decision on such individual or the bargaining unit

- S. decisions about the development, content, standards, procedures, adoption and implementation of a policy regarding discipline or discharge for teachers covered under the Teacher Tenure Act (M.C.L. 38.71)
- T. decisions concerning the discipline or discharge of a teacher covered under the Teacher Tenure Act (M.C.L. 38.71), or the impact of such decision on an individual teacher or the bargaining unit
- U. insertion of statutorily required emergency manager language into all collective bargaining agreements
- V. decisions on whether to enter into an intergovernmental agreement to consolidate, to jointly perform or to collaborate on one or more functions or services [Note: the impact on employees of such decisions remains a mandatory subject of bargaining]
  - 1. procedures of obtaining a contract for such an agreement to transfer of functions or responsibilities
  - 2. identities of any other parties to such an agreement

The Board may submit to the School electors a question that is within the scope of the powers of the School electors and that the Board considers proper for the management of the School system or the advancement of education in the School District. Upon the adoption of a question by the Board, the Board shall submit the question to the School electors by complying with Michigan election law (~~M.C.L.A.~~ M.C.L. 168.312).

~~M.C.L.A.~~ M.C.L. 380.1032, 380.11a, 380.1131 et seq.,

~~M.C.L.A.~~ M.C.L. 423.201, 202, 206, and 215

~~M.C.L.A.~~ M.C.L. 168.301 et seq.

0123

**Philosophy of the Board**

A Board of Education is a legal entity for providing a system of public education within a geographic area of the State of Michigan. The system was created by, and is governed by, State statutes. Members of a Board are chosen by citizens to represent them and the State in the governance of the local schools.

The Board has the dual responsibility for implementing statutory requirements pertaining to public education and for meeting the desires of residents. While the Board has an obligation to determine and assess citizen desires, it is understood that when the voters elect delegates to represent them in the conduct of specified educational programs, they, at the same time, are endowed with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The Board declares and, thereby, reaffirms its intent to:

- A. Maintain two-way communications with citizens of the District. The Board shall keep them informed of the progress and problems of the School District, and the citizens shall be urged to bring their aspirations and concerns about the District to the attention of this body.
- B. Establish policies and make decisions on the basis of declared educational philosophy and goals.
- C. Act as a truly representative body for citizens in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public education rests with the State, but the Board of Education has been assigned specific authority through statute, and the Board shall not relinquish or fail to exercise that authority.

Revised 7/9/12

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0150 - ORGANIZATION

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**Organizational Meeting**

The Board of Education shall organize annually not earlier than ~~July~~January 1st immediately following an election held on a ~~May~~November regular election date and not later than the second Monday in ~~July~~January at a meeting held for that purpose in accordance with law. The meeting shall be called to order by the ranking officer of the preceding Board who shall serve as presiding officer until the election of a President. If the trustees of the new Board include no officers of the previous Board, the meeting shall be called to order by the Superintendent with the first order of business being the election of a temporary chairperson to preside until the election of the new President.

M.C.L.A. 168.302

Revised 7/98

Revised 3/1/04

Revised 8/11/08

Revised 7/9/12