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/guardian 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 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.

C. Authority

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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; 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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Series 2000: Bylaws

2200 Board Powers

2202 Authority to Enter into Contracts

A. The Board may enter into agreements, contracts, or other cooperative arrangements with other entities, public or private, including, but not limited to, another school district or intermediate school district, to the extent permitted by law.

B. The Board also may enter into an agreement with a public school academy to provide services to the public school academy or the academy's students or for the public school academy to provide services to the District or to the District's students.

C. No agreement, contract, or other cooperative arrangement is binding on the District unless approved by the Board or designee and executed by 1 or more persons delegated authority to act as an authorized signatory to an agreement, contract, or other cooperative arrangement on the Board's behalf. Absent the Board's express delegation of authority to another entity or person, only the Board has the authority to contractually bind the District.

D. The Board and its authorized designees are without authority to grant unconditional indemnity to a third party before a liability-triggering event has occurred.

E. Before presenting a contract to the Board for approval, the Superintendent or designee will:

1. verify the Board's contracting authority;

2. review budget parameters and implications and recommend any correspondingly required budget amendments;

3. review relevant existing contractual obligations;

4. consider and report to the Board any actual or perceived conflicts of interest; and

5. ensure that the contract complies with all relevant laws and Policies.

F. All independent contractors, employees of independent contractors, and other persons who provide services to the District who are not District employees must comply with all applicable legal requirements and Policies, including those related to interactions with students, non-discrimination, ethics and standards, student safety and welfare, student privacy, and District operations.

G. Subject to bidding requirements (see Policy 3301 and Policy 3301A), the Superintendent is authorized to make purchases within budget allocations.

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Legal Authority: MCL 15.321 et seq.; MCL 380.11a(4), 380.1203, 380.1228, 380.1421, 380.1422; *Huntington Leasing Co v Manistee ISD,* unpublished Mich App No. 250942 (2005)

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Series 2000: Bylaws

2200 Board Powers

2203 Authority to Establish Curriculum

The phrase "State curriculum content standards," as used in this Policy, means the State Board's recommended model curriculum content standards developed and periodically updated under the Revised School Code.

A. The Superintendent or designee, after consulting with teachers and school administrators and after considering the State curriculum content standards, will recommend for Board approval a core academic curriculum for the District's elementary, middle, and secondary schools.

    1. The recommended core academic curriculum will:

        a. Define academic objectives to be achieved by all students.

        b. Be based on the District's educational mission, long-range student goals, and student performance objectives.

        c. Meet or exceed State curriculum content standards.

        d. Include credit requirements that meet or exceed the Michigan merit standards for high school students.

        e. Incorporate grade-appropriate instruction on career development in each grade level based on MDE's model program of instruction for career development.

        f. Incorporate courses of instruction in the U.S. Constitution; the Michigan Constitution; the history and present form of government of the United States; and the State of Michigan and its political subdivisions, stressing the rights and responsibilities of citizens.

        g. Incorporate grade-appropriate instruction in the social studies curriculum for grades 8-12 about genocide, including the Holocaust and the Armenian Genocide.

        h. Incorporate grade-appropriate instruction (Policy 5420), by appropriately trained teachers, on the principal modes by which dangerous communicable diseases, including human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome (AIDS) are spread and the best methods for the restriction and prevention of those diseases. The instruction will stress that abstinence from sex is a responsible and effective method for restriction and prevention of those diseases and is a positive lifestyle for unmarried young people.

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i. Incorporate instruction in cardiopulmonary resuscitation (CPR) and automated external defibrillators (AEDs) for students enrolled in grades 7-12, and, if the course or class will result in the issuance of a CPR certification card or status, ensure that CPR/AED instruction is provided by an instructor who is authorized by the American Heart Association, American Red Cross, or a similar nationally recognized association.

j. Incorporate a grade- and age-appropriate model program of instruction on prescription opioid drug abuse based on the recommendations developed by the Prescription Drug and Opioid Abuse Commission under Public Health Code Section 7113a.

k. Consider providing college level equivalent courses.

l. Incorporate elective (not required for graduation), grade-appropriate instruction by health education teachers on sex education, including family planning, human sexuality, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life, as well as reproductive health and the recognition, prevention, and treatment of sexually transmitted disease. The instruction in these subjects will stress that abstinence from sex is a responsible and effective method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease and is a positive lifestyle for unmarried young people.

m. Incorporate age-appropriate instruction for students, pursuant to Revised School Code Section 1171, about the warning signs and risk factors for suicide and depression and the protective factors that help prevent suicide. See Policy 5710.

2. The recommended core academic curriculum will comply with subsection D of this Policy.

3. Reserved

B. The Board will:

1. Consider the Superintendent's or designee's curricular recommendations, including any recommendations to exceed the State curriculum content standards;

2. Establish a core academic curriculum that meets or exceeds State curriculum content standards;

3. For the sex education curriculum: (a) empanel a sex education advisory board in compliance with Revised School Code Section 1507; (b) incorporate into the District's curriculum the program goals and objectives established by the sex education advisory board for student knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases; and (c) at least once every 2 years, receive from the sex education advisory board,

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and make available to parents/guardians a report that evaluates and measures the attainment of program goals and objectives established by the sex education advisory board.

4. Hold at least 2 public hearings as required under the Revised School Code Section 1169 before adopting or revising the District's dangerous communicable diseases curriculum and

5. Determine the aligned instruction program for delivering the core academic curriculum and identify the courses and programs in which the core academic curriculum will be taught.

C. The Superintendent or designee will ensure that the core academic curriculum is reviewed periodically and as required by Policy 5420.

D. The following will apply to the District's curriculum and the courses and programs in which the District's curriculum is taught:

1. American Sign Language

   The District will grant high school credit in a foreign language to a student enrolled in high school who has satisfactorily completed a high school course offered in American Sign Language or who has attained proficiency in American Sign Language outside of a public or private high school curriculum.

2. Foreign Language

   The District will grant high school credit in a foreign language to a student enrolled in high school who has demonstrated proficiency in a foreign language outside of a public or private high school curriculum. Proficiency may be demonstrated by a competency test or other criteria established by the Board.

3. Financial Literacy

   The Board adopts the model curriculum approved by MDE for financial education throughout the curriculum for grades K-12 in an effort to achieve financial literacy for District students through the teaching of personal financial management skills and the basic principles involved with earning, spending, saving, borrowing, and investing.

4. Online Learning

   The curriculum will provide the basic level of technology and internet access required by the State Board to complete the online course or learning experience.

Legal Authority: MCL 333.7113a; MCL 380.1157b, 380.1165, 380.1166, 380.1166a(2), 380.1168, 380.1169, 380.1170a(4), 380.1170b, 380.1171, 380.1278, 380.1278a(1)(b), 380.1278a(2), 380.1278b, 380.1278c, 380.1279e, 380.1280a, 380.1473, 380.1502, 380.1507, 380.1507a, 380.1507b

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