

Book	Policy Manual
Section	Policies for Board 33-1
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## 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.
- ☒ The District shall indemnify its employees.
- 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 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. 168.312).

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 an employee group insurance benefit ~~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 established under M.C.L. 380.1277
- 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 provided by an employee group including the procedures for obtaining a contract, the identity of the outside party, and the impact on individual staff members or a bargaining unit if the employee group is given an opportunity to bid on providing the noninstructional support services
- 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 the Public Employment Relations Act ~~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. for teachers covered under the Teacher Tenure Act, decisions about the development, content, standards, procedures, adoption and implementation of policies regarding personnel decisions when conducting a staffing or program reduction or eliminating 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
- W. any requirement that would violate section 10(3), M.C.L. 423.210(3) (Right to Work Law) ~~the requirement not to require union membership or the payment of dues, fees or charitable contributions in lieu of dues)~~

X. decisions about the development, format, content, and procedures of the notification to parents and legal guardians required under M.C.L. 380.1249a (the requirement to make the notifications is effective with the ~~2015-2016~~ 2018-2019 school year)

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#### Legal

M.C.L. 380.11a, 380.1131 et seq.

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

M.C.L. 168.301 et seq.