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Revised: N/A

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Policy 201 – LEGAL STATUS OF THE BOARD OF DIRECTORS

I. PURPOSE

The care, management, and control of the school is vested by statutory and constitutional authority in the Board of Directors (BOD). The BOD shall carry out the mission of the school with diligence, prudence, and dedication to the ideals of providing the finest public education. The purpose of this policy is to define the authority, duties, and posers of the BOD in carrying out its mission.

II. GENERAL STATEMENT OF POLICY

- A. The BOD is the governing body of the school. As such, the BOD has the responsibility for the care, management, and control over the school.
- B. Generally, elected members of the BOD have binding authority only when acting as a BOD legally in session, except where specific authority is provided to BOD members or officers individually. Generally, the BOD is not bound by an action or statement on the part of an individual BOD member unless the action is specifically directed or authorized by the BOD.

III. DEFINITIONS

“Board of Directors and “BOD” means the governing body of the school.

IV. ORGANIZATION AND MEMBERSHIP

- A. The membership of the BOD consists of nine elected directors, or seven if the school board has submitted the question to the electors and a majority have approved a seven-member school board. The office term is three years.
- B. There may be other ex officio members of the BOD as provided by law. The School Leader is an ex officio member.
- C. A majority of voting members constitutes a quorum. The act of the majority

of a quorum is the act of the BOD.

V. POWERS AND DUTIES

- A. The BOD has powers and duties specified by statute. The BOD's authority includes implied powers in addition to specific powers granted by the legislature.
- B. The BOD exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.
- C. The BOD shall superintend and manage the school; adopt rules for their organization, government, and instruction; prescribe textbooks and courses of study; and make and authorize contracts.
- D. The BOD shall have the general charge of the business of the school, its facilities and property, and of the interest of the school.
- E. The BOD, among other duties, shall perform the following in accordance with applicable law:
 - 1. provide by levy of tax, necessary funds for the conduct of the school, the payment of indebtedness, and all proper expenses of the school;
 - 2. conduct the business of the school and pay indebtedness and proper expenses;
 - 3. employ and contract with necessary qualified teachers and discharge the same for cause;
 - 4. provide services to promote the health of its pupils;
 - 5. provide school buildings and erect needed buildings;
 - 6. purchase, sell, and exchange school property and equipment as deemed necessary by the BOD for school purposes;
 - 7. provide for payment of claims against the school, and prosecute and defend actions by or against the school, in all proper cases;
 - 8. employ and discharge necessary employees and contract for other services;
 - 9. provide for transportation of pupils to and from school, as governed by statute; and
 - 10. procure insurance against liability of the school, its officers, and employees.
- F. The BOD, at its discretion, may perform the following:
 - 1. provide library facilities, public evening schools, adult and continuing education programs, summer school programs, and intersession classes of flexible school year programs;
 - 2. furnish school lunches for pupils and teachers on such terms as the

BOD determines;

3. enter into agreements with one or more other independent school districts to provide for agreed upon educational services;
4. lease rooms or buildings for school purposes;
5. authorize the use of school facilities for community purposes that will not interfere with their use for school purposes;
6. authorize cocurricular and extracurricular activities;
7. receive, for the benefit of the school, bequests, donations, or gifts for any proper purpose; and
8. perform other acts as the BOD shall deem to be reasonably necessary or required for the governance of the school.

LEGAL REFERENCES: Minn. Stat. § 123A.22 (Cooperative Centers)
Minn. Stat. § 123B.02 (General Powers)
Minn. Stat. § 123B.09 (School Board Powers)
Minn. Stat. § 123B.14 (School District Officers)
Minn. Stat. § 123B.23 (Liability Insurance)
Minn. Stat. § 123B.49 (Cocurricular and Extracurricular Activities; Insurance)
Minn. Stat. § 123B.51 (Schoolhouses and Sites; Access for Noncurricular Purposes)
Minn. Stat. § 123B.85 (Definition)
Jensen v. Indep. Consol. Sch. Dist. No. 85, 160 Minn. 233, 199 N.W. 911 (1924)

CROSS REFERENCE: MSBA/MASA Model Policy 101 (Legal Status of the School District)
MSBA/MASA Model Policy 202 (School Board Officers)
MSBA/MASA Model Policy 203 (Operation of the School Board - Governing Rules)
MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties