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MSBA/MASA Model Policy 101

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101 LEGAL STATUS OF THE SCHOOL DISTRICT

I. PURPOSE

A primary principle of this nation is that the public welfare demands an educated and informed citizenry. The power to provide for public education is a state function vested in the state legislature and delegated to local school districts. The purpose of this policy is to clarify the legal status of the school district.

II. GENERAL STATEMENT OF POLICY

A. The school district is a public corporation subject to the control of the legislature, limited only by constitutional restrictions. The school district has been created for educational purposes.

B. The legislature has authority to prescribe the school district's powers and privileges, its boundaries and territorial jurisdictions.

C. The school district has only the powers conferred on it by the legislature; however, the school board's authority to govern, manage, and control the school district, to carry out its duties and responsibilities, and to conduct the business of the school district includes implied powers in addition to any specific powers granted by the legislature.

1. The school board for the Southern Minnesota Education Consortium consists of one school board member from each district in the consortium.

D. For Cabinet powers please see below excerpt from the Southern Minnesota Education Consortium's Joint Powers Agreement:

'Superintendent Cabinet. By resolution of the Joint Board, the Joint Board may delegate certain of its powers to a committee composed of the Superintendent of each Member District (the "*Cabinet*"). All authority and powers not expressly delegated to the Cabinet remain vested in the Joint Board. The minutes of all Cabinet meetings shall be provided electronically to each member of the Joint Board promptly upon approval. The members of the Joint Board shall regularly review the minutes of all Cabinet meetings and consider the scope of authority delegated to the Cabinet. The Joint Board has delegated the following authority to the Cabinet:

- i. The authority to approve the hiring (not the dismissal) of employees.

- ii. The authority to conduct staff and administrative contract negotiations.
- iii. The authority to approve contracts for and with staff, administration and third parties.
- iv. The authority to approve payroll.
- v. The authority to approve expenses less than \$200,000, including bills and purchases; provided the authority to approve any financing or borrowing remains vested in the Joint Board.
- vi. Supervise the day-to-day operations of SMEC and the responsibilities of the Special Education Director.’

III. RELATIONSHIP TO OTHER ENTITIES

- A. The school district is a separate legal entity.
- B. The school district is coordinate with and not subordinate to the county(ies) in which it is situated.
- C. The school district is not subservient to municipalities within its territory.

IV. POWERS AND AUTHORITY OF THE SCHOOL DISTRICT

A. Funds

- 1. The school district, through its school board and Cabinet, has authority to raise funds for the operation and maintenance of its schools and authority to manage and expend such funds, subject to applicable law.
- 2. The school district has wide discretion over the expenditure of funds under its control for public purposes, subject to the limitations provided by law.
- 3. School district officials occupy a fiduciary position in the management and expenditure of funds entrusted to them.

B. Raising Funds

- 1. The school district may issue Certificates of Participation (COPs) in accordance with applicable law.
- 2. The school district has authority to accept gifts and donations for school purposes, subject to applicable law.

C. Property

- 1. The school district may acquire property for school purposes. It may sell,

exchange, or otherwise dispose of property which is no longer needed for school purposes, subject to applicable law.

2. The school district shall manage its property in a manner consistent with the educational functions of the district.
3. The school district may permit the use of its facilities for community purposes which are not inconsistent with, nor disruptive of, its educational mission.
4. School district officials hold school property as trustees for the use and benefit of students, taxpayers, and the member districts of the consortium.

D. Contracts

1. The school district is empowered to enter into contracts in the manner provided by law.
2. The school district has authority to enter into installment purchases and leases with an option to purchase, pursuant to Minn. Stat. § 465.71 or other applicable law.
3. The school district has authority to make contracts with other governmental agencies and units for the purchase, lease or other acquisition of equipment, supplies, materials, or other property, including real property.
4. The school district has authority to enter into employment contracts. As a public employer, the school district, through its designated representatives, shall meet and negotiate with public employees in an appropriate bargaining unit and enter into written collective bargaining agreements with such employees, subject to applicable law.

E. Textbooks, Educational Materials, and Studies

1. The school district, through its school board and administrators, has the authority to determine what textbooks, educational materials, and studies should be pursued.
2. The school district shall establish and apply the school curriculum.

F. Actions and Suits

The school district has authority to sue and to be sued.

Legal References: Minn. Const. art. 13, § 1
Minn. Stat. Ch. 123B (School Districts, Powers and Duties)

Minn. Stat. Ch. 179A (Public Employment Labor Relations)
Minn. Stat. § 465.035 (Conveyance or Lease of Land)
Minn. Stat. §§ 465.71; 471.345; 471.6161; 471.6175; 471.64 (Rights,
Powers, Duties of Political Subdivisions)
Minnesota Association of Public Schools v. Hanson, 287 Minn. 415, 178
N.W.2d 846 (1970)
Independent School District No. 581 v. Mattheis, 275 Minn. 383, 147
N.W.2d 374 (1966)
Village of Blaine v. Independent School District No. 12, 272 Minn. 343,
138 N.W.2d 32 (1965)
Huffman v. School Board, 230 Minn. 289, 41 N.W.2d 455 (1950)
State v. Lakeside Land Co., 71 Minn. 283, 73 N.W.970 (1898)

Cross References: MSBA/MASA Model Policy 201 (Legal Status of School Board)
MSBA/MASA Model Policy 603 (Curriculum Development)
MSBA/MASA Model Policy 604 (Instructional Curriculum)
MSBA/MASA Model Policy 606 (Textbooks and Instructional Materials)
MSBA/MASA Model Policy 704 (Development and Maintenance of an
Inventory of Fixed Assets and a Fixed Asset Accounting System)
MSBA/MASA Model Policy 705 (Investments)
MSBA/MASA Model Policy 706 (Acceptance of Gifts)
MSBA/MASA Model Policy 801 (Equal Access to School Facilities)
MSBA Service Manual, Chapter 3, Employee Negotiations
MSBA Service Manual, Chapter 13, School Law Bulletin “F” (Contract
and Bidding Procedures)