

<b>Policy Title</b>	<b>Policy Number</b>	<b>Date Approved/Revised</b>
<b>Legal Status of the School Board</b>	<b>201</b>	<b>12/14/10 Revised: 5/21/19</b>

1) 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.

2) Definition

“School board” means the governing body of the school district.

3) Organization and Membership

- a) The membership of the school board consists of six 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 term of office is four years.
- 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.

4) 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. provide by levy of tax, necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the school district;
  2. conduct the business of the schools 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 district property and equipment as deemed necessary by the school board for school purposes;
  7. provide for payment of claims against the school district, and prosecute and defend actions by or against the school district, 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 district, its officers, and employees.
- 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.

**Rationale:** *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.*

Adoption and Revision History	Incorporated Policies
Policy G-011 BOARD OF EDUCATION RESPONSIBILITIES AND FUNCTIONS This Policy Adopted: Nov. 20, 2007 Revised: Jun. 23, 2009 Rescinded: December 14, 2010	MSBA 201
Policy 101 LEGAL STATUS OF THE SCHOOL DISTRICT	Replaced Policy: AA (School District Legal Status) adopted June 28, 1979 This Policy Adopted: November 26, 1996; Rescinded: August 5, 2008
Policy 201 LEGAL STATUS OF THE SCHOOL BOARD	Replaced Policy: BB (School Board Legal Status) adopted June 28, 1979; BBA (School Board Powers and Duties) adopted June 28, 1979; BBAA (Board Member Authority) adopted June 28, 1979; BBB (School Board Elections) adopted June 28, 1979; BBBC (Numbers of Board Members) adopted June 28, 1979; 100 (The School Board) adopted March 26, 1992; BDDD (Quorum) adopted May 28, 1981; 101 (School Board Role) adopted March 26, 1992; 102 (Relationship of Board to Moral Ownership) adopted March 26, 1992; 103 (Governing Manner) adopted March 26, 1992; 104 (Appointment of the Superintendent of Schools) adopted March 26, 1992; 105 - Appendix A,I.A.(Election Procedures: Number of Members and Terms of Office) adopted March 26, 1992; 105 - Appendix A, II.D.(Meetings of the School Board: Quorum) adopted March 26, 1992. This Policy Adopted: December 10, 1996; Rescinded: August 5, 2008
Policy 212 SCHOOL BOARD MEMBER DEVELOPMENT	Replaced Policy: AFA (Evaluation of School Board Operational Procedures) adopted June 28, 1979; BHM (New Board Member Orientation) adopted June 28, 1979; BJ (School Board Memberships) adopted June 28, 1979. This Policy Adopted: February 11, 1997; Rescinded: August 5, 2008
G-012 LEGAL STATUS OF THE SCHOOL BOARD (This Policy Adopted: Dec. 14, 2010)	
201 LEGAL STATUS OF THE SCHOOL BOARD This Policy Revised: May 21, 2019	MSBA 201

**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 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)  
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties