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MSBA/MASA Model Policy 201

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201 LEGAL STATUS OF THE GOVERNING BOARD

I. PURPOSE

The care, management, and control of the schools is vested by statutory and constitutional authority in the Governing Board. The Governing 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 Governing Board in carrying out its mission.

II. GENERAL STATEMENT OF POLICY

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

III. DEFINITION

“Governing Board” means the governing body of the school district.

IV. ORGANIZATION AND MEMBERSHIP

- A. The membership of the Governing Board consists of six elected directors, or seven if the Governing Board has submitted the question to the electors and a majority have approved a seven-member Governing Board. The term of office is four years.

[Note: This number may be different for combining or consolidating Governing Boards that are in a transition period.]

- B. There may be other ex officio members of the Governing Board as provided by law. The Executive Director 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 Governing Board.

V. POWERS AND DUTIES

- A. The Governing Board has powers and duties specified by statute. The Governing Board's authority includes implied powers in addition to specific powers granted by the legislature.
- B. The Governing Board exercises administrative functions. It also has certain powers of a legislative character and other powers of a quasi-judicial character.
- C. The Governing 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 Governing 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 Governing 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 Governing 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 Governing 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 Governing 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 Governing Board shall deem to be reasonably necessary or required for the governance of the schools.

Legal References: Minn. Stat. § 123A.22 (Cooperative Centers)
Minn. Stat. § 123B.02 (General Powers)
Minn. Stat. § 123B.09 (Governing 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 (Governing Board Officers)
MSBA/MASA Model Policy 203 (Operation of the Governing Board - Governing Rules)
MSBA/MASA Model Policy 205 (Open Meetings and Closed Meetings)
MSBA Service Manual, Chapter 1, School District Governance, Powers and Duties