

201 LEGAL STATUS OF THE SCHOOL BOARD

I. PURPOSE

The care, management, and control of the schools is vested by statutory and constitutional authority in the school board. The school board shall carry out the mission of the school district 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 powers of the school board in carrying out its mission.

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITION

"School board" means the governing body of the school district.

IV. ORGANIZATION AND MEMBERSHIP

- A. The membership of the school board consists of seven elected members.
- B. There may be other ex officio members of the school board as provided by law. The superintendent 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 school board.

V. ELECTIONS

- A. Qualified voters of Duluth Public Schools shall elect members of the school board. Elections shall be held in accordance with prevailing law.
- B. School Board general elections shall be held during the odd numbered years, on the first Tuesday after the first Monday in November. One election cycle shall elect four seats which include two at-large and one from School Board District 1 and one from School Board District 4. The following cycle shall elect three seats which includes one at-large and one from School Board District 2 and one from School Board District 3.
- C. Any vacancy on the school board will be filled by the school board as required by state statute.

VI. TERMS OF OFFICE

- A. Each elected school board member's term of office shall be four years.
- B. Terms of office shall begin/expire on the first Monday in January following the school board election. The clerk of the school board shall maintain a public record of terms of office for each school board member.

VII. POWERS AND DUTIES

- A. The school board has powers and duties specified by statute. The school board's authority includes implied powers in addition to specific powers granted by the legislature.
- B. The school board exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.
- C. The school board shall superintend and manage the schools of the school district; adopt rules for their organization, government, and instruction; prescribe textbooks and courses of study; and make and authorize contracts.
- D. The school board shall have the general charge of the business of the school district, its facilities and property, and of the interest of the schools.
- E. The school board, among other duties, shall perform the following in accordance with applicable law:
 - 1. meet in regularly and specially called meetings and study sessions to consider and act on matters presented to the school board as legitimate concerns of the staff or residents of Duluth Public Schools;
 - 2. oversee the management of the school district by employing a superintendent who is directly accountable to the school board and serves as chief executive officer of the school system;
 - 3. annually evaluate the performance of the superintendent;
 - 4. establish policies for the operation of the school district that comply with federal and state laws;
 - 5. approve the annual budget before the end of the current fiscal year.
 - 6. provide by levy of tax, necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the school district;
 - 7. conduct the business of the schools and pay indebtedness and proper expenses;
 - 8. employ and contract with necessary qualified teachers and discharge the same for cause;
 - 9. provide services to promote the health of its pupils;
 - 10. provide school buildings and erect needed buildings;
 - 11. purchase, sell, and exchange school district property and equipment as deemed necessary by the school board for school purposes;
 - 12. provide for payment of claims against the school district, and prosecute and defend actions by or against the school district, in all proper cases;
 - 13. employ and discharge necessary employees and contract for other services;
 - 14. provide for transportation of pupils to and from school, as governed by statute; and

15. procure insurance against liability of the school district, its officers, and employees;
16. promote community engagement through communication with the public by providing information to and seeking input from stakeholders;
17. represent the school board and Duluth Public Schools as delegates or representatives on various committees and commissions as determined by the whole school board with final determination by the Chair;
18. develop annual continuous improvement goals for the school board and annually evaluate its performance.

F. The school board, 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 school board 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 district, bequests, donations, or gifts for any proper purpose; and
8. perform other acts as the school board shall deem to be reasonably necessary or required for the governance of the schools.

Legal References:

Minn. Stat. § 123A.22 (Cooperative Centers for Vocational Education)
Minn. Stat. § 123B.02 (General Powers of Independent School Districts)
Minn. Stat. § 123B.09 (Boards of Independent School Districts)
Minn. Stat. § 123B.14 (Officers of Independent School Districts)
Minn. Stat. § 123B.23 (Liability Insurance; Officers and Employees)
Minn. Stat. § 123B.49 (Cocurricular and Extracurricular Activities; Insurance)
Minn. Stat. § 123B.51 (Schoolhouses and Sites; Uses for School and Nonschool Purposes; Closings)
Minn. Stat. § 123B.85 (Definitions)
Jensen v. Indep. Consol. Sch. Dist. No. 85, 160 Minn. 233 (1924)

Cross References:

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)

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